



**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](http://www.bppe.ca.gov)



**APPEAL OF CITATION INFORMAL CONFERENCE**  
**DECISION: CITATION MODIFIED**

June 10, 2014

Tiana Capper, Owner  
 Beauty Careers, Inc. dba Torrance Beauty College  
 1978 West Carson Street  
 Torrance, California 90501

Date of Issuance	Citation Number	Institution Code
June 10, 2014	1314003	1906751

On May 6, 2014 an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1314003 (Citation) against Tiana Capper, owner of Torrance Beauty College. In attendance were Joanne Wenzel, Bureau Chief; Kurt Heppler, DCA Legal; and Tiana Capper, Owner, and Nina Bishop, Office Manager.

Pursuant to Business and Professions Code, §125.9; California Education Code, §94936; and Title 5 of the California Code of Regulations, §75020 and §75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1314003.

It is the decision of the Bureau Chief that on June 4, 2014 Citation No. 1 is modified and makes the following change(s):

**VIOLATION CODE SECTIONS**

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the section(s) you are charged with violating.
2.	<p><b>Upheld -No new substantive facts were presented at the informal conference.</b></p> <p><u>Violation of CEC §94911(b) – Minimum Requirements for Enrollment Agreement</u>  <i>“An enrollment agreement shall include, at a minimum, all of the following:                      (b) A schedule of total charges, including a list of any charges that are nonrefundable and the student’s obligations to the Student Tuition Recovery Fund, clearly identified as nonrefundable charges”.</i></p> <p><b>The institution’s enrollment agreement does not contain a schedule of total charges, including a list of any charges that are nonrefundable and the student’s obligations to the Student Tuition Recovery Fund, clearly identified as nonrefundable charges.</b></p>

	<p><b><u>Order of Abatement:</u></b></p> <ol style="list-style-type: none"> <li>1. The institution's enrollment agreement shall have a schedule of total charges, including a list of any charges that are nonrefundable and the student's obligation to the Student Tuition Recovery Fund, clearly identified as nonrefundable charges.</li> <li>2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800.</li> </ol> <p><b><u>Assessment of Fine:</u></b> You are not being assessed an administrative fine for this violation.</p>
6.	<p><b>Upheld -No new substantive facts were presented at the informal conference.</b></p> <p><b><u>Violation:</u></b> CEC §94911(e)(2) – Minimum Requirements for Enrollment Agreement <i>"An enrollment agreement shall include, at a minimum, all of the following: (e) (2) The disclosure shall contain the institution's refund policy and a statement that, if the student has received federal student financial aid funds, the student is entitled to a refund of moneys not paid from federal student financial aid program funds."</i></p> <p><b>The institution's enrollment agreement contains the institution's refund policy; however, it does not contain the disclosure regarding federal student financial aid funds.</b></p> <p><b><u>Order of Abatement:</u></b></p> <ol style="list-style-type: none"> <li>1. The institution's enrollment agreement shall contain a statement that, if the student has received federal student financial aid funds, the student is entitled to a refund of moneys not paid from federal student financial aid funds.</li> <li>2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800.</li> </ol> <p><b><u>Assessment of Fine:</u></b> You are not being assessed an administrative fine for this violation.</p>
11.	<p><b>Upheld -No new substantive facts were presented at the informal conference.</b></p> <p><b><u>Violation CEC §94911(i)(1) – Minimum Requirements for Enrollment Agreement</u></b> <i>"An enrollment agreement shall include, at a minimum, all of the following: (i) (1) The following statement: "Prior to signing this enrollment agreement, you must be given a catalog or brochure and a School Performance Fact Sheet, which you are encouraged to review prior to signing this agreement. These documents contain important policies and performance data for this institution. This institution is required to have you sign and date the information included in the School Performance Fact Sheet relating to completion rates, placement rates, license examination passage rates, salaries or wages, and the most recent three-year cohort default rate, if applicable, prior to signing this agreement.""</i></p>

The institution's enrollment agreement does not contain the above referenced required verbatim statement.

**Order of Abatement:**

1. The institution's enrollment agreement shall contain the above mentioned required verbatim statement.
2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800.

**Assessment of Fine:**

You are not being assessed an administrative fine for this violation.

12. **Upheld -No new substantive facts were presented at the informal conference.**

**Violation: CEC §94911(i)(2) – Minimum Requirements for Enrollment Agreement**

*"An enrollment agreement shall include, at a minimum, all of the following:*

*(i) (2) Immediately following the statement required by paragraph (1), a line for the student to initial, including the following statement: "I certify that I have received the catalog, School Performance Fact Sheet, and information regarding completion rates, placement rates, license examination passage rates, salary or wage information, and the most recent three-year cohort default rate, if applicable, included in the School Performance Fact sheet, and have signed, initialed, and dated the information provided in the School Performance Fact Sheet.""*

The institution's enrollment agreement does not contain a line for the student to initial including the above referenced required verbatim statement.

**Order of Abatement:**

1. Immediately following the statement required in CEC §94911(i)(1) the institution's enrollment agreement shall contain a line for the student to initial including the above mentioned required verbatim statement.
2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800.

**Assessment of Fine:**

You are not being assessed an administrative fine for this violation.

16. **Upheld -No new substantive facts were presented at the informal conference.**

**Violation of CEC §94930.5(d)(1)(A) – Fee Schedule**

*"An institution shall remit to the bureau for deposit in the Private Postsecondary Education Administration Fund the following fees, in accordance with the following schedule:*

*(d) (1) In addition to any fees paid to the bureau pursuant to subdivisions (a) to (c), inclusive, each institution that is approved to operate pursuant to this chapter shall remit both of the following:*

*(A) An annual institutional fee, in an amount equal to three-quarters of 1 percent of the institution's annual revenues derived from students in California, but not exceeding a total of twenty-five thousand dollars (\$25,000) annually."*

The institution did not pay the required 2011 and 2012 annual fees. Annual fees for 2011 and 2012 are currently delinquent.

**Order of Abatement:**

1. The institution shall remit to the Bureau an annual institutional fee, in an amount equal to three-quarters of 1 percent of the institution's annual revenues derived from students in California, but not exceeding a total of twenty-five thousand dollars (\$25,000) annually.
2. The institution shall pay the required 2011 and 2012 annual fees including all late penalty fees.

**Assessment of Fine:**

The fine for this violation is: **\$2,550.00.**

18. **Upheld -No new substantive facts were presented at the informal conference.**

Violation of 5 CCR §71800(b) – Enrollment Agreement

*"In addition to the requirements of section 94911 of the Code, an institution shall provide to each student an enrollment agreement that contains at the least the following information:*

*(b) Period covered by the enrollment agreement."*

The institution's enrollment agreement does not contain the period covered by the enrollment agreement.

**Order of Abatement:**

1. The institution's enrollment agreement shall contain the period covered by the enrollment agreement.
2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800.

**Assessment of Fine:**

You are not being assessed an administrative fine for this violation.

20. **Upheld -No new substantive facts were presented at the informal conference.**

Violation of 5 CCR §71800(e)(11) – Enrollment Agreement

*"In addition to the requirements of section 94911 of the Code, an institution shall provide to each student an enrollment agreement that contains at the least the following information:*

*(e) Itemization of all institutional charges and fees including, as applicable:*

*(11) Student Tuition Recovery Fund fee (non-refundable);"*

The institution's enrollment agreement does not contain an itemized charge for the Student Tuition Recovery Fund fee (non-refundable).

**Order of Abatement:**

1. The institution's enrollment agreement shall contain an itemized charge for the Student Tuition Recovery Fund fee (non-refundable).
2. The institution shall submit to the Bureau an enrollment agreement, that complies with the

	<p>minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800.</p> <p><b><u>Assessment of Fine:</u></b>  You are not being assessed an administrative fine for this violation.</p>
21.	<p><b>Upheld -No new substantive facts were presented at the informal conference.</b></p> <p><u>Violation of 5 CCR §76120(a) – Amount of STRF Assessment</u>  “(a) Each qualifying institution shall collect an assessment of fifty cents (\$.50) per one thousand dollars (\$1,000) of institutional charges, rounded to the nearest thousand dollars, from each student in an educational program who is a California resident or is enrolled in a residency program. For institutional charges of one thousand dollars (\$1,000) or less, the assessment is fifty cents (\$.50).”</p> <p>The institution has failed to collect Student Tuition Recovery Fund fees from eligible students. Students who are enrolled in an educational program at the institution are eligible for the Student Tuition Recovery Fund if any of the total charges are paid by the student to the institution and the student is a California resident or are enrolled in a residency program.*</p> <p><b><u>Order of Abatement:</u></b></p> <ol style="list-style-type: none"> <li>1. The institution shall collect an assessment of \$0.50 per \$1,000.00 of institutional charges, rounded to the nearest thousand dollars, from each eligible student in an education program who is a California resident or is enrolled in a residency program.</li> <li>2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800.</li> <li>3. The institution shall submit a copy of the next reporting period quarter Student Tuition Recovery Fund Assessment Reporting from.</li> <li>4. The institution shall submit the records of student information to substantiate the data reported on the Student Tuition Recovery Fund Assessment Reporting Form and records of the student’s eligibility under the Fund, which includes the required information mentioned in CCR §76140(a).</li> </ol> <p><b><u>Assessment of Fine:</u></b>  The fine for this violation is: <b>\$2,550.00.</b></p>
22.	<p><b>Upheld -No new substantive facts were presented at the informal conference.</b></p> <p><u>Violation of 5 CCR §76130(a) – Collection and Submission of Assessments</u>  “(a) A qualifying institution shall collect the assessment from each student in an educational program at the time it collects the first payment from or on behalf of the student at or after enrollment. The assessment shall be collected for the entire period of enrollment, regardless of whether the student pays the institutional charges in increments.”</p> <p>The institution has failed to collect the Student Tuition Recovery Fund (STRF) fees from each student in an educational program at the time it collects the first payment or on behalf of the student at or after enrollment. The institution has failed to collect STRF fees at any time, from any</p>

student enrolled in an educational program at the institution.

**Order of Abatement:**

1. The institution shall collect STRF fees from each student in an educational program at the time it collects the first payment or on behalf of the student at or after enrollment. The STRF fee shall be collected for the entire period of enrollment, regardless of whether the student pays the institutional charges in increments.
2. The institution shall submit a copy of the next reporting period quarter Student Tuition Recovery Fund Assessment Reporting form.
3. The institution shall submit the records of student information to substantiate the data reported on the STRF Assessment Reporting Form and records of the student's eligibility under the Fund, which includes the required information mentioned in 5 CCR §76140(a).

**Assessment of Fine:**

The fine for this violation is: **\$2,550.00.**

23. **Upheld -No new substantive facts were presented at the informal conference.**

Violation of 5 CCR §76130(b)(3-4) – Collection and Submission of Assessments

*“(b) A qualifying institution shall complete the STRF Assessment Reporting Form (Rev. 2/10) and remit it with the STRF assessments collected from students to be received by the Bureau no later than the last day of the month following the close of the quarter as follows:*

*(3) October 31 for the third quarter, and*

*(4) January 31 for the fourth quarter. If the due date falls on a Saturday, Sunday or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.”*

The institution failed to submit STRF Assessment Reporting forms for the third and fourth quarter of 2011.

**Order of Abatement:**

1. The institution shall complete the STRF Assessment Reporting forms and remit it with the STRF assessments collected from students to be received by the Bureau no later than the last day of the month following the close of the quarters as follows:  
  
  - (1) April 30 for the first quarter,
  - (2) July 31 for the second quarter,
  - (3) October 31 for the third quarter, and
  - (4) January 31 for the fourth quarter. If the due date falls on a Saturday, Sunday or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.
2. The institution shall submit third quarter of 2011 and the fourth quarter of 2011 STRF Assessment Reporting Forms to the Bureau.

**Assessment of Fine:**

The fine for this violation is: **\$550.00.**

24. **Upheld -No new substantive facts were presented at the informal conference.**

Violation of 5 CCR §76140(a) – Record-Keeping Requirements

*“(a) A qualifying institution shall collect and maintain records of student information to substantiate the data reported on the STRF Assessment Reporting Form and records of the students' eligibility under the Fund. Such records shall include the following for each student:*

- (1) Student identification number,*
- (2) First and last names,*
- (3) Email address,*
- (4) Local or mailing address,*
- (5) Address at the time of enrollment,*
- (6) Home address,*
- (7) Date enrollment agreement signed,*
- (8) Courses and course costs,*
- (9) Amount of STRF assessment collected,*
- (10) Quarter in which the STRF assessment was remitted to the Bureau,*
- (11) Third-party payer identifying information,*
- (12) Total institutional charges charged, and*
- (13) Total institutional charges paid.”*

**The institution does not maintain the required student information mentioned above to substantiate the data reported on the STRF Assessment Reporting Form.**

Violation of 5 CCR §76140(b) – Record-Keeping Requirements

*“(b) The qualifying institution shall maintain the data required under this section in an electronic format that is readily available and open to inspection by the Bureau upon request. The institution shall make the records immediately available to a Bureau representative conducting a site inspection or, upon written request, shall provide a copy within 14 calendar days of the request. All records shall be provided to the Bureau in an intelligible and orderly manner and in an electronic format.”*

**The institution does not maintain the student data required in section (a) of this law in an electronic format.**

**Order of Abatement:**

1. The institution shall collect and maintain records of student information to substantiate the data reported on the STRF Assessment Reporting Form and records of the students' eligibility under the Fund. Such Records shall include, for each student, each of the items (1)-(13) mentioned above.
2. The institution shall maintain the data required in section (a) in an electronic format that is available and open to inspection by the Bureau upon request.
3. The institution shall submit a copy of the next reporting period quarter Student Tuition Recovery Fund Assessment Reporting form.
4. The institution shall submit the records of student information to substantiate the data reported on the STRF Assessment Reporting Form and records of the student's eligibility under the Fund, which includes the required information mentioned in 5 CCR §76140(a).

**Assessment of Fine:**

The fine for this violation is: **\$550.00.**

**TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$8750.00**

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within 30 days from the date of this decision.

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Renee Campos, Discipline Citation Program  
Bureau for Private Postsecondary Education  
2535 Capitol Oaks Drive, Suite 400  
Sacramento, CA 95833

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. You *do*, however, have the right to appeal this modified Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

If you do not wish to appeal this modified Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within 30 Days of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on June 9, 2014. The order of abatement and payment are due by **July 10, 2014**.

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Affirmed Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Renee Campos, Enforcement Analyst, at (916) 431-6940 or at Renee.campos@dca.ca.gov.





**[JOANNE WENZEL]**  
**[BUREAU CHIEF]**

June 10, 2014  
**[Date]**

Enclosures

- Payment of Fine - Waiver of Appeal Rights
- Withdrawal - Request for Administrative Hearing
- Notice of Appeal
- Statement of Rights
- Copy of Citation Order Number 1314003