

**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. 1002495

**ORANGE VALLEY COLLEGE, INC.,
DBA ORANGE VALLEY COLLEGE
7138 Westminster Boulevard, Suite B
Westminster, CA 92683**

Approval to Operate No. 37953993

Respondents.

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 as the Decision and Order in the above-entitled matter.

This Decision shall become effective on APR 7 2019.

IT IS SO ORDERED this 24th day of February, 2019.



RYAN MARCROFT
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 XAVIER BECERRA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DIONNE MOCHON
Deputy Attorney General
4 State Bar No. 203092
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9012
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:

Case No. 1002495

14 **ORANGE VALLEY COLLEGE, INC.,**
15 **DBA ORANGE VALLEY COLLEGE**
16 **7138 Westminster Boulevard, Suite B**
17 **Westminster, CA 92683**

STIPULATED SURRENDER OF
APPROVAL TO OPERATE AND
ORDER

18 **Approval to Operate No. 37953993**

Respondent.

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Dr. Michael Marion, Jr. (Complainant) is the Chief of the Bureau for Private
23 Postsecondary Education (Bureau). He brought this action solely in her official capacity and is
24 represented in this matter by Xavier Becerra, Attorney General of the State of California, by
25 Dionne Mochon, Deputy Attorney General.

26 2. Orange Valley College, Inc., dba Orange Valley College (Respondent) is represented
27 in this proceeding by attorney, Robert F. Hahn, Esq., whose address is: 2550 Ninth Street, Suite
28 101, Berkeley, CA 94710-2551.

1 3. On the following dates, the Bureau for Private Postsecondary Education issued an
2 approval to operate the following programs to Respondent.

3

Approved Program Name	Approval Date
Advanced Skin Care	August 31, 2004
Cosmetology	May 17, 2005
Esthetician	May 17, 2005
Manicurist	May 17, 2005
Massage Technician	August 31, 2004
Permanent Make Up Artist	August 31, 2004

4
5
6
7
8
9
10

11
12 4. Respondent's approval to operate was in full force and effect at all times relevant to
13 the charges brought herein. The Bureau issued an order to cease enrollment of any new students
14 in all programs and collection of tuition and fees for all institutional programs on
15 July 19, 2018. The approval to operate expired on October 9, 2018.

16 **JURISDICTION**

17 5. Accusation No. 1002495 was filed before the Director of the Department of
18 Consumer Affairs (Director), for the Bureau for Private Postsecondary Education (Bureau), and is
19 currently pending against Respondent. The Accusation and all other statutorily required
20 documents were properly served on Respondent on July 20, 2018. Respondent timely filed a
21 Notice of Defense contesting the Accusation. A true and correct copy of Accusation No.
22 1002495 is attached as Exhibit A and incorporated by reference.

23 **ADVISEMENT AND WAIVERS**

24 6. Respondent has carefully read, fully discussed with counsel, and understands the
25 charges and allegations in Accusation No. 1002495. Respondent also has carefully read, fully
26 discussed with counsel, and understands the effects of this Stipulated Surrender of Approval to
27 Operate and Order.

1 a. Respondent shall provide electronic copies of transcripts to the Bureau as outlined in
2 California Education Code section 94874.5.

3 b. Respondent shall provide evidence of refunds provided to current enrolled students as
4 outlined in California Education Code section 94927.

5 c. Respondent shall provide all records in readable electronic format for all students
6 who attended 120 days prior to the date of closure.

7 14. In the event Respondent fails to comply with the Conditions Precedent above, this
8 matter shall be placed back on the hearing calendar.

9 CONTINGENCY

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

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

24 17. This Stipulated Surrender of Approval to Operate and Order is intended by the parties
25 to be an integrated writing representing the complete, final, and exclusive embodiment of their
26 agreement. It supersedes any and all prior or contemporaneous agreements, understandings,
27 discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of
28 Approval and Order to Operate may not be altered, amended, modified, supplemented, or

1 otherwise changed except by a writing executed by an authorized representative of each of the
2 parties.

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

6 **ORDER**

7 IT IS HEREBY ORDERED that Approval to Operate No. 37953993, issued to Respondent
8 Orange Valley College, Inc., dba Orange Valley College, is surrendered and accepted by the
9 Director of the Department of Consumer Affairs.

10 1. The surrender of Respondent's Approval to Operate and the acceptance of the
11 surrendered approval by the Bureau for Private Postsecondary Education (Bureau) shall constitute
12 the imposition of discipline against Respondent. This stipulation constitutes a record of the
13 discipline and shall become a part of Respondent's approval history with the Bureau for Private
14 Postsecondary Education.

15 2. Respondent shall lose all rights and privileges as a school in California as of the
16 effective date of the Director's Decision and Order.

17 3. If Respondent ever applies for approval to operate or petitions for reinstatement in the
18 State of California, the Bureau shall treat it as a new application for approval to operate.
19 Respondent must comply with all the laws, regulations and procedures for approval to operate in
20 effect at the time the application or petition is filed, and all of the charges and allegations
21 contained in Accusation No. 1002495 shall be deemed to be true, correct and admitted by
22 Respondent when the Director determines whether to grant or deny the application or petition.

23 4. Respondent shall pay the agency its costs of investigation and enforcement in the
24 amount of \$4,000.00 prior to issuance of any new or reinstated approval to operate.

25 ///

26 ///

27 ///

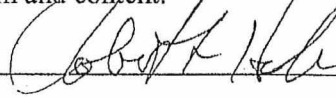
28 ///

1 ACCEPTANCE

2 I have carefully read the above Stipulated Surrender of Approval to Operate and have fully
3 discussed it with my attorney, Robert F. Hahn. I understand the stipulation and the effect it will
4 have on my Approval to Operate. I enter into this Stipulated Surrender of Approval to Operate
5 and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and
6 Order of the Director of the Department of Consumer Affairs.


7
8 DATED: 2-11-19 
9 ORANGE VALLEY COLLEGE, INC., DBA
10 ORANGE VALLEY COLLEGE
11 Respondent

12 I have read and fully discussed with Respondent Orange Valley College, Inc., dba Orange
13 Valley College the terms and conditions and other matters contained in this Stipulated Surrender
14 of Approval to Operate and Order. I approve its form and content.

15 DATED: 2-13-19 
16 Attorney for Respondent

17 ENDORSEMENT

18 The foregoing Stipulated Surrender of Approval to Operate and Order is hereby respectfully
19 submitted for consideration by the Director of the Department of Consumer Affairs.

20 Dated: 2/14/19 Respectfully submitted,
21 XAVIER BECERRA
22 Attorney General of California
23 GREGORY J. SALUTE
24 Supervising Deputy Attorney General
25 
26 DIONNE MOCHON
27 Deputy Attorney General
28 Attorneys for Complainant

SD2018700587
71648379.docx