



Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 431-6959 F (916) 263-1897 www.bppe.ca.gov



NOTICE AND EMERGENCY DECISION

July 10, 2018

FAX at (626) 288-4199; AND
OVERNIGHT DELIVERY TO:

Peter Do, Owner
Queenston College of America
629 N. Citrus Avenue
Los Angeles, CA 90036

Myungjin Song, Owner
410 Hauser Blvd., #11-L
Los Angeles, CA 90036

Pursuant to California Education Code section 94938, California Code of Regulations, Title 5, section 75150, and Article 13 (commencing with section 11460.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code, the Bureau for Private Postsecondary Education (Bureau) issues the following Notice and Emergency Decision:

The Bureau hereby orders Queenston College of America (Institution) to:

1. **CEASE ENROLLMENT OF ANY NEW STUDENTS IN ALL PROGRAMS; AND**
2. **CEASE THE COLLECTION OF TUTION AND FEES FOR ALL PROGRAMS**

at the following location: **QUEENSTON COLLEGE OF AMERICA**
School Code: 1940681
3660 Wilshire Blvd., Suite 338
Los Angeles, CA 90010

This Order is effective upon close of business July 16, 2018:

This Order is based on an immediate danger to the public health, safety, and welfare. Specifically, the Bureau has determined that:

- As set forth in the attached Declaration of Renee Walters, there is a substantial failure by the Institution to meet institutional minimum operating standards in that, among other violations of law, the Institution is charging students and then not offering the educational programs approved by the Bureau and the

California Board of Barbering and Cosmetology (BBC). Relatedly, the Institution is falsifying "Proof of Training" documents submitted to the BBC, certifying that students have completed required hours of training when they have not actually completed such training. The BBC has informed the Bureau that it will not be processing licensure exam applications from the Institution's students. As such, students and prospective students of the Institution will not be able to sit for the BBC licensure examination.

These circumstances require immediate action by the Bureau to protect students, prevent misrepresentations to the public, and prevent the loss of monies paid by students.

You have the right to be heard before the Director of the Department of Consumer Affairs, or his designee, regarding the allegations in the Emergency Decision prior to the effective date of the Emergency Decision. If you would like to be heard, please submit a request by fax to Christina Villanueva, Discipline Manager, Bureau for Private Postsecondary Education, 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833, (916) 263-1895 (fax); alternatively, you may request a hearing by telephoning Christina Villanueva at (916) 431-6958. Unless the Bureau receives your request by **5:00 p.m. on July 12, 2018** you will be deemed to have waived your right to be heard before the Director, or his designee.

If requested, the hearing will be held on **July 13, 2018 at 1:00p.m.** at the Department of Consumer Affairs, Legal Affairs Division, located at 1625 North Market Blvd., Suite S-307, Sacramento, CA 95834.


Within 10 days after issuance of the Emergency Decision, the Bureau will file an accusation to revoke the Institution's approval to operate based, in part, on the charges and allegations set forth in the Emergency Decision. The adjudicative proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Upon issuance of the Emergency Decision, you have the right under Government Code section 11460.80 to obtain judicial review of the Decision.

The Emergency Decision, **effective upon close of business July 16, 2018**, shall remain in effect until such time as an accusation has been fully adjudicated or upon issuance of the final decision following judicial review.



Dr. Michael Marion, Jr., Bureau Chief
Bureau for Private Postsecondary Education



Date

Declaration of Renee Walters

I, Renee Walters, declare that if called to testify I would testify competently and relevantly as follows:

1. From December 2014 to May 2018, I was an Enforcement Analyst for the Bureau for Private Postsecondary Education (Bureau) in the California Department of Consumer Affairs (DCA). My duties included investigation of complaints filed against California private postsecondary educational institutions for violations of Bureau laws and regulations, documentation of my findings, and enforcement recommendations to Bureau management. I have personal knowledge of the matters set forth herein.

2. The Bureau has discretion to make an emergency decision to protect the public. California Education Code section 94938 states, in part:

“(a) If the bureau determines that it needs to make an emergency decision to protect students, prevent misrepresentation to the public, or prevent the loss of public funds or moneys paid by students, it may do so pursuant to Article 13 (commencing with Section 11460.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code.”

Title 5, California Code of Regulations Division 7.5, section 75150, states, in part:

- “(a) The Bureau may make an emergency decision for temporary, interim relief pursuant to Article 13 (commencing with section 11460.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code.
- (b) The Bureau may make an emergency decision pursuant to subdivision (a) where there is an immediate danger to the public health, safety, or welfare that requires immediate action to protect students, prevent misrepresentations to the public, or prevent the loss of public funds or monies paid by students, including but not limited to fraud; a substantial misrepresentation in the institution's Performance Fact Sheet, school catalog, or enrollment agreement; a substantial failure to meet institutional minimum operating standards; failure to meet statutory and regulatory requirements for accreditation; or a substantial failure to obtain a necessary approval or permit from another agency or regulatory body, affecting public health, safety or welfare.

(c) The Bureau may order temporary, interim relief in the form of some or all of the following measures:

- (1) cease or limit enrollment of new students;
- (2) cease part or all instruction for some or all programs;
- (3) cease collection of tuition or fees for some or all programs.
- (4) suspend approval or provisional approval to operate or offer any degree programs.”

3. State statutes and regulations require that private postsecondary educational institutions such as Queenston College of America (Queenston) be approved by the Bureau and in the case of training programs intended to lead to licensure in cosmetology, esthetics, and manicuring, that those programs also be approved by the California Board of Barbering and Cosmetology (BBC).

Queenston is currently approved by the Bureau to offer eleven (11) non-degree programs, three of which are also approved by BBC, namely Cosmetology (with “Length of Instruction” or “training hours” of 1,600 hours), Esthetics (600 hours), and Nail Care (600 hours). Queenston is jointly approved by the Bureau and BBC to offer educational programs in cosmetology, esthetics and nail care for the stated hours. The educational objective for the program is for the students to complete those training hours prior to taking the BBC licensure exam. [Attached as **Exhibit A** is a true and correct copy of the Bureau’s “Approved Educational Program List” for Queenston].

4. To ensure public protection, the Bureau’s law mandates that institutions meet and maintain institutional minimum operating standards, which include ensuring that the content of each educational program achieves its stated objective, and that upon satisfactory completion of an educational program, the institution gives students a document signifying the completion. [See, Ed. Code § 94885.] Minimum operating standards are not met where instruction of the approved program is not the central focus of the resources and services of the institution, or where direct

instruction does not include the physical presence of students and faculty at the same location. [See, Title 5, Code of Regulations, § 71715.]

3. As set forth below, my investigation of Queenston, which included an unannounced physical inspection of Queenston's campus on March 28, 2018 and March 29, 2018 by the Bureau and observed by BBC, demonstrates that there is an immediate danger to the public health, safety, and welfare that warrants an order to prevent Queenston from enrolling and collecting tuition from any students pending the outcome of an action to revoke Queenston's approval to operate by the Bureau. In sum, my investigation found that, among other violations of law, Queenston is collecting monies from students for educational programs without actually offering instruction in those programs. Instead, Queenston is falsifying "Proof of Training" documents submitted to BBC, certifying that students have completed BBC required training hours when they have not completed such training. This practice is known by the Bureau as "selling hours" or "diploma mill" activity. BBC has informed the Bureau that it will not be processing exam applications from Queenston students due to BBC's identical belief that Queenston is "selling hours" and not providing the required training hours to students. As such, Queenston students and prospective students have and will continue to lose money by paying Queenston for education and training without being able to then sit for the BBC license exam using Queenston education.

4. Specifically, the following forms the basis for the Bureau's Emergency Decision:

a. Between March 15, 2018 and May 4, 2018, the Bureau received multiple complaints against Queenston alleging that Queenston is selling hours to students and providing substandard education and no actual classroom instruction. For example, on or about March 16, 2018, I interviewed an anonymous complainant, who informed me that after paying money to

Queenston, complainant had never been to class but was offered a certificate showing completion for 160 hours.

b. On March 28, 2018 and March 29, 2018, I conducted a field investigation at Queenston, located at 3660 Wilshire Blvd., Suite 338, Los Angeles, CA 90010. My field investigation was conducted concurrently with an unannounced inspection by other Bureau staff, and observed by BBC staff. During my onsite investigation, I took photos of the facilities and obtained copies of documentation, including but not limited to student and faculty files, course curriculum, syllabi, and class schedules for the Cosmetology, Esthetician, and Nail Care programs. I interviewed Queenston students and staff. I found the following: Queenston lacked student attendance; students did not adhere to a class schedule; students did not receive lecture or direct instruction; and while timecards were present, Queenston staff did not document operations such as the number of perms, color, haircuts, etc. that students conducted. Additionally, during the joint investigation/inspection, multiple violations of the Bureau's laws were discovered. Based on my subsequent review of documentation, I have concluded that:

- Between June 2016 to March 2018, Queenston falsely certified the completion of programs for at least three students whose student files did not contain supporting documentation to substantiate the completion of their programs. Specifically, the timecards did not contain the student names, and only had time/date stamps.
- Between June 2016 to March 2018, Queenston submitted nineteen student exam applications to BBC that did not match student names provided to the Bureau on Queenston's graduated student roster.

c. On April 16, 2018, I received a phone call from a Queenston faculty member who admitted to me that Queenston collects up to \$6,000.00 from students and falsifies student records and timecards to show that a student attended Queenston ten months prior.

d. On April 20, 2018, I received a phone call from a Queenston student who stated that they only attended two or three weeks out of Queenston's 1600-hour Cosmetology program, yet Queenston submitted a falsified Proof of Training document to BBC for the student, despite the student admitting to me that they did not attend the full 1600-hour program. [Attached as **Exhibit B** is a true and correct copy of the redacted falsified Proof of Training Document submitted to BBC by Queenston.]

e. The Bureau has received information from BBC that BBC would not be processing all pending applications for Queenston students. [Attached as **Exhibit C** is a true and correct copy of the BBC declaration that the Bureau received, and that I reviewed in my capacity as an investigator.]

5. On May 10, 2018, I recommended to Bureau Management that the Bureau take disciplinary action against Queenston to prevent the institution from causing further or future student harm. This recommendation was based on the determination of thirty violations of the California Education Code and Title 5, Code of Regulations, coupled with my findings that: instruction is not the central focus of Queenston's resources; Queenston is selling hours; Queenston students fear that Queenston will enact revenge based on the complaints filed against Queenston with the Bureau; admissions of the selling of hours from a Queenston student and a Queenston faculty member; and, significantly, BBC's recommendation to deny all pending applications for Queenston students.

6. With the conclusion of the Bureau's investigation and BBC's determination that it

will not be processing exam applications of Queenston students, the Bureau believes that there is now an immediate danger to the public health, safety, or welfare that requires immediate action to protect students, prevent misrepresentations to the public, and prevent the loss of monies paid by students. The Bureau has a duty to ensure that Queenston continues to meet minimum operating standards. The Bureau believes that an emergency decision is necessary to prevent new student enrollments/tuition collections by Queenston. Queenston is not meeting minimum operating standards as required by Education Code section 94885, and is in violation of other Bureau's laws and regulations.

I declare under penalty of perjury under the laws of the State of California that the above statements are true and correct of my personal knowledge.

Executed this 9th day of JULY 2018 at Sacramento, California.



RENEE WALTERS

Exhibit A



Business, Consumer Services, and Housing Agency - Edmund G. Brown Jr., Governor
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
P.O. Box 980818, West Sacramento, CA 95798-0818



Approved Educational Program List

In accordance with the provisions of California Education Code 94866 or 94890, the Bureau for Private Postsecondary Education approves:

Queenston College of America

*3660 Wilshire Blvd, Suite 338
Los Angeles, CA 90010
School Code #: 1940681
Site Type: Main*

to offer the following program(s)/course(s):

<u>Program Name</u>	<u>Length of Instruction</u>	<u>Program Approved</u>	<u>Program Type</u>	<u>Distance Learning</u>
Advanced Massage Therapy (Chinese/English)	500.00 Hours	08/26/2002	Non-Degree	No
Basic Massage Therapy (Chinese/English)	300.00 Hours	08/26/2002	Non-Degree	No
Combination of Basic Massage Therapy and Intermediate Massage Therapy	500.00 Hours	10/12/2011	Non-Degree	No
Combination of Basic Massage Therapy, Intermediate Massage Therapy and Advanced Massage Therapy	1,000.00 Hours	10/12/2011	Non-Degree	No
Continuing Education Seminars (Chinese/English)	50.00 Hours	10/30/2006	Non-Degree	No
Cosmetology	1,600.00 Hours	06/23/2016	Non-Degree	No
Esthetics	600.00 Hours	06/23/2016	Non-Degree	No

The program list above represents all currently approved educational programs for this institution. The Main, Branch, or Satellite locations of this institution may offer any subset of this list.

Robert Bayles, Education Administrator

This document is valid if all fees are current. Subject to earlier termination in accordance with the law.

Approved Program List

School Name: Queenston College of America

School Code: 1940681 (Institution Code: 1940681.....Site Type: Main)

<u>Program Name</u>	<u>Length of Instruction</u>	<u>Program Approved</u>	<u>Program Type</u>	<u>Distance Learning</u>
Intermediate Massage Therapy (Chinese/English)	200.00 Hours	08/26/2002	Non-Degree	No
Nail Care	600.00 Hours	06/23/2016	Non-Degree	No
Reflexology Massage Therapy (Chinese/English)	250.00 Hours	10/30/2006	Non-Degree	No
Special Combined Courses of Massage Therapy	999.00 Hours	10/12/2011	Non-Degree	No

Non-Degree (Vocational) Programs/Courses: 11
Total Programs/Courses: 11

The program list above represents all currently approved educational programs for this institution. The Main, Branch, or Satellite locations of this institution may offer any subset of this list.



Robert Bayles, Education Administrator

This document is valid if all fees are current. Subject to earlier termination in accordance with the law.

Exhibit B



BOARD OF BARBERING AND COSMETOLOGY
P.O. Box 944226, Sacramento, CA 94244-2260
P (800) 952-5210 F (916) 575-7281 www.barbercosmo.ca.gov



PROOF OF TRAINING DOCUMENT

The California Board of Barbering and Cosmetology requires verification of a student's completion of hours in a California Board approved School of Barbering, Cosmetology, or Electrology.

COURSE OF STUDY (Choose One)

BARBER COSMETOLOGIST ESTHETICIAN MANICURIST ELECTROLOGIST

SECTION A: STUDENT INFORMATION

Social Security Number or Individual Taxpayer Identification Number: [][]-[][]-[][][][]
Date of Birth (must be at least 17 years old): [][]-[][]-[][][][]
Month Day Year

Last Name (print clearly): [][][][] First Name: [][][] Middle Name: [][][]

Address: [][][][] City: Los Angeles State: CA Zip Code: 90004

Telephone Number: [][][]-[][][]-[][][][] Email Address (not required): [][][][][][][][]

SECTION B: SCHOOL INFORMATION

School Name: Queenston College of America School Code: [1][6][0][1][0]

Address: 3660 Wilshire Blvd Ste 338 City: Los Angeles Zip Code: 90010

School Contact Name: Joy Lee Telephone Number: 855-333-3029 Ext: [] Email Address: queenstonunl@gmail.com

Date Training Started at This School: [0][4]-[0][3]-[2][0][1][7] Hours Completed at This School: [1][6][0][0]
Month Day Year

Date Training Completed at This School: [0][1]-[1][6]-[2][0][1][8] Total of all Hours Completed: [1][6][0][0]
Month Day Year

Did all education for the above named applicant occur at the school listed above? Yes No If no, please complete Section D (hours obtained for the same course), Section E (transfer of credits from one course of instruction to another), and/or Section F (hours obtained out-of-state/out-of country).

SECTION C: CERTIFICATION

We, the undersigned, certify under penalty of perjury under the laws of the State of California that all information contained herein is true and correct.

Signature of Student: [Signature] Date: 01/29/2018

Printed Name of Authorized School Representative: Joy Lee

Signature of Authorized School Representative: [Signature] Date: 01/29/2018



Exhibit C

Declaration of Heather Berg

I, Heather Berg, declare that if called to testify I would testify competently and relevantly as follows:

1. Since July 2, 2014, I have been the Deputy Executive Officer for the California Board of Barbering and Cosmetology (BBC). Prior to that, I was a Staff Services Manager I for the Board of Barbering and Cosmetology since March of 2006. My duties then and now include investigation of complaints filed against California private postsecondary educational institutions for violations of the BBC's laws and regulations, announced and unannounced site inspection visits, documentation of my findings, and enforcement recommendations to the Board's Executive Officer. I have personal knowledge of the matters set forth herein.

2. State statutes and regulations require that private postsecondary educational institutions such as Queenston College of America (Queenston) be approved by the Bureau for Private Postsecondary Education (Bureau) and in the case of programs intended to lead to licensure in cosmetology, estheticians, and manicurists, that those programs also be approved by BBC. Queenston is currently approved by BBC for Cosmetology (with "Length of Instruction" or "training hours" of 1,600 hours), Esthetics (600 hours), and Nail Care (600 hours). Queenston is jointly approved by the Bureau and BBC to offer educational programs in cosmetology, esthetics and nail care for the stated hours, and to satisfy the BBC's required curriculum for training prior to taking the BBC licensure exam, the educational objective is for the students to complete those training hours.

3. BBC is currently investigating Queenston for compliance with all relevant laws and regulations pertaining to schools approved by BBC.

4. I visited Queenston on January 25, 2018 to review compliance with BBC laws and

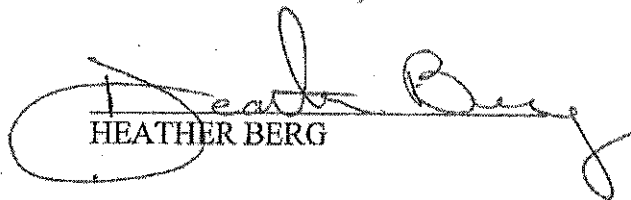
regulations and found multiple violations.

5. On March 28, 2018, I participated in a joint unannounced physical inspection of Queenston's campus on March 28, 2018 by the Bureau and BBC, and found that, among other things, Queenston is collecting monies from students for educational programs without actually offering instruction in those programs. Instead, Queenston is falsifying "Proof of Training" documents submitted to the BBC, certifying that students have completed the BBC required training hours and curriculum when they have not completed such training. This practice is known by BBC as "selling hours". BBC has informed the Bureau that it will not be processing exam applications from Queenston students due to BBC's belief that Queenston is "selling hours" and not providing the required training hours and curriculum to students. As such, Queenston students and prospective students have and will continue to lose money by paying Queenston for education and training without being able to then sit for the BBC license exam using Queenston education.

6. Based on BBC's investigation, BBC is not processing pending applications for Queenston students, and we have informed the Bureau of same.

I declare under penalty of perjury under the laws of the State of California that the above statements are true and correct of my personal knowledge.

Executed this 28th day of June 2018 at Sacramento, California.


HEATHER BERG