



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Ivet Silva, Owner
 Luz Alma Avina, Owner
 Irma Silva, Owner
 Academy of Esthetics and Cosmetology
 1116 San Fernando Rd.
 San Fernando, CA 91340

INSTITUTION CODE: 1943281
CITATION NUMBER: 1819159
CITATION ISSUANCE/SERVICE DATE: March 26, 2019
DUE DATE: April 25, 2019

FINE AMOUNT: \$ 501.00

ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (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 Ivet Silva 33% Owner, Luz Alma Avina 33% Owner and Irma Silva 33%, Owners of Academy of Esthetics and Cosmetology (Institution) located at 1116 San Fernando Rd. , San Fernando, CA 91340, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

On November 14, 2018, an unannounced compliance inspection was conducted at the Institution. As a result of five minor violations that were unable to be cleared before the end of the inspection, the Institution was issued Notice to Comply #CU 1943281 1118 (NTC). The Institution was given thirty days from the date of the inspection to either remedy all violations listed in the NTC or submit a written Notice of Disagreement. A Notice of Disagreement was not received, and the Institution was only able to clear three of the five violations within thirty days.

VIOLATION

#	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.	Violation: CEC Section 94935(f)(h) – Notice to Comply (f) A notice to comply shall be the only means the bureau shall use to cite a minor violation

discovered during an inspection. The bureau shall not take any other enforcement action specified in this chapter against an institution that has received a notice to comply if the institution remedies the violation within 30 days from the date of the inspection.

(h) If an institution fails to comply with a notice to comply within the prescribed time, the bureau shall take appropriate administrative enforcement action.

The Institution failed to submit proof of compliance for all violations or submit a notice of disagreement within the prescribed time of 30 days that was due on December 15, 2018.

Order of Abatement:

The Bureau orders the Institution to provide the proof of compliance with CEC section 94909(a)(14) and 5, CCR section 71770(b) and submit the updated catalog which include the current approved Student Recovery Fund Disclosure language, per CEC section 94909 (a)(14) and also include the maximum number of credits (hours) the Institution will accept from transfer students, per 5, CCR section 71770(b).

Assessment of Fine

The fine for this violation is \$501.00

TOTAL ADMINISTRATIVE FINE DUE: \$501.00

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 **\$501.00** 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(s) 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 **April 25, 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 **March 26, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **April 25, 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