

**BEFORE THE DIRECTOR  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU FOR PRIVATE POSTSECONDARY EDUCATION  
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation  
Against:

**CITY BEAUTY COLLEGE**  
2300 Florin Road  
Sacramento, CA 95822  
**JOHN THAI TRAN, Owner**

Case No. 998285

OAH No. 2013071135

**Approval to Operate No. 93832312**

and

**CITY BEAUTY COLLEGE**  
**NGA HUYNH, PERSON IN CONTROL**  
**TERI NGO, AKA THI NGO, PERSON IN CONTROL**

6853 65<sup>TH</sup> Street, Suite C  
Sacramento, CA 95828

and

8587 Culpepper Drive  
Sacramento, CA 95828

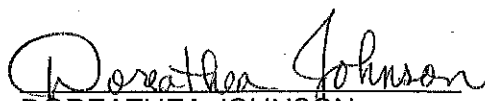
Respondents.

**DECISION AND ORDER**

The attached Stipulated Surrender of Interest in Approval to Operate and Order (Respondents Nga Huynh and Teri Ngo, also known as Thi Ngo, Only; Persons in Control) is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective on JUL 24 2014.

DATED: JUN 17 2014

  
DOREATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**  
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19 **CONTROL**

20 6853 65<sup>TH</sup> Street, Suite C  
Sacramento, CA 95828

21 And

22 8587 Culpepper Drive  
23 Sacramento, CA 95828

24 Respondents.

Case No. 998285

OAH No. 2013071135

**STIPULATED SURRENDER OF  
INTEREST IN APPROVAL TO  
OPERATE AND ORDER**

**(Respondents Nga Huynh and Teri  
Ngo, also known as Thi Ngo, Only;  
Persons in Control)<sup>1</sup>**

25 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to this  
26

27 <sup>1</sup> This settlement applies to Respondents Nga Huynh and Teri Ngo, also known as Thi  
28 Ngo, only. The interest of John Thai Tran in the Approval to Operate is addressed in a separate  
default decision and order

1 Stipulation for the above-entitled proceedings that the following matters are true:

2 **PARTIES**

3 1. Joanne Wenzel ("Complainant") is the Chief of the Bureau for Private Postsecondary  
4 Education ("Bureau"), Department of Consumer Affairs. She brought this action solely in her  
5 official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the  
6 State of California, by Leslie A. Burgermyer, Deputy Attorney General.

7 2. Respondents Nga Huynh ("Huynh") and Teri Ngo, also known as Thi Ngo, ("Ngo"), are  
8 Persons in Control (as defined in Education Code section 94856) of City Beauty College  
9 (sometimes referred to herein as "City") and are represented in this proceeding by attorney Chet  
10 P. Templeton, Esq., whose address is 901 H Street, Suite 601, 6<sup>th</sup> Floor, Sacramento, CA 95814;  
11 telephone (916) 444-2960.

12 3. Respondent Huynh has represented to Complainant and claims that she purchased City  
13 from John Thai Tran ("Tran") in 2008. Respondent Huynh possesses a Fictitious Business Name  
14 Statement in support of the claim she was the owner of City Beauty College since 2008. For the  
15 purposes of this settlement, Respondents Huynh and Ngo are deemed to be Persons in Control  
16 who operated City Beauty College from August 5, 2008, to the present. The Bureau has no  
17 record of issuing an Approval to Operate with ownership of City by either or both Respondent  
18 Huynh and Respondent Ngo. Respondents Huynh and Ngo have represented to Complainant that  
19 Tran no longer resides in the United States and they are unable to contact him.

20 4. On or about December 10, 2004, the former Bureau for Private Postsecondary and  
21 Vocational Education ("BPPVE")<sup>2</sup> issued Approval to Operate No. 93832312 ("Approval") to  
22 City Beauty College, John Thai Tran, Owner. The Approval was in full force and effect at all  
23 times alleged in the Accusation and First Amended Accusation. The Approval expired on  
24 September 29, 2013, and was not renewed during the renewal period.

25  
26 <sup>2</sup> On July 1, 2007 the former Bureau for Private Postsecondary and Vocational Education  
27 was abolished by expiration of its statutory authorization. On October 11, 2009, the California  
28 Private Postsecondary Education Act of 2009 ("Act") was signed into law. (Educ. Code,  
§§94800, et seq.) The Act became operative on January 1, 2010, and established the Bureau for  
Private Postsecondary Education.

1 5. Respondents Huynh and Ngo have requested and agreed to relinquish and surrender  
2 any and all right, title, claim, interest or ownership, if any, they may or do have in the Approval.

3 **JURISDICTION**

4 6. Accusation No. 998285 was filed before the Director of the Department of Consumer  
5 Affairs ("Director"), for the Bureau. The Accusation and all other statutorily required documents  
6 were properly served on Respondents City Beauty College and John Thai Tran, Owner, on June  
7 3, 2013. Respondent Nga Huynh timely filed a Notice of Defense contesting the Accusation.

8 7. On or about April 4, 2014, First Amended Accusation No. 998285 was filed and  
9 included Respondents City, Tran, Huynh, and Ngo. The First Amended Accusation and all  
10 statutorily required documents were served on Respondents City, Tran, Huynh and Ngo on April  
11 7, 2014, and April 9, 2014. The First Amended Accusation supersedes the original Accusation in  
12 all respects. A copy of First Amended Accusation No. 998285 is attached as Exhibit A, and  
13 incorporated herein.

14 **ADVISEMENT AND WAIVERS**

15 8. Respondents Huynh and Ngo have carefully read, fully discussed with counsel, and  
16 understand the charges and allegations in First Amended Accusation No. 998285. Respondents  
17 also have carefully read, fully discussed with counsel, and understand the effects of this  
18 Stipulated Surrender of Interest in Approval to Operate and Order.

19 9. Respondents Huynh and Ngo are fully aware of their legal rights in this matter,  
20 including the right to a hearing on the charges and allegations in the First Amended Accusation;  
21 the right to be represented by counsel, at their own expense; the right to confront and cross-  
22 examine the witnesses against them; the right to present evidence and to testify on their own  
23 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the  
24 production of documents; the right to reconsideration and court review of an adverse decision;  
25 and all other rights accorded by the California Administrative Procedure Act and other applicable  
26 laws.

27 10. Respondents Huynh and Ngo voluntarily, knowingly, and intelligently waive and give  
28 up each and every right set forth above.

1 CULPABILITY

2 11. Respondents Huynh and Ngo admit the truth of each and every charge and allegation  
3 in First Amended Accusation No. 998285, agree that cause exists for discipline, and hereby  
4 relinquish and surrender any and all right, title, claim, interest or ownership, if any, that  
5 Respondents Huynh and/or Ngo possess, may possess or be entitled to now, or in the future, in  
6 Approval to Operate No. 93832312, and submit this Stipulated Surrender of Interest in Approval  
7 to Operate and Order to the Director for her formal acceptance.

8 12. Respondents Huynh and Ngo understand that by signing this stipulation, they enable  
9 the Director to issue her order accepting the complete and full surrender of any and all right, title,  
10 claim, interest or ownership, if any, in Approval to Operate No. 93832312 without further  
11 process.

12 RESERVATION

13 13. The admissions by Respondents Huynh and Ngo, and each of them, herein are only for  
14 the purposes of this proceeding, or any other proceedings in which the Director of the Department  
15 of Consumer Affairs and/or the Bureau for Private Postsecondary Education, or other professional  
16 licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding  
17 except that an action may be brought against Respondents Huynh and/or Ngo, for breach or  
18 enforcement of this stipulation, in whole or in part.

19 CONTINGENCY

20 14. This stipulation shall be subject to approval by the Director or the Director's designee.  
21 Respondents Huynh and Ngo and their attorney of record understand and agree that counsel for  
22 Complainant and the staff of the Bureau for Private Postsecondary Education may communicate  
23 directly with the Director and staff regarding this stipulation and surrender of interest in approval  
24 to operate, without notice to or participation by Respondents Huynh and/or Ngo and/or their  
25 attorney. By signing the stipulation, Respondents Huynh and Ngo understand and agree that they  
26 may not withdraw their agreement or seek to rescind the stipulation prior to the time the Director  
27 considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and  
28 Order, then the Stipulated Surrender of Interest in Approval to Operate and Disciplinary Order

1 shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
2 between the parties, and the Director shall not be disqualified from further action by having  
3 considered this matter.

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

8 16. This Stipulated Surrender of Interest in Approval to Operate and Order is intended by  
9 the parties to be an integrated writing representing the complete, final, and exclusive embodiment  
10 of their agreement. It supersedes any and all prior or contemporaneous agreements, under-  
11 standings, discussions, negotiations, and commitments (written or oral). This Stipulated  
12 Surrender of Interest in Approval to Operate and Order may not be altered, amended, modified,  
13 supplemented, or otherwise changed except by a writing executed by an authorized representative  
14 of each of the parties.

#### 15 CONSIDERATION

16 17. In consideration of the foregoing admissions and stipulations and the forbearance of  
17 Complainant in bringing an enforcement action against Respondents Huynh and Ngo for  
18 unlicensed activity and imposing a monetary penalty, the parties agree that the Director may,  
19 without further notice or formal proceeding, issue and enter the following Order:

#### 20 ORDER

21 **IT IS ORDERED** that any and all right, title, claim, interest, or ownership interest, if any,  
22 possessed by Respondents Nga Huynh ("Huynh") or Teri Ngo, also known as Thi Ngo, ("Ngo"),  
23 Persons in Control, or which they may be entitled to now, or in the future, in Approval to Operate  
24 No. 93832312 issued to City Beauty College is relinquished and surrendered by Respondents  
25 Huynh and Ngo, and accepted by the Director of the Department of Consumer Affairs  
26 ("Director").

27 1. The surrender of any and all right, title, claim, interest and/or ownership, if any, in  
28 Approval to Operate No. 93832312 by Respondents Huynh and Ngo and the acceptance of the

1 surrendered rights, if any, in the Approval by the Bureau shall constitute the imposition of  
2 discipline against Respondents Huynh and Ngo. This stipulation constitutes a record of the  
3 discipline and shall become a part of the license and/or approval to operate history of City Beauty  
4 College, Nga Huynh, and Teri Ngo, also known as Thi Ngo, with the Bureau for Private  
5 Postsecondary Education ("Bureau").

6 2. Respondents Huynh and Ngo shall lose any and all rights and privileges, if any, and all  
7 right, title, claim, interest, and/or ownership which they may or do have in Approval to Operate  
8 No. 93832312 on the effective date of the Director's Decision and Order.

9 3. For a period of three (3) years after the effective date of the Director's Decision and  
10 Order in First Amended Accusation Case No. 998285, Respondents Huynh and Ngo shall not  
11 submit to the Bureau, the Director, or successors, any application of any type, name or title,  
12 whatsoever, to obtain a license, certificate, registration, approval, institution code number, or any  
13 type of authorization whatsoever, to operate a private post-secondary education institution under  
14 the jurisdiction of the Bureau of Private Postsecondary Education, Director, or successors.  
15 During the three (3) year period, Respondents Huynh and Ngo are barred from and shall not have  
16 any financial interest, decision making authority, management decisions, participation in the  
17 operation, administration, and setting of the curriculum, for any institution under the jurisdiction  
18 and/or authority of the Bureau, Director, or successors.

19 4. If, after the three (3) year period expires, Respondents Huynh and/or Ngo should ever  
20 apply for a new license, certificate, registration, approval, institution code number, or any type of  
21 authorization whatsoever, with the Bureau or for a related endorsement with the Board of  
22 Barbering and Cosmetology in the State of California, then the Bureau shall treat it as a new  
23 application for licensure. Respondents Huynh and/or Ngo shall comply with all laws, regulations,  
24 and procedures for licensure in effect at the time the application is filed. All charges and  
25 allegations contained in First Amended Accusation No. 998285 shall be deemed to be true,  
26 correct, proven and admitted by Respondents Huynh and/or Ngo for the purpose of any Statement  
27 of Issues or any other proceeding seeking to deny or restrict licensure.  
28

1 5. Respondents Huynh and Ngo admit that they failed to submit Annual Fees to the  
2 Bureau by October 1, 2012, and October 1, 2013. For purposes of settlement, the parties agree  
3 that the total amount of delinquent Annual Fees is \$2,131.26. Respondents Huynh and Ngo are  
4 jointly and severally liable for payment of the delinquent Annual Fees to the Bureau prior to  
5 issuance of any approval for a new license, certificate, registration, approval, institution code  
6 number, or any type of authorization whatsoever, by the Bureau, Director, or successor.

7 6. Respondents Huynh and Ngo admit that they failed to submit to the Bureau, the  
8 assessment collected from students for the Student Tuition Recovery Fund ("STRF") for the  
9 second, third, and fourth quarters in 2012, and for all quarters in 2013. For purposes of settle-  
10 ment, the parties agree that the total amount of delinquent STRF assessments is \$763.86.  
11 Respondents are jointly and severally liable for payment of the full amount of the delinquent  
12 STRF assessments to the Bureau prior to issuance of a new license, certificate, registration,  
13 approval, institution code number, or any type of authorization whatsoever, by the Bureau,  
14 Director, or successor.

15 7. Respondents Huynh and/or Ngo shall pay the Bureau its costs of investigation and  
16 enforcement in the amount of \$ 19,252.50 prior to issuance of a new license, certificate,  
17 registration, approval, institution code number, or any type of authorization whatsoever, by the  
18 Bureau, Director, or successor. Respondents are jointly and severally liable for the  
19 aforementioned costs of investigation and enforcement.

20 ACCEPTANCE

21 I have carefully read the above Stipulated Surrender of Interest in Approval to Operate and  
22 Order and have fully discussed it with my attorney, Chet P. Templeton, Esq. I understand the  
23 stipulation and the effect it will have on any right, title, claim, interest or ownership, if any, in  
24 Approval to Operate No. 93832312. I enter into this Stipulated Surrender of Interest in Approval

25 ///

26 ///


27 ///

28 ///




1 to Operate and Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
2 Decision and Order of the Director of the Department of Consumer Affairs.

3  
4 DATED: 5/19/14

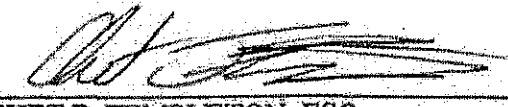
  
BY NGA HUYNH, PERSON IN CONTROL  
CITY BEAUTY COLLEGE  
Respondent

7  
8 DATED: 05-19-2014

  
BY TERI NGO, AKA THI NGO, PERSON IN  
CONTROL, CITY BEAUTY COLLEGE  
Respondent

11  
12 I have read and fully discussed with Respondents Nga Huynh, Person in Control, and Teri  
13 Ngo, also known as Thi Ngo, Person in Control, of City Beauty College, the terms and conditions  
14 and other matters contained in this Stipulated Surrender of Interest in Approval to Operate and  
15 Order. I approve its form and content.

16 DATED: 5/19/14

  
CHET P. TEMPLETON, ESQ.  
Attorney for Respondents  
NGA HUYNH, PERSON IN CONTROL  
TERI NGO, AKA THI NGO, PERSON IN  
CONTROL, OF CITY BEAUTY COLLEGE

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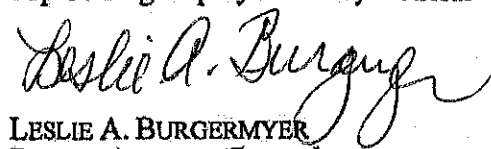
**ENDORSEMENT**

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

DATED: 5-19-2014

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
KENT D. HARRIS  
Supervising Deputy Attorney General



LESLIE A. BURGERMYER  
Deputy Attorney General  
*Attorneys for Complainant*

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