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

11  
12 In the Matter of the Accusation Against:

Case No. 1001008

13 **SAN JOSE BARBER COLLEGE**  
**Carlos Romero, Owner**  
14 **1686 Monterey Hwy., Bldg. A**  
**San Jose, CA 95112**

**A C C U S A T I O N**

15 **School Code 4304951**

16 Respondent.  
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18 Complainant alleges:

19 **PARTIES**

20 1. Joanne Wenzel (Complainant) brings this Accusation solely in her official capacity as  
21 the Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs.

22 2. On or about October 1, 1991, the Bureau for Private Postsecondary Education issued  
23 Approval to Operate to San Jose Barber College, Carlos Romero, Owner (Respondent). The  
24 Approval to Operate was in full force and effect at all times relevant to the charges brought in this  
25 Accusation.

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JURISDICTION

3. This Accusation is brought before the Director of the Department of Consumer Affairs (Director) for the Bureau for Private Postsecondary Education, under the authority of the following laws. All section references are to the Education Code unless otherwise indicated.

4. Section 118, subdivision (b) of the Business and Professions Code provides that the suspension, expiration, surrender, cancellation of a license shall not deprive the Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 94932 of the Code states:

"The bureau shall determine an institution's compliance with the requirements of this chapter. The bureau shall have the power to require reports that institutions shall file with the bureau in addition to the annual report, to send staff to an institution's sites, and to require documents and responses from an institution to monitor compliance. When the bureau has reason to believe that an institution may be out of compliance, it shall conduct an investigation of the institution. If the bureau determines, after completing an investigation, that an institution has violated any applicable law or regulation, the bureau shall take appropriate action pursuant to this article."

6. Section 94933 of the Code states:

"The bureau shall provide an institution with the opportunity to remedy noncompliance, impose fines, place the institution on probation, or suspend or revoke the institution's approval to operate, in accordance with this article, as it deems appropriate based on the severity of an institution's violations of this chapter, and the harm caused to students."

7. Section 94937 of the Code states, in pertinent part:

"(a) As a consequence of an investigation, and upon a finding that an institution has committed a violation, the bureau may place an institution on probation or may suspend or revoke an institution's approval to operate for:

"(1) Obtaining an approval to operate by fraud.



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“(6) The institution is financially sound and capable of fulfilling its commitments to students.

“(7) That, upon satisfactory completion of an educational program, the institution gives students a document signifying the degree or diploma awarded.

“(8) Adequate records and standard transcripts are maintained and are available to students.

“(9) The institution is maintained and operated in compliance with this chapter and all other applicable ordinances and laws.

“(b) Except as provided in Section 94855.1, an institution offering a degree must satisfy one of the following requirements:

“(i) Accreditation by an accrediting agency recognized by the United States Department of Education, with the scope of that accreditation covering the offering of at least one degree program by the institution.

“(ii) An accreditation plan, approved by the bureau, for the institution to become fully accredited within five years of the bureau's issuance of a provisional approval to operate to the institution. The provisional approval to operate to an unaccredited degree-offering institution shall be in compliance with Section 94885.5.”

10. Title 5, California Code of Regulations, section 71745 states:

“(a) The institution shall document that it has at all times sufficient assets and financial resources to do all of the following:

“(1) Provide all of the educational programs that the institution represented it would provide.

“(2) Ensure that all students admitted to its educational programs have a reasonable opportunity to complete the programs and obtain their degrees or diplomas.

“(3) Maintain the minimum standards required by the Act and this chapter.

“(4) Pay timely refunds as required by Article 13 of the Act.

“(5) Pay all operating expenses due within 30 days.



1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case, with failure of the licentiate to comply subjecting the license to not  
3 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
4 may be included in a stipulated settlement.

5 CAUSE FOR DISCIPLINE

6 (Failure to Meet Minimum Operating Requirements)

7 12. Respondent has subject its Approval to Operate to discipline under Code section  
8 94885 and Title 5, CCR section 71745 in that Respondent has failed to meet the minimum  
9 operating requirements set in the Education Code. The circumstances are as follows:

10 13. On or about October 8, 2015, an investigator for the Complainant reviewed  
11 Respondent's financial statements including Respondent's balance sheet, income statement and  
12 cash flow statement for the year of 2014. The investigator's review discovered that Respondent's  
13 ratio of current assets to current liabilities was not 1.25 to 1.0 or greater, thus failing to meet a  
14 minimum operating requirement. The investigator's review also determined that Respondent  
15 failed to have sufficient assets and financial resources to pay all operating expenses due within 30  
16 days, thus failing to meet a second minimum operating requirement.

17 PRAYER

18 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
19 Accusation, and that following the hearing, the Director of the Department of Consumer Affairs  
20 issue a decision:

- 21 1. Revoking or suspending the Approval to Operate issued to San Jose Barber College,  
22 Carlos Romero, Owner;
- 23 2. Ordering San Jose Barber College, Carlos Romero, Owner, to pay the Bureau for  
24 Private Postsecondary Education the reasonable costs of the investigation and enforcement of this  
25 case, pursuant to Business and Professions Code section 125.3; and,

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3. Taking such other and further action as deemed necessary and proper.

DATED: 5/18/16



JOANNE WENZEL  
Chief  
Bureau for Private Postsecondary Education  
Department of Consumer Affairs  
State of California  
*Complainant*

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