



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

August 7, 2020

North Adrian’s College of Beauty, Owner
North Adrian’s College of Beauty
124 Floyd Avenue
Modesto, CA 95350

Date of Issuance	Citation Number	Institution Code
August 7, 2020	1920305	5000121

On July 17, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920305 (Citation) against North Adrian’s College of Beauty, Owner of North Adrian’s College of Beauty (Institution). In attendance were Beth Danielson, Enforcement Chief, Rebecca Abinales, School Director, and Donovan Kim, Financial Aid & School Compliance.

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. 1920305.

It is the decision of the Enforcement Chief that on July 28, 2020, Citation No. 1920305 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>5, CCR Section 76130 (a-e)- Collection and Submission of Assessments</p> <p><i>“(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.</i></p> <p><i>(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:</i></p> <p><i>(1) April 30 for the first quarter,</i></p> <p><i>(2) July 31 for the second quarter,</i></p> <p><i>(3) October 31 for the third quarter, and</i></p> <p><i>(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.</i></p> <p><i>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.</i></p> <p><i>(c) The STRF Assessment Reporting Form shall contain the following information:</i></p>

- (1) Total number of students who signed enrollment agreements for educational programs during the reporting period; and
 - (2) Total number of students eligible for STRF who signed enrollment agreements for educational programs during the reporting period; and
 - (3) The total number of students who signed their enrollment agreement during the reporting period, were eligible for STRF, and who made their first payment during the reporting period; and
 - (4) The total number of students who signed their enrollment agreement in a previous reporting period, were eligible for STRF, and who made their first payment during the current reporting period; and
 - (5) Total amount of institutional charges after rounding each student's institutional charges to the nearest \$1,000, for all eligible STRF students whose STRF assessment was collected in the reporting period; and
 - (6) Current contact telephone number of the person preparing the form; and
 - (7) A declaration dated and signed under penalty of perjury by the person preparing the form that the form and any attachments are true and correct.
- (d) In the event of a school closure, any collected assessments shall be remitted to the Bureau within seven days following the cessation of instruction.
- (e) Submission of all prior reports and assessments required by this section is a condition of renewal.”

The Institution has failed to submit STRF Assessment Reporting Forms for the following quarters:

- First and Second Quarters for 2015;
- First Quarter for 2017;
- First Quarter for 2020.

As of May 19, 2020, the Bureau has not received the STRF Assessment Reporting Forms for the 1st and 2nd quarters of 2015, and 1st quarter of 2017 from the Institution.

On March 24, 2020, the Institution was notified via mail at, 124 Floyd Avenue, Modesto, CA 95350, that the STRF Assessment Reporting Form for the 1st quarter of 2020 was due. As of May 19, 2020, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

Order of Abatement:

The Bureau orders that the Institution submit the delinquent STRF Assessment Reporting Forms with the STRF Assessments collected from students for the quarters listed above. The information provided shall comply with “Record Keeping Requirements” Pursuant to 5, CCR section 76140.

Assessment of Fine

The fine for this violation is \$50.00

2. **Violation:**

5, CCR Section 74006(a) and (b) - Annual Fee

“(a) An institution's annual fee is due within 30 days of the date on which the institution originally receives its approval to operate and each year thereafter on the anniversary of the date of the original approval. (b) An institution shall pay its annual fee in addition to any other applicable fees.

CEC Section 94930.5 (g) – Fee Schedule

(g) Notwithstanding subdivision (d), effective July 1, 2018, the annual fee for each campus described in subparagraphs (A) and (B) of paragraph (1) of subdivision (d) shall be in an amount equal to 0.55

percent of that campus' total gross revenue derived from students in California, but not to be less than two thousand five hundred dollars (\$2,500) and not to exceed sixty thousand dollars (\$60,000) for each campus.

CEC Section 94931(b)- Late Payment

“(b) A fee that is not paid on or before the 90th calendar day after the due date for payment of the fee shall be subject to a 35 percent late payment penalty fee.”

The Institution has failed to pay its annual fee for calendar year 2019.

On May 1, 2019, the Institution was notified Invoice # 900341662 via mail at, 124 Floyd Avenue, Modesto, CA 95350, stating that the annual fee for calendar year 2019 was due on June 1, 2019.

On July 15, 2019, the Institution was notified Invoice # 900343672 via mail at, 124 Floyd Avenue, Modesto, CA 95350, stating that the annual fee for calendar year 2019 was due on June 1, 2019.

On September 16, 2019, the Institution was notified Invoice # 900343672 via mail at, 124 Floyd Avenue, Modesto, CA 95350, stating that the annual fee for calendar year 2019 was due on June 1, 2019. As of April 27, 2020, the Bureau has not received the annual fee and late payment penalty fee from the Institution.

Order of Abatement:

The Bureau orders the Institution to submit its annual fees for calendar year 2019 in accordance with 5, CCR section 74006(a)(b) and CEC section 94930.5(g). In addition, the Institution must pay all late payment penalty fees.

Reason for modification: New substantive facts were presented at the conference. The Order of Abatement has been satisfied.

Assessment of Fine

The fine for this violation is \$00.00

3.

Violation:

5, CCR Section 74112 (m) (1-9) Uniform Data – Annual Report, Performance Fact Sheet

“(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;

(2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;

(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;

(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;

(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;

(6) a description of all attempts to contact each student or employer;
(7) any and all documentation used to provide data regarding license examinations and examination results;
(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
(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 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.

5, CCR Section 71930(e). Maintenance of Records

(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.

The Institution failed to provide, or maintain, the substantiating data for the SPFS per 5, CCR section 74112 (m)(1-9).

Order of Abatement:

The Bureau orders the Institution to submit a written policy, or procedure, of how future compliance with 5, CCR sections 74112 and 71930 will be maintained.

Assessment of Fine

The fine for this violation is \$5,000.00

Reason for modification: New substantive facts were presented at the conference.

The administrative fine for this violation has been modified from \$5,000.00 to \$2,500.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$2,550.00

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:

Cheryl Lardizabal, Discipline Citation Program

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Citation No. 192030 – MODIFIED

North Adrian's College of Beauty, Owner of North Adrian's College of Beauty

Institution code: 5000121

Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

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 affirmed or modified Citation through an Administrative Hearing. 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 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 **August 7, 2020**. The Order of Abatement and payment are due by **September 6, 2020**.

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 Cheryl Lardizabal, Citation Analyst, at (916) 574-8968 or at Cheryl.Lardizabal@dca.ca.gov.

“Original signature on file”

“8/7/2020”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail