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

12 In the Matter of the Accusation Against:
13
14 **SAN JOSE BARBER COLLEGE**
Carlos Romero, Owner
15 1686 Monterey Hwy., Bldg. A
San Jose, CA 95112
16 School Code 4304951
17 Respondent.

Case No. 1001008
OAH No. 2016070372
**STIPULATED SURRENDER OF
APPROVAL TO OPERATE AND
ORDER**

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

26 2. San Jose Barber College, Carlos Romero (Respondent) is representing himself in this
27 proceeding and has chosen not to exercise his right to be represented by counsel.
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1 3. On or about October 1, 1991, the Bureau for Private Postsecondary and Vocational
2 Education issued Approval to Operate to San Jose Barber College, Carlos Romero, Owner
3 (Respondent). The Approval to Operate was in full force and effect at all times relevant to the
4 charges brought in this Accusation.

5 JURISDICTION

6 4. Accusation No. 1001008 (Accusation) was filed before the Director of the
7 Department of Consumer Affairs (Director), and is currently pending against Respondent. The
8 Accusation and all other statutorily required documents were properly served on Respondent on
9 May 23, 2016. Respondent timely filed his Notice of Defense contesting the Accusation. A copy
10 of Accusation is attached as Exhibit A and incorporated by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation. Respondent also has carefully read, and understands the effects of this Stipulated
14 Surrender of Approval to Operate and Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
17 his own expense; the right to confront and cross-examine the witnesses against him; the right to
18 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
19 the attendance of witnesses and the production of documents; the right to reconsideration and
20 court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

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

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in the
26 Accusation agrees that cause exists for discipline and hereby surrenders his Approval to Operate
27 for the Bureau's formal acceptance.

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1 9. Respondent understands that by signing this stipulation he enables the Director to
2 issue an order accepting the surrender of his Approval to Operate without further process.

3 CONTINGENCY

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

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

18 12. This Stipulated Surrender of Approval to Operate and Order is intended by the parties
19 to be an integrated writing representing the complete, final, and exclusive embodiment of their
20 agreement. It supersedes any and all prior or contemporaneous agreements, understandings,
21 discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of
22 Approval to Operate and Order may not be altered, amended, modified, supplemented, or
23 otherwise changed except by a writing executed by an authorized representative of each of the
24 parties.

25 13. In consideration of the foregoing admissions and stipulations, the parties agree that
26 the Director may, without further notice or formal proceeding, issue and enter the following
27 Order:

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ORDER

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2 IT IS HEREBY ORDERED that Approval to Operate issued to Respondent San Jose
3 Barber College, Carlos Romero, owner, is surrendered and accepted by the Director of the
4 Department of Consumer Affairs.

5 1. The surrender of Respondent's Approval to Operate and the acceptance of the
6 surrendered Approval to Operate by the Bureau shall constitute the imposition of discipline
7 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
8 of Respondent's history with the Bureau for Private Postsecondary Education.

9 2. Respondent shall lose all rights and privileges to operate a private postsecondary
10 school in California as of the effective date of the Director's Decision and Order.

11 3. If Respondent ever files an application for an approval to operate or petitions for
12 reinstatement in the State of California, the Bureau shall treat it as a new application for an
13 approval to operate. Respondent must comply with all the laws, regulations and procedures for
14 an approval to operate in effect at the time the application or petition is filed, and all of the
15 charges and allegations contained in the Accusation shall be deemed to be true, correct and
16 admitted by Respondent when the Director determines whether to grant or deny the application or
17 petition.

18 4. Respondent shall pay the agency its costs of investigation and enforcement in the
19 amount of \$3,507.50 prior to issuance of a new or reinstated approval to operate.

20 5. ^{San Jose} Within 30 days prior to December 31, 2016, Respondent shall provide the Bureau its
21 school closure plan, inclusive of the names, address, phone numbers, email address, programs of
22 study and the amount of tuition collected from students who were enrolled at Respondent's
23 institution at any time between 120 days prior to the effective date of the closure of Respondent's
24 institution.

25 6. Respondent shall provide official transcripts to all students that attended
26 Respondent's institution at any time within 120 prior to the effective date of the closure of
27 Respondent's institution.
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1 7. Within 30 days of the effective date of the Decision and Order, Respondent shall
2 provide to the Bureau a list of all students that have been provided official transcripts, including
3 their contact information and the date the transcript was provided to students.

4 8. Within 30 days of the effective date of the Decision and Order, Respondent shall
5 provide to the Bureau proof all refunds made to those students enrolled at Respondent's
6 institution that were unable to complete their education due to the institution's closure.

7 9. Within 30 days of the effective date of the Decision and Order, Respondent shall
8 provide to the Bureau a list of all students to whom a refund was provided, including the student's
9 contact information, the amount of the refund and the date the refund was provided and copies of
10 cancelled checks

11 10. Respondent shall comply with the California Education Code section 94927.5,
12 including providing the Bureau with all records in a readable electronic format for all students
13 who attended Respondents institution

14 11. Any failure to comply with these terms shall nullify this stipulation, and the Bureau
15 may continue to prosecute any disciplinary action against San Jose Barber College, owner Carlos
16 Romero, Institution Code 4304951, including the cause for discipline alleged in Accusation
17 Number 1001008.

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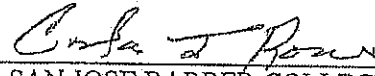
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ACCEPTANCE

I have carefully read the Stipulated Surrender of Approval to Operate and Order. I understand the stipulation and the effect it will have on my Approval to Operate. I enter into this Stipulated Surrender of Approval to Operate and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of the Department of Consumer Affairs.

DATED: 10/27/16



SAN JOSE BARBER COLLEGE, CARLOS ROMERO
Respondent

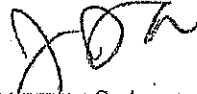
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Director of the department of Consumer Affairs.

Dated: 10/27/16

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General



GEOFFREY S. ALLEN
Deputy Attorney General
Attorneys for Complainant

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BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
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Carlos Romero, Owner
1686 Monterey Hwy., Bldg. A
San Jose, CA 95112

School Code 4304951

Respondent.

Case No. 1001008


OAH No. 2016070372

DECISION

The attached Stipulated Surrender of Approval to Operate and Order 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 OCT 12 2017 .

DATED: September 5, 2017



RYAN MARCROFT
Deputy Director
Legal Affairs Division
Department of Consumer Affairs