

1 ROB BONTA
Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 JASON T. LIU
Deputy Attorney General
4 State Bar No. 288768
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6461
6 Facsimile: (916) 731-2126
E-mail: JasonT.Liu@doj.ca.gov
7 *Attorneys for Complainant*

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. BPPE21-576

13 **Master Barbering Academy**

14 406 E 3rd Street
Long Beach, CA 90802

15 Approval to Operate Institution Code Number
52959404

ACCUSATION

16 Respondent.
17

18
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, Department of
22 Consumer Affairs.

23 2. On or about March 28, 2018, the Bureau for Private Postsecondary Education issued
24 Approval to Operate Number 52959404 to Master Barbering Academy (Respondent), owned by
25 Master Barbering Academy, LLC (Kystena Lee). The Approval to Operate expired on May 3,
26 2023, and has not been renewed.
27
28

JURISDICTION

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

4. Section 118, subdivision (b) of the Business and Professions Code provides that the suspension, expiration, surrender, cancellation of a license shall not deprive the Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 94933 of the Code states:

“The bureau shall provide an institution with the opportunity to remedy noncompliance, impose fines, place the institution on probation, or suspend or revoke the institution’s approval to operate, in accordance with this article, as it deems appropriate based on the severity of an institution’s violations of this chapter, and the harm caused to students.”

6. Section 94937 of the Code states, in pertinent part:

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

. . . .

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

. . . .

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

1 “(a) The Bureau may suspend, revoke or place on probation with terms and conditions an
2 approval to operate.

3 “(b) ‘Material violation’ as used in section 94937 of the Code includes committing any act
4 that would be grounds for denial under section 480 of the Business and Professions Code.

5 “(c) The proceedings under this section shall be conducted in accordance with Article 10
6 (commencing with Section 11445.10) of Chapter 4.5 or Chapter 5 (commencing with Section
7 11500) of Part 1 of Division 3 of Title 2 of the Government Code, as requested by the
8 institution.”

9 **STATUTORY PROVISIONS**

10 8. Section 94897 of the Code states, in pertinent part:

11 “An institution shall not do any of the following:

12

13 (r) Charge or collect any payment for institutional charges that are not authorized by an
14 executed enrollment agreement.

15

16 (j) In any manner make an untrue or misleading change in, or untrue or misleading
17 statement related to: a test score, grade or record of grades, attendance record, record indicating
18 student completion, placement, employment, salaries, or financial information; a financial report
19 filed with the bureau; information or records relating to the student’s eligibility for student
20 financial aid at the institution; or any other record or document required by this chapter or by the
21 bureau.

22

23 (u) Fail to maintain policies related to compliance with this chapter or adhere to the
24 institution’s stated policies.”

25 9. Section 94920 of the Code states, in pertinent part:

26 “An institution that does not participate in the federal student financial aid programs shall
27 do all of the following:

28

1 (e) The institution shall pay or credit refunds within 45 days of a student's cancellation or
2 withdrawal."

3 10. Section 94900 of the Code states, in pertinent part:

4 "(a) An institution shall maintain records of the name, address, e-mail address, and
5 telephone number of each student who is enrolled in an educational program in that institution."

6 11. Section 94902 of the Code states, in pertinent part:

7 "(b) An enrollment agreement is not enforceable unless all of the following requirements
8 are met:

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

11

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

17 12. Section 94910 of the Code states:

18 "Except as provided in subdivision (d) of Section 94909 and Section 94910.5, prior to
19 enrollment, an institution shall provide a prospective student with a School Performance Fact
20 Sheet containing, at a minimum, the following information, as it relates to the educational
21 program:

22 (a) Completion rates, as calculated pursuant to Article 16 (commencing with Section
23 94928).

24 (b) Placement rates for each educational program, as calculated pursuant to Article 16
25 (commencing with Section 94928), if the educational program is designed to lead to, or the
26 institution makes any express or implied claim related to preparing students for, a recognized
27 career, occupation, vocation, job, or job title.

28 (c) License examination passage rates for programs leading to employment for which

1 passage of a state licensing examination is required, as calculated pursuant to Article 16
2 (commencing with Section 94928).

3 (d) Salary or wage information, as calculated pursuant to Article 16 (commencing with
4 Section 94928).

5 (e) If a program is too new to provide data for any of the categories listed in this
6 subdivision, the institution shall state on its fact sheet: "This program is new. Therefore, the
7 number of students who graduate, the number of students who are placed, or the starting salary
8 you can earn after finishing the educational program are unknown at this time. Information
9 regarding general salary and placement statistics may be available from government sources or
10 from the institution, but is not equivalent to actual performance data."

11 (f) All of the following:

12 (1) A description of the manner in which the figures described in subdivisions (a)
13 to (d), inclusive, are calculated or a statement informing the reader of where they may obtain a
14 description of the manner in which the figures described in subdivisions (a) to (d), inclusive, are
15 calculated.

16 (2) A statement informing the reader of where they may obtain from the institution
17 a list of the employment positions determined to be within the field for which a student received
18 education and training for the calculation of job placement rates as required by subdivision (b).

19 (3) A statement informing the reader of where they may obtain from the institution
20 a list of the objective sources of information used to substantiate the salary disclosure as required
21 by subdivision (d).

22 (g) The following statements:

23 (1) "This fact sheet is filed with the Bureau for Private Postsecondary Education.
24 Regardless of any information you may have relating to completion rates, placement rates,
25 starting salaries, or license exam passage rates, this fact sheet contains the information as
26 calculated pursuant to state law."

27 (2) "Any questions a student may have regarding this fact sheet that have not been
28 satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary

1 Education at (address), Sacramento, CA (ZIP Code), (internet website), (telephone and fax
2 numbers).”

3 (h) If the institution participates in federal financial aid programs, the most recent three-
4 year cohort default rate reported by the United States Department of Education for the institution
5 and the percentage of enrolled students receiving federal student loans.

6 (i) Data and information disclosed pursuant to subdivisions (a) to (d), inclusive, is not
7 required to include students who satisfy the qualifications specified in subdivision (d) of Section
8 94909, but an institution shall disclose whether the data, information, or both provided in its fact
9 sheet excludes students pursuant to this subdivision. An institution shall not actively use data
10 specific to the fact sheet in its recruitment materials or other recruitment efforts of students who
11 are not California residents and do not reside in California at the time of their enrollment.”

12 13. Section 94911 of the Code states, in pertinent part:

13 “An enrollment agreement shall include, at a minimum, all of the following:

14

15 (b) A schedule of total charges, including a list of any charges that are nonrefundable and
16 the student’s obligations to the Student Tuition Recovery Fund, clearly identified as
17 nonrefundable charges.”

18 **REGULATORY PROVISIONS**

19 14. California Code of Regulations, title 5, section 71750 states, in pertinent part:

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

22

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

26

27 (3) Except as provided herein, all amounts that the student has paid shall be subject to
28 refund unless the enrollment agreement and the refund policy outlined in the catalog specify

1 amounts paid for an application fee or deposit not more than \$250.00, books, supplies, or
2 equipment, and specify whether and under what circumstances those amounts are non-refundable.
3 Except when an institution provides a 100% refund pursuant to section 94919(d) or section
4 94920(b) of the Code, any assessment paid pursuant to section 94923 of the Code is non-
5 refundable.”

6 15. California Code of Regulations, title 5, section 71920 states, in pertinent part:

7 “(a) The institution shall maintain a file for each student who enrolls in the institution
8 whether or not the student completes the educational service.”

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

11

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

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

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

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

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

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

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

25

26 (10) A document specifying the amount of a refund, including the amount
27 refunded for tuition and the amount for other itemized charges, the method of calculating the
28 refund, the date the refund was made, and the name and address of the person or entity to which

1 the refund was sent;”

2 16. California Code of Regulations, title 5, section 71930 states, in pertinent part:

3 “(a) An institution shall maintain all records required by the Act and this chapter. The
4 records shall be maintained in this state.

5

6 (b)(1) In addition to permanently retaining a transcript as required by section 94900(b) of
7 the Code, the institution shall maintain for a period of 5 years the pertinent student records
8 described in Section 71920 from the student's date of completion or withdrawal.

9

10 (e) All records that the institution is required to maintain by the Act or this chapter shall be
11 made immediately available by the institution for inspection and copying during normal business
12 hours by the Bureau and any entity authorized to conduct investigations.”

13 17. California Code of Regulations, title 5, section 71735 states, in pertinent part:

14 “(a) An institution shall have sufficient facilities and necessary equipment to support the
15 achievement of the educational objectives of all of the courses and educational programs in which
16 students are enrolled. If an institution represents that the educational service will fit or prepare a
17 student for employment in a particular occupation or as described in particular job titles, either of
18 the following conditions shall be met:

19

20 (2) The institution shall establish that the equipment used for instruction or provided
21 to a student is not obsolete and is sufficient for instructional purposes to reasonably assure that a
22 student acquires the necessary level of education, training, skill, and experience to obtain
23 employment in the field of training and to perform the tasks associated with the occupation or job
24 title to which the educational program was represented to lead.”

25 18. California Code of Regulations, title 5, section 71800 states, in pertinent part:

26 “In addition to the requirements of section 94911 of the Code, an institution shall provide
27 to each student an enrollment agreement that contains at the least the following information:

28

1 (e) Itemization of all institutional charges and fees including, as applicable:

2

3 (11) Student Tuition Recovery Fund fee (non-refundable);”

4 **COST RECOVERY**

5 19. Section 94937, subdivision (c), provides that the Bureau may seek reimbursement
6 costs of investigation and enforcement pursuant Business and Professions Code section 125.3.

7 20. Business and Professions Code section 125.3 provides that the Bureau may request
8 the administrative law judge to direct a licensee found to have committed a violation or violations
9 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
11 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
12 included in a stipulated settlement.

13 **FACTUAL BACKGROUND**

14 21. On or about October 19, 2021, the Bureau received a complaint from student F.M.¹,
15 alleging that Respondent failed to provide the educational program as agreed upon in the
16 Enrollment Agreement and falsified information regarding his attendance record. Additionally,
17 the complaint states student F.M. enrolled in the barbering program at Respondent’s institution on
18 or about August 11, 2021 and withdrew from the program on or about October 19, 2021. F.M.
19 stated he did not receive any kind of refund from Respondent.

20 22. Following receipt of the complaint, the Bureau opened an investigation. In December
21 of 2021, a Bureau investigator conducted a site visit to the institution. Respondent stated the
22 computer on campus was non-functional while students were enrolled, though students were
23 required to use that computer to complete the theory portion of the program. Furthermore, the
24 investigator requested and reviewed documents, including student and instructor files, transcripts,
25 School Performance Fact Sheets, and attendance sheets. Respondent was unable to produce
26 multiple documents that were requested, or provided incomplete documents. Following the
27

28

¹ Individuals’ initials are used to protect their identities.

1 inspection and investigation, the Bureau determined that Respondent was in violation of
2 numerous provisions of the California Education Code and California Code of Regulations.

3 **FIRST CAUSE FOR DISCIPLINE**

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

5 23. Respondent is subject to disciplinary action under Code section 94897, subdivisions
6 (r), (j), and (u), as follows:

7 a. Respondent collected payment for institutional charges that were not authorized by
8 student F.M.'s executed enrollment agreement.

9 b. Respondent made a misleading statement related to the cost of the educational
10 program.

11 c. Respondent failed to follow their own published refund policy when student F.M.
12 withdrew from the program.

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

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Violation of Mandatory Cancellation, Withdrawal, and Refund Policies)**

17 24. Respondent is subject to disciplinary action under Code section 94920, subdivision
18 (e), and California Code of Regulations, title 5, section 71750, subdivisions (a) and (c)(3), in that
19 Respondent failed to provide a refund to student F.M. within 45 days of his withdrawal from the
20 program. Specifically, Respondent failed to provide a refund of moneys not earned by the school.
21 Complainant refers to, and by this reference incorporates, the allegations set forth above in
22 paragraphs 21 and 22, as though set forth fully herein.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Failure to Maintain Records and Make Records Available Upon Request)**

25 25. Respondent is subject to disciplinary action under Code section 94900, subdivision
26 (a) and California Code of Regulations, title 5, section 71920, subdivisions (a), (b)(4), (b)(5)(A-
27 E), and (b)(10), and section 71930, subdivisions (a), (b)(1) and (e), as follows:

1 a. On or about December 7, 2021, a site visit was conducted during which student
2 records were not available upon Bureau request. Respondent stated she did not have a roster of
3 her enrolled students or any copies of signed documents from students on site available for
4 inspection.

5 b. On or about April 1, 2022, Respondent emailed F.M.'s student file to the Bureau
6 investigator, which did not contain a transcript showing the courses that were completed or
7 attempted and not completed.

8 c. F.M.'s student file did not contain documentation of the dates of withdrawal or
9 completion.

10 d. F.M.'s student file did not contain a document specifying the amount of refund,
11 including the method of calculating the refund.

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

14 **FOURTH CAUSE FOR DISCIPLINE**

15 **(Failure to Provide Sufficient Facilities and Equipment)**

16 26. Respondent is subject to disciplinary action under California Code of Regulations,
17 title 5, section 71735, subdivision (a)(2), in that Respondent failed to have sufficient equipment to
18 reasonably assure that students acquire the necessary level of education and training and to
19 accomplish the educational objectives of the program provided by Respondent's institution.
20 Respondent stated that the computer students are to use to participate in the theory instruction for
21 the educational program was non-functional and students had no other way to access the
22 instructional information while enrolled in the program. Complainant refers to, and by this
23 reference incorporates, the allegations set forth above in paragraphs 21 and 22, as though set forth
24 fully herein.

25 **FIFTH CAUSE FOR DISCIPLINE**

26 **(Violation of General Enrollment Requirements)**

27 27. Respondent is subject to disciplinary action under Code section 94902, subdivision
28 (b)(1, 3), in conjunction with section 94910, in that F.M.'s student file contained a School

1 Performance Fact Sheet for a program that student F.M. was not enrolled in. Student F.M. was
2 provided with a School Performance Fact Sheet for the 400 hour Barber Crossover program,
3 which was not the program student F.M. was enrolled in. Student F.M. was enrolled in the 1500
4 hour Barbering program. Complainant refers to, and by this reference incorporates, the
5 allegations set forth above in paragraphs 21 and 22, as though set forth fully herein.

6 **SIXTH CAUSE FOR DISCIPLINE**

7 **(Violation of Minimum Requirements for Enrollment Agreements)**

8 28. Respondent is subject to disciplinary action under Code section 94911, subdivision
9 (b), and California Code of Regulations, title 5, section 71800, subdivision (e)(11), in that student
10 F.M.'s enrollment agreement does not itemize the total amount of the Student Tuition Recovery
11 Fund Fee the student is required to pay. Complainant refers to, and by this reference
12 incorporates, the allegations set forth above in paragraphs 21 and 22, as though set forth fully
13 herein.

14 **PRAYER**

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

18 1. Revoking or suspending Approval to Operate Number 52959404, issued to Master
19 Barbering Academy, owned by Master Barbering Academy, LLC; Kystena Lee as Owner and
20 Director;

21 2. Ordering Master Barbering Academy, owned by Master Barbering Academy, LLC;
22 Kystena Lee as Owner and Director to pay the Bureau for Private Postsecondary Education the
23 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
24 Professions Code section 125.3, and,

25 3. Taking such other and further action as deemed necessary and proper.
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: 11/20/2025

"Original Signature on File"
DEBORAH COCHRANE
Chief
Bureau for Private Postsecondary
Education
Department of Consumer Affairs
State of California
Complainant

LA2025602998
Accusation.docx