		,				
			,	'.		
	1	The set of D TI surger				
L	1	KAMALA D. HARRIS Attorney General of California	• • •			
	2	DIANN ŠOKOLOFF Supervising Deputy Attorney General		:		
	3	CARTER OTT Deputy Attorney General				
	4	State Bar No. 221660				
	5	1515 Clay Street, 20th Floor P.O. Box 70550	· .	,		
•	6	Oakland, CA 94612-0550 Telephone: (510) 622-2219				
	7	Facsimile: (510) 622-2270 E-mail: Carter.Ott@doj.ca.gov				
		Attorneys for Complainant		· •		
	8	BEFOR	e the	•	•	
	9	DEPARTMENT OF CONSUMER AFFAIRS FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION				
	10		CALIFORNIA			
•	11			. :		
	12	In the Matter of the Accusation Against:	Case No. 999780	•	:	
	13	NORTHERN CALIFORNIA INSTITUTE	OAH No. 2016060417			
	14	OF COSMETOLOGY 601 East 14th St.	-			
	15	San Leandro, CA 94577	STIPULATED SURRE	ENDER OF	•	
	15	Accredited Institution Approval to Operate No. 0107101	ORDER	KALL AND		
	17	Respondent.		•		
	18	· · · · · · · · · · · · · · · · · · ·		•		
	19	IT IS HEREBY STIPULATED AND AGE	FED by and between the	narties to the abc		
			-	· parties to the abe	V U-	
·	20	entitled proceedings that the following matters a	/ .			
	21 <u>PARTIES</u>		<u>TIES</u>		,	
	22	1. Joanne Wenzel ("Complainant") is t	ne Chief of the Bureau for	r Private Postseco	ndary	
	23	Education. She brought this action solely in her	official capacity and is re	presented in this r	natter	
	24	by Kamala D. Harris, Attorney General of the St	ate of California, by Cart	er Ott, Deputy Att	orney	
	25	General.				
	26	2. Respondent Northern California Inst	itute of Cosmetology ("R	espondent") is		
	27 representing itself in this proceeding and has chosen not to exercise its right to be rep			ht to be represent	ed by	
	28	counsel.	·	•		
			1			
		Stip	I JLATED SURRENDER OF APPROV	VAL TO OPERATE AND	Ordei	

3. On or about February 25, 2003, the Bureau for Private Postsecondary Education granted Accredited Institution Approval to Operate Number 0107101 to Respondent. Respondent is jointly and equally owned by two shareholders: Rodrigo Solis and Rosalinda Solis. The Accredited Institution Approval to Operate will expire on September 30, 2017. Pursuant to Respondent's Accredited Institution Approval to Operate, Respondent is permitted to offer the following programs: Barbering, Cosmetology, Nail Care, and Skin Care.

JURISDICTION

4. Accusation No. 999780 was filed before the Director of the Department of Consumer
Affairs ("Director"), for the Bureau for Private Postsecondary Education ("Bureau"), and is
currently pending against Respondent. The Accusation and all other statutorily required
documents were properly served on Respondent on April 21, 2016. A copy of Accusation No.
999780 is attached as Exhibit A and incorporated by reference.

13

1

2

3

4

5

6

7

ADVISEMENT AND WAIVERS

14 5. Respondent has carefully read, and understands the charges and allegations in
15 Accusation No. 999780. Respondent also has carefully read, and understands the effects of this
16 Stipulated Surrender of Approval to Operate and Order.

6. Respondent is fully aware of its legal rights in this matter, including the right to a
hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
its own expense; the right to confront and cross-examine the witnesses against him; the right to
present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel
the attendance of witnesses and the production of documents; the right to reconsideration and
court review of an adverse decision; and all other rights accorded by the California
Administrative Procedure Act and other applicable laws.

24

25

27

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

26 || ////

· | ////

28 /////

CULPABILITY

8. Respondent understands that the charges and allegations in Accusation No. 999780, if proven at hearing, constitute cause for imposing discipline upon Accredited Institution Approval to Operate Number 0107101. For the purpose of resolving Accusation No. 999780 without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in Accusation No. 999780 and that those charges constitute cause for discipline. Respondent gives up his right to contest that cause for discipline exists based on those charges.

9 9. Respondent understands that by signing this stipulation it enables the Director to issue
an order accepting the surrender of Respondent's Accredited Institution Approval to Operate
Number 0107101 without further process.

12

1

2

3

4

5

6

7

8

CONTINGENCY

This stipulation shall be subject to approval by the Director or the Director's 10. 13 designee. Respondent understands and agrees that counsel for Complainant and the staff of the 14 Bureau for Private Postsecondary Education may communicate directly with the Director and 15 staff regarding this stipulation and surrender, without notice to or participation by Respondent. 16 By signing the stipulation, Respondent understands and agrees that it may not withdraw its 17 agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon 18 it., If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated 19 Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall 20 be inadmissible in any legal action between the parties, and the Director shall not be disqualified 21 from further action by having considered this matter. 22

11. The parties understand and agree that Portable Document Format ("PDF") and
facsimile copies of this Stipulated Surrender of Approval to Operate and Order, including PDF
and facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of Approval to Operate and Order is intended by the parties
to be an integrated writing representing the complete, final, and exclusive embodiment of their
agreement. It supersedes any and all prior or contemporaneous agreements, understandings,

discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of Approval to Operate and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

1

2

3

4

5

6

7

8

13. In consideration of the foregoing admissions and stipulations, the parties agree that
 the Director may, without further notice or formal proceeding, issue and enter the following
 Order:

<u>ORDER</u>

9 IT IS HEREBY ORDERED that Accredited Institution Approval to Operate Number
10 0107101, issued to Respondent Northern California Institute of Cosmetology is surrendered and
11 accepted by the Director of the Department of Consumer Affairs.

The surrender of Respondent's Accredited Institution Approval to Operate and the
 acceptance of the surrendered approval by the Bureau shall constitute the imposition of discipline
 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
 of Respondent's license history with the Bureau for Private Postsecondary Education.

16
2. Respondent shall lose all rights and privileges as a private post-secondary education
17
institution in California as of the effective date of the Director's Decision and Order.

If Respondent ever files an application for approval to operate or a petition for
 reinstatement in the State of California, the Bureau shall treat it as a petition for reinstatement.
 Respondent must comply with all the laws, regulations and procedures for reinstatement of a
 revoked approval to operate in effect at the time the petition is filed, and all of the charges and
 allegations contained in Accusation No. 999780 shall be deemed to be true, correct and admitted
 by Respondent when the Director determines whether to grant or deny the petition.

4. Respondent shall pay the agency its costs of investigation and enforcement pursuant
to California Education Code section 94937 and Business and Professions Code section 125.3 in
the amount of \$5,657.50 prior to issuance of a new or reinstated approval to operate.

27 5. If Respondent should ever apply or reapply for a new approval to operate or
28 certification, or petition for reinstatement of an approval to operate, all of the charges and

allegations contained in Accusation No. 999780 shall be deemed to be true, correct, and admitted by Respondent and/or any of Respondents' officers and/or agents for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict approval to operate.

Respondent hereby understands that, because it is approved by means of 6. accreditation, the Bureau cannot approve any change of ownership until Respondent's accrediting entity certifies that that change was completed in accordance with the accreditor's standards. (Cal. Code Regs., title 5, § 71640, subd. (e)). . 7

Within 30 days of the effective date of the Decision and Order, Respondent shall 7. 8 provide to the Bureau its School Closure Plan, inclusive of the names, addresses, phone numbers, 9 email addresses, programs of study and the amount of tuition collected from students who were 10 enrolled at Respondent's institution at any time between 120 days prior to the Bureau's issuance 11 of its Emergency Decision against Respondent (on April 13, 2016) until the effective date of the 12 closure of Respondent's institution. 13

Respondent shall provide official Northern California Institute of Cosmetology 8. transcripts to all students that attended Respondent's institution and/or completed their education at Northern California Institute of Cosmetology at any time between 120 days prior to the Bureau's issuance of its Emergency Decision against Respondent (on April 13, 2016) until the effective date of the closure of Respondent's institution. Respondent shall provide proof to the Bureau that Respondent has provided transcripts to students.

9. Within 30 days of the effective date of the Decision and Order, Respondent shall 20 provide to the Bureau a list of all students who have been provided official transcripts, including 21 their contact information and the date the transcript was provided to the students. 22

10. Respondent shall provide to the Bureau proof of refunds made to those students 23 enrolled at Respondent's institution that were unable to complete their education due to 24 25 Respondent's closure.

11. Respondent shall provide the Bureau a list of all students to whom a refund was provided including a list of student names, current contact information, the amount of the refund,

5

28

26

27

1

2

3

4

5

6

14

15

16

17

18

19

dates the student was provided the refund and copies of cancelled checks within 30 days after the effective date of the Decision and Order.

12. Acceptance of the stipulated surrender of approval to operate in no way precludes the filing of civil claims against Respondents by individuals arising from the charges and allegations in Accusation No. 999780.

13. Respondent shall comply with the California Education Code section 94927.5 including providing the Bureau with all records in a readable electronic format for all students who attended Respondent's institution from, and including, January 1, 2010 to the date of its closure.

14. Any failure to comply with these terms shall nullify this stipulation, and the Bureau may continue to prosecute any disciplinary action against Accredited Institution Approval to Operate Number 0107101, including the causes for discipline alleged in Accusation No. 999780.

ACCEPTANCE 14 I have carefully read the Stipulated Surrender of Approval to Operate and Order. I 15 understand the stipulation and the effect it will have on my Accredited Institution Approval to 16 Operate. Lenter into this Stipulated Surrender of Approval to Operate and Order voluntarily, 17 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of

the Department of Consumer Affairs.

19 DATED: 20

1

 $\mathbf{2}$

3

4

5

6

7

8

. 9

10

11

12

18

 $\mathbf{21}$

22

23

24

25

26

27

28

 $D: \frac{q}{d}$

Rodrigo Solis, Owner and President NORTHERN CALIFORNIA INSTITUTE OF COSMETOLOGY

DATED

Rosalinda Solis, Owner and Assistant Director NORTHERN CALIFORNIA INSTITUTE OF COSMETOLOGY

ENDORSEMENT					
The foregoing Stipulated Surrender of Approval to Operate and Order is hereby respectfully					
submitted for consideration by the Director of the Department of Consumer Affairs.					
Dated: 9/26/10	Respectfully submitted,				
	KAMALA D. HARRIS Attorney General of California DIANN SØKOLOFF Supervising Deputy Attorney General				
	Supervising Deputy Attorney General				
	111- pair				
	CARTER OTT Deputy Attorney General				
	Deputy Attorney General Attorneys for Complainant				
SF2016900264					
01.2010700204					
· · · · · ·	· ·				
· · ·					
	•				
A					
	:				
· · · · ·					
·					
	7				

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. 999780

OAH No. 2016060417

NORTHERN CALIFORNIA INSTITUTE OF COSMETOLOGY 601 East 14th St. San Leandro, CA 94577

Accredited Institution Approval to Operate No. 0107101

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of Approval to Operate and Order is hereby adopted by the Director of the Department of Consumer Affairs and the Bureau for Private Postsecondary Education as the Decision and Order in the above entitled matter.

This Decision shall become effective on JAN 1 3 2017

beam

It is so ORDERED

DOREATHEA JOHNSON Deputy Director Division of Legal Affairs Department of Consumer Affairs