

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

In the Matter of the Accusation Against:

**ADVANCE BEAUTY COLLEGE, INC.,
dba ADVANCE BEAUTY COLLEGE
10121 Westminster Avenue
Garden Grove, CA 92843**

School Code No. 3012821

Respondent.

Case No. 1001552

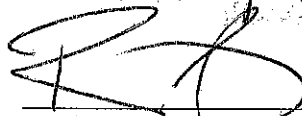
OAH No. 2019050389

DECISION AND ORDER

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

This Decision shall become effective on OCT 13 2019 .

IT IS SO ORDERED this 11th day of September, 2019.



RYAN MARCROFT
Deputy Director, Legal Affairs Division
Department of Consumer Affairs

1 XAVIER BECERRA
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
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FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
11 **STATE OF CALIFORNIA**
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14 In the Matter of the Accusation Against:

15 **ADVANCE BEAUTY COLLEGE, INC.,**
16 **DBA ADVANCE BEAUTY COLLEGE**
10121 Westminster Avenue
Garden Grove, CA 92843

17 School Code 3012821

18 Respondent.
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Case No. 1001552

OAH No. 2019050389

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

23 **PARTIES**

24 1. Dr. Michael Marion, Jr. (Complainant) is the Chief of the Bureau for Private
25 Postsecondary Education (Bureau). He brought this action solely in his official capacity as the
26 Chief of the Bureau and is represented in this matter by Xavier Becerra, Attorney General of the
27 State of California, by Nicole R. Trama, Deputy Attorney General.

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1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 1001552, if proven at a hearing, constitute cause for imposing discipline upon its Approval to
4 Operate an Accredited Institution (School Code Number 3012821).

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation, and that Respondent hereby gives up its right to contest
8 those charges.

9 11. Respondent agrees that its Approval to Operate an Accredited Institution is subject to
10 discipline and they agree to be bound by the Director's probationary terms as set forth in the
11 Disciplinary Order below.

12 CONTINGENCY

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

24 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
25 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
26 signatures thereto, shall have the same force and effect as the originals.

27 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
28 integrated writing representing the complete, final, and exclusive embodiment of their agreement.

1 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
2 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
3 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
4 writing executed by an authorized representative of each of the parties.

5 15. In consideration of the foregoing admissions and stipulations, the parties agree that
6 the Director may, without further notice or formal proceeding, issue and enter the following
7 Disciplinary Order:

8 **DISCIPLINARY ORDER**

9 16. IT IS HEREBY ORDERED that Approval to Operate an Accredited Institution,
10 (School Code 3012821), issued to Respondent Advance Beauty College, Inc., dba Advance
11 Beauty College with Tam Nguyen, as CEO and Linh Nguyen, as Secretary is revoked. However,
12 the revocation is stayed and Respondent is placed on probation for three (3) years on the
13 following terms and conditions.

14 **Severability Clause.** Each condition of probation contained herein is a separate and
15 distinct condition. If any condition of this Order, or any application thereof, is declared
16 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
17 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
18 and enforceable to the fullest extent permitted by law.

19 **I. Obey All Laws**

20 Respondent shall obey all federal, state and local laws and regulations governing the
21 operation of a private postsecondary educational institution in California. Respondent shall
22 submit, in writing, a full detailed account of any and all violations of the law to the Bureau within
23 five (5) days of discovery.

24 **CRIMINAL COURT ORDERS:** If Respondent is under criminal court orders, including
25 probation or parole, and the order is violated, this shall be deemed a violation of these probation
26 conditions, and may result in the filing of an Accusation and/or Petition to Revoke Probation.

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1 **2. Compliance with Probation and Quarterly Reporting**

2 Respondent shall fully comply with the terms and conditions of probation established by
3 the Bureau and shall cooperate with representatives of the Bureau in its monitoring and
4 investigation of the Respondent's compliance with probation. Respondent, within ten (10) days of
5 completion of the quarter, shall submit quarterly written reports to the Bureau on a Quarterly
6 Report of Compliance form obtained from the Bureau.

7 **3. Personal Appearances**

8 Upon reasonable notice by the Bureau, Respondent shall report to and make personal
9 appearances at times and locations as the Bureau may direct.

10 **4. Notification of Address and Telephone Number Change(s)**

11 Respondent shall notify the Bureau, in writing, within five (5) days of a change of name,
12 title, physical home address, email address, or telephone number of each person, as defined in
13 section 94855 of the Code, who owns or controls 25% or more of the stock or an interest in of the
14 institution and, to the extent applicable, each general partner, officer, corporate director, corporate
15 member or any other person who exercises substantial control over the institution's management
16 or policies.

17 Prior Bureau approval is required before Respondent makes any changes regarding
18 ownership or control of 25% or more of the stock or an interest in of the institution and, to the
19 extent applicable, each general partner, officer, corporate director, corporate member or any other
20 person who exercises substantial control over the institution's management or policies.

21 Respondent shall submit an Application for Substantive Change to the Bureau before any changes
22 are made regarding ownership or control of 25% or more of the stock or an interest in of the
23 institution and, to the extent applicable, each general partner, officer, corporate director, corporate
24 member or any other person who exercises substantial control over the institution's management
25 or policies.

26 **5. Notification to Prospective Students**

27 When currently soliciting or enrolling (or re-enrolling) a student for any program,
28 Respondent shall provide notification of this action to each current or prospective student prior to

1 accepting their enrollment, and to those students who were enrolled at the time of the conduct that
2 is the subject of this action as directed by the Bureau. This notification shall include a copy of the
3 Accusation, Statement of Issues, Stipulated Settlement, or Disciplinary Decision (whichever
4 applies).

5 A copy of the notification shall be provided to the Bureau for approval within fifteen (15)
6 days of the effective date of this Decision, along with the names of the students and prospective
7 students who will be notified and their current contact information.

8 **6. Student Roster**

9 Within 15 days of the effective date of this Decision, and with the Quarterly Reports
10 thereafter, provide to the Bureau the names, addresses, phone numbers, email addresses, and the
11 programs in which they are or were enrolled, of all persons who are currently or were students of
12 the institution within 60 days prior to the effective date of the Decision, and those students who
13 were enrolled at the time of the conduct that is the subject of this action.

14 **7. Instruction Requirements and Limitations**

15 During probation, Respondent shall provide approved instruction in the State of California.
16 If Respondent is not providing instruction, the period of probation shall be tolled during that time.

17 **8. Record Storage**

18 Within 5 days of the effective date of this Decision, provide the Bureau with the location of
19 the repository for all records as they are required to be maintained pursuant to Title 5, California
20 Code of Regulations, section 71930.

21 **9. Maintenance of Current and Active Approval to Operate**

22 Respondent shall, at all times while on probation, maintain a current and active approval to
23 operate with the Bureau including any period during which approval is suspended or probation is
24 tolled.

25 **10. Comply With Citations**

26 Respondent shall comply with all final orders resulting from citations issued by the Bureau.

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1 **11. Cost Recovery Requirements**

2 Respondent shall pay to the Bureau its costs of investigation and enforcement in the amount
3 of \$5,062.83 no later than one year before the termination of probation. Such costs shall be
4 payable to the Bureau and are to be paid regardless of whether the probation is tolled. Failure to
5 pay such costs shall be considered a violation of probation.

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

8 **12. Violation of Probation**

9 If Respondent violates probation in any respect, the Bureau, after giving Respondent notice
10 and opportunity to be heard, may revoke probation and carry out the disciplinary order which was
11 stayed. If an Accusation or a Petition to Revoke Probation is filed against Respondent during
12 probation, the Bureau shall have continuing jurisdiction until the matter is final, and the period
13 of probation shall be extended, and Respondent shall comply with all probation conditions, until
14 the matter is final.

15 **13. Future Approvals to Operate**

16 If Respondent subsequently obtains other approvals to operate during the course of this
17 probationary order, this Decision shall remain in full force and effect until the probationary
18 period is successfully terminated. Future approvals shall not be granted, however, unless
19 Respondent is currently in compliance with all of the terms and conditions of probation.

20 **14. Comply with All Accreditation Standards**

21 As applicable, Respondent shall comply with all standards set by its accreditor in order to
22 maintain its accreditation. Respondent shall submit to the Bureau, in writing, a full detailed
23 account of any and all actions taken by any accrediting agency against Respondent regarding any
24 institution operated by Respondent, including an order to show cause, or conditions or restrictions
25 placed on accreditation, within five (5) days of occurrence.

26 **15. Completion of Probation**

27 Upon successful completion of probation, Respondent's approval to operate will be fully
28 restored.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Derrick Hoang Nguyen. I understand the stipulation and the effect it will have on the Approval to Operate an Accredited Institution (School Code Number 3012821). I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of the Department of Consumer Affairs.

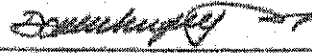
DATED: 8-8-19



TAM NGUYEN, CEO,
Authorized Agent on Behalf of
ADVANCE BEAUTY COLLEGE, INC., DBA
ADVANCE BEAUTY COLLEGE

I have read and fully discussed with Respondent Advance Beauty College, Inc., dba Advance Beauty College the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 8/8/2019



DERRICK HOANG NGUYEN
Attorney for Respondent

ENDORSEMENT

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

DATED: 8/9/2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General



NICOLE R. TRAMA
Deputy Attorney General
Attorneys for Complainant