

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

In the Matter of the Accusation Against:

**DIAMOND BEAUTY COLLEGE; TONY DO,
OWNER
10301 Garvey Avenue, #200
South El Monte, CA 91733**

**Approval to Operate an Accredited
Institution No. 36348756**

Respondent.

Case No. 997438

OAH No. 2015070590

ORDER OF DECISION

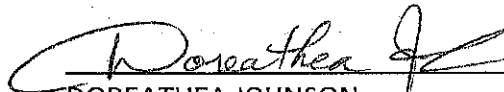
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above entitled matter.

MAY 20 2016

The Decision shall become effective _____.

DATED: APR 12 2016



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 WILLIAM D. GARDNER
Deputy Attorney General
4 State Bar No. 244817
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Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

Case No. 997438

12 **DIAMOND BEAUTY COLLEGE, TONY**
13 **DO, OWNER**
14 **10301 Garvey Avenue, #200**
South El Monte, CA 91733

OAH No. 2015070590
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 **Approval to Operate an Accredited**
Institution No. 36348756

16 Respondent.
17

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

21 PARTIES

22 1. Joanne Wenzel ("Complainant") is the Chief of the Bureau for Private Postsecondary
23 Education. She brought this action solely in her official capacity and is represented in this matter
24 by Kamala D. Harris, Attorney General of the State of California, by William D. Gardner, Deputy
25 Attorney General.

26 2. Respondent Diamond Beauty College, Tony Do, owner, is represented in this
27 proceeding by attorney Brandon M. Smith, whose address is 105 West "F" Street, Third Floor,
28 San Diego, CA 92101.

1 the attendance of witnesses and the production of documents; the right to reconsideration and
2 court review of an adverse decision; and all other rights accorded by the California
3 Administrative Procedure Act and other applicable laws.

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

6 CULPABILITY

7 8. Respondent understands and agrees that the charges and allegations in Accusation
8 No. 997438, if proven at a hearing, constitute cause for imposing discipline upon his Approval to
9 Operate an Institution.

10 9. For the purpose of resolving the Accusation without the expense and uncertainty of
11 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
12 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
13 those charges.

14 10. Respondent agrees that his Approval to Operate an Institution is subject to discipline
15 and he agrees to be bound by the Director's probationary terms as set forth in the Disciplinary
16 Order below.

17 CONTINGENCY

18 11. This stipulation shall be subject to approval by the Director of the Department of
19 Consumer Affairs or the Director's designee. Respondent understands and agrees that counsel for
20 Complainant and the staff of the Bureau for Private Postsecondary Education may communicate
21 directly with the Director and staff of the Department of Consumer Affairs regarding this
22 stipulation and settlement, without notice to or participation by Respondent or his counsel. By
23 signing the stipulation, Respondent understands and agrees that he may not withdraw his
24 agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon
25 it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated
26 Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall
27 be inadmissible in any legal action between the parties, and the Director shall not be disqualified
28 from further action by having considered this matter.

1 of the respondent's compliance with probation. Respondent, within ten (10) days of completion of
2 the quarter, shall submit quarterly written reports to the Bureau.

3 3. PERSONAL APPEARANCES -- Upon reasonable notice by the Bureau, respondent
4 shall report to and make personal appearances at times and locations as the Bureau may direct.

5 4. NOTIFICATION OF ADDRESS AND TELEPHONE NUMBER CHANGE(S) --
6 Respondent shall notify the Bureau, in writing, within five (5) days of a change of name, title,
7 physical home address, email address, or telephone number of each person, as defined in section
8 94855 of the Code, who owns or controls 25% or more of the stock or an interest in of the
9 institution and, to the extent applicable, each general partner, officer, corporate director, corporate
10 member or any other person who exercises substantial control over the institution's management
11 or policies.

12 5. NOTIFICATION TO PROSPECTIVE STUDENTS -- When currently soliciting or
13 enrolling (or re-enrolling) a student for any program, respondent shall provide notification of this
14 action to each current or prospective student prior to accepting their enrollment, and to those
15 students who were enrolled at the time of the conduct that is the subject of this action as directed
16 by the Bureau. This notification shall be in the form attached hereto as Exhibit B.

17 6. STUDENT ROSTER -- Within 15 days of the effective date of this Decision, and
18 with the Quarterly Reports thereafter, provide to the Bureau the names, addresses, phone
19 numbers, email addresses, and the programs in which they are or were enrolled, of all persons
20 who are currently or were students of the institution within 60 days prior to the effective date of
21 the Decision, and those students who were enrolled at the time of the conduct that is the subject of
22 this action.

23 7. INSTRUCTION REQUIREMENTS AND LIMITATIONS -- During probation,
24 Respondent shall provide approved instruction in the State of California. If respondent is not
25 providing instruction, the period of probation shall be tolled during that time.

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1 8. RECORD STORAGE -- Within 5 days of the effective date of this Decision, provide
2 the Bureau with the location of the repository for all records as they are required to be maintained
3 pursuant to Title 5, California Code of Regulations, section 71930.

4 9. MAINTENANCE OF CURRENT AND ACTIVE APPROVAL TO OPERATE --
5 Respondent shall, at all times while on probation, maintain a current and active approval to
6 operate with the Bureau including any period during which approval is suspended or probation is
7 tolled.

8 10. COMPLY WITH CITATIONS -- Respondent shall comply with all final orders
9 resulting from citations issued by the Bureau.

10 11. COST RECOVERY -- Respondent shall pay to the Bureau its costs of investigation
11 and enforcement in the amount of \$4,888.00 no later than one year before the termination of
12 probation. Such costs shall be payable to the Bureau and are to be paid regardless of whether the
13 probation is tolled. Failure to pay such costs shall be considered a violation of probation.

14 Except as provided above, the Bureau shall not renew or reinstate the approval to operate of
15 any respondent who has failed to pay all the costs as directed in a Decision.

16 12. VIOLATION OF PROBATION -- If respondent violates probation in any respect, the
17 Bureau, after giving respondent notice and opportunity to be heard, may revoke probation and
18 carry out the disciplinary order which was stayed. If an Accusation or a Petition to Revoke
19 Probation is filed against respondent during probation, the Bureau shall have continuing
20 jurisdiction until the matter is final, and the period of probation shall be extended, and respondent
21 shall comply with all probation conditions, until the matter is final.

22 13. FUTURE APPROVALS TO OPERATE -- If respondent subsequently obtains other
23 approvals to operate during the course of this probationary order, this Decision shall remain in
24 full force and effect until the probationary period is successfully terminated. Future approvals
25 shall not be granted, however, unless respondent is currently in compliance with all of the terms
26 and conditions of probation.

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1 14. COMPLY WITH ALL ACCREDITATION STANDARDS -- As applicable,
2 respondent shall comply with all standards set by its accreditor in order to maintain its
3 accreditation. Respondent shall submit to the Bureau, in writing, a full detailed account of any
4 and all actions taken by any accrediting agency against respondent regarding any institution
5 operated by respondent, including an order to show cause, or conditions or restrictions placed on
6 accreditation, within five (5) days of occurrence.

7 15. COMPLETION OF PROBATION -- Upon successful completion of probation,
8 respondent's approval to operate will be fully restored.

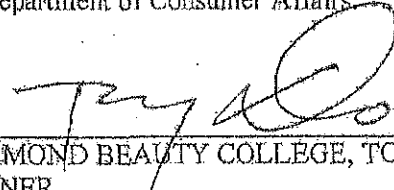
9 16. ABILITY TO BENEFIT TESTING -- Throughout the probationary period,
10 Respondent shall provide to the Bureau the following documents and information related to
11 students enrolled through Ability to Benefit ("ATB") testing:

- 12 • A list of all current students who were enrolled by using the ATB exam;
- 13 • Quarterly progress updates of any students enrolled using the ATB exam;
- 14 • Copies of any contracts between Respondent and ATB exam proctors and/or
15 administrators of any kind;
- 16 • Copies of ATB exam scores and examination timeframe printouts for all current
17 students who were enrolled by using the ATB exam.

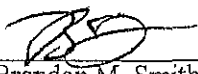
18 ACCEPTANCE

19 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
20 discussed it with my attorney, Brandon M. Smith. I understand the stipulation and the effect it
21 will have on my Approval to Operate an Institution. I enter into this Stipulated Settlement and
22 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
23 Decision and Order of the Director of the Department of Consumer Affairs.

24
25 DATED: 02/24/2016



26 DIAMOND BEAUTY COLLEGE, TONY DO,
27 OWNER
28 Respondent

1 I have read and fully discussed with Respondent Diamond Beauty College, Tony Do,
2 owner, the terms and conditions and other matters contained in the above Stipulated Settlement
3 and Disciplinary Order. I approve its form and content.

4 DATED: 2/24/16 
5 Brandon M. Smith
6 Attorney for Respondent

7 ENDORSEMENT

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
9 submitted for consideration by the Director of the Department of Consumer Affairs

10 Dated: 2/26/16 Respectfully submitted,
11
12 KAMALA D. HARRIS
13 Attorney General of California
14 ARMANDO ZAMBRANO
15 Supervising Deputy Attorney General
16 
17 WILLIAM D. GARDNER
18 Deputy Attorney General
19 *Attorneys for Complainant*

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