



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

August 20, 2020

California Barbering and Cosmetology Apprenticeship Learning Center, Inc., Owner
California Barbering and Cosmetology Apprenticeship Learning Center, Inc.
4206 Power Inn Road
Sacramento, CA 95826

Date of Issuance	Citation Number	Institution Code
August 20, 2020	1920261	Unapproved

On July 31, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920261 (Citation) against California Barbering and Cosmetology Apprenticeship Learning Center, Inc., Owner of California Barbering and Cosmetology Apprenticeship Learning Center, Inc. (Institution). In attendance were Beth Scott, Enforcement Chief, and Lasana McNealy, CEO.

Pursuant to Business and Professions Code, section 148; California Education Code (CEC), section 94944; and Title 5 of California Code of Regulations (5, CCR), section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1920261.

It is the decision of the Enforcement Chief that on August 11, 2020, Citation No. 1920261 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

VIOLATION CODE SECTION(S)

#	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: CEC Section 94886. Approval to Operate Required <i>“Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter.”</i></p>

CEC Section 94817.5. Approved to Operate or Approved

“Approved to operate” or “approved” means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs.”

CEC Section 94868. To Offer to the Public

“To offer to the public” means to advertise, publicize, solicit, or recruit.”

CEC Section 94869. To Operate

“To operate” means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided.”

On January 14, 2019, the Bureau received an application from the Institution for verification of exempt status.

On March 12, 2019, the Bureau notified the Institution that they did not qualify for exempt status under CEC section 94874(a).

On May 15, 2019, Bureau staff contacted the Institution to verify the pricing for the educational programs offered. The Institution representative confirmed that the Institution charges \$4,000 for both the Barbering and Cosmetology Apprenticeship Programs. The Institution representative confirmed that the pre-apprenticeship hours (39 required hours) was also included with the cost of the program. Students are required to pay an additional \$1,000 for the required kit. The Institution representative also stated that the programs are on a promotional pricing and that the regular price for the programs are \$6,000 plus \$1,000 for the kit. Bureau staff reviewed the California Board of Cosmetology’s (BBC) approved apprenticeship programs sponsors and committees and located the Institution as approved.

On June 17, 2019, Bureau staff reviewed the school website and found that the Institution is offering the following educational programs:

- Cosmetology Course - \$4,000 (promotional price, regular price \$6,000)
- Barbering Course - \$4,000 (promotional price, regular price \$6,000)
- Master Educator Course - \$4,000 (promotional price, regular price \$6,000)
- Training Site - \$4,000 (promotional price, regular price \$6,000)
- Dress Code, Books, and Kit - \$1,000 (supplies only, not an educational program)

The Master Educator Course and Training site fall outside of the scope of any apprenticeship programs and would require Bureau approval.

Order of Abatement:

The Bureau orders that the Institution cease to operate as a private postsecondary educational institution, unless the Institution qualifies for an exemption under CEC section 94874. The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including www.cbcalci.com, and any other websites not identified here that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers including, but not limited to, (916) 395-4218, that are associated with the Institution until such time as an approval to operate is obtained from the Bureau. To comply with the Order of Abatement the

	<p>Institution must submit a school closure plan to the Bureau pursuant to California Education Code section 94926. The Institution must provide a roster of each student currently enrolled at the Institution. The roster must include the names of the students, their contact information (including phone number, email address, and physical address), the programs in which they are enrolled, the amount paid for the programs.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$50,000.00</u></p>
TOTAL AFFIRMED ADMINISTRATIVE FINE DUE: <u>\$50,000.00</u>	

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:

Gabiella Perez, Discipline Citation Program
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 affirmed Citation. You *do*, however, have the right to appeal this affirmed 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.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This affirmed Citation is effective on August 20, 2020. The order of abatement and payment are due by **September 19, 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 Affirmed 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 Gabriella Perez, Citation Analyst, at (916) 574-8969 or at Gabriella.Perez@dca.ca.gov.

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