



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

To: Dawn and Philip Seelenbacher
Delta Beauty College
320 H Street
Antioch, CA 94509

INSTITUTION CODE: 0700701
CITATION NUMBER: 1617002
CITATION ISSUANCE/SERVICE DATE: July 14, 2016
DUE DATE: August 13, 2016

FINE AMOUNT: \$ 1,351.00

ORDER OF ABATEMENT INCLUDED: YES

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

CITATION

A Citation is hereby issued to Dawn Seelenbacher and Philip Seelenbacher of Delta Beauty College located at 320 H Street Antioch, CA 94509 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: 5, CCR 76140(a)(1)(2)(3)(4)(5)(6)(9)(11)(12)(13), (b)- Record-Keeping Requirements. <i>"(a) A qualifying institution shall collect and maintain records of student information to substantiate the data reported on the STRF Assessment Reporting Form and records of the students' eligibility under the Fund. Such records shall include the following for each student:</i></p> <ul style="list-style-type: none"> <i>(1) Student identification number,</i> <i>(2) First and last names,</i> <i>(3) Email address,</i> <i>(4) Local or mailing address,</i> <i>(5) Address at the time of enrollment,</i> <i>(6) Home address,</i> <i>(7) Date enrollment agreement signed,</i> <i>(8) Courses and course costs,</i> <i>(9) Amount of STRF assessment collected,</i>

(10) Quarter in which the STRF assessment was remitted to the Bureau,

(9) Amount of STRF assessment collected,

(11) Third-party payer identifying information,

(12) Total institutional charges charged, and

(13) Total institutional charges paid.”

(b) The qualifying institution shall maintain the data required under this section in an electronic format that is readily available and open to inspection by the Bureau upon request. The institution shall make the records immediately available to a Bureau representative conducting a site inspection or, upon written request, shall provide a copy within 14 calendar days of the request. All records shall be provided to the Bureau in an intelligible and orderly manner and in an electronic format.

Bureau staff conducted an announced compliance inspection on January 21, 2016. The Institution failed to maintain records of the required student information to substantiate the data reported on the STRF Assessment Reporting Form and records of the student’s eligibility under the Fund as required by 5, CCR 76140(a) (1) – (13). The Institution failed to maintain the STRF data required under this section in an intelligible and orderly manner and in an electronic format that is readily available and open to inspection by the Bureau upon request. A Notice to Comply (NTC) was issued but the institution’s response to this violation included an Excel document that contained the student’s first and last name and the date they started their program at the institution for all four quarters in 2015 as their response to the required back up documentation to the STRF.

Order of Abatement:

The Bureau orders that the institution maintain records of student information for each student which include all of the following information: (1) Student identification number, (2) First and last names, (3) Email address, (4) Local or mailing address, (5) Address at the time of enrollment, (6) Home address, (7) Date enrollment agreement signed, (8) Courses and course costs, (9) Amount of STRF assessment collected, (10) Quarter in which the STRF assessment was remitted to the Bureau, (11) Third-party payer identifying information, (12) Total institutional charges charged, and (13) Total institutional charges paid, as required by 5, CCR 76140(a)(1) – (13) & (b) organized electronic format that is in an intelligible and orderly manner. The Bureau orders the institution to submit evidence of compliance to the Bureau. In addition, the Bureau orders that the institution submit a written policy or procedure detailing how compliance with this code section will be maintained.

Assessment of Fine

The fine for this violation is \$500.00

2. Violation:

CEC 94913(a)(2)(5)- Institutional Web Site Requirements

(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.

Bureau staff conducted an announced compliance inspection on January 21, 2016. The Institution failed to provide on their website (<http://www.deltabeauty.com/>) the 2013/2014 School Performance Fact Sheets for each educational program offered and the most current annual report as required by CEC 94913(a) (2) (5). A Notice to Comply (NTC) was issued but the institution’s reponse failed to remedy this violation. . The Institution’s website does not

have the most recent School Performance Fact Sheet for the Cosmetology Program or most current annual report in its entirety posted.

Order of Abatement:

The Bureau orders the institution to provide, on its Web site, its most current School Performance Fact Sheet for each educational program offered by the institution and its most recent annual report, as required by CEC 94913(a) (2) & (5).

In addition, the Bureau orders the institution to submit a written policy or procedure detailing how compliance with this code section will be maintained.

Assessment of Fine

The fine for this violation is \$501.00

3. **Violation:**

CEC 94909 (a)(9) - Minimum Requirements for School Catalog

(a) Except as provided in subdivision (d), prior to enrollment, an institution shall provide a prospective student, either in writing or electronically, with a school catalog containing, at a minimum, all of the following:

(9) The schedule of total charges for a period of attendance and an estimated schedule of total charges or the entire educational program.

Bureau staff conducted an announced compliance inspection on January 21, 2016. The Institution's catalog failed to disclose the schedule of total charges for a current period of attendance and an estimated schedule of total charges for the entire educational program, as required by CEC 94909(a)(9). A Notice to Comply (NTC) was issued but the institution's response to the violation was incomplete, as the catalog submitted to the Bureau only indicated the total charges for the entire educational program.

Order of Abatement:

The Bureau orders that the institution submit to the Bureau the current revised catalog that contains the schedule of total charges for a current period of attendance and an estimated schedule of total charges for the entire educational program as required by CEC 94909(a)(9). In addition, the Bureau orders the institution to update its website with the revised catalog and submit evidence of compliance to the Bureau.

Assessment of Fine

The fine for this violation is \$100.00

4. **Violation:**

CEC 94909 (a) (15) - Minimum Requirements for School Catalog

(a) Except as provided in subdivision (d), prior to enrollment, an institution shall provide a prospective student, either in writing or electronically, with a school catalog containing, at a minimum, all of the following:

(15) The following statement:

"NOTICE CONCERNING TRANSFERABILITY OF CREDITS AND CREDENTIALS EARNED AT OUR INSTITUTION"

The transferability of credits you earn at (name of institution) is at the complete discretion of an institution to which you may seek to transfer. Acceptance of the (degree, diploma, or certificate) you

earn in (name of educational program) is also at the complete discretion of the institution to which you may seek to transfer. If the (credits or degree, diploma, or certificate) that you earn at this institution are not accepted at the institution to which you seek to transfer, you may be required to repeat some or all of your coursework at that institution. For this reason you should make certain that your attendance at this institution will meet your educational goals. This may include contacting an institution to which you may seek to transfer after attending (name of institution) to determine if your (credits or degree, diploma, or certificate) will transfer."

Bureau staff conducted an announced compliance inspection on January 21, 2016. The Institution's catalog failed to contain the specific NOTICE CONCERNING TRANSFERABILITY OF CREDENTIALS EARNED AT OUR INSTITUTION disclosure statement verbatim as required by CEC 94909 (a) (15). The catalog is missing the sentence - "Acceptance of the Certificate you earned in Cosmetology and/or Manicuring is also at the complete discretion of the institution to which you may seek to transfer." A Notice to Comply (NTC) was issued but the institution's reponse did not clear this violation.

Order of Abatement:

The Bureau orders the institution submit to the Bureau the current revised catalog that contains the NOTICE CONCERNING TRANSFERABILITY OF CREDENTIALS EARNED AT OUR INSTITUTION disclosure statement verbatim as required by CEC 94909 (a) (15). In addition, the Bureau orders the institution to update its website with the revised catalog and submit evidence of compliance to the Bureau.

Assessment of Fine

The fine for this violation is \$250.00

TOTAL ADMINISTRATIVE FINE DUE: \$1,351.00

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 **\$1,351** 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

Delta Beauty College, Institution Code 0700701, was issued a Notice to Comply #0700701 0116 (NTC) on January 21, 2016 as a result of ten minor violations detected during the desk review and on-site announced compliance inspection. The institution was given 30 days from the date of the inspection to either remedy the violations or submit a written notice of disagreement. The Bureau received the NTC response from the institution on March 14, 2016. The NTC response was received 23 days past due date of February 21, 2016. The NTC response only corrected three of the ten violations. The Bureau did not receive complete and/or accurate documents from the Institution to

remedy the violations listed on the NTC or a written notice of disagreement within the allotted 30 day timeframe. Outstanding violations remain.

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 **August 13, 2016**, 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 **July 14, 2016**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **August 13, 2016**. 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:

Jody Wright, 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 Jody Wright, Enforcement Analyst, at 916-431-6940 or Jody.Wright@dca.ca.gov.



Elainea Shotwell
Enforcement Manager

July 14, 2016
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