



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Tang Dynasty, Inc, Owner
Cosmo Beauty Academy
3500 Fulton Avenue
Sacramento, CA, 95821

INSTITUTION CODE: 41500959

CITATION NUMBER: 1819121

CITATION ISSUANCE/SERVICE DATE: February 20, 2019

DUE DATE: March 22, 2019

FINE AMOUNT: \$11,002.00

ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: (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 Tang Dynasty, Inc., Owner of Cosmo Beauty Academy (Institution) located at 3500 Fulton Avenue, Sacramento, CA 95821 pursuant to Business and Professions Code section 125.9; California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

On March 21, 2018, an unannounced Compliance Inspection was conducted at the Institution. Bureau staff conducted a review of the 2015/2016 Institution's School Performance Fact Sheets (SPFS) for each educational program to ensure conformity with minimum requirements of the California Education Code and California Code of Regulations.

During the compliance inspection, the Institution could not make the required corrections to the 2015/2016 School Performance Fact Sheets. The Institution failed to provide a separate SPFS for each Bureau approved program.

Additionally, the Institution failed to provide the required documentation to substantiate the information reported on the School Performance Fact Sheets during the compliance inspection. The Administrative Director stated she was not the person responsible for making the changes to the 2015/2016 SPFS and that she did not have access to the supporting documentation. She stated that she would need to consult with the school owner on the changes to the SPFS and access to the supporting documentation.

VIOLATION

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| # | 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>Violation: 5, CCR Section 74112 (a) – Uniform Data – Annual Report, School 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 combined all the approved program information into one SPFS. As required by 5, CCR section 74112 (a) the Institution shall prepare a separate SPFS for each approved program. During the onsite inspection, Bureau staff advised the Institution that the SPFS shall be separated as individual programs.</p> <p>Order of Abatement: The Bureau orders the Institution to correct the format for the 2015/2016 SPFS to be in compliance with 5, CCR section 74112(a) and submit proof of compliance to the Bureau.</p> <p>Assessment of Fine: The fine for this violation is: \$ 2,501.00</p> |
| 2. | <p>Violation: 5, CCR Section 74112(i)(3) – Uniform Data – Annual Report, School Performance Fact Sheet <i>(i) Job Placement Rates.</i> <i>(3) If the institution makes any claim related to preparing students for a job or regarding job placement, the list required by section 94910(f)(2) of the Code shall identify the employment positions by using the Detailed Occupation or six-digit level of the Standard Occupational Classification codes.</i> <i>CEC §94929.7(b)</i> <i>(b) An institution shall provide a list of employment positions used to determine the number of graduates employed in the field for purposes of calculating job placement rates pursuant to this article.</i></p> <p>Bureau staff requested the Institution provide a list of the employment positions and corresponding Standard Occupational Classification Codes (SOC) used to determine job placement rates and gainful employment. The Institution could not provide the list upon request as required by 5, CCR section 74112(i)(3).</p> <p>Order of Abatement: The Bureau orders the Institution to submit a list of employment and corresponding SOC codes in compliance with 5, CCR section 74112(i)(3) and CEC section 94929.7 (b) to the Bureau.</p> |

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| | <p><u>Assessment of Fine:</u> The fine for this violation is: \$ 1,000.00</p> |
| 3. | <p><u>Violation:</u> 5, CCR Section 71930 (e) -Maintenance of Records <i>(e) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations.</i></p> <p>The Administrative Director of the Institution stated that she did not have access to the documentation. Therefore, the Institution was not able to provide the supporting documentation to Bureau staff upon request.</p> <p><u>Order of Abatement:</u> The Bureau orders that the Institution submit a policy and procedure ensuring that the Institution has personnel available during normal business hours to access the required documentation and to provide the supporting documentation for the 2016 reporting year.</p> <p><u>Assessment of Fine:</u> The fine for this violation is: \$ 5,000.00</p> |
| 4. | <p><u>Violation:</u> 5, CCR Section 74112 (m) (1-9) – Uniform Data – Annual Report, Performance Fact Sheet <i>(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum: (1) the list of job classifications determined to be considered gainful employment for the educational program;</i> <i>(2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;</i> <i>(3) graduate’s place of employment and position, date employment began, date employment ended, if applicable, actual salary, hours per week, and the date employment was verified;</i> <i>(4) for each employer from which employment or salary information was obtained, the employer name(s) address and general phone number, the contact person at the employer and the contact’s phone number and email address, and all written communication with employer verifying student’s employment or salary;</i> <i>(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;</i> <i>(6) a description of all attempts to contact each student. or employer;</i> <i>(7) any and all documentation used to provide data regarding license examinations and examination results;</i> <i>(8) for each student determined to be unavailable for graduation or unavailable for employment, the identity of the student, the type of unavailability, the dates of unavailability, and the documentation of the unavailability; and</i> <i>(9) the name, email address, phone number, and position or title of the institution's representative who was primarily responsible for obtaining the students' completion, placement, licensing, and salary</i></p> |

and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered.

CEC Section 94929.7(a)(1)(2) - Documentation of Performance Data

(a) The information used to substantiate the rates and information calculated pursuant to Sections 94929 and 94929.5 shall do both of the following:

(1) Be documented and maintained by the institution for five years from the date of the publication of the rates and information.

(2) Be retained in an electronic format and made available to the bureau upon request.

The Administrative Director of the Institution, stated that the Institution had documentation to substantiate the rates reported in the 2015/2016 SPFS, but could not provide the documentation for review because she did not have access to the supporting documentation.

Order of Abatement:

The Bureau orders the Institution to submit the supporting documentation for the SPFS 2016 reporting year. Additionally, the Institution shall submit to the Bureau an established policy and procedure that identifies how personnel will be present during business hours to access the required substantiating documentation for the SPFS and how all the required substantiating documentation for the SPFS will be tracked and electronically maintained and be made readily available to the Bureau upon request during normal business hours.

Assessment of Fine

The fine for this violation is \$2,501.00

TOTAL ADMINISTRATIVE FINE DUE: \$11,002.00

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 **\$11,002.00** 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 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 **March 22, 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 **February 20, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **March 22, 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:

Gurinder Sandhu, 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 Gurinder Sandhu, Citation Analyst, at (916) 431-6940 or Gurinder.Sandhu@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