



Bureau for Private Postsecondary Education
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Florence Andong-Ella, Owner
Professional Schools of Beauty, Fashion and Arts, Inc.
18573 Sherman Way
Reseda, CA 91335

INSTITUTION CODE: 42693340

CITATION NUMBER: 2021228

CITATION ISSUANCE/SERVICE DATE: April 14, 2021

DUE DATE: May 14, 2021

FINE AMOUNT: \$8,501.00

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 Florence Andgon-Ella, Owner of Professional Schools of Beauty, Fashion and Arts Inc. (Institution) located at 18573 Sherman Way, Reseda, CA 91335, 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 15, 2019, Bureau staff conducted an Unannounced Compliance Inspection at the Institution.

On November 4, 2019, Bureau staff determined that the Institution failed to collect and maintain the supporting documentation to substantiate the data reported on the Student Tuition Recovery Fund (STRF) Assessment Reporting Forms. Additionally, the Institution failed to submit the 2016 Annual Report.

Furthermore, Bureau staff also found that the Institution failed to correct the deficiencies that they were notified of that were in the 2015/2016 Student Performance Fact Sheets (SPFS).

Through the course of the investigation and the evidence of obtained, it was substantiated that the Institution failed to maintain the required supporting documentation for the data reported on the STRF Assessment Reporting Forms, correct deficiencies on the 2015/2016 SPFS, and submit the 2016 Annual Report.

VIOLATION

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	<p><u>Violation:</u> 5,CCR Section 76140 (a)(1-13)(b) – Record-Keeping Requirements <i>“(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:</i> <i>(1) Student identification number,</i> <i>(2) First and last names,</i> <i>(3) Email address,</i> <i>(4) Local or mailing address,</i> <i>(5) Address at the time of enrollment,</i> <i>(6) Home address,</i> <i>(7) Date enrollment agreement signed,</i> <i>(8) Courses and course costs,</i> <i>(9) Amount of STRF assessment collected,</i> <i>(10) Quarter in which the STRF assessment was remitted to the Bureau,</i> <i>(11) Third-party payer identifying information,</i> <i>(12) Total institutional charges charged, and</i> <i>(13) Total institutional charges paid.</i> <i>(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.”</i></p> <p>On February 3 and 4, 2020, Bureau staff conducted an onsite investigation at the Institution. The Institution provided Bureau staff with the supporting documentation used to substantiate the data reported on the STRF Assessment Reporting form for the 2nd quarter of 2019.</p> <p>On February 19, 2020, Bureau staff reviewed the substantiating and found that the Institution failed to collect and maintain records used to substantiate the data reported on the STRF Assessment Reporting forms. The substantiating data was missing the following required data:</p> <ul style="list-style-type: none"> • Address at the time of enrollment; • Home address; • Amount of STRF Assessment collected; • Quarter in which the STRF assessment was remitted to the Bureau; • Third-party identifying information; • Total institutional charges charged; and • Total institutional charges paid. <p><u>Order of Abatement:</u> The Bureau orders the Institution to collect and maintain records of student information to substantiate the data reported on the STRF Assessment Reporting Form in an electronic format in accordance with 5, CCR section 76140. In addition, the Institution shall submit a written policy of how future compliance with 5, CCR section 76140 will be maintained.</p> <p><u>Assessment of Fine</u></p>

	The fine for this violation is <u>\$1,000.00</u>
2.	<p><u>Violation:</u> 5,CCR Section 74112 (a) – Uniform Data – Annual Report, Performance Fact Sheet <i>“(a) Format. The format for the Performance Fact Sheet shall be in at least 12 pt. type, in an easily readable font, with 1.15 line spacing and all titles and column headings shall be in bold 14 pt. type, which shall also identify the program for which the Performance Fact Sheet pertains. The Performance Fact Sheet shall contain all and only the information required or specifically permitted by sections 94910 and 94929.5 of the Code or this chapter. A separate Performance Fact Sheet shall be prepared for each program.”</i></p> <p>The Institution failed to provide its 2015/2016 SPFS substantiating data in the approved format.</p> <p>On May 11, 2020, Bureau staff found that the Institution failed to provide its 2015/2016 SPFS supporting data in the approved format.</p> <p>As of April 14, 2021, the Bureau has not received the 2015/2016 School Performance Facts sheets in an electronic format.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit the 2015/2016 SPFS in the approved format, per 5, CCR section 74112 (a).</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$2,501.00</u></p>
3.	<p><u>Violation:</u> 5,CCR Section 74110 (a)(1-6)(b)(c)(d) – Annual Report <i>“(a) The annual report required by Section 94934 of the Code shall include the information required by sections 94929.5 and 94934 for all educational programs offered in the prior calendar year, and all of the following for the prior calendar year:</i></p> <ul style="list-style-type: none"> <i>(1) Information regarding institutional branch campuses, including addresses and programs offered at each campus, if applicable;</i> <i>(2) Information regarding satellite locations, including addresses and with which campus(es) the satellite location is affiliated, if applicable;</i> <i>(3) Name of institutional accreditors for each branch and satellite campus, and for each such campus at which any programs have programmatic accreditation, the names of the programmatic accreditor for each such program, and effective dates for each programmatic accreditation, if applicable;</i> <i>(4) Information regarding participation in state and federal student loan and grant programs, including the total amount of funding received from each source for those students enrolled in an approved California school regardless of their state of residency;</i> <i>(5) Information regarding participation in other public funding programs, including the amount of funding received from each public funding source; for purposes of this section, public funding is any financial aid paid on behalf of students or directly to an institution from any public source, such as the Workforce Investment Act, any veterans’ financial aid programs pursuant to Section 21.4253 of Title 38 of the Code of Federal Regulations or any other financial aid program that is intended to help students pay education-related expenses, including tuition, fees, room and board, and supplies for education; and</i> <i>(6) The total percentage of institutional income that comes from any public funding sources.</i> <p><i>(b) In addition to the information required by section 94934 and this section provided under penalty of perjury, the institution shall have annual financial statements prepared for the institution's prior fiscal</i></p>

year and signed under penalty of perjury, and shall submit a hard copy under separate cover of such statements in conjunction with its annual report. The form, content and mode of preparation of financial statements shall comply with Section 74115 of this Division. The Bureau may request that the institution immediately make available for inspection to a representative of the Bureau, these financial statements at the offices of the institution.

(c) An institution shall file its annual report by December 1st. The Bureau may extend the period for filing if the institution demonstrates evidence of substantial need but in no case longer than 60 days. The institution shall not change the date of its filing its annual report because of a change in the fiscal year without the Bureau's approval.

(d) The annual report shall be electronically filed by submitting the information required by section 94934 of the Code and this section via the online form provided on the Bureau's website, electronically attaching, as directed, the School Performance Fact Sheet, the enrollment agreement, and the school catalog."

CEC Section 94934(a)(1-9) - Annual Report

"(a) As part of the compliance program, an institution shall submit an annual report to the bureau, under penalty of perjury, signed by a responsible corporate officer, by July 1 of each year, or another date designated by the bureau, and it shall include the following information for educational programs offered in the reporting period:

(1) The total number of students enrolled by level of degree or for a diploma.

(2) The number of degrees, by level, and diplomas awarded.

(3) The degree levels and diplomas offered.

(4) The Student Performance Fact Sheet, as required pursuant to Section 94910.

(5) The school catalog, as required pursuant to Section 94909.

(6) The total charges for each educational program by period of attendance.

(7) A statement indicating whether the institution is, or is not, current in remitting Student Tuition Recovery Fund assessments.

(8) A statement indicating whether an accrediting agency has taken any final disciplinary action against the institution.

(9) Additional information deemed by the bureau to be reasonably required to ascertain compliance with this chapter".

On May 11, 2020, Bureau staff confirmed that the Institution failed to provide the Annual Report for year 2016.

As of April 14, 2021, the Bureau has not received an Annual Report for the year 2016 from the Institution.

Order of Abatement:

The Bureau orders the Institution to submit its annual report in accordance with 5, CCR section 74110 (a-d) and CEC section 94934(a)(1-9). The Institution shall submit the following:

2016 Annual Report

- Complete and submit the 2016 Annual Report via the Bureau's Online Annual Report Submission Portal website at https://bppe.ca.gov/annual_report/.
- A hard copy of the financial statements for year-end 2016 must be submitted via regular mail to the Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95833.

Assessment of Fine

	The fine for this violation is <u>\$5,000.00</u>
TOTAL ADMINISTRATIVE FINE DUE: \$8,501.00	

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 **\$8,501.00** 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 **May 14, 2021**, 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 **April 14, 2021**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **May 14, 2021**. 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:

Nicole Mitchell, Discipline Citation Program
 Bureau for Private Postsecondary Education
 1747 N. Market Blvd., Suite 225
 Sacramento, CA 95834

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 Nicole Mitchell, Citation Analyst, at Nicole.Mitchell@dca.ca.gov.

“Original signature on file”

“4/14/2021”

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