



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

To: Hinton Barber College, LLC, Owner
Hinton Barber and Beauty College
1035 Tennessee Street
Vallejo, CA, 94590

INSTITUTION CODE: 97715528
CITATION NUMBER: 1920229
CITATION ISSUANCE/SERVICE DATE: February 21, 2020
DUE DATE: March 22, 2020
FINE AMOUNT: \$ 6,000.00
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 Hinton Barber College, Owner of Hinton Barber and Beauty College (Institution) located at 1035 Tennessee Street, Vallejo, CA, 94590, 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 June 13, 2019, the Bureau conducted an unannounced inspection at the Institution. During the inspection, the Institution Director provided a hard copy of the supporting documentation for the 2016-2017 School Performance Fact Sheet (SPFS) for the barber and cosmetology programs. Bureau staff reviewed the supporting documentation and informed the Institution’s Director that the supporting documentation did not capture all the requirements outlined in 5, CCR Section 74112 (m).

Additionally, after Bureau staff reviewed a Cosmetology instructor file, it was determined that the instructor did not have the minimum requirement of three years of experience, education and training in current practices in the subject area.

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: 5, CCR Section 74112(i)(1)(2)(3)(4)(m)(1-9) – Uniform Data – Annual Report, Performance Fact Sheet <i>(i) Job Placement Rates.</i> <i>(1) Any placement data required by sections 94910(b) and 94929.5(a) of the Code shall be reported for the number of students who began the program as defined in subdivision (d)(1) of this section for each</i>

reported calendar year.

(3) If the institution makes any claim related to preparing students for a job or regarding job placement,

the list required by section 94910(f)(2) of the Code shall identify the employment positions by using the Detailed Occupation or six-digit level of the Standard Occupational Classification codes.

(4) Placement rate shall be calculated as follows: the number of graduates employed in the field as defined in section 94928(e)(1) of the Code in conjunction with section 74112(d)(3) divided by the number of graduates available for employment as defined in section 94928(d) of the Code.

Job Placement rates and related disclosures shall be included in the Performance Fact Sheet in a format substantially similar to the charts below, (dates, numbers, and other data shown are for example only):

Job Placement Rates (includes data for the two calendar years prior to reporting)
Name of Educational Program (Program Length)

Calendar Year	Number of Students Who Began the Program	Number of Graduates	Graduates Available for Employment	Graduates Employed in the Field	Placement Rate % Employed in the Field
20XX	100	70	70	55	79%
20XY	80	55	55	20	36%

Student's Initials: _____ Date: _____
Initial only after you have had sufficient time to read and understand the information.

Gainful Employment Categories (includes data for the two calendar years prior to reporting)

Name of Educational Program (Program Length)

Part time vs. Full Time Employment

	Graduates Employed in the field 20 to 29 hours per week	Graduates Employed in the field at least 30 hours per week	Total Graduates Employed in the Field
20XX	15	40	55
20XY	5	15	20

Single Position vs. Concurrent Aggregated Positions

	Graduates Employed in the field in a single position	Graduates Employed in the field in concurrent aggregated positions	Total Graduates Employed in the Field
20XX	52	3	55
20XY	19	1	20

Self-Employed/Freelance Positions

	Graduates Employed who are self-employed or working freelance	Total Graduates Employed in the Field
20XX	3	55
20XY	5	20

Institutional Employment

	Graduates Employed in the field who are employed by the institution, an employer owned by the institution, or an employer who shares ownership with the institution	Total Graduates Employed in the Field
20XX	15	55
20XY	5	20

*Student's Initials: _____ Date: _____
Initial only after you have had sufficient time to read and understand the information.*

(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 self employment;
- (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.

CEC Section 94929(a) – Reporting of Completion Rate

“(a)An institution shall annually report to the bureau, as part of the annual report, and publish in its School Performance Fact Sheet, the completion rate for each program. Except as provided in subdivision (b), the completion rate shall be calculated by dividing the number of on-time graduates by the number of students available for graduation.”

Violation: 5, CCR Section 74112 (i): The 2016-2017 SPFS for the Cosmetology program Job Placement and Gainfully Employed tables contained inconsistent data for the 2016 “Total Graduates Employed in the Field”. According to the Job Placement table, the Institution reported 4 “Graduates Employed in the Field”, compared to the 6 “Total Graduates Employed in the Field” reported within the Part-Time vs. Full Time table, Single Position vs. Concurrent Aggregated Position table, Self Employed/Freelance Position table, and Institutional Employment table. The Institution failed to include the Number of Students who Began the Program in the Barbering Program Job Placement Rate table for the 2017 calendar year.

Violation: 5, CCR Section 74112 (m)(1-9): The supporting documentation for the 2016 SPFS Cosmetology Crossover and Barbering programs did not capture all of the data points as outlined in 5, CCR Section 74112 (m)(1-9).

Violation: CEC Section 94929 (a): The Bureau determined that the 2016-2017 SPFS for the Cosmetology and Barbering program contained calculation errors with its 2016 On-Time Completion Rate. The data submitted for the 2016 calendar year for the Cosmetology program reports 6 for “Students Available for Graduation” and 6 for “Number of On-Time Graduates”. The Institution reported a 2016 On-Time Completion Rate of 85%. The data submitted for the 2016 calendar year for the Barbering program shows that the Institution reported 21 for “Students Available for Graduation” and 21 for “Number of On-Time Graduates”. The Institution reported a 2016 On-Time Completion Rate of 65.63%.

Order of Abatement:

The Bureau orders the Institution shall submit a written policy of how future compliance with 5, CCR section 74112(i)(1)(2)(3)(4), (m)(1-9), and CEC Section 94929 (a), will be maintained.

Assessment of Fine

The fine for this violation is \$5000.00

- 2. **Violation:**
5, CCR Section 71720 (b)(1) -Faculty

<p><i>(b) Instructors in an Educational Program Not Leading to a Degree.</i> <i>(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.</i></p> <p style="color: red;">The Cosmetology instructor file failed to contain proof demonstrating the three years of experience, education and training in current practices of the subject area.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to provide the Bureau with proof of documentation of how each of the current faculty members meet the minimum qualifications and complete continuing education courses, per 5, CCR section 71720.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$1,000.00</u></p>
TOTAL ADMINISTRATIVE FINE DUE: \$6,000.00

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 **\$6,000.00** 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 **March 22, 2020**, 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 **February 21, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **March 22, 2020**. 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:

Cheryl Lardizabal, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

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 Cheryl Lardizabal, Citation Analyst, at (916) 574-8968 or Cheryl.Lardizabal@dca.ca.gov.

“Original signature on file”

“2/21/2020”

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