



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

To: Phieng Yang
1st Academy of Beauty
8823 Garvey Avenue, Unit B1
Rosemead, CA, 91770

INSTITUTION CODE: 49488813
CITATION NUMBER: 1314010
CITATION ISSUANCE/SERVICE DATE: June 12, 2014
DUE DATE: July 12, 2014
FINE AMOUNT: \$ 5,002.00
ORDER OF ABATEMENT INCLUDED: YES

Yvette Johnson issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Enforcement Chief of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Phieng Yang, Owner of 1st Academy of Beauty located at 8823 Garvey Ave. Unit B1 & B2, Rosemead, CA 91770 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.

VIOLATION

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the code section(s) of law you are charged with violating.
1.	<p>Violation: CEC 94894(a) - Substantive Change Defined <i>"The following changes to an approval to operate are considered substantive changes and require prior authorization:</i> <i>(a) A change in educational objectives, including an addition of a new diploma or a degree educational program unrelated to the approved educational programs offered by the institution."</i></p>

	<p>Institution did not obtain Bureau approval prior to offering Vietnamese courses to the public. Any educational objectives should be approved by the Bureau.</p> <p><u>Order of Abatement:</u> The Bureau orders that the institution acquires approval from the Bureau prior to making any changes in educational objectives such as offering courses in another language other than what is approved.</p> <p><u>Assessment of Fine:</u> The fine for this violation is \$2501.00</p>
2.	<p><u>Violation:</u> CEC 94900.5 (b) - Required Institutional Records <i>"An institution shall maintain, for a period of not less than five years, at its principal place of business in this state, complete and accurate records of all of the following information: (b) The names and addresses of the members of the institution's faculty and records of the educational qualifications of each member of the faculty."</i></p> <p>Institution did not maintain records of instructor contact information or all instructor qualifications at the time of the on-site investigation.</p> <p><u>Order of Abatement:</u> The Bureau orders that the institution maintain institutional records according to CEC 94900.5.</p> <p><u>Assessment of Fine</u> There is no fine for this violation as the school has submitted faculty information to the Bureau in compliance with CEC 94900.5</p>
3.	<p><u>Violation:</u> CEC 94934 - Annual Report <i>"(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.</i></p>

(b) The bureau, by January 1, 2011, shall prescribe the annual report's format and method of delivery."

The Institution has not submitted its annual report to the Bureau for 2013.

Order of Abatement:

The Bureau orders that the institution submit their annual report for 2013.

Assessment of Fine

The fine for this violation is **\$2501.00**

4. **Violation:**

CCR 71720 (b) (1) – Faculty

"(b) Instructors in an Educational Program Not Leading to a Degree.

(1) An institution shall employ instructors who possess the academic, experiential and professional qualifications to teach, including a minimum of three years of experience, education and training in current practices of the subject area they are teaching. If an instructor does not possess the required three years of experience, education and training in the subject area they are teaching, the institution shall document the qualifications the instructor possesses that are equivalent to the minimum qualifications.

(2) Each instructor shall maintain their knowledge by completing continuing education courses in his or her subject area, classroom management or other courses related to teaching."

The institution employed Mr. Haiping Xu as a massage instructor who does not possess the minimum requirements of 3 years of experience, education and training in current practices for the subject area he is teaching. Additionally, the institution did not provide evidence of continued education during the investigation.

Order of Abatement:

The Bureau orders that the institution employ instructors who possess the academic, experiential and professional qualifications to teach, including a minimum of three years of experience, education and training in current practices of the subject area they are teaching.

Assessment of Fine

There is no fine for this violation as the faculty list provided by the institution does not list Mr. Haiping Xu as a current instructor.

TOTAL ADMINISTRATIVE FINE DUE: \$5,002.00

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 **\$5,002.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

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.**

BACKGROUND

On 4/26/2012 the Bureau received a complaint against 1st Academy of Beauty. During the course of the investigation, the above mentioned violations were identified.

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 **July 12, 2014**, 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 **June 12, 2014**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **July 12, 2014**. 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:

Renee Campos, 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 Renee Campos, Enforcement Analyst, at (916) 431-6940 or Renee.Campos@dca.ca.gov.



Yvette Johnson
Enforcement Chief

June 12, 2014
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 – Wavier of Appeal
- Declaration of Service by Certified and First Class Mail