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

In the Matter of the Citation Against:

**CALIFORNIA BARBERING AND
COSMETOLOGY APPRENTICESHIP
LEARNING CENTER, INC.**

Respondent.

Case No. 1004543

OAH No. 2021040742

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 25, 2020, Complainant Christina Villanueva, in her official capacity as the Discipline Manager of the Bureau for Private Postsecondary Education (Bureau), Department of Consumer Affairs, filed Citation No. 1920261 against California Barbering and Cosmetology Apprenticeship Learning Center, Inc. (Respondent) before the Director of the Department of Consumer Affairs (Director). (Citation attached as Exhibit A.)
2. Respondent has not been issued an approval to operate by the Bureau.
3. On or about March 25, 2020, Respondent was served by Certified Mail copies of Citation No. 1920261, Applicable Laws, Statement of Rights: Appeal Process Information Sheet, Notice of Appeal of Citation, Payment of Fine – Waiver of Appeal Rights.

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1 4. Service of the Citation was effective as a matter of law under the provisions of
2 Government Code section 11505(c) and/or Business and Professions Code section 124.

3 5. On or about June 11, 2020, Respondent requested an informal conference. On or
4 about August 20, 2020, the citation was affirmed after the informal conference. On or about
5 August 25, 2020, Respondent requested an administrative hearing in this matter. On April 23,
6 2021, a Notice of Hearing was served by mail at Respondent's address on file with the Bureau,
7 which was and is:

8 4206 Power Inn Road
9 Sacramento, CA 95826.

10 The Notice of Hearing informed Respondent that an administrative hearing in this matter was
11 scheduled for August 12, 2021.

12 6. The matter was called for hearing at the date, time and location set forth in the Notice
13 of Hearing. The assigned Administrative Law Judge found that the service of the Notice of
14 Hearing on Respondent was proper. There was no appearance by or on behalf of Respondent. A
15 default was declared and on motion of counsel for Complainant, the matter was remanded to the
16 Bureau under Government Code section 11520.

17 7. Government Code section 11506(c) states, in pertinent part:

18 (c) The respondent shall be entitled to a hearing on the merits if the respondent
19 files a notice of defense . . . and the notice shall be deemed a specific denial of all
20 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
21 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
22 discretion may nevertheless grant a hearing.

23 8. California Government Code section 11520(a) states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense . . . or to appear at
25 the hearing, the agency may take action based upon the respondent's express
26 admissions or upon other evidence and affidavits may be used as evidence without
27 any notice to respondent

28 9. Pursuant to its authority under Government Code section 11520, the Director finds
Respondent is in default. The Director will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
as well as taking official notice of all the investigatory reports, exhibits and statements contained

1 therein on file at the Director's offices regarding the allegations contained in Citation No.
2 1920261, finds the charges and allegations in Citation No. 1920261, separately and severally, to
3 be true and correct by clear and convincing evidence.

4 **DETERMINATION OF ISSUES**

5 1. Based on the foregoing findings of fact, Respondent California Barbering and
6 Cosmetology Apprenticeship Learning Center, Inc. is subject to citation.

7 2. The agency has jurisdiction to adjudicate this case by default.

8 3. The Director of the Department of Consumer Affairs is authorized to affirm Citation
9 No. 1920261 based upon the following violations alleged in the Citation which are supported by
10 the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

11 a. California Education Code section 94886, in that on or about May 15 and June 17,
12 2019, Respondent opened, conducted, and did business as a private postsecondary educational
13 institution without obtaining an approval to operate.

14 **ORDER**

15 IT IS SO ORDERED that Citation No. 1920261 issued to Respondent California Barbering
16 and Cosmetology Apprenticeship Learning Center, Inc. is affirmed.

17 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
18 written motion requesting that the Decision be vacated and stating the grounds relied on within
19 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
20 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

21 This Decision shall become effective on "October 9, 2021."

22 It is so ORDERED "September 2, 2021."

23
24 "Original Signature on File"

25 RYAN MARCROFT

26 Deputy Director

27 Legal Affairs Division

28 Department of Consumer Affairs

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Attachment:

Exhibit A: Citation