

1 ROB BONTA
Attorney General of California
2 NANCY A. KAISER
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
Deputy Attorney General
4 State Bar No. 131800
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6301
6 Facsimile: (916) 731-2126
E-mail: Kevin.Rigley@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. BPPE24-1006

13 **PRECISE BARBER COLLEGE**
5176 Santa Monica Blvd., Suite 103
14 Los Angeles, CA 90029

ACCUSATION

15 Institution Code No. 98349951

16 Respondent.

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19 **PARTIES**

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

23 2. On or about February 22, 2018, the Bureau for Private Postsecondary Education
24 issued an Approval to Operate Institution Code Number 98349951 to Precise Barber College
25 (Respondent), owned by Covenant House California. The Approval to Operate expired on
26 February 22, 2023, and has not been renewed. An application for renewal of the Institution's
27 Approval to Operate a Private Postsecondary Institution was received on March 3, 2023, and is
28 under review.

JURISDICTION

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

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

5. Code section 94875 provides that the Bureau shall regulate private postsecondary educational institutions.

6. Code section 94877 states, in relevant part, that:

(a) The bureau shall adopt and shall enforce regulations to implement this chapter pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(b) The bureau shall develop and implement an enforcement program, pursuant to Article 18 (commencing with Section 94932) to implement this chapter . . .

7. Code section 94932 states that:

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.

8. Code section 94937 states that:

(a) As a consequence of an investigation, which may incorporate any materials obtained or produced in connection with a compliance inspection, 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.

(2) A material violation or repeated violations of this chapter or regulations adopted pursuant to this chapter that have resulted in harm to students. For purposes of this paragraph, “material violation” includes, but is not limited to, misrepresentation, fraud in the inducement of a contract, and false or misleading

1 claims or advertising, upon which a student reasonably relied in executing an
2 enrollment agreement and that resulted in harm to the student.

3 (c) The bureau may seek reimbursement pursuant to Section 125.3 of the Business
4 and Professions Code.

5 (d) An institution shall not be required to pay the cost of investigation to more than
6 one agency.

7 STATUTORY PROVISIONS

8 9. Code section 94936 states:

9 (a) As a consequence of an investigation, which may incorporate any materials
10 obtained or produced in connection with a compliance inspection, and upon a finding that
11 the institution has committed a violation of this chapter or that the institution has failed to
12 comply with a notice to comply pursuant to Section 94935, the bureau shall issue a citation
13 to an institution for violation of this chapter, or regulations adopted pursuant to this chapter.

14 (b) The citation may contain any of the following:

15 (1) An order of abatement that may require an institution to demonstrate how
16 future compliance with this chapter or regulations adopted pursuant to this chapter
17 will be accomplished.

18 (2) Notwithstanding Section 125.9 of the Business and Professions Code, an
19 administrative fine not to exceed five thousand dollars (\$5,000) for each violation.
20 The bureau shall base its assessment of the administrative fine on:

21 (A) The nature and seriousness of the violation.

22 (B) The persistence of the violation.

23 (C) The good faith of the institution.

24 (D) The history of previous violations.

25 (E) The purposes of this chapter.

26 (F) The potential harm to students.

27 (3) An order to compensate students for harm, including a refund of moneys
28 paid to the institution by or on behalf of the student, as determined by the bureau.

(c) (1) The citation shall be in writing and describe the nature of the violation and
the specific provision of law or regulation that is alleged to have been violated.

(2) The citation shall inform the institution of its right to request a hearing in
writing within 30 days from service of the citation.

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1 (3) If a hearing is requested, the bureau shall select an informal hearing
2 pursuant to Article 10 (commencing with Section 11445.10) of Chapter 4.5 of Part 1
3 of Division 3 of Title 2 of the Government Code or a formal hearing pursuant to
4 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
5 Government Code.

6 (4) If a hearing is not requested, payment of the administrative fine is due 30
7 days from the date of service, and shall not constitute an admission of the violation
8 charged.

9 (5) If a hearing is conducted and payment of an administrative fine is ordered,
10 the administrative fine is due 30 days from when the final order is entered.

11 (6) The bureau may enforce the administrative fine as if it were a money
12 judgment pursuant to Title 9 (commencing with Section 680.010) of Part 2 of the
13 Code of Civil Procedure.

14 (d) All administrative fines shall be deposited in the Private Postsecondary
15 Education Administration Fund.

16 REGULATORY PROVISIONS

17 10. California Code of Regulations, title 5, section 75020 states:

18 (a) The Bureau Chief, or his or her designee, or the Director's designee, is authorized
19 to issue citations containing orders of abatement and/or administrative fines pursuant to
20 section 94936 of the Code against approved private, postsecondary institutions that have
21 committed any acts or omissions that are in violation of the Act or any regulation adopted
22 pursuant thereto.

23 (b) The Bureau Chief, or his or her designee, or the Director's designee, is authorized
24 to issue citations containing orders of abatement and administrative fines not to exceed
25 \$100,000 pursuant to section 94944 of the Code against persons who are without proper
26 approval to operate a private, postsecondary institution. In addition, the citation may
27 contain an order of abatement pursuant to section 149 of the Business and Professions Code
28 that requires the unapproved person to cease any unlawful advertising and to notify the
telephone company furnishing services to the cited person: (1) to disconnect the telephone
services furnished to any telephone number contained in the unlawful advertising, and (2)
that subsequent calls to that number shall not be referred by the telephone company to any
new number obtained by that person. The provisions of section 75040 shall apply to this
subsection.

(c) In addition to the requirements of section 94936 of the Code, each citation shall
inform the cited institution or person that:

(1) if a hearing pursuant to the Administrative Procedure Act (APA) is not
requested, payment of the administrative fine is due 30 days from the date of service,
and shall not constitute an admission of the violation charged.

(2) if a hearing pursuant to the APA is conducted and payment of an
administrative fine is ordered, the administrative fine is due 30 days from when the
order is effective;

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1 (3) if the cited institution or person desires an informal conference to contest the
2 finding of a violation prior to an APA hearing, the informal conference shall be
requested by written notice to the Bureau within 30 days from service of the citation;

3 (4) failure to comply with any order of abatement within the time set forth in the
4 citation, unless the citation is being appealed, may result in disciplinary action being
taken by the Bureau; and

5 (5) the Bureau may enforce the administrative fine as if it were a money
6 judgment pursuant to the California Code of Civil Procedure (beginning with section
680.010).

7 (d) Each citation shall be served on the cited institution or person, in person, or by
8 certified and regular mail at the address of record on file with the Bureau. Citations
served by certified and regular mail shall be deemed "served" on the date of mailing.

9 (e) The sanction authorized under this section shall be separate from, and in addition
10 to, any civil, criminal, or other administrative remedies.

11 11. California Code of Regulations, title 5, section 75030 states:

12 Where citations pursuant to section 94936 of the Code and section 75020, subsection
13 (a) include an assessment of an administrative fine, the fine shall be not less than \$50 or
14 exceed \$5,000 for each violation. Each violation shall be classified according to the nature
of the violation and shall indicate the classification on the face thereof as follows:

15 (a) A "Class A" violation shall not be less than \$2,501 nor more than \$5,000. A
16 Class A violation is one that the Bureau has, in its discretion, determined to be more serious
17 in nature, deserving the maximum fine. A Class A violation may, in the Bureau's
discretion, be issued to an institution that has committed one or more prior separate Class B
violations.

18 (b) A "Class B" violation shall not be less than \$1,001 nor more than \$2,500. A
19 Class B violation is one that the Bureau has, in its discretion, determined to be less serious
20 in nature and may include, but is not limited to, a violation that could have resulted in
student harm. Typically some degree of mitigation will exist. A Class B violation may be
issued to an institution that has committed one or more prior separate Class C violations.

21 (c) A "Class C" violation shall not be less than \$501 nor more than \$1,000. A Class
22 C violation is one that the Bureau has, in its discretion, determined to be a minor or
technical violation, which may be directly or potentially detrimental to students or
potentially impacts their education.

23 (d) A "Class D" violation shall not be less than \$50 nor more than \$500. A Class D
24 violation is one that the Bureau has, in its discretion, determined to be a minor or technical
25 violation, which is neither directly or potentially detrimental to students nor potentially
impacts their education.

26 12. California Code of Regulations, title 5, section 75040 states in relevant part:

27 (a) Pursuant to section 94936(c)(2) of the Code, a cited institution or person may,
28 within 30 days of service of the citation, request a hearing in writing to the Bureau, or it is
waived. In addition to contesting a citation by requesting a hearing, the cited institution or

1 person may, within the same 30 days, submit a written request to the Bureau for an informal
2 conference.

3 (b) The Bureau Chief, or his or her designee, or the Director, or his or her designee,
4 shall within 30 days from the Bureau's receipt of a written request for an informal
5 conference, hold an informal conference with the cited institution or person. The 30-day
6 period may be extended by the Bureau Chief or the Director for good cause. The informal
7 conference may be, by telephone.

8 (c) Following the informal conference, the Bureau Chief, or his or her designee, or
9 the Director, or his or her designee, will affirm, modify, or dismiss the citation, including
10 any fine assessed and/or order of abatement issued. A written order affirming, modifying,
11 or dismissing the original citation shall be served on the cited institution or person within 30
12 days from the informal conference. If the order affirms or modifies the original citation,
13 said order shall fix a reasonable period of time for abatement of the violation and/or
14 payment of the fine of not more than 30 days.

15 (d) If the informal conference results in the modification of the findings of
16 violation(s), the amount of the fine and/or the order of abatement, the citation shall be
17 considered modified, but not withdrawn. Unless waived, a cited institution or person is
18 entitled to a hearing to contest the modified citation if the institution or person filed a timely
19 request, but is not entitled to an informal conference to contest an affirmed or modified
20 citation. If a timely request for a hearing was not filed, the decision on the affirmed or
21 modified citation shall be considered final.

22 ...

23 (g) If a written request for a hearing pursuant to section 94936(c)(2) of the Code, or
24 for an informal conference as provided in subsection (a), or both, is not submitted to the
25 Bureau within 30 days from service of the citation, the cited institution or person is deemed
26 to have waived the right to an informal conference and/or administrative hearing.

27 13. California Code of Regulations, title 5, section 75050 states in relevant part:

28 ...

29 (b) Failure of an applicant or institution issued an approval to operate to abate the
30 violation or to pay the fine within the time allowed is a ground for denial or discipline of an
31 approval to operate.

32 ...

33 14. California Code of Regulations, title 5, section 75100 provides that the Bureau may
34 suspend, revoke or place on probation with terms and conditions an approval to operate.

35 COST RECOVERY

36 15. Code section 94937, subdivision (c), provides that the Bureau may seek
37 reimbursement for its costs of investigation and enforcement pursuant Business and Professions
38 Code section 125.3.

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1 **Citation Number 24250022**

2 21. On July 29, 2024, the Bureau issued Citation No. 24250022 to Respondent for
3 failure to submit its Student Tuition Recovery Fund (STRF) Assessment Reporting Form and
4 applicable fees for the first quarter reporting period of 2024.

5 22. The Bureau issued an administrative fine of \$1,000.00 and included an Order of
6 Abatement to submit the delinquent STRF. The Respondent did not appeal the Citation. The
7 Bureau mailed demand letters on September 23, 2024, October 23, 2024, and November 25,
8 2024, respectively. On February 6, 2025, the Bureau received the first quarter 2024 STRF
9 Assessment Reporting Forms and STRF assessments collected from students. However, the
10 Bureau did not receive payment for the administrative fine. To date, the Respondent has failed to
11 comply with Citation No. 24250022.

12 **Citation Number 24250084**

13 23. September 19, 2024, the Bureau issued Citation No. 24250084 to Respondent for
14 failure to submit its Student Tuition Recovery Fund (STRF) Assessment Reporting Form STRF
15 assessment for the second quarter reporting period of 2024.

16 24. The Bureau issued an administrative fine of \$1,000.00 and included an Order of
17 Abatement to submit the delinquent STRF. The Respondent did not appeal the Citation. The
18 Bureau mailed demand letters on October 21, 2024, November 21, 2024, and December 23, 2024,
19 respectively. To date, the Respondent has failed to comply with Citation No. 24250084.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Failure to Comply with Citation Number 2324069)**

22 25. Respondent is subject to disciplinary action under Code section 94936 and
23 California Code of Regulations, title 5, section 75050 in that Respondent failed to fully comply
24 with the Orders of Abatement in Citation Number 2324069. Complainant hereby incorporates
25 paragraphs 17-18 above as though set forth in full herein.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Citation Number 23240221)**

3 24. Respondent is subject to disciplinary action under Code section 94936 and
4 California Code of Regulations, title 5, section 75050 in that Respondent failed to fully comply
5 with Citation Number 23240221. Complainant hereby incorporates paragraphs 19-20 above as
6 though set forth in full herein.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Failure to Comply with Citation Number 24250022)**

9 25. Respondent is subject to disciplinary action under Code section 94936 and
10 California Code of Regulations, title 5, section 75050 in that Respondent failed to fully comply
11 with Citation Number 24250022. Complainant hereby incorporates paragraphs 21-22 above as
12 though set forth in full herein.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with Citation Number 24250084)**

15 26. Respondent is subject to disciplinary action under Code section 94936 and
16 California Code of Regulations, title 5, section 75050 in that Respondent failed to fully comply
17 with Citation Number 24250084. Complainant hereby incorporates paragraphs 23-24 above as
18 though set forth in full herein.

19 **DISCIPLINARY CONSIDERATIONS**

20 27. To determine the degree of discipline, if any, to be imposed on Precise Barber
21 College, owned by Covenant House California, Complainant alleges that on or about May 16,
22 2019, in a previous matter entitled *In the Matter of the Citation against Precise Barber College,*
23 *owned by Covenant House California,* Bureau for Private Postsecondary Education Case No.
24 1819201, the Bureau issued a Citation and Order of Abatement as to Respondent Precise Barber
25 College, owned by Covenant House California, which included payment of a fine in the amount
26 of \$50.00, for the following violations: Failure to Collect and Submit STRF Assessments for the
27 first, second, third, and fourth quarters for the calendar year 2018 [pursuant to California Code of
28 Regulations, title 5, section 76130(a-e)]; and Failure to Submit Annual Fee for the calendar year

1 2018 [pursuant to California Code of Regulations, title 5, section 74006(a) and (b)]. That citation
2 is now final and is incorporated by reference as if fully set forth herein.

3 28. To determine the degree of discipline, if any, to be imposed on Respondent Precise
4 Barber College, owned by Covenant House California, Complainant alleges that on or about
5 January 21, 2021, in a previous matter entitled *In the Matter of the Citation against Precise*
6 *Barber College, owned by Covenant House California*, Bureau for Private Postsecondary
7 Education Case No. 2021179, the Bureau issued a Citation and Order of Abatement as to
8 Respondent Precise Barber College, owned by Covenant House California, which included
9 payment of a fine in the amount of \$50.00, for the following violations: Failure to Collect and
10 Submit STRF Assessments for the second and third quarters for the calendar year 2020 [pursuant
11 to California Code of Regulations, title 5, section 76130(a-e)]. That citation is now final and is
12 incorporated by reference as if fully set forth herein.

13 29. To determine the degree of discipline, if any, to be imposed on Respondent Precise
14 Barber College, owned by Covenant House California, Complainant alleges that on or about
15 August 30, 2021, in a previous matter entitled *In the Matter of the Citation against Precise*
16 *Barber College, owned by Covenant House California*, Bureau for Private Postsecondary
17 Education Case No. 2122044, the Bureau issued a Citation and Order of Abatement as to
18 Respondent Precise Barber College, owned by Covenant House California, which included
19 payment of a fine in the amount of \$1551.00, for the following violations: – Admissions
20 Standards and Transferred Credit Policy – Student files failed to include verification of high
21 school completion, equivalency, or other documentation establishing the student’s ability to do
22 college level work, such as a successful completion of an Ability to Benefit (ATB) exam upon
23 admissions [pursuant to California Code of Regulations, title 5, sections 71770(a)(1),
24 71920(a)(b)(1)(A), and California Education Code section 94904(a)]; and Failure to Collect and
25 Submit STRF Assessments for the first and second quarters for the calendar year 2021 [pursuant
26 to California Code of Regulations, title 5, section 76130(a-e)]. That citation is now final and is
27 incorporated by reference as if fully set forth herein.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of the Department of Consumer Affairs issue a decision:

- 1. Revoking or suspending Approval to Operate Number 98349951, issued to Precise Barber College, owned by Covenant House California;
- 2. Ordering Covenant House California to pay the Bureau for Private Postsecondary Education the reasonable costs of the investigation and enforcement of this case, pursuant to Code sections 94937, subdivision (c); and
- 3. Taking such other and further action as deemed necessary and proper.

DATED: 4/13/2025

"Original Signature on File"

DEBORAH COCHRANE
 Chief
 Bureau for Private Postsecondary
 Education
 Department of Consumer Affairs
 State of California
Complainant

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