

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

In the Matter of the Citation Against:

**D'LACREME SCHOOL OF COSMOTOLOGY AND BARBERING**

1787 North Texas Street

Fairfield, CA 94533

Citation No.: 2324177

BPPE Case No. BPPE22-516

OAH Case No.: 2024100830

Respondent.

**DECISION AND ORDER**

The attached Proposed Decision of the Administrative Law Judge 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 June 6, 2025.

It is so ORDERED May 6, 2025.

"Original Signature on File"

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

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

**In the Matter of the Citation Issued to:  
D'LACREME SCHOOL OF COSMETOLOGY AND BARBERING,  
Respondent.**

**Agency Citation No. 2324177**

**OAH No. 2024100830**

**PROPOSED DECISION**

Administrative Law Judge Holly M. Baldwin, State of California, Office of Administrative Hearings, heard this matter on April 10, 2025, by videoconference.

Deputy Attorney General Carter Ott represented complainant Elizabeth Elias, Deputy Bureau Chief of Enforcement, Bureau for Private Postsecondary Education, Department of Consumer Affairs.

Respondent D'Lacreme School of Cosmetology and Barbering was represented by Jenny Contreras, School Director.

The record closed and the matter was submitted for decision on April 10, 2025.

## **FACTUAL FINDINGS**

1. On September 20, 2012, the Bureau for Private Postsecondary Education (Bureau) issued full approval to respondent D'Lacreme School of Cosmetology and Barbering (respondent) to operate a private postsecondary institution. The full approval is due to expire on November 4, 2026. Also on September 20, 2012, the Bureau approved respondent to operate a 1,600-hour program in cosmetology. On September 2, 2022, the Bureau approved respondent to operate a 1,000-hour program in cosmetology. Respondent also has been approved to offer several other programs that are not relevant to this citation.

2. David Yepiz is respondent's owner, and Jenny Contreras is respondent's School Director.

3. On March 28, 2024, complainant Elizabeth Elias, Deputy Bureau Chief of Enforcement, issued Citation Order Number 2324177 against respondent for two violations, assessing a fine and imposing orders of abatement, as described below.

4. Respondent requested an informal conference, which was held on May 22, 2024. The informal conference was attended by complainant Elias, and by Yepiz and Contreras for respondent. On May 22, 2024, complainant issued an informal conference summary and decision, stating that no new facts were presented at the conference and affirming the citation.

5. Affirmed Citation Order Number 2324177 was issued to respondent on May 30, 2024, alleging two violations, assessing administrative fines, and imposing orders of abatement:

- Violation No. 1: failing to provide a student with a copy of her enrollment agreement in Spanish (after her recruitment had been conducted in Spanish and English), in violation of Education Code section 94906. The citation assessed an administrative fine of \$2,501 for this violation. An order of abatement required respondent to submit a written policy or procedures describing how respondent will maintain future compliance with this statute.
- Violation No. 2: admitting a student to an English-language cosmetology program despite indications of minimal English proficiency, and failing to obtain documentation that the student was sufficiently proficient in English and had a reasonable prospect of completing the program, in violation of California Code of Regulations, title 5, section 71770. The citation assessed an administrative fine of \$2,501 for this violation. An order of abatement required respondent to submit a written policy or procedures describing how respondent will maintain future compliance with this regulation.

6. Respondent requested an administrative hearing, and this proceeding followed.

### **Factual Basis for Citation**

7. This matter arose after the Bureau received a complaint in July 2022 from Maria Velasquez, a former student of respondent's cosmetology program. Velasquez testified credibly at hearing, with the assistance of a Spanish interpreter.

8. Velasquez speaks and reads Spanish. She does not speak or read English. Velasquez completed basic education in El Salvador but did not graduate from high

school. She has taken some classes in the United States but she has not received a GED or high school equivalency certificate.

9. Velasquez wanted to pursue a career in cosmetology. In December 2021, Velasquez called respondent's telephone number and spoke with Contreras by telephone about the cosmetology program. That call was conducted in Spanish. Velasquez then came to the school site and spoke with Contreras in person. That conversation was also conducted in Spanish. In these two conversations, Contreras described the cosmetology program to Velasquez, including its cost and length. When they met in person, Contreras provided documents to Velasquez, but the documents were all in English. Velasquez could not read and understand the English-language documents. Contreras provided an oral description in Spanish, but did not provide any written documents in Spanish.

10. Velasquez signed an English-language enrollment agreement dated December 14, 2021, for a 1,600-hour cosmetology course taught in English. She signed the agreement despite not being able to read or understand it. Velasquez also received a number of other documents in English, such as a course syllabus and school policies, and signed several pages of these documents, dated December 8, 2021. She did not understand those documents either.

11. Velasquez attended classes from December 2021 to July 2022. Velasquez paid respondent at least \$8,300 for the cosmetology course (she stated at hearing that she paid \$9,300 but that she had receipts only for \$8,300). Classes were taught in English, by instructor Brenda Washington.

12. Velasquez believed that she had agreed to complete a 1,000-hour course in cosmetology. She stated that after she completed 1,000 hours, she told Contreras

that she had completed the program, but Contreras told her she needed to complete a total of 1,600 hours.

13. Contreras provided Velasquez an undated note, handwritten in Spanish, stating that when notification of 1,000 hours arrives, the school would change the graduation terms at no cost. (This appears to refer to the school's 1,000-hour cosmetology program, which received approval from the Bureau in September 2022.) The note from Contreras also stated that the school teaches in English and that textbooks cannot be provided in Spanish, but that examinations can be taken in Spanish and the state examination can be taken in Spanish.

14. Velasquez was terminated from respondent's cosmetology program before completing it. According to Velasquez, she was terminated because she complained about respondent not honoring the terms of their agreement.

15. After being terminated from respondent's program, Velasquez completed her remaining coursework at another institution. She has obtained her cosmetology license.

16. On July 11, 2022, Velasquez submitted a complaint to the Bureau about respondent, stating that: she does not speak English, only Spanish; when she enrolled in respondent's cosmetology program in December 2021, she was not provided with an enrollment agreement in Spanish; and she agreed to complete a 1,000-hour program in cosmetology, which she did, but the director said she needed to complete another 600 hours.

17. The complaint was investigated by Bureau investigator Cecilia Sharp, who prepared a report dated August 9, 2023. Sharp testified credibly at hearing.

18. Sharp visited respondent's school on August 31, 2022. Sharp interviewed Contreras and requested student files for Velasquez and two other students. During that interview, Contreras confirmed that respondent does not provide enrollment agreements or other documents in Spanish, and that respondent conducts classes in English only. Contreras stated that her enrollment conversations with Velasquez were in English and Spanish, and that Velasquez understood English "a little bit." According to Contreras, Velasquez understood the terms of her enrollment agreement for the 1,600-hour cosmetology program. Contreras stated that she told Velasquez that respondent was awaiting Bureau approval for the 1,000-hour program, and that upon receipt of the approval, respondent would re-enroll Velasquez in the 1,000-hour program with credit. According to Contreras, Velasquez was terminated from respondent's program for being disrespectful to Contreras and Washington.

19. During the site visit, Sharp also interviewed instructor Washington, who confirmed that she taught classes only in English. Washington does not speak Spanish. According to Washington, Velasquez did well in the classes she attended, but she received a counseling report for attendance, tardiness, and shouting at Washington and Contreras during class, and was sent home. At a later date, Velasquez returned to the school with her husband acting as an interpreter, to discuss her issue with the number of course hours.

20. The student file that respondent produced for Velasquez did not contain any documentation to indicate that Velasquez was proficient in English and thus had a reasonable prospect of completing the program. Sharp explained at hearing that typically a school would obtain documents such as a high school diploma or GED. The student file for Velasquez included a notice of two-week suspension dated July 1, 2022, for "shouting at administration"; and a counseling report dated July 30, 2022,

regarding attendance. The student file also contained respondent's notice terminating Velasquez from the program, dated September 1, 2022 (but stating the determination was made on August 6, 2022).

21. Sharp interviewed Velasquez by telephone on September 8 and October 11, 2022, with the assistance of a Spanish interpreter. Velasquez stated that her enrollment conversation with Contreras was in Spanish, but that all documents provided were in English. Velasquez asked for her enrollment agreement and a textbook in Spanish, but Contreras refused, stating that classes were in English and that no Spanish documentation or textbook was available. During her interview with Sharp, Velasquez insisted (incorrectly) that the enrollment agreement she signed was for 1,000 hours. Velasquez subsequently emailed Sharp (in Spanish) providing a copy of the note from Contreras described in Factual Finding 13.

22. After her investigation, Sharp concluded that respondent had violated Education Code section 94906 by failing to provide the enrollment documents to Velasquez in Spanish, and had violated California Code of Regulations, title 5, section 71770 by failing to obtain documents from Velasquez showing English proficiency. Sharp referred the matter to the Bureau's discipline unit for review.

### **Prior Citation History**

23. Respondent has received two previous citations: (1) Citation Number 1415061 originally issued in May 2015, and modified in July 2015 after an informal conference; and (2) Citation Number 1516048 issued in December 2015. Respondent complied with the citation orders and paid the fines for both citations.



## **Respondent's Additional Evidence**

24. School director Contreras, owner Yepiz, and instructor Washington each testified at hearing in support of respondent.

25. According to Contreras, when she attended the Bureau's informal conference, she did not know who the complaining student was, and she did not know until the day of the hearing that it was Velasquez. That testimony was not credible. Sharp's investigation report and testimony made clear that Sharp and Contreras discussed Velasquez during Sharp's site visit to the school. In addition, Contreras admitted that Sharp asked her for three student files, including Velasquez's, and she produced them. Contreras stated she was not prepared for hearing, is not skilled at using a computer, and any communications from complainant's counsel to respondent prior to hearing were received by Yepiz and not discussed with her.

26. Contreras testified regarding her enrollment communications with Velasquez. According to Contreras, during the enrollment conversation, she asked Velasquez if she understood English and Velasquez said "a little bit." Contreras stated that she read the documents to Velasquez in English and explained them to her in Spanish. Contreras contends that the terms of Velasquez's enrollment agreement were adequately explained to her. Contreras testified that Velasquez's enrollment agreement was for the 1,600-hour program because respondent was not yet approved for the 1,000-hour program, and that she told Velasquez that the agreement would be amended at no charge when the 1,000-hour program was approved. Contreras has never provided enrollment agreements in any language other than English.

27. Contreras testified that Velasquez provided her with a GED. However, that testimony was not credible, in light of Contreras's testimony that she produced

Velasquez's complete student file to Sharp, and Sharp's testimony that no such GED documentation was in the student file she received.

28. Contreras stated she has been school director for 39 years; nothing ever has been out of compliance; and she does her best to follow the rules.

29. Yepiz confirmed that respondent school's documentation is provided to students in English and respondent has never used other languages. Yepiz found it "puzzling" that a student who did not understand English would complete more than 800 hours of classes in English. He also noted that Velasquez eventually got her cosmetology license and he would have thought that she would be "grateful."

30. Washington confirmed that Velasquez speaks only Spanish, and Washington speaks only English. Nevertheless, Washington believes that Velasquez was able to comprehend the cosmetology course's informational content that was taught in English, and was able to perform adequately.

## **LEGAL CONCLUSIONS**

1. Complainant has the burden of proving, by a preponderance of the evidence, all facts necessary to support the citation. (*Owen v. Sands* (2009) 176 Cal.App.4th 985, 992.) The factual findings above reflect this standard.

2. California Code of Regulations, title 5, section 75020, authorizes the Bureau to issue citations and administrative fines for violations of the statutes and regulations governing private, postsecondary institutions. Citations may include administrative fines, orders of abatement to demonstrate how the institution will accomplish future compliance, or both. (*Id.*; see also Ed. Code, § 94936.)

## **Violation No. 1: Language of Enrollment Agreement**

3. Education Code section 94906 requires that an enrollment agreement be written in language that is easily understood. If English is not the student's primary language, and the student is unable to understand the terms and conditions of the enrollment agreement, the student has the right to obtain a clear explanation of the terms and conditions and all cancellation and refund policies in the student's primary language. (Ed. Code, § 94906, subd. (a).) If the recruitment leading to enrollment was conducted in a language other than English, the enrollment agreement, disclosures, and statements must be in that language. (*Id.*, subd. (b).)

As set forth in Factual Findings 8 through 10, 18, 21, and 26, student Velasquez is a Spanish speaker; her recruitment was conducted in Spanish; she is not proficient in English; and she was not provided a copy of her enrollment agreement in Spanish. Cause exists to sustain Violation No. 1.

## **Violation No. 2: Admission Standards**

4. California Code of Regulations, title 5, section 71770, subdivision (a), requires institutions to establish specific written standards for student admissions for each educational program, and provides that "[a]n institution shall not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the program."

As set forth in Factual Findings 8 through 10, 20, and 27, student Velasquez is not proficient in English and speaks only Spanish, yet respondent admitted her into a cosmetology program taught only in the English language, without ascertaining that the student would be able to understand the course content and have a reasonable prospect of completing the program. Cause exists to sustain Violation No. 2.

## **Fines and Orders of Abatement**

5. Education Code section 94936, subdivision (b)(2), requires the Bureau to base administrative fines on the following factors: the nature and seriousness of the violation; the persistence of the violation; the good faith of the institution; the history of previous violations; and the potential harm to students. The minimum administrative fine for each violation is \$50 and the maximum is \$5,000, with violations classified by their nature, "Class A" being the most serious, for institutions that have committed one or more prior, separate Class B violations. (Cal. Code Regs., tit. 5, § 70530.) Respondent has received two prior citations. (Factual Finding 23.)

7. In this case, the Bureau determined that each of the two violations was a Class A violation, and assessed a total administrative fine of \$5,002 (\$2,501 for each violation). The Bureau issued an order of abatement for each violation, ordering respondent to submit a written policy or procedures describing how the institution would ensure future compliance. These fines are within the range of authorized fines, and the amounts are reasonable. The orders of abatement are also appropriate.

## **ORDER**

Citation Number 2324177, issued to D'Lacreme School of Cosmetology and Barbering, is affirmed.

DATE: **04/23/2025**

"Original Signature on File"

HOLLY M. BALDWIN

Administrative Law Judge

Office of Administrative Hearings