



MODIFIED CITATION ORDER

Citation Issued To: Eminence Barber Academy 9900 Indiana Ave. Suite 9 & 10 Riverside, CA 92503 Institution Code: 21305191	Citation Number: 2223138
	Total Fine Amount: \$4,001.00
	Order of Abatement Included: Yes

Elizabeth Elias issues this modified citation in her official capacity as Enforcement Chief of the Bureau for Private Postsecondary Education, California Department of Consumer Affairs (hereinafter referred to as the "Bureau").

LICENSING HISTORY

- On or about March 8, 2022, the Bureau renewed an Approval to Operate a Private Postsecondary Institution to Eminence Barber Academy (hereinafter referred to as the "Institution"). This Approval to Operate will expire on or about March 8, 2027, unless renewed.

DISCIPLINE HISTORY

- The Institution has the following discipline history:
 - [Citation No. 2021010 issued July 16, 2020](#)
 - Evidence of compliance; citation satisfied August 5, 2020
 - [Citation No. 2021145 issued November 12, 2020](#)
 - Evidence of compliance; citation satisfied March 30, 2021

CITATION JURISDICTION

- This administrative citation is issued to the Institution pursuant to California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5 CCR) section 75020 et seq. for the violation(s) described below.

CITATION HISTORY

- On or about April 24, 2023 the Bureau issued Citation No. 2223138. On or about May 17, 2023, the Bureau received an appeal with a request for an

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informal conference. The informal conference was held on June 9, 2023. New substantive facts were presented during the informal conference; therefore, the Bureau modifies the citation as follows:

**CAUSE FOR CITATION &
MODIFIED ASSESMENT OF FINE AND/OR ORDER OF ABATEMENT**

5. The Institution is in violation of the following Bureau laws and regulations:

Violation #1:

5 CCR section 76130 – Collection and Submission of Assessments

Cause for Citation: The Institution failed to submit the Student Tuition Recovery Fund (STRF) Assessment Reporting form and pay any applicable fees as required for the 1st quarter reporting period of 2022.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a “Class C” violation. The Institution is issued a fine of \$1,000.00.

Administrative Fine: Affirmed.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to submit the Student Tuition Recovery Fund (STRF) Assessment Reporting form and pay any applicable fees as required for the 1st quarter reporting period of 2022.

Order of Abatement: Affirmed.

Violation #2:

5 CCR section 74110 – Annual Report in conjunction with CEC section 94934 – Annual Report

Cause for Citation: A review of the Bureau’s records confirm the Institution failed to submit all components of the 2021 Annual Report which was due to

the Bureau by December 1, 2022. A reminder notice was sent to the Institution on or about the following dates: June 28, 2022, July 14, 2022, and July 26, 2022.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a "Class A" violation. The Institution is issued a fine of \$5,000.00.

Administrative Fine: Modified. The Bureau modifies the administrative fine from \$5,000.00 to \$2,501.00. The violation remains a "Class A" violation.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to submit the 2021 Annual Report pursuant to 5 CCR section 74110 and CEC section 94934.

Order of Abatement: Affirmed.

Violation #3:

5 CCR section 74006(b) – Annual Fee, in conjunction with CEC section 94931(a) – Late Payment

Cause for Citation: The Institution failed to pay its 30-day late payment penalty fee for the 2022 calendar year. On or about March 22, 2023, the Institution paid its 2022 Annual fee which was due January 1, 2023, however, the Institution failed to pay the 30-day late payment penalty fee.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a "Class D" violation. The Institution is issued a fine of \$500.00.

Administrative Fine: Affirmed.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to pay its 30-day late payment penalty fee for the 2022 calendar year.

Order of Abatement: Affirmed.

Violation #4: 5 CCR section 74006 (a), (b) – Annual Fee in conjunction with CEC 94931(a) – Late Payment
Cause for Citation: The Institution failed to pay its annual fee and 30-day late payment penalty fee for the 2023 calendar year.
Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a “Class C” violation. The Institution is issued a fine of \$1,000.00. Administrative Fine: Dismissed.
Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement: The Bureau orders the Institution to pay its annual fee and 30-day late payment penalty fee for the 2023 calendar year. Order of Abatement: Dismissed.

COMPLIANCE WITH ORDER OF ABATEMENT

6. In accordance with the provisions of CEC section 94936 and 5 CCR sections 75020 and 75040, the Bureau issues the order(s) of abatement described above. Evidence of compliance with the order of abatement must be submitted to the Bureau within 30 days from the date of issuance of this modified citation. Evidence of compliance with the order of abatement may sent by mail or email to:
- Mail: Bureau for Private Postsecondary Education
Attn: Discipline Unit – Cheryl Lardizabal
1747 North Market, Blvd., Suite 225
Sacramento, CA 95834
 - Email: bppe.discipline@dca.ca.gov
 - In the subject line, please include the Institution name and citation number.

COMPLIANCE WITH ASSESSMENT OF FINE

7. In accordance with the provisions of CEC section 94936, and 5 CCR section 75020 et seq., the Bureau hereby orders this assessment of fines in

the total amount of \$4,001.00 for the violations described above. Payment of the fines must be made to the Bureau within 30 days from the date of service of this modified citation. To assist the Bureau in processing the payment of fines, please submit the enclosed *Payment of Fine – Waiver of Appeal* form.

Payment must be sent to the Bureau by mail at:

- Bureau for Private Postsecondary Education
Attn: Discipline Unit – Cheryl Lardizabal
1747 North Market, Blvd., Suite 225
Sacramento, CA 95834

NOTICE OF APPEAL RIGHTS

8. Pursuant to 5 CCR section 75040(d), the modified decision is considered final, unless a request for a hearing was filed timely.

If the Institution requested a hearing and no longer chooses to proceed with the hearing, the Institution may request to withdraw the request for a hearing.

COMPLIANCE WITH FINE AND/OR ORDER OR ABATEMENT DISCLOSURE

9. Pursuant to 5 CCR section 75050, payment of the fine and/or compliance with any order of abatement does not constitute an admission of the violation charged and shall be represented as satisfactory resolution of the matter for the purposes of public disclosure.

Pursuant to 5 CCR section 75050, failure to comply with this citation order, its order of abatement, and/or administrative fine by the required due date is grounds for denial or discipline of an approval to operate. Where a citation is not contested and fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the approval to operate. An approval to operate shall not be renewed without payment of the renewal fee and fine. The Bureau may also enforce the administrative fine as if it were a money judgment pursuant to CEC section 94936.

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BUREAU CONTACT INFORMATION

10. If you have any questions regarding this Citation, please contact Cheryl.Lardizabal@dca.ca.gov, Citation Analyst by email at Cheryl.Lardizabal@dca.ca.gov or by phone at (916) 574-7427.

"Original Signature on File"

6/13/2023

Elizabeth Elias
Enforcement Chief

Citation Date of Issuance

Enclosures:

- Payment of Fine
- Declaration of Service by Certified and First-Class Mail