



Business, Consumer Services and Housing Agency— Governor Edmund G. Brown Jr.

Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
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NOTICE AND EMERGENCY DECISION

July 10, 2018

VIA FAX (626) 285-7113
AND OVERNIGHT DELIVERY

John Ridgel's Academy of Beauty Inc. (Owner)
5809 Primrose Avenue
Temple City, CA 91780

Pursuant to California Education Code section 94938, California Code of Regulations, Title 5, section 75150, and Article 13 (commencing with section 11460.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code, the Bureau for Private Postsecondary Education (Bureau) issues the following Emergency Decision:

The Bureau hereby orders John Ridgel's Academy of Beauty, Inc. (Institution) to:

1. **CEASE ENROLLMENT OF ANY NEW STUDENTS IN ALL PROGRAMS; AND**
2. **CEASE THE COLLECTION OF TUTION AND FEES FOR ALL INSTITUTIONAL PROGRAMS**

at the following location:

School Code: 1909211
John Ridgel's Academy of Beauty, Inc.
9526 Las Tunas Drive
Temple City, CA 91780

This Order is effective upon close of business July 18, 2018:

This order is based on an immediate danger to the public health, safety, and welfare. Specifically, the Bureau has determined that:

- As set forth in the attached Declaration of Leslie Feist, there is a substantial failure by the Institution to meet institutional minimum operating standards in that, among other violations of law, the Institution is charging students and then not offering the educational programs approved by the Bureau and the California Board of Barbering and Cosmetology (BBC). The BBC has informed the

Bureau that it will not be processing licensure exam applications from the Institution's students. As such, students and prospective students of the Institution will not be able to sit for the BBC licensure examination.

This circumstance requires immediate action by the Bureau to protect students, prevent misrepresentations to the public, and prevent the loss of public funds or monies paid by students.


You have the right to be heard before the Director of the Department of Consumer Affairs, or his designee, regarding the allegations in the Emergency Decision prior to the effective date of the Emergency Decision. If you would like to be heard, please submit a request by fax to Christina Villanueva, Discipline Manager, Bureau for Private Postsecondary Education, 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833, (916) 263-1895 (fax); alternatively, you may request a hearing by telephoning Christina Villanueva at (916) 431-6958. Unless the Bureau receives your request by **5:00 p.m. on July 16, 2018** you will be deemed to have waived your right to be heard before the Director, or his designee.

If requested, the hearing will be held on **July 17, 2018** at **3:00 p.m.** at the Department of Consumer Affairs Legal Affairs Division, located at 1625 North Market Blvd., Suite S-307, Sacramento, CA 95834.

Within 10 days after issuance of the Emergency Decision, the Bureau will file an accusation to revoke the Institution's approval to operate based, in part, on the charges and allegations set forth in the Emergency Decision. The adjudicative proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Upon issuance of the Emergency Decision, you have the right under Government Code section 11460.80 to obtain judicial review of the Decision.

The Emergency Decision, **effective upon close of business July 18, 2018**, shall remain in effect until such time as an accusation has been fully adjudicated or upon issuance of the final decision following judicial review.



Dr. Michael Marion, Jr., Bureau Chief
Bureau for Private Postsecondary Education



Date

Declaration of Leslie Feist

I, Leslie Feist, declare that if called to testify I would testify competently and relevantly as follows:

1. Since July 2015, I have been an Associate Governmental Program Analyst/Field Investigator for the Bureau for Private Postsecondary Education ("Bureau") with the California Department of Consumer Affairs (DCA). My duties include investigation of institutions approved by the Bureau, including but not limited to reviewing documents and writing investigative reports.

I have personal knowledge of the matters set forth herein.

2. The Bureau has discretion to make an emergency decision to protect the public. California Education Code section 94938 states, in part:

"(a) If the bureau determines that it needs to make an emergency decision to protect students, prevent misrepresentation to the public, or prevent the loss of public funds or moneys paid by students, it may do so pursuant to Article 13 (commencing with Section 11460.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code."

Title 5, California Code of Regulations Division 7.5, section 75150, states, in part:

- "(a) The Bureau may make an emergency decision for temporary, interim relief pursuant to Article 13 (commencing with section 11460.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code.
- (b) The Bureau may make an emergency decision pursuant to subdivision (a) where there is an immediate danger to the public health, safety, or welfare that requires immediate action to protect students, prevent misrepresentations to the public, or prevent the loss of public funds or monies paid by students, including but not limited to fraud; a substantial misrepresentation in the institution's Performance Fact Sheet, school catalog, or enrollment agreement; a substantial failure to meet institutional minimum operating standards; failure to meet statutory and regulatory requirements for accreditation; or a substantial failure to obtain a necessary approval or permit from another agency or regulatory body, affecting public health, safety or welfare.

(c) The Bureau may order temporary, interim relief in the form of some or all of the following measures:

- (1) cease or limit enrollment of new students;
- (2) cease part or all instruction for some or all programs;
- (3) cease collection of tuition or fees for some or all programs.
- (4) suspend approval or provisional approval to operate or offer any degree programs.”

3. State statutes and regulations require that private postsecondary educational institutions such as John Ridgel’s Academy of Beauty, Inc. (John Ridgel) be approved by the Bureau and in the case of training programs intended to lead to licensure in cosmetology, estheticians, and manicurists, that those programs also be approved by the California Board of Barbering and Cosmetology (BBC). John Ridgel is currently approved by the Bureau to offer three non-degree programs which are also approved by BBC, namely Cosmetology (with “Length of Instruction” or “training hours” of 1,600 hours), Esthetics (600 hours), and Nail Care (600 hours). John Ridgel is jointly approved by the Bureau and BBC to offer educational programs in cosmetology, esthetics and nail care for the stated hours. The educational objective for the program is for the students to complete those training hours prior to taking the BBC licensure exam. [Attached as **Exhibit A** is a true and correct copy of the Bureau’s “Approved Educational Program List” for John Ridgel].

4. To ensure public protection, the Bureau’s law mandates that institutions meet and maintain institutional minimum operating standards, which include ensuring that the content of each educational program achieves its stated objective, and that upon satisfactory completion of an educational program, the institution gives students a document signifying the completion. [See, Ed. Code § 94885.] Minimum operating standards are not met where instruction of the approved program is not the central focus of the resources and services of the institution, or where direct instruction does not include the physical presence of students and faculty at the same location.

[See, Title 5, Code of Regulations, § 71715.]

5. As set forth below, my investigation of John Ridgel, which included a physical inspection of John Ridgel campus on April 11, 2018 by the Bureau and observed by BBC, demonstrates that there is an immediate danger to the public health, safety, and welfare that warrants an order to prevent John Ridgel from enrolling and collecting tuition from any students pending the outcome of an action to revoke John Ridgel's approval to operate by the Bureau. In sum, my investigation found that, among other violations of law, John Ridgel is collecting monies from students for educational programs without offering instruction in those programs. Instead, John Ridgel is falsifying timecards and documents submitted to BBC, certifying that students have completed BBC required training hours when they have not completed such training. This practice is known by the Bureau as "selling hours" or "diploma mill" activity. BBC has informed the Bureau that it will not be processing exam applications from John Ridgel students due to BBC's identical belief that John Ridgel is "selling hours" and not providing the required training hours to students. As such, John Ridgel students and prospective students have and will continue to lose money by paying John Ridgel for education and training without being able to then sit for the BBC license exam using John Ridgel education.

6. Specifically, the following forms the basis for the Bureau's Emergency Decision:

a. During the course of the investigation, I obtained and reviewed numerous student files and other documents, and interviewed students enrolled in the Esthetician program as well as institution administrators. While on site, I collected photographs, a copy of the 2016 catalog, the 2016 Annual report, the 2016 financial statements, School Performance Fact Sheets for each program for the 2015/2016 reporting year, two faculty files, multiple timecards for unidentified students, and thirteen student files. I made the following determinations:

b. The institution has made false or misleading statements, as follows:

- On or about August 2016 through April 2018, the institution misrepresented student attendance records by applying credit to students not in attendance as well as misrepresenting the educational services that were received. This resulted in the appearance of the students completing the program and the educational curriculum when that was in fact not the case.
- On or about August 2016 through April 2018, the institution made false statements regarding the educational curriculum that was provided to students during their attendance at the institution and submitted these false statements to the BBC as a testament to the educational services they provided, when in fact they did not.
- On or about December 2017, the Institution provided 2015/2016 School Performance Fact Sheets that included falsified statements regarding the completion rates for the Cosmetology, Esthetician, and Manicuring Programs. The numbers reflect that not all students who began the program were eligible to graduate; however, the institution is reporting a 100% completion rate.

c. I am informed and believe that BBC has revoked the institution's program approval and therefore students are not eligible to sit for licensure in the state of California. Indeed, the Bureau has received information from BBC that BBC would not be processing all pending applications for John Ridgel students. [Attached as **Exhibit B** is a true and correct copy of the BBC declaration that the Bureau received, and that I reviewed in my capacity as an investigator.]

d. The institution has failed to ensure that instruction is the primary focus of the services and resources of the school. Students made statements to me that they were unsure of their educational progression in the program, that they frequently had to do independent study due to lack of instructors available, and that there was no organization to classroom time. Instructors provided statements to me that they are not utilizing the required BBC curriculum to teach students. Students were unfamiliar with timecards, and their purpose for tracking the educational program. At one point during the onsite investigation, an instructor who was responsible for teaching the majority of the students left the campus and there was no instructor available for 20+ students for

a period of time. The institution failed to maintain the level of administrative staffing required to reflect the purpose, size and educational operations at its location. The institution did not maintain a school administrator on staff, as required, therefore compromising its ability to achieve its mission and educational objectives.

e. The institution has employed faculty that is not qualified to provide instruction for the Cosmetology program. The institution failed to provide faculty file documents showing the names and addresses of each faculty member, as well as their educational qualifications. Further, on or about August 2016 through April 2018, the institution continued to enroll students absent the appropriate faculty to accomplish the educational goals of the institution. In interviews with enrolled students, some reported having no teachers available during classroom instruction time or stated that the instructors at the institution were not qualified.

f. On April 11, 2018, the Compliance Director for the institution provided a statement that the school does not collect or maintain information related to student completion, license exam passage rates, placement, or salary and wage information, as is required under the Bureau's laws.

7. I have recommended to Bureau management that the Bureau take disciplinary action against John Ridgel to prevent the institution from causing further or future student harm. This recommendation was based on the determination of twenty violations of the California Education Code and Title 5, Code of Regulations, coupled with my findings that instruction is not the central focus of John Ridgel's resources and, significantly, BBC's decision to deny all pending applications for John Ridgel students.

8. With the conclusion of the Bureau's investigation and BBC's determination that it will not be processing exam applications of John Ridgel students, the Bureau believes that there is now an immediate danger to the public health, safety, or welfare that requires immediate action to

protect students, prevent misrepresentations to the public, and prevent the loss of monies paid by students. The Bureau has a duty to ensure that John Ridgel continues to meet minimum operating standards. The Bureau believes that an emergency decision is necessary to prevent new student enrollments/tuition collections by John Ridgel. John Ridgel is not meeting minimum operating standards as required by Education Code section 94885, and is in violation of other Bureau's laws and regulations.

I declare under penalty of perjury under the laws of the State of California that the above statements are true and correct of my personal knowledge.

Executed this 9th day of July 2018 at Sacramento, California.

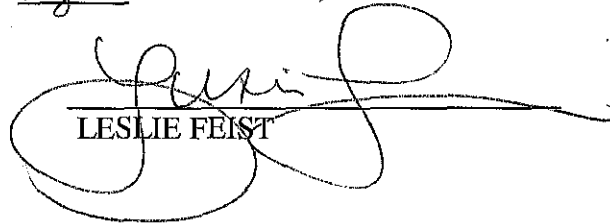

LESLIE FEIST

Exhibit A



Approved Educational Program List

In accordance with the provisions of California Education Code 94866 or 94890, the Bureau for Private Postsecondary Education approves:

John Ridgel's Academy of Beauty, Inc.

***9526 Las Tunas Drive
 Temple City, CA 91780***

***School Code #: 1909211
 Site Type: Main***

to offer the following program(s)/course(s):

<u>Program Name</u>	<u>Length of Instruction</u>	<u>Program Approved</u>	<u>Program Type</u>	<u>Distance Learning</u>
COSMETOLOGY	1,600.00 Hours	05/03/1984	Non-Degree	No
ESTHETICIAN PROGRAM	600.00 Hours	10/08/1998	Non-Degree	No
MANICURIST	400.00 Hours	05/03/1984	Non-Degree	No
TEACHER TRAINEE/COSMETOLOGY	600.00 Hours	06/11/2004	Non-Degree	No

**Non-Degree (Vocational) Programs/Courses: 4
 Total Programs/Courses: 4**

The program list above represents all currently approved educational programs for this institution. The Main, Branch, or Satellite locations of this institution may offer any subset of this list.

Robert Bayles, Education Administrator

This document is valid if all fees are current. Subject to earlier termination in accordance with the law.

Exhibit B

Declaration of Heather Berg

I, Heather Berg, declare that if called to testify I would testify competently and relevantly as follows:

1. Since July 2, 2014, I have been the Deputy Executive Officer for the California Board of Barbering and Cosmetology (BBC). Prior to that, I was a Staff Services Manager I for the BBC since March of 2006. My duties then and now include investigation of complaints filed against California private postsecondary educational institutions for violations of the BBC's laws and regulations, announced and unannounced site inspection visits, documentation of my findings, and enforcement recommendations to the Board's Executive Officer. I have personal knowledge of the matters set forth herein.

2. State statutes and regulations require that private postsecondary educational institutions such as John Ridgel's Academy of Beauty, Inc. (John Ridgel) be approved by the Bureau for Private Postsecondary Education (Bureau) and in the case of programs intended to lead to licensure in cosmetology, estheticians, and manicurists, that those programs also be approved by BBC. John Ridgel is currently approved by BBC for Cosmetology (with "Length of Instruction" or "training hours" of 1,600 hours), Esthetics (600 hours), and Nail Care (600 hours). John Ridgel is jointly approved by the Bureau and BBC to offer educational programs in cosmetology, esthetics and nail care for the stated hours. To satisfy the BBC's required curriculum for training prior to taking the BBC licensure exam, the educational objective is for the students to complete those training hours.

3. BBC is currently investigating John Ridgel for compliance with all relevant laws and regulations pertaining to schools approved by BBC.

4. I visited John Ridgel on April 11, 2018, to review compliance with BBC laws and

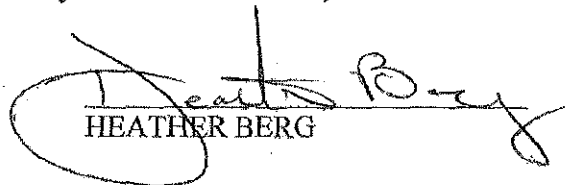
regulations and found multiple violations. I attended along with Bureau personnel.

5. I found that, among other things, John Ridgel is collecting monies from students for educational programs without actually offering instruction in those programs. Instead, John Ridgel appears to be falsifying time cards, and thus, falsely certifying to BBC that students have completed the BBC required training hours and curriculum when they have not completed such training. This practice is known by BBC as "selling hours". BBC has informed the Bureau that it will not be processing exam applications from John Ridgel students due to BBC's belief that John Ridgel is "selling hours" and not providing the required training hours and curriculum to students. As such, John Ridgel students and prospective students have and will continue to lose money by paying John Ridgel for education and training without being able to then sit for the BBC license exam using John Ridgel education.

6. Based on BBC's investigation, BBC is not processing pending applications for John Ridgel students, and we have informed the Bureau of same.

I declare under penalty of perjury under the laws of the State of California that the above statements are true and correct of my personal knowledge.

Executed this 6th day of July 2018 at Sacramento, California.


HEATHER BERG