

**BEFORE THE  
APPRENTICE APPEAL COMMITTEE  
BOARD OF BARBERING AND COSMETOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Notice to Show Cause Issued to:**

**HIERARCH BARBERING & COSMETOLOGY APPRENTICE  
ACADEMY, Respondent**

**OAH No. 2025040867**

**DECISION**

This matter was heard on June 2, 2025, before a quorum of the Apprentice Appeal Committee (Committee), Board of Barbering and Cosmetology (Board), Department of Consumer Affairs, State of California. Administrative Law Judge Coren D. Wong, Office of Administrative Hearings, State of California, presided.

Jeff Stone, Deputy Attorney General, represented complainant Carrie Harris, Deputy Executive Officer of the Board.

Marcus G. Larson of the law firm Grant Genovese & Baratta, LLP, represented respondent Hierarch Barbering & Cosmetology Apprentice Academy and its founder and chief executive officer, Jason Lee, who appeared. Messrs. Larson and Lee appeared by WebEx.

Evidence was received, the record closed, and the matter submitted for decision on June 2, 2025.

## **FACTUAL FINDINGS**

### **Jurisdictional Matters**

#### **BOARD APPROVAL OF RESPONDENT**

1. The Board issued respondent SPNR 20702 approving it as an apprenticeship program sponsor to conduct apprenticeships in barbering and cosmetology on March 13, 2020. At all times relevant, Mr. Lee was acting on respondent's behalf as its founder and chief executive officer.

#### **NOTICE TO SHOW CAUSE**

2. Complainant signed a Notice to Show Cause (Notice) to withdraw the Board's approval of respondent on January 8, 2025. The Notice alleges, "Respondent is providing pre-signed certificate of completions [*sic*] to apprentices within the Respondents [*sic*] program and allowing the apprentice to complete the required information on the completion form." The Notice further alleges, "Respondent did not issue a certificate of completion as required by [California Code of Regulations, title 16, section] 924[,] [subdivision] (a)[,] nor did Respondent prepare the certificate of completion as required by [California Code of Regulations, title 16,] section 924[,] [subdivision] (b)." The allegations are based on discrepancies in the certificates of completion nine apprentices submitted to the Board.

3. The Notice provides: "Withdrawal of the program sponsor approval will begin 30 days from the date of this letter unless a request for a hearing has been received." Respondent timely requested a hearing.

### **RESPONDENT'S OBJECTIONS TO THE COMMITTEE'S JURISDICTION**

4. Respondent filed written objections to the Notice "via special appearance, with full reservation of all substantive and procedural objections." It argued, in part, "by statute, certificates of completion fall under the authority of the Division of Apprenticeship Standards (DAS) [of the California Department of Industrial Relations], not the [Board]." It cited Labor Code section 3077 as "explicitly reserv[ing] the issuance of completion certificates for apprentices to the DAS." It further argued California Code of Regulations, title 8, section 224 "mirrors this authority and supports [DAS's] exclusivity."

5. At hearing, respondent made a "special appearance" through counsel and reiterated its written objections. Additionally, it cited Labor Code section 3078.5. After hearing the parties' arguments, the Committee took the objections under submission and continued with the hearing. Respondent provided evidence and arguments addressing the substance of the Notice. (See, e.g., *Szynalski v. Super. Ct.* (2009) 172 Cal.App.4th 1, 11 [a party's characterization of his appearance in an action as a "special appearance" is not dispositive in determining if he consented to court's jurisdiction by appearing].)

6. It is axiomatic that the Committee has jurisdiction to withdraw its approval of respondent as an apprenticeship program sponsor if respondent has violated the Barbering and Cosmetology Act (Bus. & Prof. Code, § 7301 et seq.; Act) or regulations implementing it. (Bus. & Prof. Code, §§ 7303, subd. (a) [vesting the Board

with authority to administer the Act], 7303.1 [identifying public protection as the Board's highest priority], & 7312 [outlining scope of the Board's authority]; Cal. Code Regs., tit. 16, § 913.1, subds. (a) [providing the Board authority to withdraw approval], & (d) [designating a Board committee to hear and decide appeals].)

7. Contrary to respondent's arguments, none of the authority it cited gives the DAS exclusive jurisdiction over the issuance of certificates of completion to apprentices. Labor Code section 3077 defines the terms "apprentice" and "apprentice agreement," and it says nothing about the issuance of certificates of completion. Similarly, Labor Code section 3078.5 provides nothing about the issuance of certificates of completion. Rather, it specifies the way "the term of apprenticeship may be measured." (*Id.* at subd. (a).) It also specifies the criteria for each measurement. (*Id.* at subd. (a)(1)–(4).)

Although California Code of Regulations, title 8, section 224, provides the DAS jurisdiction to issue certificates of completion, there is no language stating its jurisdiction is exclusive to any other entity. (*Id.* at subd. (a).)

8. All other objections respondent made in writing or at hearing were considered and are overruled.

## **Background**

9. Addison Beach is the Board's Enforcement Chief. He was complainant's sole witness at hearing. He explained that a person may satisfy the education/experience requirements for qualifying to take the examination for a barber, cosmetologist, esthetician, manicurist, or electrologist license by completing an apprenticeship program in the applicable field in lieu of completing approved coursework. The apprentice works under the supervision of a licensed barber,

cosmetologist, esthetician, manicurist, or electrologist and benefits by earning money while learning.

10. An apprenticeship is a two-year program that requires 3,200 hours of technical instruction and practical training. For barbering, those hours are divided as follows: 2,800 hours in hair dressing, 200 hours in shaving, and 200 hours in health and safety. The following topics must be covered: hairstyling, permanent waving and chemical straightening, hair coloring and bleaching, hair cutting, preparation and performance, laws and regulations, health and safety, disinfection and sanitation, and anatomy and physiology.

11. For cosmetology, those hours are divided as follows: 2,600 hours in hair dressing, 200 hours in health and safety, 200 hours in esthetics, and 200 hours in manicuring and pedicuring. The following topics must be covered: hairstyling, permanent waving and chemical straightening, hair coloring and bleaching, hair cutting, laws and regulations, health and safety considerations, disinfection and sanitation, anatomy and physiology, facials, eyebrow beautification and makeup, manicuring and pedicuring, and artificial nails and wraps.

12. Three different agencies share jurisdiction over an apprenticeship program. The DAS implements and enforces standards for the program; a local education agency oversees classroom instruction; and the Board issues the appropriate licenses and approvals and ensures compliance with the Act.

13. The apprentice and the trainer are responsible for keeping a log of the hours of education and training. However, the program sponsor should also monitor the apprentice's progress and provide any necessary guidance to ensure the

apprentice completes the program, such as advising the apprentice on which topic he needs less hours and on which he needs more.

14. The apprentice notifies the program sponsor once he completes 3,200 hours of education and training, and the sponsor prepares and issues a certificate of completion. The certificate must include the total number of hours of on-the-job-training, total number of hours of related training, and date on which training was completed. It must include an itemization of the total number of hours and operations for each required topic. The trainer, apprentice, and program sponsor must sign the certificate of completion certifying under penalty of perjury that all information provided is true and correct. Original signatures are required.

## **The Board's Receipt of Certificates of Completion**

### **APPRENTICE OC'S CERTIFICATES OF COMPLETION**

15. The Board issued OC Apprentice License Number CA-752907 on December 27, 2021, and the license expired two years later. The Board's Licensing Unit received OC's examination application and certificate of completion around January 2, 2024. The certificate indicated OC completed training August 1, 2023, less than 20 months after he started. Mr. Lee's signature was dated 11 months prior to the date of completion.

16. The Board's Licensing Unit sent OC a deficiency letter indicating it was unable to process his application because he completed the apprentice program in less than 20 months. Additionally, Mr. Lee signed the certificate of completion prior to completion of training, "and there [were] discrepancies with the hours listed under Hair Dressing, Aesthetics, Health and Safety, Manicuring, and Total OJT [on-the-job training] hours."

17. The Board's Licensing Unit received a new certificate of completion from OC on February 1, 2024. The certificate indicated OC completed training more than four months later than previously indicated. Several other discrepancies raised concerns with the accuracy of the information provided. For example, substantially more hours of education for all topics, other than Health and Safety, were included on the second certificate than the original. The same number of hours of training for all topics, except Permanent Waving and Chemical Straightening, Manual Electrical and Chemical Facials, and Manicurist/Pedicure were provided on both certificates, but more hours of training for those topics were included on the new certificate. The itemization of the hours of technical instruction and practical training by topic indicated OC completed the same number of hours of instruction and training for several topics, which was atypical. It also indicated he completed more than 19 times the number of hours required for Anatomy and Physiology. Mr. Lee's signature on the new certificate was not an original signature.

### **APPRENTICE ME'S CERTIFICATES OF COMPLETION**

18. The Board's Licensing Unit received ME's examination application and certificate of completion around June 11, 2024. The certificate did not itemize the number of hours of education and training for any of the required topics. Additionally, the date on which training was completed and ME signed the certificate was handwritten as "10/31/2023" using the same handwriting as the examination application that she completed. The total number of hours of education and training was typed in as "3,200." Mr. Lee's signature was not an original, and the date of his signature was typed in as "10/3/23."

19. ME submitted a second certificate of completion by email on July 24, 2024. Although the number of hours of education and training were itemized for each

of the required topics, there were discrepancies. For example, the certificate included 930 hours each for education and training for hairstyling. However, it is uncommon for someone to perform 930 hairstyles that take an hour each. The date on which training was completed was blank, and ME purportedly signed the certificate eight months after she signed the first. Mr. Lee's signature and the date of his signature were identical to the first certificate.

20. ME emailed a third certificate of completion on August 1, 2024. The certificate identified the date on which she completed training as October 30, 2023, and listed a total of "4362" hours of education and training. The certificate itemized more hours of education for Hair Styling, Permanent Waving and Chemical Straightening, and Hair Color/Bleaching and fewer hours for Hair Cutting than the second. The certificate also itemized ME having performed substantially more Permanent Waving and Chemical Straightening on the third certificate. Mr. Lee's signature and the date of his signature were identical to the previous two certificates.

21. ME submitted a fourth certificate of completion on August 14, 2024, which contained the same information as the third, except it listed the total number of hours of education and training as 3,200. The following day, Mr. Lee left Mr. Beach the following voicemail:

Hi, Addison. This is Jason from the Hierarch. Listen, one of my students called me balling today, absolutely balling. And she's been getting pulverized by the Board and she's a really good student. She's been really trying, tooth and nail, to submit everything over and over and it's just difficult for her. And to add fuel to the fire, now she's being asked to submit every single OJT form and I know that that is



standard protocol, but it is literally breaking my student's mental health and I'm concerned. So, I would just please ask if we can make one exception. Her name is [ME]. Can you please ask Inga to just please let up? It is overwhelming at this point, and she just wants to take her board and move on with their life. So, I'm just asking for this favor, please. It's a little too much at this point if you were to look at the e-mail history and everything. The student has been trying for several months to get this right, and I would just ask that you and Inga please show her some mercy. Okay. My number 71486442801, 7148642801. More than happy to, you know, accommodate the board with other students, but just with this particular one, she called me balling today and I wish you had been on the phone to hear her. And it just broke my heart, broke my heart. So please, for the love of God, give me just except one more submission from her. Let's not abuse this too much and put her in a place to where she can't even concentrate on her board because she's taking so many hours and so many days to just kind of bow down to something a little bit. It's silly at the end of the day, alright, we're all human and we all make mistakes. If we could show her some mercy, I'd really appreciate it. 714-864-2801. Thanks so much.

(Grammar original.)

22. The day after leaving the voicemail, Mr. Lee sent Mr. Beach an email that included text messages between ME and Mr. Lee as an attachment, including an exchange during which ME explained she was completing her application for licensure. She asked if she should list the date on which her apprentice license expired as her graduation date and about reasonable medical accommodations during the license examination. Mr. Lee asked what a couple of days after the expiration date was, she responded that the license expired that day, and he responded:

I don't know how the accommodation thing works you'd have to talk to PSI. When you fill out the paperwork, make sure that you put numbers that go above the minimum requirements. The board is trying to crack down on people that only put the minimum requirements for each catagorie.

(Grammar original.)

### **Review of Additional Certificates of Completion Respondent Issued**

23. Mr. Beach explained at hearing that the Licensing Unit sends a deficiency notice whenever staff identifies potential discrepancies in a certificate of completion. The notice identifies the possible discrepancies and potential remedies. The Licensing Unit sent a deficiency notice for each of the certificates previously discussed. Given the number of notices of deficiencies ultimately issued, the Licensing Unit notified the Enforcement Unit. The Enforcement Unit researched other certificates of completion respondent had issued and Mr. Lee had signed and found other discrepancies.

## **APPRENTICES SV'S AND IA'S CERTIFICATES OF COMPLETION**

24. The Board's Licensing Unit received SV's and IA's certificates of completion on dates not established by the evidence. Mr. Lee did not provide an original signature on either, and his signature on both were identical to those on the certificates of OC (first two), NW, JCA (second), SS, SNC, JAMC, and ME (all five).

## **APPRENTICE NW'S CERTIFICATE OF COMPLETION**

25. The Board's Licensing Unit received NW's examination application and certificate of completion around October 2, 2023. The font used to type the total number of hours of training, number of related training hours, date on which training was completed, and date of Mr. Lee's signature was identical to that used on OC's original certificate of completion. The information provided for each of those entries was also identical. NW, Mr. Lee, and the trainer each purportedly signed the certificate on September 12, 2022, nearly one year prior to the date on which the certificate identified training was completed, and Mr. Lee did not provide an original signature.

## **APPRENTICE JCA'S CERTIFICATES OF COMPLETION**

26. The Board's Licensing Unit received JCA's examination application around October 10, 2023. It did not receive her certificate of completion until almost two months later. Mr. Lee's signature was not an original, and the date on which he purportedly signed was written with the same handwriting as the date on which NW and the trainer purportedly signed. Additionally, Mr. Lee's signature was dated almost one month prior to the date training was completed.

27. JCA submitted a second certificate of completion on December 21, 2023. Mr. Lee's signature was still not an original, and it was identical to those on certificates

of completion SV, IA, OC (the first two), NW, SS, SNC, JAMC, and ME (all five) submitted. The date of his signature was typed but otherwise the same as that on the original certificate. The date training was completed was changed to a later date that was still after the date on which Mr. Lee purportedly signed the certificate.

### **APPRENTICE SS'S CERTIFICATE OF COMPLETION**

28. The Board's Licensing Unit received SS's examination application around August 3, 2023. It received her certificate of completion six days later. Mr. Lee's signature was not original, and the date on which he purportedly signed was typed in the same font as the date on which he purportedly signed JCA's second certificate of completion.

### **APPRENTICE SNC'S CERTIFICATE OF COMPLETION**

29. The Board's Licensing Unit received SNC's examination application and certificate of completion around July 31, 2023. Mr. Lee's signature was not an original, and he purportedly signed the certificate seven months prior to SNC completing training.

### **APPRENTICE JAMC'S CERTIFICATE OF COMPLETION**

30. The Board's Licensing Unit received JAMC's examination application and certificate of completion around July 26, 2023. Mr. Lee's signature was not original and was identical to the one on SNC's certificate. The date and the font with which it was typed were also identical on both certificates. Mr. Lee purportedly dated JAMC's certificate almost two months after she completed training, but she and the trainer signed it almost one year after she completed training.

## **Respondent's Evidence**

31. Respondent produced only a few exhibits at hearing, and only one was admitted as evidence. That exhibit was a chart listing the pass/fail rates for the barbering license exam during the first three months of 2025 taken by apprentices sponsored by different barbering apprenticeship programs. According to the chart, only two apprentices respondent sponsored took the examination, and only one passed.

32. Mr. Lee testified. He explained he was rarely, if ever, present when respondent's apprentices obtained their requisite training and experience, and he was not required to be. Therefore, he was totally reliant on each apprentice and his trainer to accurately report his hours of training and experience. Additionally, the training records included numerous pages of "hard-core, detailed math," and mathematical errors were sometimes made.

33. Mr. Lee admitted he was obligated to ensure the information included on a certificate of completion was accurate prior to signing it. He confirmed the accuracy of the information by asking the apprentice. He sometimes also verified the information with the trainer. Mr. Lee also admitted his signature constituted his certification, under penalty of perjury, that the information was true and correct.

34. Mr. Lee identified his signatures as authentic on the certificates of completion of SV, OC (both), NW, and JCA (second). He explained he reviewed "most" of the certificates prior to affixing his signature using a computer program. He did not sign any by hand.

35. Mr. Lee also said he affixed his electronic signature to ME's first certificate of completion. His typing a date for his signature that was prior to the date

training was completed “was a mistake.” Mr. Lee characterized any discrepancies between the dates of his signatures and the dates on which training was completed on other certificates as typographical errors. He further explained any discrepancies between the dates on which he, the apprentice, or the trainer signed any certificates were due to “confusion” about how to complete the certificates. He blamed the confusion on a lack of training on how to complete certificates.

36. Mr. Lee later explained that a “disgruntled” former employee “hijacked” some of his “documents.” He speculated she may have issued some of the certificates of completion in question by affixing his electronic signature without his permission. He specifically identified the signature on SNC’s certificate as one he did not affix or authorize someone to affix. Mr. Lee adamantly denied signing any certificates prior to the date training was completed or with the total number of hours completed left blank.

37. Mr. Lee described having taken numerous steps to avoid future discrepancies on certificates of completion. First, he previously played a less active role in the apprentices’ education and training. He focused more on “clients in the chair” and relied on others to interact with and monitor the apprentices for him. Now, Mr. Lee plays a much more active role with the apprentices, and he tries to visit the establishments in which they work at least two times a week. He has found it important to interact with both the apprentice and the licensee supervising the apprentice.

38. Mr. Lee said he now shows “more love and attention to apprentices” and explained he “would do anything for them.” When asked if that included signing blank certificates of completion, he refused to answer. Instead, he responded, “I am here challenging jurisdiction.”

39. Mr. Lee no longer uses an electronic signature and signs all certificates of completion by hand. He works much more closely with his contact at Los Angeles Unified School District, the local education agency that governs respondent's apprenticeship program. Mr. Lee micromanages the apprentices to confirm they are completing the requisite hours of education and training. He admitted he previously relied on them to accurately report their hours. He began using an Excel spreadsheet to track and calculate hours and avoid mathematical errors.

40. Mr. Lee explained SV obtained her license and is currently working at a high-end salon with various celebrities as clients. He further explained all other apprentices whose certificates of completion were discussed at hearing ultimately completed their apprenticeships and obtained their licenses.

## **Analysis**

41. A person may satisfy the education and training requirements for taking the examination to become a barber, cosmetologist, esthetician, or manicurist by completing an apprenticeship program. He must obtain an apprentice license from the Board, which is valid for two years. The apprenticeship commences upon issuance of the license, lasts a minimum of 21 months, and must be completed prior to expiration of the license. The apprentice works in the desired field under the supervision of a licensee, which allows him to earn money while learning.

42. Once the apprentice completes the requisite 3,200 hours of education and training, he notifies his program sponsor. The program sponsor must verify the apprentice completed the requisite hours and complete a certificate of completion for the apprentice. The certificate must include the total number of hours of on-the-job-training, total number of hours of related training, and date on which training was

completed. It must include an itemization of the total number of hours and operations for each required topic. The trainer, apprentice, and program sponsor must sign the certificate of completion verifying under penalty of perjury that all information provided is true and correct. All signatures must be original.

### **CAUSE TO WITHDRAW THE BOARD'S APPROVAL OF RESPONDENT**

43. The persuasive evidence established respondent failed to provide proper certificates of completion to OC, ME, SV, IA, NW, JCA, SS, SNC, and JAMC, and instead had each complete his or her own certificate. Text messages Mr. Lee included with his August 16, 2024 email to Mr. Beach instructed ME to complete her certificate by providing "numbers that go above the minimum requirements" because "the board is trying to crack down on people that only put the minimum requirements for each catagorie [*sic*]." Additionally, the handwriting on ME's original certificate of completion matched that on the examination application she completed. Furthermore, there were numerous discrepancies between the information provided on OC's, ME's, and JCA's multiple certificates.

44. The persuasive evidence further established respondent provided pre-signed certificates of completion that were blank to OC, ME, SV, IA, NW, JCA, SS, SNC, and JAMC. He dated his signatures on a date prior to the date training was completed on the certificates of OC (original), ME (original, second, fourth, and fifth), NW, JCA (both), and SNC. ME's second certificate contained no date of completion. Additionally, the same stamped or photocopied signature for Mr. Lee was provided on the certificates of SV, IA, OC (first two), NW, JCA (second), SS, SNC, JAMC, and ME (all five) certificates. Finally, the dates of Mr. Lee's, the apprentice's, and the trainer's signatures on JAMC, JCA, SNC, ME's (first, third, fourth, and fifth) certificates were several months apart from one another.



45. Respondent's evidence to the contrary was not persuasive. Mr. Lee was not a credible witness. At times, his testimony was contradictory. Other times, he refused to answer questions that may have elicited prejudicial evidence, instead stating, "I am here challenging jurisdiction." Mr. Lee's August 15, 2024 email essentially asked Mr. Beach to ask another employee to ignore the law and approve ME to take the licensing examination even though she did not qualify. The text messages he provided the following day instructed ME to commit fraud on her certificate of completion to avoid the Board's scrutinizing the number of hours of training she completed.

### **APPROPRIATE DISCIPLINE**

46. The preponderance of the evidence established cause to withdraw the Board's approval of respondent as discussed above. Respondent failed to produce credible and persuasive evidence of its continued ability to sponsor apprentices in a manner consistent with public health, safety, and welfare. Mr. Lee's willingness to instruct an apprentice to commit fraud in her certificate of completion and to ask a Board employee to ask another to overlook legal requirements underscores respondent's inability to do so.

47. Furthermore, respondent's argument that any misconduct it committed was "harmless error" and warrants, at most, requiring additional training demonstrated a complete lack of insight. Mr. Lee essentially shirked respondent's duty to ensure only those qualified sit for the licensing examination by giving apprentices pre-signed, blank certificates of completion to fill out without any oversight. Respondent's argument that withdrawal of its approval would be "over the top" demonstrated a fundamental lack of appreciation for the Board's duty to protect the public from unscrupulous and dishonest apprenticeship program sponsors. The credible and

persuasive evidence overwhelmingly established that the only appropriate discipline is withdrawal of respondent's approval.

## **LEGAL CONCLUSIONS**

### **Applicable Burden/Standard of Proof**

1. Complainant has the burden of proving the allegations in the Notice by a preponderance of the evidence. (*Daniels v. Dept. of Motor Vehicles* (1983) 33 Cal.3d 532, 536 [an administrative agency seeking to discipline a license has the burden of proving a factual basis for doing so]; see *Imports Performance v. Dept. of Consumer Affairs, Bureau of Automotive Repair* (2011) 201 Cal.App.4th 911, 916; see also, Bus. & Prof. Code, § 477, subd. (b) [“‘License’ includes . . . [any] means to engage in a business or profession regulated by this code”].) This evidentiary standard requires complainant to produce evidence of such weight that, when balanced against evidence to the contrary, is more persuasive. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.) In other words, complainant need only prove it is more likely than not that respondent engaged in the conduct alleged in the Notice. (*Lillian F. v. Super. Ct.* (1984) 160 Cal.App.3d 314, 320.)

### **Applicable Law**

#### **BOARD APPROVAL OF AN APPRENTICESHIP PROGRAM SPONSOR**

2. “A joint apprenticeship committee, unilateral management or labor apprenticeship committee, or an individual employer wishing to conduct apprenticeships in barbering, cosmetology, electrology, skin care, or nail care shall be known as apprenticeship program sponsors.” (Cal. Code Regs., tit. 16, § 913, subd. (a).)

One seeking Board approval as an apprenticeship program sponsor must submit to the Board: (1) a written request identifying the subject matter of the apprenticeship; (2) proof the California Apprenticeship Council has approved it to offer the apprenticeship; (3) an outline of a proposed training program; and (4) a copy of its agreement with the apprentice. (Cal. Code Regs., tit. 16, § 913, subd. (b)(1)–(4).)

3. The Board may withdraw its approval of an apprenticeship program sponsor who has violated the Act or the regulations implementing it. (Cal. Code Regs., tit. 16, § 913.1, subd. (a).) A proceeding to withdraw the Board’s approval is initiated by “serving the apprenticeship program sponsor with a notice to show cause.” (*Id.* at subd. (b)(1).) The notice must “be in writing, . . . describe with particularity the nature of the violations, including specific reference to the provisions of law or regulations determined to be violated, and . . . contain a proposed order to withdraw . . . the board’s approval of the apprenticeship program sponsor.” (*Ibid.*)

4. The Notice must notify the program sponsor that any hearing challenging the Notice must be requested “within 30 days of the date of service of the notice to show cause,” or “the order contained in the notice to show cause shall go into effect on the date specified in the notice to show cause.” (Cal. Code Regs., tit. 16, § 913.1, subd. (c).) If a hearing is requested, it “shall be conducted within 60 days of the board’s receipt of the program sponsor’s written request for hearing.” (*Id.* at subd. (d).) The hearing “shall be before a committee selected by the board.” (*Ibid.*) After the hearing, “the committee shall prepare or have prepared a written decision of its findings, determinations and order. Such a decision shall be mailed to the program sponsor within 45 days after the conclusion of the hearing.” (*Ibid.*)

## **APPRENTICESHIP PROGRAM**

5. "An apprentice is any person who is licensed by the board to engage in learning or acquiring a knowledge of barbering, cosmetology, skin care, nail care, or electrology, in a licensed establishment under the supervision of a licensee approved by the board." (Bus. & Prof. Code, § 7332, subd. (a).) The Board may issue an apprentice license in barbering, cosmetology, skincare, nail care, or electrolysis. (Bus. & Prof. Code, § 7334, subds. (a) & (b).) An apprentice license:

[S]hall expire two years from the date the license was issued, or on the date the apprentice is issued a license following the license examination, or if the apprentice fails the license examination twice, on the date the results of the second examination are issued, whichever occurs first.

(Bus. & Prof. Code, § 7335, subd. (a).)

6. A person may satisfy the education and training requirements for qualifying to take the examination for a license as a barber, cosmetologist, esthetician manicurist, or electrologist by completing an apprenticeship program in the appropriate field. (Bus. & Prof. Code, §§ 7321, subd. (d)(5), 7321.5, subd. (d)(5), 7324, subd. (d)(3), 7326, subd. (d)(3), & 7330, subd. (d)(3).)

7. "The term of an apprenticeship is 2 years." (Cal. Code Regs., tit. 16, § 914.2, subd. (a).) "The two years referred to in Section 7335 of the Business and Professions Code means a minimum of thirty-two hundred (3,200) hours of apprenticeship." (Cal. Code Regs., tit. 16, § 916, subd. (a).) "The two [*sic*] year apprenticeship program begins with the issuance of an apprenticeship license by the board." (*Id.* at subd. (b).)

8. A barbering apprenticeship program must provide "2800 Hours of Technical Instruction and Practical Training in Hair Dressing," "200 Hours of Technical Instruction and Practical Training in Shaving," and "200 Hours of Technical Instruction in Health and Safety." (Cal. Code Regs., tit. 16, § 921, subd. (b)(1)–(3).) The following topics must be covered: hairstyling, permanent waving and chemical straightening, hair coloring and bleaching, hair cutting, preparation and performance, laws and regulations, health and safety, disinfection and sanitation, and anatomy and physiology. (*Ibid.*)

9. A cosmetology apprenticeship program must provide "2600 Hours of Technical Instruction and Practical Training in Hair Dressing," "200 Hours of Technical Instruction in Health and Safety," "200 Hours of Technical Instruction and Practical Training in Esthetics," and "200 Hours of Technical Instruction and Practical Training in Manicuring and Pedicuring." (Cal. Code Regs., tit. 16, § 921.1, subd. (b)(1)–(4).) The following topics must be covered: hairstyling, permanent waving and chemical straightening, hair coloring and bleaching, hair cutting, laws and regulations, health and safety considerations, disinfection and sanitation, anatomy and physiology, facials, eyebrow beautification and makeup, manicuring and pedicuring, and artificial nails and wraps. (*Ibid.*)

10. When an apprentice successfully completes an apprenticeship program, "the apprenticeship program sponsor shall issue to the apprentice a certificate of apprenticeship completion . . . signed by the instructor, the apprentice and the apprenticeship program sponsor." (Cal. Code Regs., tit. 16, § 924, subd. (a).) The certificate "shall be a document prepared by the program sponsor." (*Id.* at subd. (b).) It must include "the total number of related training hours completed," "the date the apprentice training was completed," "the total number of hours of on-the-job-training

the apprentice has completed designated by subject matter,” and “a statement, dated and signed under penalty of perjury that all the information on the document is true and correct.” (Cal. Code Regs., tit. 16, § 924, subd. (b)(5)–(7), & (10).) The apprentice must provide his certificate of completion with his application to take the licensing examination. (*Id.* at subd. (c).)

## **Conclusion**

11. Cause exists to withdraw the Board’s approval of respondent as an apprenticeship program sponsor pursuant to California Code of Regulations, title 16, section 913.1, subdivision (a), as it relates to California Code of Regulations, title 16, section 924, subdivisions (a) and (b), individually and collectively. A preponderance of the evidence established respondent failed to issue certificates of completion to OC, ME, SV, IA, NW, JCA, SS, SNC, and JAMC as discussed in Factual Findings 41 through 45. The credible and persuasive evidence established withdrawal of approval is necessary to protect public health, safety, and welfare as explained in Factual Findings 46 and 47.

//

//

//


//

## ORDER

Respondent Hierarch Barbering & Cosmetology Apprentice Academy's appeal of the January 8, 2025 Notice to Show Cause is DENIED. The Board's approval of respondent as an apprentice program sponsor (SPNR 20702) issued March 13, 2020 is WITHDRAWN.

This Decision shall become effective on August 11, 2025. IT IS

SO ORDERED THIS 12th day of July 2025.

By: \_\_\_\_\_

TONYA FAIRLEY

President,

State Board of Barbering and Cosmetology

Department of Consumer Affairs

## **NOTICE TO SHOW CAUSE**

The Board of Barbering and Cosmetology (Board) hereby notifies:

### **Hierarch Barbering & Cosmetology Apprentice Academy**

of its **Notice to Show Cause (Notice)** in the Board's intent to withdraw the approval to operate as an apprentice program sponsor.

### **PARTIES**

Board of Barbering and Cosmetology  
1625 N. Market Blvd Suite 202  
Sacramento, CA 95834

Hierarch Barber & Cosmetology Apprentice Academy  
1717 Old Tustin Ave. Unit B  
Santa Ana, CA 92705

### **JURISDICTION**

This Notice to Show Cause is issued under the authority of the following laws and regulations:

**1. Business and Professions Code (Code) section 477 states:**

As used in this division:

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

(b) "License" includes certificate, registration or other means to engage in a business or profession regulated by this code.

**2. California Code of Regulations (CCR), Title 16, section 913.1 states:**

(a) The board may withdraw or otherwise limit its approval of an apprenticeship program sponsor who is not conducting its apprenticeship program in compliance with the provisions of the laws and regulations of the Barbering and Cosmetology Act (Business and Professions Code sections 7301 et seq.)



(b)(1) A proceeding to withdraw or limit the board's approval of an apprenticeship program sponsor shall be initiated by serving the apprenticeship program sponsor with a notice to show cause. The notice to show cause shall be in writing, shall describe with particularity the nature of the violations, including specific reference to the provisions of law or regulations determined to be violated, and shall contain a proposed order to withdraw or limit the board's approval of the apprenticeship program sponsor.

(2) Where appropriate, a notice to show cause may contain an order of abatement fixing a reasonable time for the abatement of the violations. Where a program sponsor complies with the order of abatement within the time specified, the board shall withdraw its notice to show cause.

(3) In fixing the disciplinary order or order of abatement for a notice to show cause, the board shall give due consideration to the appropriateness of the order with respect to such factors as the gravity of the violations, its impact upon the apprentices participating in the apprenticeship program sponsor's apprenticeship program, its impact on the public, the good faith of the apprenticeship program sponsor, and the history of previous violations.

(c) A notice to show cause shall inform the apprenticeship program sponsor that if it desires a hearing to contest any portion of the notice to show cause, a hearing shall be requested by written notice to the board's executive officer within 30 days of the date of service of the notice to show cause. If a hearing is not requested pursuant to this subsection, the order contained in the notice to show cause shall go into effect on the date specified in the notice to show cause.

(d) A hearing to contest a notice to show cause shall be conducted within 60 days of the board's receipt of the program sponsor's written request for a hearing. Such a hearing shall be before a committee selected by the board. At the conclusion of the hearing, the committee shall prepare or have prepared a written decision of its findings, determinations and order. Such a decision shall be mailed to the program sponsor within 45 days after the conclusion of the hearing.

### **STATUTORY PROVISIONS**

#### **1. Code section 7333 states:**

The apprentice training program shall be conducted in compliance with the Shelley-Maloney Apprentice Labor Standards Act of 1939, Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code, according to apprenticeship standards approved by the administrator of apprenticeship. A copy of the act shall be maintained on file with the board.

**2. Code section 7404 states, in part:**

(a) Unprofessional conduct which includes, but is not limited to, any of the following:

(1) Incompetence or gross negligence, including failure to comply with generally accepted standards for the practice of barbering, cosmetology, or electrology or disregard for the health and safety of patrons.

(b) Failure to comply with the requirements of this chapter.

(d) Failure to comply with the rules adopted by the board for the regulation of establishments, or any practice licensed and regulated under this chapter.

(k) The making of any false statement as to a material matter in any oath or affidavit, which is required by the provisions of this chapter.

(l) Refusal to permit or interference with an inspection authorized under this chapter.

(m) Any action or conduct which would have warranted the denial of a license.

**3. California Education Code section 48053 states:**

Notwithstanding any other provisions of this code, and except as provided in Section 3074.7 of the Labor Code, no charges or fees of any kind shall be required to be paid by any apprentice, or by his parents or guardian, for admission or attendance in any class in any school district which provides instruction under Section 3074 of the Labor Code in accord with the requirements of subdivision (d) of Section 3078 of that code.

**REGULATORY PROVISIONS**

**4. CCR, Title 16, section 914.2 states:**

(a) The term of an apprenticeship is 2 years. If at any time the apprentice discontinues enrollment in the apprenticeship program, the Board shall be notified by the apprentice program sponsor within 10 days of the dis-enrollment.

(b) If after the 2-year period the apprentice has not completed the required 3,200 hours and related training, and the Board has been notified of the cancellation of enrollment, and the apprentice license has been surrendered to the Board as required by section 923 of this article, the applicant may re-enroll once to complete the program. After 2 enrollments into the apprenticeship program the applicant is no longer eligible to participate in the program.

**5. CCR, Title 16, section 916 states:**

(a) The two years referred to in Section 7335 of the Business and Professions Code means a minimum of thirty-two hundred (3,200) hours of apprenticeship. Full-time apprenticeship means employment and training in an approved program for at least 32 hours per week. No more than eight and one-half hours credit will be allowed for any one work day nor will credit be allowed for more than five days in one week. The maximum training hours shall not exceed 42- ½ hours per week.

(b) The two year apprenticeship program begins with the issuance of an apprenticeship license by the board.

**6. CCR, Title 16, section 921.1 states:**

(a) The curriculum for an apprentice enrolled in a cosmetology apprenticeship course shall consist of thirty-two hundred (3,200) hours of technical instruction and practical training covering all practices constituting the art of cosmetology pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

**(1) 2600 Hours of Technical Instruction and Practical Training in Hair Dressing**

The required subjects of instruction in Hair Dressing shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:

**Hairstyling (95 hours of Technical Instruction and 450 Practical Operations):**

The subject of Hairstyling shall include, but is not limited to, the following techniques and procedures: Hair analysis, shampooing, finger waving, pin curling, comb outs, straightening, waving, curling with hot combs and hot curling irons, and blower styling.

**Permanent Waving and Chemical Straightening (40 hours of Technical Instruction and 210 Practical Operations):**

The subject of Permanent Waving and Chemical Straightening shall include, but is not limited to, the following techniques and procedures: Hair analysis, acid and alkaline permanent waving, chemical straightening including the use of sodium hydroxide and other base solutions.

Hair Coloring and Bleaching (65 hours Technical Instruction and 215 Practical Operations):

The subject of Hair Coloring and Bleaching shall include, but is not limited to, the following techniques and procedures (also including, the use of semi-permanent, demi-permanent and temporary colors): Hair analysis, predisposition and strand tests, safety precautions, formula mixing, tinting, bleaching, high and low lights, and the use of dye removers.

Hair Cutting (20 hours Technical Instruction and 300 Practical Operations):

The subject of Hair Cutting shall include, but is not limited to, the following techniques and procedures: Use of scissors, razor (shaper), electrical clippers/trimmers, and thinning (tapering) shears for wet and dry cutting.

(2) 200 Hours of Technical Instruction in Health and Safety

The required subjects of instruction in Health and Safety shall be completed with the minimum hours of technical instruction for each subject-matter as follows:

Laws and Regulations (20 Hours of Technical Instruction):

The subjects of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.

Health and Safety Considerations (45 Hours of Technical Instruction):

The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Cosmetology chemistry including the chemical composition and purpose of cosmetic, nail, hair and skin care preparations. Elementary chemical makeup, chemical skin peels, and chemical and physical changes of matter. Hazardous substances including training in chemicals and health in establishments, protection from hazardous chemicals and preventing chemical injuries, ergonomics, theory of electricity in cosmetology, bacteriology, communicable diseases, including HIV/AIDS, Hepatitis B, and staph and Material Safety Data Sheets.

### Disinfection and Sanitation (20 Hours of Technical Instruction):

The subject of Disinfection and Sanitation shall include but is not limited to the following techniques and procedures: Disinfection and sanitation including proper procedures to protect the health and safety of the consumer as well as the technician. Proper disinfection procedures for equipment used in establishments.

Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.

### Anatomy and Physiology (15 Hours of Technical Instruction):

The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Human Anatomy, Human Physiology.

### (3) 200 Hours of Technical Instruction and Practical Training in Esthetics

The required subjects of instruction in Esthetics shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:

#### Manual, Electrical and Chemical Facials (25 Hours of Technical Instruction and 65 Practical Operations):

The subject of manual, electrical and chemical facials shall include, but is not limited to the following techniques and procedures: Manual Facials including cleansing, scientific manipulations, packs, and masks. Electrical Facials include the use of electrical modalities, dermal lights and electrical apparatus for facials and skin care purposes; however, machines capable of producing an electrical current shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face. Chemical Facials include chemical skin peels, packs, masks and scrubs. Training shall emphasize that only the non-living, uppermost layers of facial skin, known as the epidermis, may be removed, and only for the purpose of beautification. All practical operations must be performed in accordance with Section 992 regarding skin exfoliation.

#### Eyebrow Beautification and Make-up (25 hours Technical Instruction and 55 Practical Operations):

The subject of Eyebrow Beautification shall include, but is not limited to the following issues: Eyebrow Arching and Hair Removal, including the use of wax, tweezers, electric or manual, and depilatories for the removal of superfluous hair.

The subject of Makeup shall include, but is not limited to, the following issues: skin analysis, complete and corrective makeup, lash and brow tinting, and the application of false eyelashes.

(4) 200 Hours of Technical Instruction and Practical Training in Manicuring and Pedicuring

The required subjects of instruction in Manicuring and Pedicuring shall be completed with the minimum hours of technical instruction and practical operation for each subject-matter as follows:

Manicuring and Pedicuring (10 hours Technical Instruction and 34 Practical Operations): The subject of Manicuring and Pedicuring shall include, but are not limited to, the following issues: Water and oil manicure, including nail analysis, and hand/foot and arm/ankle massage.

Artificial Nails and Wraps (25 hours Technical Instruction and 120 (nails) Practical Operations): Artificial nails including acrylic: liquid and powder brush-ons, artificial nail tips, and nail wraps and repairs.

(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, and client service records.

**7. CCR, Title 16 section 924 states:**

(a) Upon successful completion or discontinuance of an apprenticeship program, the apprenticeship program sponsor shall issue to the apprentice a certificate of apprenticeship completion or discontinuance. The certificate of apprenticeship completion or discontinuance shall be signed by the instructor, the apprentice and the apprenticeship program sponsor.

(b) The certificate of apprenticeship completion or discontinuance shall be a document prepared by the program sponsor that contains all of the following:

(1) Course title.

(2) The apprentice's name, address, telephone number and date of birth.

(3) The apprentice license number and social security number.

(4) The program sponsor name and sponsor code issued by the board.

(5) The total number of related training hours completed.

(6) The date the apprentice training was completed or discontinued.

(7) The total number of hours of on-the-job training the apprentice has completed designated by subject matter.

(8) Any training received in a prior board-approved apprenticeship program.

(9) A statement confirming that the apprentice has or has not met the course curriculum requirements.

(10) A statement, dated and signed under penalty of perjury that all the information on the document is true and correct. The statement shall be worded as follows:

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

(c) Apprentices shall submit the certificate of apprenticeship completion and all other qualifying documents with their application to take the licensing examination.

**8. CCR, Title 8, Chapter 2, Subchapter 1, Section 224 states:**

(a) A "Certificate of Completion of Apprenticeship" attesting to the completion of an apprenticeship will be issued under the authority of the California Apprenticeship Council by the Division of Apprenticeship Standards upon receipt of such competent evidence as may be required by the California Apprenticeship Council.

(b) The certificate shall signify completion of an apprenticeship under standards and apprentice agreement approved under the State Apprenticeship Law and these regulations.

(c) Completion of the entire apprenticeship program by the apprentice shall be attested to by the local apprenticeship program sponsor. The local apprenticeship program sponsor will attest to the related and supplemental instruction after consulting with the appropriate school authorities regarding the completion of the educational requirements of related and supplemental subjects.

(d) The certificate is in recognition of completion of an apprenticeship. The certificate may be granted to an apprentice only when the apprentice:

(1) in addition to previous on-the-job training and related school instruction which is of an approved nature, shall have completed not less than an additional six (6) months as an apprentice under the laws of the State of California; and

(2) demonstrated to the satisfaction of the apprenticeship program sponsor, mastery of the skills and knowledge of the prescribed program.

(e) The local apprenticeship program sponsor in recognition of unusual ability and progress in mastering the skills of the occupations and the related and supplemental education program may decrease the apprenticeship period for individual apprentices by not more than twelve and one-half (12 1/2) percent.

(f) Credit toward the apprenticeship for work experience prior to the apprenticeship may be given by the local apprenticeship program sponsor after verification and/or examination. Credit for partial completion of the education requirements for related and supplemental instruction may be given by the local apprenticeship program sponsor after consultation with the appropriate school authorities concerning the mastery of the related instruction ordinarily required of the apprentices.

(g) In instances where school classes are not available or where attendance will result in an undue hardship on the apprentice, the local apprenticeship program sponsor, after consultation with the appropriate school officials, may make arrangements for acceptance of educational experiences such as home study or correspondence courses as fulfilling the related and supplemental education requirement.

## **VIOLATIONS**

### **9. CCR, Title 16, sections 924(a) and 924(b)**

Respondent is in violation of CCR, Title 16, sections 924(a) and 924(b) in that Respondent is providing pre-signed certificate of completions to apprentices within the Respondents program and allowing the apprentice to complete the required information on the completion form. Respondent did not issue a certificate of completion as required by 924(a) nor did Respondent prepare the certificate of completion as required by section 924(b). In a review of ten (10) Certificate of Completion Forms, the signature of the Respondent is the same on every form. See Certificate of Completion Forms:

- Apprentice SV (**Attachment 1**)
- Apprentice IA (**Attachment 2**)
- Apprentice OC #1 (**Attachment 3**)
- Apprentice OC #2 (**Attachment 4**)
- Apprentice NW (**Attachment 5**)
- Apprentice JCA #2 (**Attachment 6**)
- Apprentice SS (**Attachment 7**)
- Apprentice SNC (**Attachment 8**)
- Apprentice JC (**Attachment 9**)
- Apprentice ME (**Attachment 10**)

### **10. CCR, Title 16, sections 924(a), 924(b), and 921.1**

Respondent is in violation of CCR sections 921.1, 924(a), and 924(b) as follows: On or about January 2, 2024, an examination application was received for Apprentice OC that contained a Completion Form (**Attachment 3**). The Completion Form states the "Date of training Completed" as August 1, 2023, however, Respondent signed the Completion Form on September 12, 2022, which is prior to the completion of training. The apprentice license for OC (CA-752907) was issued on December 27, 2021, and expired on December 31, 2023. A deficiency letter was mailed to Apprentice OC stating that they completed their training in less time than the 2-year apprentice term as the start of the apprentice program begins with the issuance of the apprentice license and



the time frame entered on the Completion Form was 20 months (**Attachment 11**). On February 1, 2024, the Board received a new Completion Form from OC (**Attachment 4**). The form stated that the training was completed on December 17, 2023 (five months after the date of the first Completion Form that was signed under penalty of perjury). The required hours and operations were all updated, as shown below:

|   | Hours on 1 <sup>st</sup> Form | Operations on 1 <sup>st</sup> Form | Hours on 2 <sup>nd</sup> Form | Operations on 2 <sup>nd</sup> Form |
|---|-------------------------------|------------------------------------|-------------------------------|------------------------------------|
| Hair Styling                                | 100                           | 460                                | 460                           | 460                                |
| Permanent Waving and Chemical Straightening | 43                            | 226                                | 266                           | 267                                |
| Hair Color/Bleaching                        | 70                            | 228                                | 228                           | 228                                |
| Hair Cutting                                | 21                            | 318                                | 318                           | 318                                |
| Manual Electrical and Chemical Facials      | 27                            | 72                                 | 247                           | 247                                |
| Eyebrow Beautification                      | 26                            | 59                                 | 59                            | 59                                 |
| Laws and Regs                               | 22                            | n/a                                | 260                           | n/a                                |
| Health and Safety                           | 4525                          | n/a                                | 445                           | n/a                                |
| Disinfection and Sanitation                 | 21                            | n/a                                | 266                           | n/a                                |
| Anatomy and Physiology                      | 17                            | n/a                                | 289                           | n/a                                |
| Manicure/Pedicure                           | 11                            | 42                                 | 142                           | 142                                |
| Artificial Nails and Wraps                  | 26                            | 126                                | 266                           | 126                                |

The discrepancies in the completed hours documented on the first Completion Form's total of 384 hours, and the new Completion Form's total of 2,801 hours, (does not include Health & Safety as assumed this is an error) shows that the information is not true and correct. In addition, there are multiple number of hours that are the exact same as the number of operations, which is not standard in the industry. Furthermore, the second Completion Form (**Attachment 4**) lists 289 hours of Anatomy and Physiology. These 289 hours are significantly higher than the 15 required hours. The second Completion Form (**Attachment 4**) was allegedly signed by Respondent on December 17, 2023; however, the signature is a photocopy or a stamped signature.

#### **11. CCR, Title 16, sections 924(a), 924(b), and 921.1**

Respondent is in violation of CCR sections 921.1, 924(a), and 924(b) in that on or about October 2, 2023, an application was received for NW, which contained a Completion Form (**Attachment 5**). The completion date entered on the Completion Form is 8/1/2023. This date was typed in and is an exact match for the Completion Form submitted with the original application for the previous apprentice OC (**See Attachment 3**). In addition, the date of Respondent's signature is also the exact same and the signature is a photocopy or a stamped signature.

The signature from Respondent is dated 9/12/2022 and the signatures from the apprentice and the trainer are both dated 9/12/2022, shows that all signatures were completed prior to the apprentice completing the training on 8/1/2023.

#### **12. CCR, Title 16, sections 924(a), 924(b), and 921.1**

Respondent is in violation of CCR sections 921.1, 924(a), and 924(b) in that on or about October 10, 2023, an examination application was received for JCA, however the application did not contain a Completion Form. On November 29, 2023, the first Completion Form was received from

JCA (**Attachment 12**). Respondent's signature is a photocopy and the date for the signature is handwritten. The handwritten signature date is the same handwriting as the date for the apprentice and trainer signature show that the Completion Form was pre-signed by Respondent. In addition, the date that the apprentice and trainer allegedly signed the Completion Form is October 4, 2023, the date the training was completed was August 3, 2023, and Respondent signed the Completion Form on July 10, 2023, prior to the completion of training.

On December 21, 2023, an updated Completion Form was submitted (**Attachment 6**). The signature of Respondent is a photocopy and is an exact match of Attachments 1-5 and 7-10. The date for the signature of Respondent is typed and remained July 10, 2023, and the completion date was updated to August 31, 2023, showing that this was pre-signed and dated prior to the completion of the training. Also, this Completion Form had a typed in completion date of 7/1/2023 that was blacked out by a marker and the date of 8/31/2023 handwritten in. Prior to the blacked-out date, this form is a copy of the Completion Form discussed in the next paragraph for SS (**Attachment 7**).

### **13.CCR, Title 16, section 924(a)**

Respondent is in violation of CCR, Title 16, section 924(a) in that on or about August 3, 2023, an examination application was received for SS, however, the application did not contain a Completion Form. On August 9, 2023, a Completion Form was received (**Attachment 7**). Respondent's signature is a photocopy and includes the same typed in date as the Completion Form for previously mentioned JCA (**Attachments 6**) showing this form was pre-signed by Respondent.

### **14.CCR, Title 16, sections 924(a), 924(b), and 921.1**

Respondent is in violation of CCR, Title 16, sections 924(a), 924(b) and 921.1 in that on or about July 31, 2023, an examination application was received for SNC and the Completion Form was attached to the application (**Attachment 8**). Respondent's signature on the Completion Form is a photocopy or stamped signature. Respondent allegedly signed the Completion Form on October 3, 2022, however the completion date of training is May 9, 2023, showing that the Completion Form was pre-signed by Respondent prior to the training being completed.

### **15.CCR, Title 16, sections 924(a), 924(b), and 921.1**

Respondent is in violation of CCR, Title 16, sections 924(a), 924(b) and 921.1 in that on or about July 26, 2023, an examination application was received for JAMC, and the Completion Form was attached to the application (**Attachment 9**). This Completion Form has the same signature and date by Respondent as the Completion Form submitted by SNC (**Attachment 8**). The completion date of training was listed as August 8, 2022; however the apprentice and the trainer signed the Completion Form on July 21, 2023, and Respondent signed the completion form on October 3, 2022, showing that the Completion Form was pre-signed and pre-dated by Respondent.

### **16.Code sections 7333, CCR, Title 16, sections 921 and 924**

Respondent is in violation of Code sections 7333 in conjunction with CCR, Title 16, sections 921 and 924 in that on or about June 11, 2024, an examination application was received for ME with an attached Completion Form (**Attachment 13**) that did not contain any entry for the on-the-job hours or operations. The "Date Training Completed" was handwritten as 10/31/2023 and is the

same handwriting as the examination application which is the apprentice's handwriting. The "Total OJT Hours Completed" was typed in as 3,200. Respondent signed the Completion Form on October 3, 2023, which is prior to the date the training was completed. This proves the Completion Form was provided to the apprentice already signed and dated by Respondent, and the apprentice was required to complete the form.

On July 24, 2024, a second Completion Form (**Attachment 14**) was received via e-mail from ME, which had the on-the-job hours and operations entered; however, there were discrepancies with this form. For hairstyling, it states that 930 hours and 930 operations were completed. It is not common that an individual performed 930 hair styles that each took one hour. The "Date Training Completed" was now blank (when it had been 10/31/2023 on the first form submitted). The apprentice's signature was now dated June 20, 2024, when it was October 31, 2023, on the first form. In addition, the trainer's signature was now June 20, 2024, when it was blank on the first form; however, the signature of the Respondent was exactly the same as on the first form (**see Attachments 13 and 14**). Thus, Respondent did not complete the Completion Forms as the first and second forms are different but have Respondent's same signature and date.

On August 1, 2024, Respondent emailed the Board with an updated a third Completion Form (**Attachment 16**). This form now had a completion date of October 30, 2023, (different than both the first and the second submissions) and now had a "Total OJT Hours Completed" listed as 4,362 (both the first and second submission listed 3,200 hours). Also, the specific "On-the-Job Training Hours and Operations" were different than the previous submission (second submission- **Attachment 14**). Below is a table for the differences in hours and operations completed on the second submitted Completion Form (**Attachment 14**) and the third submitted Completion Form (**Attachment 16**).

|  | Hours on 2 <sup>nd</sup><br>Form<br>Submitted on<br>7/24/24<br>(attachment 14) | Operations<br>on 2 <sup>nd</sup> Form<br>Submitted on<br>7/24/24<br>(attachment 14) | Hours on 3 <sup>rd</sup><br>Form<br>Submitted on<br>8/1/24<br>(attachment 16) | Operations<br>on 3 <sup>rd</sup> Form<br>Submitted on<br>8/1/24<br>(attachment 16) |
|--|--|---|---|--|
| Hair Styling                                   | 930  | 930   | 1054  | 930  |
| Permanent Waving and<br>Chemical Straightening | 270  | 95  | 305   | 152  |
| Hair Color/Bleaching                           | 484  | 242   | 517   | 242  |
| Hair Cutting                                   | 322  | 322   | 65  | 322  |
| Manual Electrical and<br>Chemical Facials      | 76   | 76  | 76  | 76   |
| Eyebrow Beautification                         | 67   | 120   | 67  | 120  |
| Laws and Regs                                  | 35   |   | 35  |  |
| Health and Safety                              | 51   |   | 51  |  |
| Disinfection and Sanitation                    | 39   |   | 39  |  |
| Anatomy and Physiology                         | 24   |   | 24  |  |
| Manicure/Pedicure                              | 78   | 60  | 78  | 60   |
| Artificial Nails and Wraps                     | 184  | 90  | 184   | 90   |

The significant differences in these two forms establish that they are not true and correct. In addition, the Respondent's signature remains the same on the first, second and third Completion Forms (**Attachments 13, 14 and 16**).

On August 14, 2024, Respondent submitted a fourth Completion Form (**Attachment 15**), which contained the same information that was on the third submission (**Attachment 16**) except for the number of Total OJT Hours is now listed at 3,200.

On August 15, 2024, Respondent called Addison Beach, Enforcement Manager, and left the following voicemail asking the Board to make an exception:

**Voicemail Transcription:**

Hi, Addison. This is Jason from the Hierarchy. Listen, one of my students called me balling today, absolutely balling. And she's been getting pulverized by the Board and she's a really good student. She's been really trying, tooth and nail, to submit everything over and over and it's just difficult for her. And to add fuel to the fire, now she's being asked to submit every single OJT form and I know that that is standard protocol, but it is literally breaking my student's mental health and I'm concerned. So, I would just please ask if we can make one exception. Her name is [ME]. Can you please ask Inga to just please let up? It is overwhelming at this point, and she just wants to take her board and move on with their life. So, I'm just asking for this favor, please. It's a little too much at this point if you were to look at the e-mail history and everything. The student has been trying for several months to get this right, and I would just ask that you and Inga please show her some mercy. Okay, My number 7148642801, 7148642801. More than happy to, you know, accommodate the board with other students, but just with this particular one, she called me balling today and I wish you had been on the phone to hear her. And it just broke my heart, broke my heart. So please, for the love of God, give me just except one more submission from her. Let's not abuse this too much and put her in a place to where she can't even concentrate on her board because she's taking so many hours and so many days to just kind of bow down to something a little bit. It's silly at the end of the day, alright, we're all human and we all make mistakes. If we could show her some mercy, I'd really appreciate it. 714-864-2801. Thanks so much.

In the above voicemail, Respondent states that the apprentice (ME) is “trying to submit everything”, “student has been trying for several months to get this right”. The Respondent also states, “asking for a favor”, “more than happy to accommodate the Board with other students”. This voicemail shows that Respondent is not completing the Completion Forms for apprentices and is asking the Board to make exceptions and allow an individual to sit for the licensing examination without accurate proof of completion of the required apprentice program.

On August 16, 2024, Respondent sent Addison Beach, Enforcement Manager, an email (that contained the following statement:

“Good morning Addison!

I hope this email finds you well and in good spirits. I spoke to [ME] at length last night and together we were able to dig up text messages that prove that she was doing her due diligence since October of last year. She promptly filled out her application for examination on October 31st of last year. I have attached text messages to this email for you to view. [ME] is currently doing her due diligence to get more evidence for you that proves she has been indeed trying to get a test date for her board examination for nearly 10 months now. She absolutely did not wait eight months until after her apprentice license expired to submit her application for

examination to the board. Moving forward we are very committed to doing whatever it takes to provide clarity about this issue. We are very apologetic if there's been any confusion. We are working hard towards improving every day. It's our goal to meet the expectations of board compliance. More to come soon. Thanks for everything you do for our industry.

In the attachments of this email, screen captures of text messages were included (**Attachment 17**). The text messages that the Respondent provided to the Board prove that the apprentice is completing the Completion Form that is required to be completed by the Program Sponsor.

As shown in the October 31, 2023, text message, ME asks the Respondent what date to list as her graduation day. Respondent asks: "what's a couple days before your expiration date" and ME responded that the apprentice license expired "today". Respondent then states "when you fill out the paperwork, make sure you put numbers that go above the minimum requirements. The board is trying to crack down on people that only put the minimum requirements". This statement proves that the Respondent is instructing the apprentice to complete her own Completion Form and is instructing her to be dishonest in reporting her number of operations and hours.

### **PROPOSED ORDER**

The Board hereby submits the proposed order to withdraw the approval of apprentice program sponsor issued on March 13, 2020, to Hierarch Barbering and Cosmetology Apprentice Academy (SPNR 20702). Withdrawal of the program sponsor approval will begin 30 days from the date of this letter unless a request for a hearing has been received.

### **HEARING TO CONTEST NOTICE TO SHOW CAUSE**

If the apprentice program sponsor desires a hearing to contest any portion of the notice, a hearing shall be requested in writing to the board's executive officer within 30 days of the date of service of the notice. If a hearing is not requested pursuant to this subsection, the order shall go into effect on the date specified in the notice.

A hearing to contest the notice shall be conducted within 60 days of the board's receipt of the program sponsor's written request for a hearing. Such a hearing shall be before a committee selected by the board. At the conclusion of the hearing, the committee shall prepare or have prepared a written decision of its findings, determinations, and order. Such a decision shall be mailed to the program sponsor within 45 days after the conclusion of the hearing.

Dated January 8, 2025

*Carrie Harris*  
\_\_\_\_\_  
CARRIE HARRIS  
Deputy Executive Officer  
Board of Barbering and Cosmetology  
Department of Consumer Affairs