State and Consumer Services Agency – Governor Edmund G. Brown Jr

Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 431-6959 F (916) 263-1897 www.bppe.ca.gov

INFORMAL CITATION REVIEW CONFERENCE
DECISION CITATION AFFIRMED

January 11, 2013

Wendell Arnold, Owner
Dublin Beauty College
7305 Village Parkway
Dublin, CA 94562

Date of Issuance	Citation Number	Institution Code
01/11/2013	1213003	0100371

On December 11, 2012, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement (Citation) #1213003 against Wendell Arnold, owner of Dublin Beauty College. In attendance were Laura Metune, Bureau Chief; Seyed Dibaji, Education Specialist; and Wendell Arnold, Respondent.

Pursuant to Business and Professions Code, Section 125.9; California Education Code, Section 94936; and California Code of Regulations, Section 75020, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of Citation #1213003.

It is the decision of the Bureau Chief that Citation #1213003, issued on September 28, 2012, is affirmed for the following reason(s):

- During the information office conference Mr. Arnold indicated that the institution was utilizing an alternative Ability-To-Benefit (ATB) examination that had been approved by the former-Bureau. However, a review of the institution's licensing file did not reveal any evidence supporting this claim. Additionally, the institution did not submit any additional documentation supporting this claim. The Quality of Education Unit will review the proposed examination and determine if the examination meets with the requirements of an alternative ATB. In the absence of approval of this examination, the institution is required by CEC 94904 to utilize an ATB examination that has been approved by the U.S. Department of Education. A list of approved examinations can be found on the Bureau's website: http://www.bppe.ca.gov/schools/ability_exam.shtml.

VIOLATION CODE SECTIONS

#	The California Education Code (CEC) and California Code of Regulations (CCR). Below you will find the sections you are charged with violating.
1.	**Affirmed** Violation of CCR 71920(b)(1)(A) – Student Records. *The Institution's student records did not contain verification of high school diploma equivalent nor other documentation establishing the student's ability to perform college level work, such as successful completion of an ability-to-benefit test as described.* The Bureau orders that you maintain student records of student's high school diploma, equivalent or other documentation such as successful completion of an approved ability-to-benefit test for any future students.

	The fine for this violation is $501.00
	TOTAL MODIFIED ADMINISTRATIVE FINE DUE: $501.00

ORDER OF ABATEMENT

The Bureau orders that you comply with the order(s) described in the 'Violation Code Sections' of this document and submit, under penalty of perjury, a declaration that the violation will be complied with. Submit the declaration to the Bureau within 30 days from the date of this decision.

In addition, the Bureau orders that you must pay an administrative penalty (fine) in the amount of **$501.00** within 30 days from the date of this decision.

Please complete the Payment of Fine form. Payment of the administrative fine 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:

Janel Quayle, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

You *do not* have the right to request another Informal Conference to appeal this Affirmed Citation. You *do*, however, have the right to appeal this Affirmed Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. If you did not initially request an Administrative Hearing within 30 days of when the original citation order was issued, you can no longer request one.

Failure to abate the violation or 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 Affirmed Citation Order and recover the civil penalties prescribed therein or found to be due after a hearing.

If you have any questions regarding this decision or desire further information, please contact Janel Quayle, Enforcement Analyst, at (916) 431-6940 or at Janel.Quayle@dca.ca.gov.

Laura Metune

LAURA METUNE
BUREAU CHIEF

January 11, 2013
Date

Enclosures

- Payment of Fine
- Copy of Citation Order Number #1213003
- Declaration of Service by Certified and First Class Mail