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7
8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

Case No. 998760

13 **L.A. BARBER COLLEGE, JOSE F.**
14 **POLANCO, OWNER; BLANCA E.**
15 **POLANCO, OWNER;**
16 **Institution Code: 69608151**

STATEMENT OF ISSUES

15 **Renewal Application for Approval to**
16 **Operate an Accredited Institution No. 24864**

17 Respondent.

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20 Complainant alleges:

21 **PARTIES**

22 1. Joanne Wenzel (Complainant) brings this Statement of Issues solely in her official
23 capacity as the Chief of the Bureau for Private Postsecondary Education, Department of
24 Consumer Affairs (Bureau).

25 2. On or about September 17, 2004, the Bureau for Private Postsecondary and
26 Vocational Education¹ issued Blanca E. and Jose F. Polanco, doing business as L.A. Barber

27 ¹ The former Bureau for Private Postsecondary and Vocational Education sunsetted on July 1, 2007. On
28 October 11, 2009, the Bureau for Private Postsecondary Education Act of 2009 (AB 48) was signed into law. The
(continued...)

1 College (Respondents), an approval to operate. The approval to operate expired on August 30,
2 2011.

3 3. On or about August 3, 2011, the Bureau issued the Respondents an approval to
4 operate by means of accreditation. The approval to operate expired on May 31, 2012.

5 4. On or about May 29, 2012, the Bureau received an Application for Renewal of
6 Approval to Operate for an Accredited Institution (#24864) from the Respondents.

7 5. On December 28, 2012, the Bureau was notified by the National Accrediting
8 Commission of Career Arts & Sciences (NACCAS) that the Respondent's accreditation had been
9 terminated, effective December 12, 2012.

10 6. On or about December 31, 2012, the Bureau terminated Respondents approval to
11 operate by means of accreditation.

12 7. The Bureau denied the Respondents Application for Renewal of Approval to Operate
13 for an Accredited Institution (#24864) on January 10, 2013.

14 JURISDICTION

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16 8. This Statement of Issues is brought before the Director of the Department of
17 Consumer Affairs (Director) for the Bureau under the authority of the following laws. All section
18 references are to the Education Code unless otherwise indicated.

19 9. Section 94875 provides that the Bureau shall regulate private postsecondary
20 educational institutions through the powers granted, and duties imposed, by the California Private
21 Postsecondary Education Act of 2009 (Ed. Code §§ 94800 et seq.)

22 10. Section 477 of the Business and Professions Code states:

23 As used in this division:

24 "(a) 'Board' includes 'bureau,' 'commission,' 'committee,' 'department,' 'division,'
25 'examining committee,' 'program,' and 'agency.'

26 (b) 'License' includes certificate, registration or other means to engage in a business

27 _____
(...continued)

28 Act, which became operative on January 1, 2010, established the Bureau for Private Postsecondary Education.

1 or profession regulated by this code.”

2
3 **STATUTORY PROVISIONS**

4 11. Section 94886 provides, in pertinent part, that except as exempted in Article 4
5 (commencing with section 94874), a person shall not open, conduct, or do business as a private
6 postsecondary educational institution without obtaining an approval to operate from the Bureau.

7 12. Section 94890 subdivision (b) provides, in pertinent part, that the term of an approval
8 to operate pursuant to this section shall be coterminous with the term of accreditation. Upon
9 renewal of the institution's accreditation, the institution shall submit verification to the bureau, on
10 a form provided by the bureau, that the institution's accreditation has been renewed.

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12 **REGULATORY PROVISIONS**

13 13. California Code of Regulations, Title 5, section 71400.5 subdivision (b) states, in
14 pertinent part, the Bureau may deny any application based on any act that constitutes grounds for
15 the denial of a license under Section 480 of the Business and Professions Code, incorporated
16 herein by reference.

17 14. California Code of Regulations, Title 5, section 71475 states in pertinent part:

18 “(a) Unless renewed, an approval to operate shall expire at 12 midnight on the last day of
19 the institution's term of approval to operate as granted pursuant to section 94802 or section 94889
20 of the Code.”

21 ...

22 (jj) An approval to operate that has expired may be renewed at any time within 6 months
23 after its expiration on filing of an application for renewal and, as a condition precedent to
24 renewal, payment of all accrued and unpaid renewal fees, late payment penalty fees prescribed in
25 subdivision (e) of this section, and any other fees that would have been due in order to renew
26 timely. After an approval to operate has expired for more than 6 months, the approval is
27 automatically cancelled and the institution must submit a complete application pursuant to section
28

1 71100, meet all current requirements, and pay all fees that would have been due in order to timely
2 renew, in order to apply for approval.”

3
4 **FIRST CAUSE FOR DENIAL OF APPLICATION**

5 **(Loss of Accreditation)**

6 15. Respondents' application is subject to denial under Education Code section 94890,
7 subdivision (b) in conjunction California Code of Regulations, title 5, division 7.5, section
8 71400.5 subdivision (b), in that Respondents failed to renew their accreditation with NACCAS.
9 The grounds are as follows:

10 a. On or around June 20, 2012, NACCAS took an adverse action against Respondents
11 seeking to withdraw Respondents accreditation, which Respondents appealed.

12 b. On or around December 12, 2012, NACCAS revoked Respondents accreditation in a
13 decision based on "Failure to comply with the Financial Practices and Management Standard."

14 c. On or around December 28, 2012, NACCAS notified the Bureau that Respondents
15 accreditation was terminated.

16 d. On or around December 31, 2012, the Bureau terminated Respondents approval to
17 operate by means of accreditation.

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PRAYER

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

1. Denying the Respondents Blanca E. Polanco and Jose F. Polanco dba L.A. Barber College Renewal Application for Approval to Operate for an Accredited Institution (#24864);
2. Taking such other and further action as deemed necessary and proper.

DATED: 9/30/13


JOANNE WENZEL
Chief
Bureau for Private Postsecondary Education
Department of Consumer Affairs
State of California
Complainant

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