

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

In the Matter of the Accusation and Petition to Revoke Probation Against:

**1<sup>st</sup> ACADEMY OF BEAUTY**

8823 Garvey Avenue, Units B1 and B 1/2

Rosemead, CA 91770

Institution Code: 49488813

BPPE Case No.: BPPE22-0769

OAH Case No.: 2024040959

Respondent.

**DECISION AND ORDER**

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.

This Decision shall become effective on October 17, 2024.

It is so ORDERED September 12, 2024.

"Original Signature on File"

\_\_\_\_\_  
RYAN MARCROFT  
DEPUTY DIRECTOR, LEGAL AFFAIRS DIVISION  
DEPARTMENT OF CONSUMER AFFAIRS

1 ROB BONTA  
Attorney General of California  
2 SHAWN P. COOK  
Supervising Deputy Attorney General  
3 SHERONDA L. EDWARDS  
Deputy Attorney General  
4 State Bar No. 225404  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6296  
6 Facsimile: (916) 731-2126  
*Attorneys for Complainant*  
7

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

12  
13 In the Matter of the Accusation and Petition to  
Revoke Probation Against:

14 **1<sup>st</sup> ACADEMY OF BEAUTY**  
15 **8823 Garvey Avenue, Units B1 & B½**  
16 **Rosemead, CA 91770**

17 **Approval to Operate Institution Code**  
**Number 49488813**

18 Respondent.

Case No. BPPE22-0769

OAH No. 2024040959

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

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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. Deborah Cochrane (Complainant) is the Chief of the Bureau for Private  
25 Postsecondary Education (Bureau). She brought this action solely in her official capacity and is  
26 represented in this matter by Rob Bonta, Attorney General of the State of California, by Sheronda  
27 L. Edwards, Deputy Attorney General.

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1 8. Respondent is fully aware of her legal rights in this matter, including the right to a  
2 hearing on the charges and allegations in the Accusation/Petition to Revoke Probation; the right  
3 to confront and cross-examine the witnesses against her; the right to present evidence and to  
4 testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of  
5 witnesses and the production of documents; the right to reconsideration and court review of an  
6 adverse decision; and all other rights accorded by the California Administrative Procedure Act  
7 and other applicable laws.

8 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
9 every right set forth above.

10 **CULPABILITY**

11 10. Respondent admits the truth of each and every charge and allegation in  
12 Accusation/Petition to Revoke Probation No. BPPE22-0769.

13 11. Respondent agrees that her Revocation of Approval to Operate is subject to discipline  
14 and she agrees to be bound by the Director's probationary terms as set forth in the Disciplinary  
15 Order below.

16 **CONTINGENCY**

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

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

4 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
5 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
6 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
7 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
8 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
9 writing executed by an authorized representative of each of the parties.

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

13 **DISCIPLINARY ORDER**

14 IT IS HEREBY ORDERED that Approval to Operate a Non-Accredited Institution No.  
15 49488813, issued to Respondent 1<sup>st</sup> Academy of Beauty is revoked. However, the revocation is  
16 stayed and the previous five-year probationary order in Case No. 1003439 shall be extended for a  
17 period of five (5) years from the effective date of this decision. All requirements of Respondent's  
18 original probation will remain in effect. A reiteration of those requirements are listed below.

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

24 **1. Obey All Laws**

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

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

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

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

10 **3. Personal Appearances**

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

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

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

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

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

1           **5. Notification to Prospective Students**

2           When currently soliciting or enrolling (or re-enrolling) a student for any program,  
3 respondent shall provide notification of this action to each current or prospective student prior to  
4 accepting their enrollment, and to those students who were enrolled at the time of the conduct that  
5 is the subject of this action as directed by the Bureau. This notification shall include a copy of the  
6 Accusation, Statement of Issues, Stipulated Settlement, or Disciplinary Decision (whichever  
7 applies).

8           A copy of the notification shall be provided to the Bureau, along with the names of the  
9 students and prospective students notified, their current contact information, and the date of the  
10 notification.

11           **6. Student Roster**

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

18           **7. Instruction Requirements and Limitations**

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

21           **8. Record Storage**

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

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

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

1           **10. Comply With Citations**

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

3           **11. Cost Recovery Requirements**

4           Respondent shall pay to the Bureau its costs of investigation and enforcement in the amount  
5 of \$12,736.40 no later than one year before the termination of probation. Such costs shall be  
6 payable to the Bureau and are to be paid regardless of whether the probation is tolled. Failure to  
7 pay such costs shall be considered a violation of probation.

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

10           **12. Violation of Probation**

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

17           **13. Future Approvals to Operate**

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

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

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

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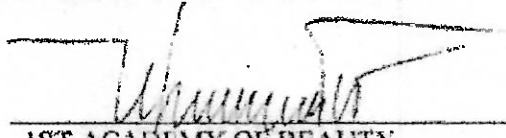
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**15. Completion of Probation**


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

**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Seth A. Weinstein. I understand the stipulation and the effect it will have on my Revocation of Approval to Operate. 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: 08/19/24   
\_\_\_\_\_  
**1ST ACADEMY OF BEAUTY**  
*Respondent*

I have read and fully discussed with Respondent 1st Academy of Beauty the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 08-19-24   
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**SETH A. WEINSTEIN**  
*Attorney for Respondent*

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**ENDORSEMENT**

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

DATED: August 19, 2024.

Respectfully submitted,

ROB BONTA  
Attorney General of California  
SHAWN P. COOK  
Supervising Deputy Attorney General

  
SHERONDA L. EDWARDS  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Decision and Order**

**Bureau for Private Postsecondary Education Case No. 1003439**

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

In the Matter of the Accusation Against:

**1<sup>st</sup> Academy of Beauty  
8819-8823 Garvey Avenue  
Unit A ½, B1, & B ½  
Rosemead, CA 91770**

Institution Code No. 49488813

Respondent.

Case No. 1003439

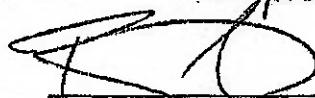
OAH No. 2019020145

**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 16 2019

IT IS SO ORDERED this 11<sup>th</sup> day of September, 2019.



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

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA L. SUN  
Supervising Deputy Attorney General  
3 MICHAEL YI  
Deputy Attorney General  
4 State Bar No. 217174  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6483  
6 Facsimile: (916) 731-2126  
E-mail: Michael.Yi@doj.ca.gov  
7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:  
13  
14 1<sup>st</sup> Academy of Beauty  
8819 - 8823 Garvey Avenue  
15 Unit A ½, B1, & B ½  
Rosemead, CA 91770  
16 Institution Code: 49488813  
17 Respondent.

Case No. 1003439  
OAH No. 2019020145  
**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

18  
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. Dr. Michael Marion, Jr. ("Complainant") is the Chief of the Bureau for Private  
23 Postsecondary Education (the "Bureau"). He brought this action solely in his official capacity  
24 and is represented in this matter by Xavier Becerra, Attorney General of the State of California,  
25 by Michael Yi, Deputy Attorney General.

26 2. Respondent 1st Academy of Beauty ("Respondent") is represented in this proceeding  
27 by attorney Brandon M. Smith of the Law Offices of Brandon M. Smith, APC, 105 W. F St., 3rd  
28 Floor, San Diego, CA 92101.



CONTINGENCY

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

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

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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

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1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that the approval to operate a private postsecondary institution  
3 (Institution Code 49488813) issued to Respondent 1<sup>st</sup> Academy of Beauty is revoked. However,  
4 the revocation is stayed and Respondent is placed on probation for five (5) years on the following  
5 terms and conditions.

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

11 **1. Obey All Laws**

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

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

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

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

25 **3. Personal Appearances**

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



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

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

8           Prior Bureau approval is required before Respondent makes any changes regarding  
9 ownership or control of 25% or more of the stock or an interest in of the institution and, to the  
10 extent applicable, each general partner, officer, corporate director, corporate member or any other  
11 person who exercises substantial control over the institution's management or policies.  
12 Respondent shall submit an Application for Substantive Change to the Bureau before any changes  
13 are made regarding ownership or control of 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           **5. Notification to Prospective Students**

18           When currently soliciting or enrolling (or re-enrolling) a student for any program,  
19 respondent shall provide notification of this action to each current or prospective student prior to  
20 accepting their enrollment, and to those students who were enrolled at the time of the conduct that  
21 is the subject of this action as directed by the Bureau. This notification shall include a copy of the  
22 Accusation, Statement of Issues, Stipulated Settlement, or Disciplinary Decision (whichever  
23 applies).

24           A copy of the notification shall be provided to the Bureau, along with the names of the  
25 students and prospective students notified, their current contact information, and the date of the  
26 notification.

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**6. Student Roster**

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

**7. Instruction Requirements and Limitations**

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

**8. Record Storage**

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

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

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

**10. Comply With Citations**

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

**11. Cost Recovery Requirements**

Respondent shall pay to the Bureau its costs of investigation and enforcement in the amount of \$6,161.52 no later than one year before the termination of probation. Such costs shall be payable to the Bureau and are to be paid regardless of whether the probation is tolled. Failure to pay such costs shall be considered a violation of probation.

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

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**12. Violation of Probation**

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

**13. Future Approvals to Operate**

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

**14. Comply with All Accreditation Standards**

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

**15. Completion of Probation**

Upon successful completion of probation, Respondent's approval to operate will be fully 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, Brandon M. Smith. I understand the stipulation and the effect it will have on the Approval to Operate issued to 1st Academy of Beauty. Respondent enters 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.

DATE: 08/07/2019



PHIEN LU, OWNER  
1ST ACADEMY OF BEAUTY, PHIEN LU  
Respondent

I have read and fully discussed with Respondent 1st Academy of Beauty, its terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATE: 8/7/19



BRANDON M. SMITH  
Attorney for Respondent

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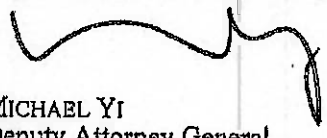
ENDORSEMENT

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

DATED: August 14, 2019

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
LINDA L. SUN  
Supervising Deputy Attorney General.



MICHAEL YI  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit B**

**Accusation/Petition to Revoke Probation No. BPPE22-0769**

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8  
9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**  
**STATE OF CALIFORNIA**  
11

12  
13  
14 In the Matter of the Accusation and Petition to  
Revoke Probation Against:

Case No. BPPE22-0769

15 **1<sup>st</sup> ACADEMY OF BEAUTY**  
8823 Garvey Avenue, Units B1 & B½  
16 Rosemead, CA 91770

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

17 **Approval to Operate Institution Code Number**  
49488813

18 Respondent.  
19

20  
21 **PARTIES**

22 1. Deborah Cochrane (Complainant) brings this Accusation and Petition to Revoke  
23 probation solely in her official capacity as the Chief of the Bureau for Private Postsecondary  
24 Education ("Bureau"), Department of Consumer Affairs.

25 2. On or about November 29, 2011, the Bureau issued Approval to Operate an  
26 Institution Code Number 49488813 to 1st Academy of Beauty (Respondent), owned by 1<sup>st</sup>  
27 Academy of Beauty, Inc. The Bureau issued Approval to Operate an Institution Code Number  
28 49488813 to Respondent. Respondent is approved to offer many educational programs, including

1 Advanced Manicuring (600 hours), Advanced Manicuring (Vietnamese, 600 hours), Advanced  
2 Manicuring (Theory Only, 600 hours), Advanced Manicuring (Vietnamese, Theory Only, 600  
3 hours), Manicuring (400 hours), Manicuring (Theory Only, 400 hours), Manicuring (Vietnamese  
4 – Theory Only, 400 hours), and Manicuring (Vietnamese, 400 hours). The Approval to Operate  
5 an Institution expired on March 1, 2023. An application for Renewal of Approval to Operate the  
6 Institution is pending with the Bureau.

7 3. In a disciplinary action titled “*In the Matter of the Accusation Against 1<sup>st</sup> Academy*  
8 *Beauty*,” Case No. 1003439 (Accusation Case No. 1003439), the Bureau issued a Decision and  
9 Order effective October 16, 2019, in which Respondent’s Approval to Operate an Institution was  
10 revoked. However, the revocation was stayed, and Respondent’s Revocation of Approval to  
11 Operate was placed on probation for five (5) years with certain terms and conditions. A copy of  
12 that Decision and Order is attached as **Exhibit A** and is incorporated by reference.

13 **JURISDICTION PROVISIONS FOR ACCUSATION**

14 4. This Accusation is brought before the Director of the Department of Consumer  
15 Affairs (“Director) for the Bureau under the authority of the following laws. Unless otherwise  
16 indicated, all section references are to the Business and Professions Code (“Code”).

17 5. Section 94933 of the Code states:  
18 The bureau shall provide an institution with the opportunity to remedy  
19 noncompliance, impose fines, place the institution on probation, or suspend or revoke the  
20 institution’s approval to operate, in accordance with this article, as it deems appropriate based on  
21 the severity of an institution’s violations of this chapter, and the harm that results or may result to  
22 students.

23 6. Section 94937 of the Code states:  
24 (a) As a consequence of an investigation, and upon a finding that an institution has  
25 committed a violation, the bureau may place an institution on probation or may suspend or revoke  
26 an institution’s approval to operate for:

27 ...

28 ///



1 (2) A material violation or repeated violations of this chapter or regulations adopted  
2 pursuant to this chapter that have resulted in harm to students. For purposes of this paragraph,  
3 material violation includes but is not limited to, misrepresentation, fraud in the inducement of a  
4 contract, and false or misleading claims or advertising upon which a student reasonably relied in  
5 executing an enrollment agreement and that resulted in harm to the student.

6 **STATUTORY PROVISIONS FOR ACCUSATION**

7 7. Section 94897 of the Code states:

8 An institution shall not do any of the following:

9 ...

10 (j) In any manner make an untrue or misleading change in, or untrue or misleading  
11 statement related to, a test score, grade or record of grades, attendance record, record indicating  
12 student completion, placement, employment, salaries, or financial information, including any of  
13 the following:

14 ...

15 (k) Willfully falsify, destroy, or conceal any document of record while that document  
16 of record is required to be maintained by this chapter.

17 8. Section 94906 of the Code states:

18 (a) An enrollment agreement shall be written in language that is easily understood. If  
19 English is not the student's primary language, and the student is unable to understand the terms  
20 and conditions of the enrollment agreement, the student shall have the right to obtain a clear  
21 explanation of the terms and conditions and all cancellation and refund policies in  
22 his or her primary language.

23 (b) If the recruitment leading to enrollment was conducted in a language other than  
24 English, the enrollment agreement, disclosures, and statements shall be in that language.

25 **REGULATORY PROVISIONS FOR ACCUSATION**

26 9. California Code of Regulations, title 5, section 75100 states:

27 (a) The Bureau may suspend, revoke, or place on probation with terms and conditions  
28 and approval to operate.

1 (b) "Material violation," as used in section 94937 of the Code, includes committing  
2 any act that would be grounds for denial under section 480 of the Business and Professions Code.

3 (c) The proceedings under this section shall be conducted in accordance with Article  
4 10 (commencing with Section 11445.10) of Chapter 4.5 or Chapter 5 (commencing with Section  
5 11500) of Part 1 of Division 3 of Title 2 of the Government Code, as requested by the institution.

6 **COST RECOVERY FOR ACCUSATION**

7 10. Section 94938 states, in pertinent part:

8 ...

9 (c) The bureau may seek reimbursement pursuant to Section 125.3 of the Business  
10 and Professions Code.

11 ...

12 (d) An institution shall not be required to pay the cost of investigation to more than  
13 one agency."

14 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
15 administrative law judge to direct a licensee found to have committed a violation or violations of  
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
17 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
18 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
19 included in a stipulated settlement.

20 **FACTUAL ALLEGATIONS**

21 12. On October 11, 2022, the Bureau received an anonymous tip alleging discrepancies  
22 in Respondent's training records. On November 7, 2022, Special Investigator A.P. was assigned  
23 the complaint for investigation. A review of student files obtained from the Board of Barbering  
24 and Cosmetology revealed the following.

25 **BBC Records Review**

26 13. Between October 4, 2022 and November 9, 2022, Student 1 logged online to  
27 complete theory hours approximately 45 times to complete theory at about the same time the

28 ///

1 student completed in-person practical hours. Student 1 received credit for both theory and  
2 practical hours.

3 14. Between July 19, 2022 and September 2, 2022, Student 2 logged online to complete  
4 theory hours approximately 25 times to complete theory at about the same time the student  
5 completed in-person practical hours. Student 2 received credit for both theory and practical hours.

6 15. Between July 20, 2022 and September 2, 2022, Student 3 logged online to complete  
7 theory hours approximately 27 times to complete theory at about the same time the student  
8 completed in-person practical hours. Student 3 received credit for both theory and practical hours.

9 16. Between August 13, 2022 and September 1, 2022, Student 4 logged online to  
10 complete theory hours approximately 15 times to complete theory at about the same time the  
11 student completed in-person practical hours. Student 4 received credit for both theory and  
12 practical hours.

13 17. Between October 6, 2022 and November 11, 2022, Student 5 logged online to  
14 complete theory hours approximately 72 times to complete theory at about the same time the  
15 student completed in-person practical hours. Student 5 received credit for both theory and  
16 practical hours.

17 Unannounced Visit

18 18. On March 14, 2023, the investigator conducted an unannounced site visit to  
19 Respondent 1<sup>st</sup> Academy of Beauty located at 8823 Garvey Ave., Unit B1, Rosemead, CA 91770.

20 19. During the site visit, Respondent told the investigator that theory is completed on the  
21 students own time and practical is hands-on, in-person learning. Full-time manicuring students  
22 must complete 200 hours of theory and 200 hours of practical education. Practical class is held  
23 Tuesday through Saturday between 8:30 a.m. and 5:00 p.m., whereas theory is completed on the  
24 student's own time. The online theory is self-paced, and students have approximately eight and a  
25 half days to achieve their 200 theory hours.

26 20. The investigator asked if the students were allowed to do their online theory questions  
27 during the practical class, and Respondent leaned forward and asked, "Can I be honest with you?"  
28 Respondent said that some students are advanced and get bored in practical. She said that many

1 students come from Vietnam and already have experience. The students ask if they can complete  
2 theory while in practical because they already know what is being taught in practical. Although  
3 instructors tell them no, the students ignore the instructors and work on their theory during the  
4 practical class. The investigator asked the Respondent if she knew that the students were not  
5 allowed to complete theory hours simultaneously as practical. She said, "I can't control the  
6 students that are doing this; what am I supposed to do?"

7 Attendance Records Review

8 21. On March 18, 2023, after the onsite unannounced visit, the investigator received  
9 manicurist student files from Respondent. A review of the attendance records of five students  
10 revealed the following.

11 22. Between February 1, 2023 and February 23, 2023, Student 7 logged online to  
12 complete theory hours approximately 27 times to complete theory at about the same time the  
13 student completed in-person practical hours. Student 7 received credit for both theory and  
14 practical hours. In addition, Student 7 is enrolled in the Manicurist Vietnamese program, but the  
15 student's signed enrollment application and enrollment agreements are in English.

16 23. Between February 3, 2023 and March 7, 2023, Student 8 logged online to complete  
17 theory hours approximately 46 times to complete theory at about the same time the student  
18 completed in-person practical hours. Student 8 received credit for both theory and practical hours.  
19 In addition, Student 8 is enrolled in the Manicurist Vietnamese program, but the student's signed  
20 enrollment application and enrollment agreements are in English.

21 24. Between January 13, 2023 and February 24, 2023, Student 9 logged online to  
22 complete theory hours approximately 27 times to complete theory at about the same time the  
23 student completed in-person practical hours. Student 9 received credit for both theory and  
24 practical hours. In addition, Student 9 is enrolled in the Manicurist Vietnamese program, but the  
25 student's signed enrollment application and enrollment agreements are in English.

26 25. Between January 19, 2023 and February 23, 2023, Student 10 logged online to  
27 complete theory hours approximately 118 times to complete theory at about the same time the  
28 student completed in-person practical hours. Student 10 received credit for both theory and

1 practical hours. In addition, Student 10 is enrolled in the Manicurist Vietnamese program, but the  
2 student's signed enrollment application and enrollment agreements are in English.

3 26. Between September 14, 2022 and February 21, 2023, Student 11 logged online to  
4 complete theory hours approximately 31 times to complete theory at about the same time the  
5 student completed in-person practical hours. Student 11 received credit for both theory and  
6 practical hours. In addition, Student 11 is enrolled in the Manicurist Vietnamese program, but the  
7 student's signed enrollment application and enrollment agreements are in English.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Engaging in Prohibited Business Practices)**

10 27. Respondent is subject to disciplinary action under Code section 94897, subdivisions  
11 (j) and (k), and California Code of Regulations, title 5, section 75100, in that Respondent made  
12 untrue or misleading statements concerning attendance records and records of student completion  
13 of hours. The circumstances are as follows:

14 (a) Between March 9, 2003, and May 18, 2023, a review of manicurist student files  
15 revealed that students logged online to complete their theory coursework at the same time they  
16 clocked in for their in-person practical class.

17 (b) Between February 1-23, 2023, students completed theory and practical hours  
18 simultaneously between 15 and 118 times, resulting in students receiving double credit for the  
19 same hours. While clocked in for their practical class, students completed the manicurist program  
20 online and received their completion certificate.

21 Complainant refers to, and by this reference incorporates, the allegations set forth  
22 above in paragraphs 12 to 26, as though set forth fully herein.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Violation of Requirements to Provide Documents in Students' Primary Language)**

25 28. Respondent is subject to disciplinary action under sections 94906, subdivision (a) and  
26 (b), and 94937, subdivision (a)(2), and California Code of Regulations, title 5, section 75100, as  
27 follows:

28 ///

1 (a) Respondent violated Code section 94906, subdivision (a), in that Students 7, 8,  
2 9, 10, and 11 were enrolled in the manicurist Vietnamese program; however, each respective  
3 student signed an enrollment application and enrollment agreement in English. The enrollment  
4 applications and agreements should have been in Vietnamese.

5 Complainant refers to, and by this reference incorporates, the allegations set forth  
6 above in paragraphs 12, 21 to 26, as though set forth fully herein.

7 **JURISDICTION FOR PETITION TO REVOKE PROBATION**

8 29. This Petition to Revoke Probation is brought before the Director for the Bureau under  
9 Probation Term and Condition Number 1 of the Decision and Order Stipulated Settlement and  
10 Disciplinary Order, Case No. 1003439. The terms and conditions state:

11 **Probation Term and Condition Number 1, Obey All Laws:**

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

15 **FIRST CAUSE TO REVOKE PROBATION**

16 **(Obey All Laws – Prohibited Business Practices)**

17 30. At all times after the effective date of Respondent’s probation, Condition 1 stated:

18 **1. Obey All Laws.** Respondent shall obey all federal, state, and local laws and  
19 regulations governing the operation of a private postsecondary education institution in California.  
20 Respondent shall submit in writing a full detailed account of any and all violations of the law to  
21 the Bureau within five (5) days of discovery. . . .

22 The Institution failed to obey all federal, state, and local laws and regulations  
23 governing the operation of a private postsecondary educational institution in  
24 California. On or about October 11, 2022, the Bureau investigated the Institution for  
25 allegations alleging the Institution allows students to complete theory and practical  
26 hours simultaneously and enrolls students into Vietnamese language manicurist  
programs using English language Enrollment Agreements. The investigation  
substantiated violations of the following Bureau laws:

- CEC § 94897 (j) and (k) - Prohibited Business Practices

27  
28 ///

1 Through the course of the Bureau's investigation, and evidence obtained, the  
2 Bureau determined that the Institution is in violation of Prohibited Business Practices  
3 by allowing students to simultaneously complete theory hours at the same time as  
practical hours, resulting in students receiving double credit for the same hours.

4 31. Respondent's probation is subject to revocation because she failed to comply with  
5 Probation Condition 1, referenced above, in that Respondent allowed students to simultaneously  
6 complete theory hours at the same time as practical hours, resulting in students receiving double  
7 credit for the same hours.

8 **SECOND CAUSE TO REVOKE PROBATION**

9 **(Obey All Laws – Primary Language of Enrollment Agreement)**

10 32. At all times after the effective date of Respondent's probation, Condition 1 stated:

11 **1. Obey All Laws.** Respondent shall obey all federal, state, and local laws and  
12 regulations governing the operation of a private postsecondary education institution in California.  
13 Respondent shall submit in writing a full detailed account of any and all violations of the law to  
14 the Bureau within five (5) days of discovery. ...

15 The Institution failed to obey all federal, state, and local laws and regulations  
16 governing the operation of a private postsecondary educational institution in  
17 California. On or about October 11, 2022, the Bureau investigated the Institution for  
18 allegations alleging the Institution allows students to complete theory and practical  
19 hours simultaneously and enrolls students into Vietnamese language manicurist  
20 programs using English language Enrollment Agreements. The investigation  
substantiated violations of the following Bureau laws:

- 21 • CEC § 94906 (a) and (b) - Language of Enrollment Agreement

22 Through the course of the Bureau's investigation and evidence obtained, the  
23 Bureau found the Institution in violation of Language of Enrollment Agreement by  
24 enrolling Vietnamese language manicurist program students using English language  
25 Enrollment Agreements.

26 33. Respondent's probation is subject to revocation because she failed to comply with  
27 Probation Condition 1, referenced above, in that Respondent has failed to provide Vietnamese  
28 students with enrollment agreements in their primary language of Vietnamese as required.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation and Petition to Revoke Probation and that following the hearing, the Director of the Department of Consumer Affairs issue a decision:

1. Revoking the probation that was granted by the Bureau for Private Postsecondary Education in Case No. 1003439 and imposing the disciplinary order that was stayed, thereby revoking Revocation of Approval to Operate Institution Code No. 49488813 issued to 1st Academy of Beauty;

2. Revoking or suspending Revocation of Approval to Operate Institution Code No. 49488813, issued to 1st Academy of Beauty;

3. Ordering 1st Academy of Beauty to pay the Bureau for Private Postsecondary Education of the Department of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3, and

4. Taking such other and further action as deemed necessary and proper.

DATED: 1/26/2024

*Deborah Cochrane*  
\_\_\_\_\_  
DEBORAH COCHRANE  
Chief  
Bureau for Private Postsecondary  
Education  
Department of Consumer Affairs  
State of California  
*Complainant*

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