

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

In the Matter of the First Amended Statement
of Issues Against:

LOS ANGELES BEAUTY COLLEGE;
EVELYN SALAS, OWNER

Institution Code: 1904831,

Respondent.

BPPE Case No. 1002943

OAH No. 2018080133

PROPOSED DECISION

This matter came on regularly for hearing on September 25, 2018, in Los Angeles, California, before H. Stuart Waxman, Administrative Law Judge, Office of Administrative Hearings, State of California.

Dr. Michael Marlon, Jr. (Complainant) was represented by Lisa A. Miller, Deputy Attorney General.

Los Angeles Beauty College was represented by its owner, Evelyn Salas (collectively, Respondent).

Oral and documentary evidence was received. The record was held open to and including October 9, 2018, for Respondent to provide documentation designed to clear the remaining seven alleged deficiencies in her Application for Renewal for Approval to Operate and Offer Educational Programs for Non-Accredited Institutions, and for Complainant to serve and file an Amended Statement of Issues.

Complainant timely served and filed an Amended Statement of Issues, which was included in and made a part of Exhibit 1.

On October 9, 2018, the Office of Administrative Hearings received 414 pages of documents from Respondent. They were not paginated, and they did not specify which of the seven remaining alleged deficiencies each document addressed. The Administrative Law Judge re-opened the record to and including November 5, 2018, and ordered the following:

By 5:00 p.m. on October 29, 2018, Respondent shall re-file the 414 pages of documents she filed on October 9, 2018. The new set of documents shall be paginated.

By 5:00 p.m. on October 29, 2018, Respondent shall serve and file a separate document indicating which of the remaining alleged deficiencies each document addresses. The documents shall be identified by name and inclusive page numbers, and shall specify specific page numbers that address each alleged deficiency.

By 5:00 p.m. on November 5, 2018, Complainant shall serve and file a written notification indicating whether Respondent has cleared the remaining alleged deficiencies. If Complainant contends Respondent has failed to do so, Complainant shall specify which of the alleged deficiencies remain, and shall identify the paragraphs in the First Amended Statement of Issues which pertain to each such deficiency.

On October 29, 2018, the Office of Administrative Hearings received a packet of documents from Respondent consisting of 286 pages with an "index" bearing a list of categories and the inclusive page numbers addressing each category.

On November 2, 2018, Complainant's attorney filed a request for additional time to review and comment on the documents submitted by Respondent in support of her application, pursuant to the Administrative Law Judge's September 25, 2018 Order. The motion was made on the following grounds: Complainant claimed he was unable to comply with the Administrative Law Judge's October 15, 2018 Order that, by November 5, 2018, he serve and file a written notification indicating whether Respondent had cleared the remaining alleged deficiencies because:

1. Respondent failed to comply with the Administrative Law Judge's October 15, 2018 Order that she paginate and re-file the 414 pages she filed on October 9, 2018, in that, on October 29, 2018, she served and filed only 285 paginated pages. (Exhibit A.)

2. Respondent failed to comply with the Administrative Law Judge's October 15, 2018 Order that she file a separate document indicating which page numbers of Respondent's documents addressed the remaining deficiencies. Although Respondent did file a document listing the deficiencies, she did not list the specific page numbers that address each alleged deficiency.

The Administrative Law Judge held the record open to and including November 19, 2018, and ordered:

By 5:00 p.m. on November 19, 2018, Complainant shall serve and file a written notification indicating whether Respondent has cleared the remaining alleged deficiencies. If Complainant contends Respondent has failed to do so, Complainant shall specify which of the alleged deficiencies remain, how and/or why Respondent's documentation fails to satisfy the remaining alleged deficiency or deficiencies, and the paragraphs in the First Amended Statement of Issues which pertain to each such alleged deficiency.

On November 8, 2018, The Office of Administrative Hearings received another packet of documents from Respondent consisting of 24 pages. (Exhibit B.) Some of the pages were single-sided; some were double-sided. Some were paginated with a designated system of pagination; others were paginated with a different system of pagination; some had two pagination systems on the same page; some were not paginated at all.

On November 9, 2018, Complainant sent a letter to the Administrative Law Judge, with service on Respondent, objecting to Respondent's November 8, 2018 packet on grounds that it was untimely and that it prevented Complainant from completing his review. (Exhibit 11.) However, Complainant included with that letter a memorandum dated November 8, 2018 identifying the deficiencies which had or had not been satisfied and, for those deficiencies which remained, the reason(s) why Complainant deemed them to be deficient. Despite two orders that he do so, Complainant failed to identify the paragraphs in the First Amended Statement of Issues which addressed the remaining deficiencies.

The Administrative Law Judge sustained Complainant's objection on the grounds stated by Complainant, and also because Respondent's November 8, 2018 packet failed to comply with the Administrative Law Judge's November 6, 2018 Order. Respondent was ordered not file any additional documents without first making a request and receiving leave to do so from the Administrative Law Judge. The remaining applicable provisions of the Administrative Law Judge's October 15, 2018, and November 6, 2018, Orders remained in full force and effect.

On November 19, 2018, the record was closed, and the matter was submitted for decision.

FACTUAL FINDINGS

1. The Bureau operates pursuant to the California Private Postsecondary Education Act of 2009 (Act), Education Code section 94800, et seq., amended effective January 1, 2015. The Bureau has promulgated regulations to carry out the intent of the Act. (Cal. Code Regs., tit. 5, § 71100 et seq.)

2. Applications for Renewal for Approval to Operate and Offer Educational Programs for Non-Accredited Institutions contain 24 sections, some of which require the applicant to attach exemplars, including a catalog and student enrollment agreement. These sections request information concerning, among other issues, the governance and administrative structure of the institution, the relationship between faculty and administrative positions, names and contact information of members of the governing board, the institution's mission and objectives, student enrollment agreements and instruments of indebtedness, financial aid policies, practices, and disclosures, advertising, educational programs offered, financial resources, facilities and equipment, library and other learning resources, job placement assistance, the institution's catalogue, graduation or completion documents, recordkeeping methods, and self-monitoring procedures.

3. In reviewing applications, the Bureau's licensing analysts use detailed checklists to ensure that all statutory and regulatory requirements are met. After any initial technical deficiencies are noted and corrected by the applicant, the review and evaluation process is completed by an education specialist, who applies a more detailed analysis of specific educational issues, such as faculty, curriculum, educational programs, etc.

4. Respondent received full approval to operate as an institution on June 1, 1981. On June 7, 1993, Respondent was approved to offer cosmetician, cosmetology, and manicurist programs. Full approval expired on December 31, 2012. On June 28, 2013, the Bureau for Private Postsecondary Education (Bureau) received an Application for a Renewal for Approval to Operate and Offer Educational Programs for Non-Accredited Institutions (application) from Respondent.

5. On July 1, 2013, the Bureau sent an intake review to Respondent indicating certain deficiencies in Respondent's application.

6. Despite Respondent's several attempts to cure the deficiencies, on August 23, 2013, the Bureau sent a notice to Respondent denying the application. The Bureau cited 49 regulatory deficiencies over six major categories as its grounds for denying the application. Respondent continued to attempt to cure the deficiencies.

7. In May 2018, Complainant served the Statement of Issues. In June 2018, Respondent sent a mitigation package to the Bureau. The documents contained in that package cured some, but not all of the deficiencies.

8. On July 9, 2018, the Bureau issued a Mitigation Memorandum detailing the deficiencies with had been corrected and those which remained: The remaining deficiencies were listed as follows:

First Cause for Discipline^[1]

The institution did not provide a statement indicating how they provide the enrollment agreement, disclosures and statements to students when they are unable to understand the terms and conditions of the enrollment agreement due to English not being their primary [1]language.

Mitigation Package received on June 21, 2018, the institution provided an enrollment agreement; however, the required statement above was not included.

Second Cause for Discipline

The institution states on page 1 of the enrollment agreement that the period covered by the enrollment agreement for day students is four months from enrollment and for the night or part-time students is six months from enrollment; however, the period covered by the enrollment agreement is not clearly identified.

Mitigation Package received on June 21, 2018, the institution provided an enrollment agreement; however, the period covered by the enrollment agreement is not clearly identified.

Third Cause for Discipline

The enrollment agreement shall contain itemization of all institutional charges and fees, as applicable. A list of itemized fees is referenced on page 1 of the enrollment agreement; however, the institution did not acknowledge on the Enrollment Agreement or Enrollment Agreement Checklist whether a fee is charged for equipment, uniforms or other special protective clothing, in-resident housing, tutoring, assessment fees for transfer of credits, or if charges paid to an entity other than an institution that is specifically required for participation in the education program.

Mitigation Package received on June 21, 2018, the institution provided an enrollment agreement with a list of itemized fees; however, equipment, uniforms or other special protective clothing, in-resident housing, tutoring, assessment fees for transfer of credits, or charges paid to an entity other than an

¹ Because this is a Statement of Issues rather than an Accusation, presumably, the Bureau meant "denial" rather than "discipline."

institution that is specifically required for participation in the education program was not included, nor did the institution provide a statement that the fees are not applicable.

Fourth Cause for Discipline

The enrollment agreement displays itemized fees for Registration and [S]tudent Tuition Recovery Fund (STRF); however, the institution did not clearly identify the fees as nonrefundable.

Mitigation Package received on June 21, 2018, the institution provided an enrollment agreement that clearly identified STRF as non-refundable; however, the registration fee is not identified as non-refundable. Page 1 states that the school “may” retain the registration fee and on page 5, under hypothetical refund example, the school subtracts the registration fee, this information is conflicting.

Fifth Cause for Discipline

The enrollment agreement shall include in underlined capital letters on the same page in which the student’s signature is required, the total charges for the current period of attendance, the estimated total charges for the entire educational program, and the total charges the student is obligated to pay upon enrollment. This information was found on page 2 of the enrollment agreement; however, the information was not in capital letters and did not include the underlined information below:

1. TOTAL CHARGES FOR THE CURRENT PERIOD OF ATTENDANCE
2. ESTIMATED TOTAL CHARGE FOR THE ENTIRE EDUCATIONAL PROGRAM
3. THE TOTAL CHARGES THE STUDENT IS OBLIGATED TO PAY UPON ENROLLMENT

Mitigation Package received on June 21, 2018, the institution provided an enrollment that included parts of this information; however, the required language is incomplete and not capitalized and underlined. [¶] . . . [¶]

Seventh Cause for Discipline

The institution states that the Kits are non-refundable on page 1 of the enrollment agreement; however, in the catalog on page 12 the institution states that each student will receive a complete kit and carrying case at the beginning of mid-point freshman training (approximately 100 hours). The information provided does not address if the kit is refundable for students [who] cancel or withdraw before receiving a kit.

Mitigation Package received on June 21, 2018, the institution provided an enrollment agreement; however, the institution did not disclose whether the kit fee would be refunded if the student withdraws or cancels their enrollment prior to receiving the kit. On page 12 of the catalog, the institution states that the kit will be given to the students at the beginning mid-point of freshman training (approximately 100 hours). This information is conflicting, the students should be refunded if the enrollment agreement is canceled before the student receives the kit.

Eighth Cause for Discipline

On June 28, 2013, the institution submitted a Balance Sheet dated June 21, 2013, and a Statement of Income dated January 1, 2013 through May 31, 2013. The institution did not provide reviewed or audited financial statements completed by an Independent Certified Public Accountant that comply with 5, *CCR*² §71475(e), §71745 and §74115.

Mitigation Package received on June 21, 2018, the cover page included with the mitigation package states that financial statements were included; however, financials (*sic*) statements were not found. [¶] . . . [¶]

Thirteenth Cause for Discipline

On page 15 of the catalog under "Student[']s Right to Cancel," the institution did not include that the student will be refunded of all charges paid through attendance at the first class session, or the seventh day after enrollment, whichever is later.

² All references to "CCR" refer to Title 5 of the California Code of Regulations unless otherwise specified.

Mitigation Package received on June 21, 2018, the institution provided an updated catalog to include that the institution will refund 100% of the amount paid for institutional charges. However, "at the first class session" was removed thus changing the language requirement.

Fourteenth Cause for Discipline

The institution did not provide the pro rata refund policy.

Mitigation Package received on June 21, 2018, the institution provided an updated catalog. Page 22 of the catalog has pro rata information; however, the institution did not include that this refund would be given to students who have completed 60 percent or less of the period of attendance.

Fifteenth Cause for Discipline

The catalog submitted on October 5, 2016, in response to the deficiency letter sent on August 12, 2016, did not include the Instructor Program. In addition, page[s] 24, 29, and 32 of the catalog shows the Cosmetology, Manicure, and Esthetician curriculum hours by subject, technical and practical; however, the total hours displayed are incorrect when totaled. Pursuant to CEC³ §94909(a)(5), the institution shall provide a description of the programs offered and a description of the instruction provided in each of the courses offered by the institution, the requirements for completion of each program, including required courses, any final tests or examinations, any required internships or externships, and the total number of credit hours, clock hours, or other increments required for completion.

Mitigation Page received on June 21, 2018, the institution provided an updated catalog; however, the curriculum hours by subject, technical and practical, remains (*sic*) incorrect when totaled.

[¶] . . . [¶]

Additional Deficiencies Identified from this package not listed on SOI

³ All references to "CEC" or "Code" are to the Education Code unless otherwise specified.

On page 1 of the catalog, the institution states that "Los Angeles Beauty College is a private institution approved to operate by the Bureau for Private Postsecondary Education. Approval to Operate means the institution is compliant with the minimum standards contained in the 2017 California State Board of Barbering and Cosmetology Regulations, that all requirements of section 7362.1 of the Business and Professional (*sic*) Code relative to school approval have been met." However, an approval to operate means compliance with state standards set forth in this chapter and does not mean the institution is compliant with the minimum standards contained in the 2017 California State Board of Barbering and Cosmetology regulations and the requirements of section 7362.1 of the Business and Professional (*sic*) Code. Please, correct this statement.

On page 15 of the catalog the institution states that the school kit is non-refundable after the first day of school; however, on page 12 the institution states that each student will receive a complete kit and carrying case at the beginning of mid-point freshman training (approximately 100 hours). This information is conflicting as the student should be refunded for the kit if the enrollment agreement has been cancelled before the student receives the kit. Please update the refund policies regarding the kit on pages 12, 15, and 22.

(Exhibit 9.) (Emphasis in text.)

9. Respondent submitted additional documentation at the administrative hearing which Complainant's representatives reviewed for statutory and regulatory compliance. That documentation cured the deficiencies listed in the third, fourth, and seventh causes for denial in the Statement of Issues, and the second deficiency listed under the "additional deficiencies" heading.

10. On November 9, 2018, Complainant submitted another Mitigation Memorandum with a cover letter indicating that the Mitigation Memorandum constitutes the Bureau's findings regarding whether Respondent had cured the remaining deficiencies. (Exhibit 11.) According to the Mitigation Memorandum, several more of the deficiencies had been corrected. However, others remained. Complainant specified the shortcomings in the additional documentation:

a. Seventh Cause for Discipline⁴

Mitigation Package received on November 1, 2018, the institution provided an enrollment agreement; however, the institution did not disclose whether the kit fee would be refunded if the student withdraws or cancels their enrollment prior to receiving the kit. On page 12 of the catalog, the institution states that the kit will be given to the students at the beginning midpoint of freshman training (approximately 100 hours). This information is conflicting, the students should be refunded if the enrollment agreement is canceled before the student receives the kit.

b. Eighth Cause for Discipline

Mitigation Package received on June 1, 2018 and November 1, 2018, the institution did not include current reviewed or audited financial statements completed by an Independent Certified Public Accountant that comply with 5, CCR §71475(e), §71745 and §74115.

c. Ninth Cause for Discipline

Mitigation Package received on June 21, 2018, the institution provided an updated catalog to include the complete address for where class sessions will be held; however, the mitigation package received on November 1, 2018, the address is incomplete and the street numbers are missing.

d. Tenth Cause for Discipline

The institution included the required language that addresses transferability of credits and credentials on page 15 of the catalog; however, the following bolded and underlined information was not included: **NOTICE CONCERNING TRANSFERABILITY OF CREDITS AND CREDENTIALS EARNED AT OUR INSTITUTION**

The transferability of credits you earn at (name of institution) is at the complete discretion of an institution to which you may

⁴ Tamika Garvin, a licensing analyst for the Bureau, testified at the administrative hearing that Respondent had cured the deficiencies in the seventh cause for denial. However, in the Complainant's final analysis (Exhibit 11), he finds the seventh cause for discipline deficient.

seek to transfer. Acceptance of the (degree, diploma, or certificate) you earn in (name of educational program) is also at the complete discretion of the institution to which you may seek to transfer. If the (credits or degree, diploma, or certificate) that you earn at this institution are not accepted at the institution to which you seek to transfer, you may be required to repeat some or all of your coursework at that institution. For this reason, you should make certain that your attendance at this institution will meet your educational goals. This may include contacting an institution to which you may seek to transfer after attending (name of institution) to determine if your (credits or degree, diploma, or certificate) will transfer.

Mitigation Package received on June 21, 2018, the institution provided an updated catalog to include the bolded and underlined information above; however, the mitigation package received on November 1, 2018 is missing some of the required language.

e. Eleventh Cause for Discipline

Mitigation Package received on June 21, 2018, the institution provided an updated catalog to include the correct Wonderlic Basic Skills Test Passing Scores; however, the mitigation package received on November 1, 2018, the institution states on page 7 of the catalog that the Wonderlic Basic Skills Test ATB minimum score is a minimum of 60% in one section and in another section, states the minimum score is 15%. Both passing scores are incorrect. The Wonderlic Basic Skills Test passing Scores are 200 – Verbal and 210 – Quantitative.

f. Fourteenth Cause for Discipline

Mitigation Package received on November 1, 2018, the institution provided an updated catalog. Pages 15 and 22 of the catalog has (*sic*) pro rata and withdrawal information; however, the institution does not clearly disclose up to what point the student will receive a refund after withdrawal, 60% or less or up to 100% of the period of attendance. During the hearing the institution stated that students are refunded up to 100% of the period of attendance; however, this information was not included in the institution's withdrawal refund policy.

g. Fifteenth Cause for Discipline

Mitigation Package received on November 1, 2018, the institution provided an updated catalog; however, the curriculum hours by subject, technical and practical, for the esthetician program are incorrect. The total hours required to complete the esthetician program shows 625 clock hours; however, the total curriculum hours required by the Board of Barbering and Cosmetology (BBC) for the esthetician program is 600 total clock hours. The Bureau is unable to determine why the hours exceed the 600 hours required to complete the program. The institution did not disclose what the extra 25 hours are for. Nor did the institution disclose that the student is only required to complete 600 clock hours to meet the licensure requirements under BBC.

h. Eighteenth Cause for Discipline

On page 15 of the catalog the institution states that the school kit is non-refundable after the first day of school; however, on page 12, the institution states that each student will receive a complete kit and carrying case at the beginning of the mid-point freshman training (approximately 100 hours). The information provided does not address if the kit is refundable for students that cancel or withdraw before receiving a kit. Please update the refund policies regarding the kit on pages 12, 15, and 22.

Mitigation Package received on November 1, 2018, the institution provided an updated catalog; however, the information stated above remains the same.

i. Additional Deficiencies Identified from this package not listed on SOI

The institution submitted an enrollment agreement and catalog that has information for an esthetician program instead of cosmetician; however, the Bureau has the institution approved for a cosmetician program and does not have the institution approved for an esthetician program. It appears that the cosmetician program title has been modified; however, the Bureau has not received the required written notification for this non-substantive change.

(Ibid.) (Emphasis in text.)

LEGAL CONCLUSIONS

1. Cause exists to deny Respondent's Application for a Renewal for Approval to Operate and Offer Educational Programs for Non-Accredited Institutions pursuant to CEC section 94911, subdivision (e)(2), and CCR section 71750, subdivision (c)(3), for failure to meet minimum operating standards by failing to accurately describe its refund policy regarding kits, as set forth in Findings 8, 9, and 10.

2. Cause exists to deny Respondent's Application for a Renewal for Approval to Operate and Offer Educational Programs for Non-Accredited Institutions pursuant to CEC section 94909, subdivision (a)(4), and CCR sections 71475, and 74115, for failure to submit current financial statements, as set forth in Findings 8, 9, and 10.

3. Cause exists to deny Respondent's Application for a Renewal for Approval to Operate and Offer Educational Programs for Non-Accredited Institutions pursuant to CEC section 94909, subdivision (a)(4), for failure to include in its catalog, the address or addresses where class sessions will be held, as set forth in Findings 8, 9, and 10.

4. Cause exists to deny Respondent's Application for a Renewal for Approval to Operate and Offer Educational Programs for Non-Accredited Institutions pursuant to CEC section 94909, subdivision (a)(15), for failure to include in its catalog, proper notice of transferability of credits and credentials, as set forth in Findings 8, 9, and 10.

5. Cause exists to deny Respondent's Application for a Renewal for Approval to Operate and Offer Educational Programs for Non-Accredited Institutions pursuant to CEC section 94909, subdivision (a)(8)(A), for failure to include in its catalog, a detailed description of institutional policies, as set forth in Findings 8, 9, and 10.

6. Cause exists to deny Respondent's Application for a Renewal for Approval to Operate and Offer Educational Programs for Non-Accredited Institutions pursuant to CEC section 94920, subdivision (d), and CCR section 71750, subdivision (c), for failure to have a refund policy for the return of unearned institutional charges if the student cancels an enrollment agreement or withdraws during a period of attendance, as set forth in Findings 8, 9, and 10.

7. Cause exists to deny Respondent's Application for a Renewal for Approval to Operate and Offer Educational Programs for Non-Accredited Institutions pursuant to CEC section 94909, subdivision (a)(5), for failure to include in its catalog, a description of the programs offered and a description of the instruction provided in each of the courses offered by the institution, the requirements for completion of each program, including required courses, any final tests or examinations, any required internships or externships, and the total number of credit hours, clock hours, or other increments required for completion, as set forth in Findings 8, 9, and 10.

8. Cause exists to deny Respondent's Application for a Renewal for Approval to Operate and Offer Educational Programs for Non-Accredited Institutions pursuant to CEC section 94920, subdivisions (b) and (d), and CCR section 71750, subdivision (c)(3), for failure to have a proper refund policy, as set forth in Findings 8, 9, and 10.

9. Cause exists to deny Respondent's Application for a Renewal for Approval to Operate and Offer Educational Programs for Non-Accredited Institutions pursuant to CCR section 71660, for failure to timely notify the Bureau of a non-substantive change, as set forth in Findings 8, 9, and 10.

10. CEC section 94887 provides:

An approval to operate shall be granted only after an applicant has presented sufficient evidence to the bureau, and the bureau has independently verified the information provided by the applicant through site visits or other methods deemed appropriate by the bureau, that the applicant has the capacity to satisfy the minimum operating standards. The bureau shall deny an application for an approval to operate if the application does not satisfy those standards.

11. CCR section 71100 provides that a non-accredited institution's application for approval that fails to contain all information required by CCR sections 71100-71380 is incomplete.

12. CCR section 71400, subdivision (d)(1), provides:

When specific minor deficiencies are identified during processing but the institution is substantially in compliance with the requirements of the [Education] Code and this Division [of the Regulations], a conditional authorization to operate may be granted for a period not to exceed six (6) months, to permit the institution to correct those deficiencies identified. If those deficiencies are not corrected after the first period of conditional approval, or the condition upon which an approval may be granted is not satisfied, the conditional authorization to operate may be extended for a period not to exceed six (6) months if the program demonstrates to the Bureau a good faith effort and ability to correct the deficiencies. A conditional authorization to operate shall expire at the end of its stated period and the application shall be deemed denied, unless the deficiencies are removed prior to its expiration and an approval to operate has been granted before that date.

13. Consumer protection is the Bureau's highest priority. (Ed. Code, § 94875.) Respondent has the burden of demonstrating that it is currently capable of meeting the minimum standards to operate a private postsecondary institution in California. Currently, Respondent does not meet all operating standards, and therefore is not eligible for an outright approval of its application. However, Respondent has made steady progress in satisfying its licensure requirements, and it is presently in substantial compliance with them. Its remaining deficiencies are primarily minor. Respondent has been cooperative with the Bureau throughout the license renewal period. No reason exists to believe she will not continue to be so.

14. In light of the above facts and circumstances, the public safety, welfare, and interest should be adequately protected by a six-month conditional approval to give Respondent an opportunity to completely satisfy the statutory and regulatory requirements for continued licensure. Because this is a limited-term conditional approval rather than a stayed revocation with the issuance of a probationary license, the Bureau's standard and optional model terms and conditions of probation will not be applied in this case.

ORDER

1. The application of Respondent, Los Angeles Beauty College, Evelyn Salas, Owner, for renewal of approval to operate and offer educational programs for non-accredited institutions is granted conditionally for a period of six months from the effective date of this decision. Within the six-month conditional approval period, Respondent shall take all actions necessary to demonstrate to the Bureau's satisfaction that it fully complies with the statutes and regulations governing its continued operation.

2. If Respondent removes the deficiencies to the Bureau's satisfaction within the six-month period, the Bureau shall issue to Respondent an unconditional approval to operate. If one or more of the deficiencies are not removed prior to the expiration of the six-month period, and an approval to operate has not been granted before that date, the conditional approval to operate shall expire, and the application shall be deemed denied.

Dated: November 27, 2018

DocuSigned by:

H. Stuart Waxman

H. STUART WAXMAN
Administrative Law Judge
Office of Administrative Hearings