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

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14 In the Matter of the Statement of Issues
Against:

Case No. 1003875

15 **NEW AMERICA BEAUTY EDUCATION**
16 **CORP.**
17 **DBA HAIR CALIFORNIA BEAUTY**
ACADEMY

STATEMENT OF ISSUES

18 **Applicant for Renewal of Approval to**
19 **Operate an Accredited Institution**

20 **Institution Code 3003191**

21 Respondent.

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23 Complainant alleges:

24 **PARTIES**

25 1. Dr. Michael Marion, Jr. (Complainant) brings this Statement of Issues solely in his
26 official capacity as the Chief of the Bureau for Private Postsecondary Education, Department of
27 Consumer Affairs.

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8. **California Code of Regulations, title 5, section 71480, subdivision (d) and (e)**

provides:

(d) In addition to the form required in (b), the institution shall submit the appropriate renewal fee as provided in Section 94930.5(b)(3) of the code to the Bureau, and verification that its accreditation has been renewed by its accreditation agency.

(e) The institution demonstrates its continued capacity to meet the minimum operating standards by submitting the application signed and dated, and each fact stated therein and each attachment thereto declared to be true under penalty of perjury, as follows:

(1) Signatories;

(a) Each owner of the institution, or

(B) If the institution is incorporated, the chief executive officer of the corporation and each person who owns or controls 25 percent or more of the stock or interest in the institution, or

(C) Each member of the governing body of a nonprofit corporation.

(2) The declaration shall be in the following form:

“I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.”

(Date)

(Signature)

(3) The application will include the date signed, the name and title of each signor of the application.

FIRST CAUSE FOR DENIAL OF APPLICATION
(Incomplete Application)
(Educ. Code § 94887; and
Cal. Code Regs., title 5, § 71480(e))

9. Respondent’s application is subject to denial because it fails to demonstrate that Respondent has the capacity to satisfy minimum operating standards, in that its application was not signed under penalty of perjury by all of the individuals who were identified in the Bureau’s records as owners. (Educ. Code § 94887; and Cal. Code Regs., title 5, § 71480, subd. (e)).

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SECOND CAUSE FOR DENIAL OF APPLICATION

(Lack of Accreditation)

(Educ. Code § 94887; and

Cal. Code Regs., title 5, § 71480, subd. (d) and 71390, subd. (b))

10. Respondent's application is subject to denial because it failed to submit verification that its accreditation has been renewed by its accreditation agency (i.e., failed to submit a certified copy of its current verification of accreditation). (Cal. Code Regs., title 5, § 71480, subd. (d) and 71390, subd. (b).)

PRAYER

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

1. Denying Respondent's Application for Renewal of Approval to Operate an Accredited Institution; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 2/12/18



DR. MICHAEL MARION, JR.
Bureau Chief
Bureau for Private Postsecondary Education
Department of Consumer Affairs
State of California
Complainant

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