



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Amarillo College of Hairdressing, Inc., DBA Milan Institute, Owner
Milan Institute
75-030 Gerald Ford Drive, Suite 203
Palm Desert, CA 92211

INSTITUTION CODE: 3304061

CITATION NUMBER: 1920140

CITATION ISSUANCE/SERVICE DATE: November 13, 2019

DUE DATE: December 13, 2019

FINE AMOUNT: \$ 2,500.00

ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Amarillo College of Hairdressing, Inc., DBA Milan Institute, Owner of Milan Institute (Institution) located at 75-030 Gerald Ford Drive, Suite 203, Palm Desert, CA 92211, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

On October 11, 2019, Bureau staff conducted an unannounced Compliance inspection at the Institution. During the inspection, Bureau staff provided the Institution representative with a preliminary review of the Institution's 2016-2017 School Performance Fact Sheet (SPFS). Bureau staff asked the Institution representative why the school had not reported Licensing Examination Passage Rate information on the Institution's SPFS for their Registered Dental Assistant Program. The Institution representative was unable to answer the question during the inspection.

Later that day, the Institution emailed Bureau staff stating that the Institution did not need to provide the licensure rates since students do not have to be certified to obtain employment as a Dental Assistant. The information was forwarded to a Bureau Education Specialist to review and it was determined that the Institution is approved to offer a Registered Dental Assistant program not a Dental Assistant program, therefore the career outcome is to become licensed. Therefore, students enrolling in the Registered Dental Assistant program should have exam passage rates reported on the SPFS.

As a result, the Institution is in violation of CEC Section 94929.5 as they failed to report License Exam Passage Rate data on the 2016-2017 SPFS.

VIOLATION

1.	<p><u>Violation:</u> CEC Section 94929.5 – Reporting of Student Performance Data <i>(a) An institution shall annually report to the bureau, as part of the annual report, and shall publish in its School Performance Fact Sheet, all of the following:</i> <i>(2) The license examination passage rates for the immediately preceding two years for programs leading to employment for which passage of a state licensing examination is required, calculated by dividing the number of graduates who pass the examination by the number of graduates who take the licensing examination the first time that the examination is available after completion of the educational program. The institution shall use state agency licensing data to calculate license examination passage rates. If those data are unavailable, the institution shall calculate the license examination passage rate in a manner consistent with regulations adopted by the bureau.</i></p> <p style="color: red;">The Institution’s 2016-2017 School Performance Fact Sheets (SPFS) for the Registered Dental Assistant Program failed to report Licensing Examination Passage Rate Information.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit the missing data on the 2016-2017 SPFS and a written policy of how future compliance with CEC Section 94929.5 will be maintained.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$2,500.00</u></p>
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ASSESSMENT OF A FINE

In accordance with CEC section 94936; and 5, CCR sections 75020 and 75030, the Bureau hereby orders this assessment of fine in the amount of **\$2,500.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of CEC section 94936 and 5, CCR section 75020 the Bureau hereby issues the order(s) of abatement described above. **Evidence of compliance with the order(s) of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; and/or through an administrative hearing in accordance with Chapter 5 (Commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this Citation, you must submit the 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by **December 13, 2019**, you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **November 13, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **December 13, 2019**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

Payment of the administrative fine and/or written request for appeal must be mailed to:

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

Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this 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 Citation, or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 621-2593 or Gabriella.Perez@dca.ca.gov.

Christina Villanueva
Discipline Manager

Date

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First- Class Mail