



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

April 5, 2019

Audelia Andrade, Owner
 Watsonville Institute of Cosmetology
 1414 Freedom Boulevard
 Watsonville, CA 95076

Date of Issuance	Citation Number	Institution Code
April 5, 2019	1819104	28322450

On March 11, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819104 (Citation) against Audelia Andrade, Owner of Watsonville Institute of Cosmetology. In attendance were Beth Scott, Enforcement Chief; and Audelia Andrade, Owner.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1819104.

It is the decision of the Enforcement Chief that on March 11, 2019, Citation No. 1819104 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

#	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>MODIFIED</u></p> <p><u>Violation:</u> CEC Section 94902(b)(3). General Enrollment Requirements <i>(b) An enrollment agreement is not enforceable unless all of the following requirements are met:</i> <i>(3) Prior to the execution of the enrollment agreement, the student and the institution have signed and dated the information required to be disclosed in the Student Performance Fact Sheet pursuant to subdivisions (a) to (d), inclusive, of Section 94910. Each of these items in the Student Performance Fact Sheet shall include a line for the student to initial and shall be initialed and dated by the student.</i></p> <p>On February 20, 2018, an announced compliance inspection was conducted at the Institution. Bureau staff conducted a review of the student's files. Student files did not contain signed copies of the SPFS. The Institution failed to provide the signed, initialed and dated SPFS both by the Institution and the student in the student file.</p>

	<p><u>Order of Abatement:</u> The Bureau orders that the Institution will ensure that all students and the Institution sign and date the required documents. Provide detailed information of how the Institution will ensure that documents are kept in student files. Submit written evidence of compliance with CEC sections 94902 (b)(3), and CEC 94912 to the Bureau.</p> <p><u>Reason for modification:</u> New substantive facts were presented at the conference.</p> <p>The administrative fine for this violation has been modified from \$1500.00 to <u>\$150.00</u>.</p>
2.	<p>MODIFIED <u>Violation:</u> 5, CCR Section 71920(b)(3) – Student Records <i>(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</i> <i>(3) Copies of all documents signed by the student, including contracts, instruments of indebtedness, and documents relating to financial aid;</i></p> <p>The Institution failed to collect and retain SPFS that are signed, initialed and dated by both the student and the Institution in the student file.</p> <p><u>Order of Abatement:</u> The Bureau orders that the Institution will ensure that all students and the Institution sign and date the required documents. Provide detailed information of how the Institution will ensure that documents are kept in student files. Submit written evidence of compliance with 5, CCR section 71920(b)(3) to the Bureau.</p> <p><u>Reason for modification:</u> New substantive facts were presented at the conference.</p> <p>The administrative fine for this violation has been modified from \$500.00 to <u>\$50.00</u>.</p>
<p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$200.00</p>	

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:

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Citation No. 1819104– MODIFIED
Audelia Andrade, Owner of Watsonville Institute of Cosmetology
Institution Code: 28322450

Updated: 09/10/18

Gurinder Sandhu, 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 **April 5, 2019**. The order of abatement and payment are due by **May 5, 2019**.

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 Modified 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 Gurinder Sandhu, Citation Analyst, at (916) 431-6940 or at Gurinder.Sandhu@dca.ca.gov.



Christina Villanueva
Discipline Manager



Date

Enclosures

- Payment of Fine - Waiver of Appeal Rights
- Declaration of Service by Certified and First-Class Mail