



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

March 18, 2021

Marin Beauty Academy LLC, Owner
Marin Beauty Academy
854 Fourth Street
San Rafael, CA 94901

Date of Issuance	Citation Number	Institution Code
March 18, 2021	2021123	44298588

On February 18, 2021, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of No. 2021123(Citation) against Marin Beauty Academy, LLC., Owner of Marin Beauty Academy (Institution). In attendance were Beth Danielson, Enforcement Chief, and Julius Lavares, CEO.

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. 2021123.

It is the decision of the Enforcement Chief that on March 9, 2021, Citation No. 2021123 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>Violation: 5, CCR Section 76130 (a-e)– Collection and Submission of Assessments <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> <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> <i>(1) April 30 for the first quarter,</i> <i>(2) July 31 for the second quarter,</i> <i>(3) October 31 for the third quarter, and</i></p>

(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. 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.

(c) The STRF Assessment Reporting Form shall contain the following information:

(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 Form for the following quarter:

- 4th Quarter of 2019.

On December 17, 2019, the Institution was notified via mail at 854 Fourth Street, San Rafael, CA94901, that the STRF Assessment Reporting Form for the 4th quarter of 2019 was due. As of October 22, 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 Form 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.

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 \$50.00

2. **MODIFIED**

Violation:

5, CCR Section 71770 (a)(1) – Admissions Standards and Transferred Credits Policy

“(a) The institution shall establish specific written standards for student admissions for each educational program. These standards shall be related to the particular educational program. An

institution shall not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the program. In addition to any specific standards for an educational program, the admissions standards must specify as applicable that:

(1) Each student admitted to an undergraduate degree program, or a diploma program, shall possess a high school diploma or its equivalent, or otherwise successfully take and pass the relevant examination as required by section 94904 of the Code.”

5, CCR Section 71920 (b)(1)(A) – Student Records

“(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:

(1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following:

(A) Verification of high school completion or equivalency or other documentation establishing the student's ability to do college level work, such as successful completion of an ability-to-benefit test;”

On February 25, 2020, Bureau staff reviewed student files and found that files failed to include verification of high school completion, equivalency, or other documentation establishing the student’s ability to do college level work, such as a successful completion of an Ability to Benefit (ATB) exam upon admissions. The Institution’s Owner stated that he was not aware of the requirement.

Order of Abatement:

The Bureau orders the Institution to submit an established policy, or procedure, of how the Institution will maintain future compliance with 5, CCR sections 71770(a)(1) and 71920(b)(1)(a).

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 \$500.00

3. **MODIFIED**

Violation:

5, CCR Section 94902 (b)(1)(3) – General Enrollment Requirements

“(b) An enrollment agreement is not enforceable unless all of the following requirements are met:

(1) The student has received the institution's catalog and School Performance Fact Sheet prior to signing the enrollment agreement.

(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.”

CEC Section 94912 – Signature, Initials Required

“Prior to the execution of an enrollment agreement, the information required to be disclosed pursuant to subdivisions (a) to (d), inclusive, of Section 94910 shall be signed and dated by the institution and the student. Each of these items shall also be initialed and dated by the student.”

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 selfemployment;
- (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."

Bureau staff reviewed student files and found that files failed to include Student Performance Fact Sheets (SPFS) to show that prior to the execution of an Enrollment Agreement the Institution disclosed the required information. Institution staff confirmed that the Institution did not provide SPFS to students during the time of enrollment.

The Institution also failed to provide the supporting documentation to substantiate the data reported on the 2016/2017 School Performance Fact Sheet (SPFS) as required by 5, CCR section 74112 (m)(1-9). The Institution Owner stated he did not have the information/documentation.

Order of Abatement:

The Bureau orders the Institution to submit a written policy, or procedure, of how future compliance with 5, CCR sections 94902(b)(1)(3), 74112 (m)(1-9), 71930 (e), and CEC section 94912 will be maintained.

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 \$5,000.00

	The administrative fine for this violation has been modified from \$5,000.00 to \$2,500.00
4.	<p><u>MODIFIED</u></p> <p><u>Violation:</u> CEC Section 94913 (a)(2)(5) – Institutional Website Requirements <i>“(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following: (2) A School Performance Fact Sheet for each educational program offered by the institution. (5) The institution’s most recent annual report submitted to the bureau.”</i></p> <p>The Institution failed to update the Institution’s website with the most recent 2017 annual report submitted to the Bureau. The Institution also failed to include the most recent SPFS for the Manicurist program.</p> <p><u>Order of Abatement:</u> The Bureau orders Institution to update its website to include all of the website requirements in compliance with CEC 94913 including, but not limited to, the School Performance Fact Sheets and most recent Annual Report Submitted to the Bureau. The Institution shall submit proof of compliance to the Bureau.</p> <p><u>Reason for modification:</u> New substantive facts were presented at the conference. The Order of Abatement has been satisfied.</p> <p><u>Assessment of Fine</u> The fine for this violation is \$250.00</p> <p>The administrative fine for this violation has been modified from \$250.00 to \$100.00</p>
TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$3,150.00</u>	

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:

Nicole Mitchell, 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 modified Citation. 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.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on March 18, 2021, The payment is due by **April 17, 2021**.

Failure 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 Nicole Mitchell, Citation Analyst, at Nicole.Mitchell@dca.ca.gov.

“Original signature on file”

“3/18/2021”

Christina Villanueva
Discipline Manager

Date

Enclosures

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