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**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:	Case No. 998603
TRAMY BEAUTY SCHOOL INC. DBA TRAMY BEAUTY SCHOOL 5911 University Avenue, #318 San Diego, CA 92115 Tramy Thuy Van, Owner	DEFAULT DECISION AND ORDER
Approval to Operate No. 96110159	[Gov. Code, §11520]
Respondent.	

FINDINGS OF FACT

1. On or about January 9, 2017, Complainant Joanne Wenzel, in her official capacity as the Chief of the Bureau for Private Postsecondary Education (Bureau), Department of Consumer Affairs, filed Accusation No. 998603 against Tramy Beauty School Inc., dba Tramy Beauty School, Tramy Thuy Van, Owner (Respondent), before the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about December 5, 2006, the Bureau issued temporary Approval to Operate No. 96110159 to Respondent. A full Approval to Operate Tramy Beauty School was issued on

1 March 26, 2007. The Approval to Operate will expire on September 30, 2019, unless renewed.
2 The school stopped instruction and operations as of August 12, 2016.

3 3. On or about January 13, 2017, Respondent was served by Certified and First Class
4 Mail copies of the Accusation No. 998603, Statement to Respondent, Notice of Defense, Request
5 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
6 11507.7) at Respondent institution's address of record which, pursuant to Title 5, California Code
7 of Regulations, section 71660, is required to be reported and maintained with the Bureau.
8 Respondent's address of record was and is 5911 University Avenue, #318, San Diego, CA 92115.

9 4. On or about January 13, 2017, Respondent Tramy Thuy Van, Owner, was also served
10 with Accusation No. 998603, Statement to Respondent, Notice of Defense, Request for
11 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
12 her address of record at: 38832 Rockinghorse Road, Murrieta, CA 92563.

13 5. Service of the Accusation was effective as a matter of law under the provisions of
14 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
15 124.

16 6. On or about January 31, 2017, the aforementioned documents served upon
17 Respondent's owner via First Class Mail were returned by the U.S. Postal Service marked
18 "Unable to Forward." On or about February 22, 2017, the aforementioned documents served
19 upon Respondent's owner via Certified Mail were returned by the U.S. Postal Service marked
20 "Unable to Forward."

21 7. Government Code section 11506(c) states, in pertinent part:

22 (c) The respondent shall be entitled to a hearing on the merits if the respondent
23 files a notice of defense . . . and the notice shall be deemed a specific denial of all
24 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
25 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
26 discretion may nevertheless grant a hearing.

27 8. Respondent failed to file a Notice of Defense within 15 days after service upon them
28 of the Accusation, and therefore waived their right to a hearing on the merits of Accusation No.
998603.

1 9. California Government Code section 11520(a) states, in pertinent part:

2 (a) If the respondent either fails to file a notice of defense . . . or to appear at
3 the hearing, the agency may take action based upon the respondent's express
4 admissions or upon other evidence and affidavits may be used as evidence without
any notice to respondent. . . .

5 10. Pursuant to its authority under Government Code section 11520, the Director finds
6 Respondent is in default. The Director will take action without further hearing and, based on the
7 evidence contained in the Default Decision Evidence Packet in this matter, finds that the charges
8 and allegations in Accusation No. 998603, are separately and severally, found to be true and
9 correct by preponderance of the evidence.

10 11. A Certification of Prosecution Costs in the amount of \$8,480.00 as of February 15,
11 2017, was submitted as part of the evidence packet. A Certification of Investigative Costs in the
12 amount of \$5,506.59 as of February 15, 2017, was also submitted as part of the evidence packet.
13 Pursuant to Education Code Section 94937 subdivision (c) and Business and Professions Code
14 section 125.3(c), they are hereby deemed prima facie evidence that the costs are reasonable for
15 investigation and enforcement of this matter in the amount of is \$13,986.59 as of February 15,
16 2017.

17 DETERMINATION OF ISSUES

18 1. Based on the foregoing findings of fact, Respondent Tramy Beauty School Inc., dba
19 Tramy Beauty School, Tramy Thuy Van, owner, has subjected her Approval to Operate No.
20 96110159 to discipline.

21 2. The agency has jurisdiction to adjudicate this case by default.

22 3. The Director of the Department of Consumer Affairs is authorized to revoke
23 Respondent's Approval to Operate based upon the following violations alleged in the Accusation
24 which are supported by the evidence contained in the Default Decision Evidence Packet in this
25 case:

26 a. Title 5, California Code of Regulations (CCR), section 71720 -- failure to document
27 that each instructor maintains his/her knowledge by completing continuing education courses in
28 his or her subject area, classroom management or other courses related to teaching;

- 1 b. Title 5, CCR, section 71730 – failure to document that the institution’s Chief
2 Academic Officer possessed the experience and administrative qualifications to administer the
3 institution’s academic affairs, supervision of faculty, development of curricula and
4 implementation of the institution’s missions and objectives;
- 5 c. Title 5, CCR, section 71745 – failure to document the institution has at all times
6 sufficient assets and financial resources to provide all of the educational programs that the
7 institution represented it would provide;
- 8 d. Title 5, CCR, section 71770 – admissions policy violates the requirement that each
9 student admitted to an undergraduate degree program or diploma program possess a high school
10 diploma or its equivalent;
- 11 e. Title 5, CCR, section 71800 and Education Code (Code) section 94911 – failure to
12 provide each student with an enrollment agreement that contains the required information;
- 13 f. Title 5, CCR, section 71810 – failure to include the requisite information in its
14 catalog;
- 15 g. Title 5, CCR, section 71920(a) – failure to demonstrate that Respondent maintained a
16 file for each student who enrolled in the institution whether or not the student completed the
17 educational service;
- 18 h. Title 5, CCR, section 71920(b) – failure to maintain student records that contained the
19 required records;
- 20 i. Title 5, CCR, section 71930(a) - failure to maintain required institutional records;
- 21 j. Title 5, CCR, section 74112 and Code sections 94929, 94929.5, 94929.7 and
22 94934(a)(4) – failure to comply with the report requirements for the institution’s Performance
23 Fact Sheet;
- 24 k. Title 5, CCR, section 74140 – failure to retain and make available for inspection by
25 the Bureau investigators, the institution’s advertising;
- 26 l. Title 5, CCR, section 76130(b) – failure to provide Respondent’s Student Tuition
27 Recovery Fund (STRF) Assessment Reporting form for the third and fourth quarters of 2015;
- 28

1 m. Title 5, CCR, section 76215 – failure to include the required disclosures regarding the
2 STRF;

3 n. Title 5, CCR, section 76140 – failure to collect and maintain records of student
4 information to substantiate the data reported on the STRF Assessment Reporting Form and
5 records of the students' eligibility under the Fund, and for failing to maintain the data required;

6 o. Code sections 94893 and 94894(a) – failure to obtain prior authorization to a change
7 in educational objectives;

8 p. Code section 94897 – engaging in prohibited business practices;

9 q. Code section 94898(b) – made an unscheduled suspension of any class, which was
10 not caused by circumstances beyond the institution's control;

11 r. Code section 94899 – offered an educational program in a profession, occupation,
12 trade, or career field that requires licensure in California, without approval from the appropriate
13 state licensing agency to conduct that educational program;

14 s. Code section 94902, subdivisions (a), (b) and (c) – failure to have an enrollment
15 agreement signed by the student and authorized employee of the institution, for documenting that
16 the student received the institution's catalog and SPFS prior to signing the enrollment agreement,
17 and for failing to document signed enrollment agreements were provided to the student;

18 t. Code section 94905 – failure to disclose that the institution's minimum course
19 requirements exceed the minimum requirements for state licensure and to list those courses that
20 are not required for state licensure;

21 u. Code section 94906 – failure to have the enrollment agreement in the language in
22 which students were recruited;

23 v. Code section 94909 – failure to comply with the minimum requirements for the
24 school catalog;

25 w. Code section 94912 – failure to maintain student files to show that each student
26 received a SPFS prior to execution of an enrollment agreement; and,

27 x. Code section 94913 – failure to comply with the requirements for an institution's
28 Internet Website.

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ORDER

IT IS SO ORDERED that Approval to Operate No. 96110159, heretofore issued to Respondent Tramy Beauty School Inc. dba Tramy Beauty School, Tramy Thuy Van, Owner, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on JUN 24 2017.

It is so ORDERED May 23, 2017


FOR THE DIRECTOR OF CONSUMER AFFAIRS
BUREAU FOR PRIVATE POSTSECONDARY
EDUCATION

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DOJ Matter ID:SF2016900589

Attachment:
Exhibit A: Accusation