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

12 In the Matter of the Accusation Against:

Case No. BPPE22-511

13 **CINTA AVEDA INSTITUTE**  
14 **305 Kearny Street**  
**San Francisco, CA 94108**  
15 **Institution Code No. 87449475**

**ACCUSATION**

16 Respondents.  
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19 **PARTIES**

20 1. Deborah Cochrane (Complainant) brings this Accusation solely in her official  
21 capacity as the Chief of the Bureau for Private Postsecondary Education (BPPE), Department of  
22 Consumer Affairs.

23 2. On or about April 6, 2012, the BPPE issued an Approval to Operate an Accredited  
24 Private Postsecondary Institution, Institution Code No. 87449475 to Cinta Aveda Institute  
25 (Respondent). The Approval to Operate will expire on May 30, 2026, unless it is renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Director of the Department of Consumer  
3 Affairs (Director) for the BPPE under the authority of the following laws. All section references  
4 are to the Education Code unless otherwise indicated.

5 4. Business and Professions Code section 118 states, in part:

6 . . .

7 (b) The suspension, expiration, or forfeiture by operation of law of a license issued by a  
8 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by  
9 order of a court of law, or its surrender without the written consent of the board, shall not, during  
10 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its  
11 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
12 provided by law or to enter an order suspending or revoking the license or otherwise taking  
13 disciplinary action against the licensee on any such ground.

12 (c) As used in this section, ‘board’ includes an individual who is authorized by any  
13 provision of this code to issue, suspend, or revoke a license, and ‘license’ includes ‘certificate,’  
14 ‘registration,’ and ‘permit.’”

14 5. Business and Professions Code section 477 states:

15 As used in this division:

16 (a) ‘Board’ includes ‘bureau,’ ‘commission,’ ‘committee,’ ‘department,’ ‘division,’  
17 ‘examining committee,’ ‘program,’ and ‘agency.’

18 (b) ‘License’ includes certificate, registration or other means to engage in a business or  
19 profession regulated by this code.

20 **STATUTORY AND REGULATORY PROVISIONS**

21 6. Section 94896 states:

22 (a) An institution that has been granted an approval to operate by means of accreditation  
23 shall only make a substantive change in accordance with the institution’s accreditation standards.

24 (b) The institution shall notify the bureau of the substantive change on a form provided by  
25 the bureau.

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1       7.     Section 94897 states, in part:

2       An institution shall not do any of the following:

3       ...

4       (j) In any manner make an untrue or misleading change in, or untrue or misleading  
5 statement related to: a test score, grade or record of grades, attendance record, record indicating  
6 student completion, placement, employment, salaries, or financial information; a financial report  
7 filed with the bureau; information or records relating to the student's eligibility for student  
8 financial aid at the institution; or any other record or document required by this chapter or by the  
9 bureau.

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

12       ...

13       (u) Fail to maintain policies related to compliance with this chapter or adhere to the  
14 institution's stated policies.

15       8.     Section 94902 states:

16       (a) A student shall enroll solely by means of executing an enrollment agreement. The  
17 enrollment agreement shall be signed by the student and by an authorized employee of the  
18 institution.

19       (b) An enrollment agreement is not enforceable unless all of the following requirements are  
20 met:

21       (1) The student has received the institution's catalog and School Performance Fact Sheet  
22 prior to signing the enrollment agreement.

23       (2) At the time of the execution of the enrollment agreement, the institution held a valid  
24 approval to operate.

25       (3) Prior to the execution of the enrollment agreement, the student and the institution have  
26 signed and dated the information required to be disclosed in the School Performance Fact Sheet  
27 pursuant to subdivisions (a) to (d), inclusive, of Section 94910. Each of these items in the School  
28 Performance Fact Sheet shall include a line for the student to initial and shall be initialed and  
dated by the student.

      (c) A student shall receive a copy of the signed enrollment agreement, in writing or  
electronically, regardless of whether total charges are paid by the student.

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1           9.     Section 94934.5 states:

2           (a) An institution with an approval to operate that knows that it is being investigated by an  
3 oversight entity other than the bureau shall report that investigation, including the nature of that  
4 investigation, to the bureau in writing within 30 days of the institution's first knowledge of the  
5 investigation. An institution with an approval to operate that is the subject of a judgment by, a  
6 regulatory action by, increased oversight or monitoring by, or a settlement with, any oversight  
entity other than the bureau shall report it to the bureau within 30 days. Failure to comply with  
this section may subject the institution to an administrative citation pursuant to Section 94936.

7           (b) For the purposes of this section, "investigation" means any inquiry into possible  
violations of any applicable laws or accreditation standards.

8           (c) For the purposes of this section, "oversight entity" means all of the following:

9           (1) Any governmental agency.

10          (2) Any accrediting agency.

11          (3) Any professional licensing entity that exercises any programmatic or institutional  
12 approval over the institution.

13           10.    Section 94937 states, in part:

14           (a) As a consequence of an investigation, which may incorporate any materials obtained or  
15 produced in connection with a compliance inspection, and upon a finding that an institution has  
16 committed a violation, the bureau may place an institution on probation or may suspend or revoke  
an institution's approval to operate for:

17           ...

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

23           ...

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

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11. California Code of Regulations, title 5, section 71750 states:

(a) Every institution shall make refunds that are no less than the refunds required under the Act and this Division.

(b) An institution may not enforce any refund policy that is not specified in the catalog as required pursuant to section 94909(a)(8)(B) of the Code, and must refund all institutional charges upon a student's withdrawal. Withdrawal policy procedures pursuant to section 94909(a)((8)(B) of the Code shall include, at a minimum: the acceptable methods of delivery of a notice to withdraw; whether withdrawal can be accomplished by conduct, and if so, how; the position or positions to whom the notice to withdraw must be delivered; and the date that the notice to withdraw is considered effective, which shall be no later than the date received by the institution.

(c) A pro rata refund pursuant to section 94919(c) or 94920(d) or 94927 of the Code shall be no less than the total amount owed by the student for the portion of the educational program provided subtracted from the amount paid by the student, calculated as follows:

(1) The amount owed equals the daily charge for the program (total institutional charge, divided by the number of days or hours in the program), multiplied by the number of days student attended, or was scheduled to attend, prior to withdrawal.

(2) Except as provided for in subdivision (a)(3) of this section, all amounts paid by the student in excess of what is owed as calculated in subdivision (a)(1) shall be refunded.

(3) Except as provided herein, all amounts that the student has paid shall be subject to refund unless the enrollment agreement and the refund policy outlined in the catalog specify amounts paid for an application fee or deposit not more than \$250.00, books, supplies, or equipment, and specify whether and under what circumstances those amounts are non-refundable. Except when an institution provides a 100% refund pursuant to section 94919(d) or section 94920(b) of the Code, any assessment paid pursuant to section 94923 of the Code is non-refundable.

(4) For purposes of determining a refund under the Act and this section, a student shall be considered to have withdrawn from an educational program when he or she withdraws or is deemed withdrawn in accordance with the withdrawal policy stated in its catalog.

(d) If an institution has collected money from a student for transmittal on the student's behalf to a third party for a bond, library usage, or fees for a license, application, or examination and the institution has not paid the money to the third party at the time of the student's withdrawal or cancellation, the institution shall refund the money to the student within 45 days of the student's withdrawal or cancellation.

(e) An institution shall refund any credit balance on the student's account within 45 days after the date of the student's completion of, or withdrawal from, the educational program in which the student was enrolled. For purposes of this subdivision and section 94919(d) of the Code, "day" means calendar day.

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1 12. California Code of Regulations, title 5, section 71760 states:

2 Each institution shall develop and maintain adequate procedures used by the institution to  
3 assure that it is maintained and operated in compliance with the Act and this Division.

4 13. California Code of Regulations, title 5, section 71920 states:

5 (a) The institution shall maintain a file for each student who enrolls in the institution  
6 whether or not the student completes the educational service.

7 (b) In addition to the requirements of section 94900, the file shall contain all of the  
8 following pertinent student records:

9 (1) Written records and transcripts of any formal education or training, testing, or  
10 experience that are relevant to the student's qualifications for admission to the institution or the  
11 institution's award of credit or acceptance of transfer credits including the following:

12 (A) Verification of high school completion or equivalency or other documentation  
13 establishing the student's ability to do college level work such as successful  
14 completion of an ability-to-benefit test if required by the institution. For the purposes  
15 of this section an "ability-to-benefit test" means an independently administered  
16 examination from the list of examinations prescribed by the United States Department  
17 of Education pursuant to Section 484(d) of the federal Higher Education Act of 1965  
18 (20 U.S.C. Sec. 1070a et seq.) as it is, from time to time, amended, that is designed to  
19 help identify students who possess the basic skills necessary to succeed in a post-  
20 secondary education program, but who lack a high school diploma;

21 (B) Records documenting units of credit earned at other institutions that have been  
22 accepted and applied by the institution as transfer credits toward the student's  
23 completion of an educational program;

24 (C) Grades or findings from any examination of academic ability or educational  
25 achievement used for admission or college placement purposes;

26 (D) All of the documents evidencing a student's prior experiential learning upon  
27 which the institution and the faculty base the award of any credit;

28 (2) Personal information regarding a student's age, gender, and ethnicity if that information  
has been voluntarily supplied by the student;

(3) Copies of all documents signed by the student, including contracts, instruments of  
indebtedness, and documents relating to financial aid;

(4) Records of the dates of enrollment and, if applicable, withdrawal from the institution,  
leaves of absence, and graduation; and

(5) In addition to the requirements of section 94900(b) of the Code, a transcript showing all  
of the following:

1 (A) The courses or other educational programs that were completed, or were  
2 attempted but not completed, and the dates of completion or withdrawal;

3 (B) Credit awarded for prior experiential learning, including the course title for which  
4 credit was awarded and the amount of credit;

5 (C) Credit for courses earned at other institutions;

6 (D) Credit based on any examination of academic ability or educational achievement  
7 used for admission or college placement purposes;

8 (E) The name, address, website address, and telephone number of the institution.

9 (6) For independent study courses, course outlines or learning contracts signed by the  
10 faculty and administrators who approved the course;

11 (7) The dissertations, theses, and other student projects submitted by graduate students;

12 (8) A copy of documents relating to student financial aid that are required to be maintained  
13 by law or by a loan guarantee agency;

14 (9) A document showing the total amount of money received from or on behalf of the  
15 student and the date or dates on which the money was received;

16 (10) A document specifying the amount of a refund, including the amount refunded for  
17 tuition and the amount for other itemized charges, the method of calculating the refund, the date  
18 the refund was made, and the name and address of the person or entity to which the refund was  
19 sent;

20 (11) Copies of any official advisory notices or warnings regarding the student's progress;  
21 and

22 (12) Complaints received from the student.

### 23 **COST RECOVERY**

24 14. Business and Professions Code section 125.3 provides, in part, that the BPPE may  
25 request the administrative law judge to direct a licensee found to have committed a violation or  
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
27 and enforcement of the case, with failure of the licensee to comply subjecting the license to not  
28 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
may be included in a stipulated settlement.

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## **FACTUAL ALLEGATIONS**

15. On or about December 14, 2021, the Board of Barbering and Cosmetology (BBC) notified all schools by email that a new 1000-hour course (for barbering or for cosmetology) must be approved by both the BPPE and the BBC.

16. On or about December 15, 2021 the BBC sent a letter to Respondent to notify Respondent that the BBC approved their new 1000-hour cosmetology course and 1000-hour barbering course. The letter also set forth that each new 1000-hour course must be approved by both the Bureau of Private Postsecondary Education (BPPE) and the [BBC]. The letter included the following: “Approval from the Bureau of Private Postsecondary Education (BPPE) must be obtained before a new program can be offered to students.”

17. On or about January 12, 2022, the BBC notified all schools by email that the schools must have approval from both the BPPE and the Board to enroll students. Respondent did not receive approval from the BPPE for its 1000-hour cosmetology course until December 7, 2023, and for its 1000-hour barbering course until January 31, 2024.

18. On or about April 18, 2022, Respondent advertised on social media that they offered a 1000-hour course.

19. On or about July 8, 2022, the BPPE received a tip alleging that Respondent was advertising an unapproved program.

20. Respondent enrolled five students in the 1000-hour cosmetology program by issuing a contract addendum before the program was approved by the BPPE.

a. Respondent issued Proof of Training (POT)<sup>1</sup> documents that showed completion of 1,000 training hours to students for the purpose of taking the BBC State Exam even though Respondent’s 1,000-hour cosmetology program was not accredited or approved by the BPPE.

b. These POT documents were signed under penalty of perjury by Respondent’s manager, who certified that the students met the course curriculum requirements.

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<sup>1</sup> Proof of Training documents include student identification information, school identification information, date training began, date training concluded, hours of training completed, and the type of program completed.



1           21. On or about July 13, 2023, Student H signed an enrollment form to enroll in  
2 Respondent's 1500-hour cosmetology program for the San Jose campus.

3           a. On or about July 13, 2023, Student H signed a form titled *Addendum to Contract,*  
4           *Change in Contract Hours & Tuition.* It included the following language: *As of*  
5           *7/10/2023, student's contract has been revised to reflect the newly approved*  
6           *Cosmetology Program with a requirement of 1000 hours to graduate. Student may*  
7           *graduate at 1000 hours.*

8           b. Respondent did not execute a new Enrollment Agreement with Student H for the  
9           1000-hour program.

10          c. When Respondent provided Student H's file to the BPPE in response to BPPE's  
11          request, Respondent did not include the contract addendum which changed her  
12          program to a 1000-hour cosmetology program.

13          d. Student H believed she had switched to the 1000-hour cosmetology program,  
14          completed the 1000-hour cosmetology program, and graduated on June 12, 2024.

15          e. Student H's ledgers dated on or about June 10, 2024 and September 12, 2024,  
16          showed that she was charged the fee amounts for the 1500-hour cosmetology  
17          program.

18          22. On or about April 11, 2023, Student G withdrew from Respondent school. Student  
19          G's account had a balance of \$150.00, which Respondent did not refund until on or about  
20          February 29, 2024.

21          23. At all relevant times, Respondent's Student Catalog contained the following:

22               *All instructors must be currently licensed by the Board of Barbering and Cosmetology and*  
23               *have a minimum 3 years of experience, education and training. No less than 1 instructor*  
              *per 30 students will be with students at all times.*

24          24. In approximately January of 2024, the cosmetology instructor at Respondent school  
25          left students unattended on the salon floor during class, which resulted in a student giving another  
26          student a chemical burn on her scalp.

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25. On or about September 18, 2023, the National Accrediting Commission of Cosmetology Arts and Science (NACCAS) placed Respondent school on probation status due to low outcome results. Respondent did not notify the BPPE of this change in accreditation status.

**FIRST CAUSE FOR DISCIPLINE**

**(Failure to Comply with Accreditation Standards and/or  
Failure to Notify BPPE of Substantive Change)**

26. Respondent has subjected its approval to operate to disciplinary action pursuant to Code section 94937, subdivision (a)(2), by reference to Code section 94896, subdivisions (a) and (b), in that Respondent failed to make a substantive change in accordance with the institution's accreditation standards and/or failed to notify the BPPE of the substantive change on a form provided by the BPPE, as described in paragraphs 15-25.

**SECOND CAUSE FOR DISCIPLINE**

**(Prohibited Business Practices)**

27. Respondent has subjected its approval to operate to disciplinary action pursuant to Code section 94937, subdivision (a)(2), by reference to Code section 94897, subdivisions (j) and/or (k), and/or California Code of Regulations, title 5, section 71920, subsection (b)(3), as described in paragraphs 20 to 21, in that Respondent:

- a. Made an untrue or misleading change in, or untrue or misleading statement related to a test score, grade or record of grades, attendance record, record indicating student completion, placement, employment, salaries, or financial information; a financial report filed with the bureau; information or records relating to the student's eligibility for student financial aid at the institution; or any other record or document required by this chapter or by the BPPE;
- b. Willfully falsified, destroyed, or concealed a document of record while that document of record is required to be maintained by this chapter; and/or

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- 1 c. Failed to maintain a file for each student who enrolls in the institution, whether or not  
2 the student completes the educational service, that included copies of all documents  
3 signed by the student, including contracts, instruments of indebtedness, and documents  
4 relating to financial aid.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Failure to Comply with Enrollment Requirements)**

7 28. Respondent has subjected its approval to operate to operate to disciplinary action  
8 pursuant to Code section 94937, subdivision (a)(2), by reference to Code section 94902,  
9 subdivision (a) and/or Code section 94937, subdivision (a)(2), in that Respondent failed to  
10 execute an enrollment agreement to enroll a student into a course as required, as described in  
11 paragraph 21.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with Withdrawals and Refunds)**

14 29. Respondent has subjected its approval to operate to operate to disciplinary action  
15 pursuant to Code section 94937, subdivision (a)(2), by reference to California Code of  
16 Regulations, title 5, section 71750, subsection (c)(4) and (e), in that Respondent failed to refund  
17 the credit balance on a student's account within 45 days after the date of the student's completion  
18 of, or withdrawal from, the educational program in which the student was enrolled, as described  
19 in paragraph 22.

20 **FIFTH CAUSE FOR DISCIPLINE**

21 **(Failure to Self-Monitor and/or Adhere to Institution's Policies)**

22 30. Respondent has subjected its approval to operate to operate to disciplinary action  
23 pursuant to Code section 94937, subdivision (a)(2), by reference to Code section 94897,  
24 subdivisions (u), and/or California Code of Regulations, title 5, section 71760, in that Respondent  
25 failed to maintain policies related to compliance, adhere to the institution's stated policies, and/or  
26 maintain adequate procedures, as described in paragraphs 23 to 24.

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**SIXTH CAUSE FOR DISCIPLINE**

**(Failure to Report Investigation to BPPE)**

31. Respondent has subjected its approval to operate to operate to disciplinary action pursuant to Code section 94937, subdivision (a)(2), by reference to Code section 94934.5, subdivisions (a), (b), and/or (c)(2), in that Respondent failed to report an investigation by an oversight entity to the BPPE as required, as described in paragraph 25.

**DISCIPLINARY CONSIDERATIONS**

32. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about April 11, 2024, the BPPE issued Citation No. 2324176, that resulted in a \$4,502.00 fine and Order of Abatement, and is now final, based on the following:

Laws/Regulations Violated	Description
CCR title 5, section 74112(m)(1-9) & CCR title 5, section 71930(e)	The Institution failed to provide School Performance Fact Sheet records upon immediate request and failed to maintain the supporting data electronically.
CCR title 5, section 76140(a)(7-13),(b) & CCR title 5, section 71930(e)	The Institution failed to maintain record-keeping requirement for Student Tuition Recovery Fund.
CCR title 5, section 76130	The Institution failed to submit the Student Tuition Recovery Fund Assessment Reporting form and the collection of assessment fees as required for the 2nd, 3rd and 4th quarter reporting period of 2023.

33. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about February 29, 2024, the BPPE issued Modified Citation No. 2324164, that resulted in a \$2,501.00 fine and Order of Abatement, and is now final, based on the following:

Laws/Regulations Violated	Description
CCR title 5, section 74110	A review of the BPPE's records confirmed the Institution failed to submit the 2022 Annual Report. The report was due to the BPPE by December 1, 2023.

34. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about August 31, 2022, the BPPE issued Citation No. 2223022, that resulted in a \$100.00 fine and Order of Abatement, and is now final, based on the following:

Laws/Regulations Violated	Description
CCR title 5, section 76130 (a-e)	The Institution has failed to submit Student Tuition Recovery Fund (STRF) Assessment Reporting Forms for the following quarters: <ul style="list-style-type: none"><li>• First, Second, Third, and Fourth Quarters for 2021</li><li>• First and Second Quarters for 2022</li></ul>

35. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about October 5, 2021, in the case titled *In the Matter of the Citation Against: CINTA AVEDA INSTITUTE*, Citation No. 1920243, a Decision and Order was issued for Respondent that resulted in a \$3,000.00 fine, and is now final, based on the following:

Laws/Regulations Violated	Description
CCR title 5, section 71717(b)	Records were stored at a satellite location
CCR title 5, section 74112(m)	Respondent failed to provide adequate backup documentation to the BPPE upon request

36. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about March 15, 2021 the BPPE issued Citation No. 2021209, that resulted in a \$50.00 fine and Order of Abatement, and is now final, based on the following:

Laws/Regulations Violated	Description
CCR title 5, section 76130 (a-e)	<b>Collection and Submission of Assessments</b> The Institution has failed to submit STRF Assessment Reporting Forms for the following quarters: <ul style="list-style-type: none"><li>• Third and Fourth Quarters for 2019;</li><li>• Second, Third, and Fourth Quarters for 2020;</li></ul>
Code Section 94931(a)	<b>Late Payment</b>

1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Director of the Department of Consumer Affairs issue a  
4 decision:

5 1. Revoking or suspending Approval to Operate Institution Code No. 87449475, issued  
6 to Cinta Aveda Institute;

7 2. Ordering Cinta Aveda Institute to pay the Bureau for Private Postsecondary  
8 Education the reasonable costs of the investigation and enforcement of this case, pursuant to  
9 Business and Professions Code section 125.3; and,

10 3. Taking such other and further action as deemed necessary and proper.

11  
12 DATED: 4/25/2025

"Original Signature on file"

13 DEBORAH COCHRANE  
14 Chief  
15 Bureau for Private Postsecondary Education  
16 Department of Consumer Affairs  
17 State of California  
18 *Complainant*  
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