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

**Bureau for Private Postsecondary Education**
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
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# CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: John Thai Tran, Owner
City Beauty College
2300 Florin Road
Sacramento, CA 95822

**INSTITUTION CODE: 93832312**
**CITATION NUMBER: 1213012**
**CITATION ISSUANCE DATE: 02/22/2013**
**DUE DATE: 03/24/2013**
**FINE AMOUNT: $2,701.00**

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

## BACKGROUND

City Beauty College (Institution), Institution Code 93832312, was issued a Notice to Comply #000271 (NTC) on June 14, 2012 as a result of minor violations detected during the desk review and on-site compliance inspection. On July 17, 2012 the Bureau received documents from the institution to remedy the violations listed on the NTC. The documents submitted did not remedy all of the issues of non-compliance. Outstanding violations remain.

## CITATION

A Citation is hereby issued to John Thai Tran, owner of City Beauty College located at 2300 Florin Road, Sacramento, CA 95822 in accordance with Section 125.9 of the Business and Professions Code; Section 94936 of the California Education Code; and Section 75020 of the California Code of Regulations for the violations described in the 'Violation Code Sections' of this document.

## PENALTY – ASSESSMENT OF A FINE

In accordance with California Education Code section 94936; and California Code of Regulations Sections 75020 and 75030, the Bureau hereby orders the issuance of a Citation and the assessment of a fine in the amount of **$2,701.00** for the violations described in the 'Violation Code Sections' of this document.

You are hereby notified that you are in violation of the California Education Code and California Code of Regulations and cause for issuance of a citation and assessment of an administrative fine exists.

## ORDER OF ABATEMENT

**The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within 30 days from the date of this Citation.**

VIOLATION CODE SECTIONS

| # | The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the section(s) you are charged with violating. |
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| 1. | Violation of CEC §94909(a)(3)(A) – Minimum Requirements for School Catalog<br>*"(a) 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:*<br>*(3) The following statements:*<br>*(A) "Any questions a student may have regarding this catalog that have not been satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary Education at (address), Sacramento, CA (ZIP Code), (Internet Web site address), (telephone and fax numbers)."*"<br><br>The institution does not have the required verbatim statement in the school catalog. The documents submitted by the institution states: "94909 (a)(3)(A): Revision has been made to School Catalog. SEE PAGE TWO of catalog." Page two nor any other pages of the school catalog contain the required verbatim statement.<br><br>**The Bureau orders that the institution include the required verbatim statement in its school catalog. Please submit evidence of compliance to the Bureau.**<br><br>The fine for this violation is $500.00 |
| 2. | Violation of CEC §94909(a)(15) – Minimum Requirements for School Catalog<br>*"(a) 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:*<br>*(15) The following statement:*<br>*"NOTICE CONCERNING TRANSFERABILITY OF CREDITS AND CREDENTIALS EARNED AT OUR INSTITUTION*<br>*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."*"<br><br>The institution does not have the required verbatim statement in the school catalog. The documents submitted by the institution states: "94909 (a)(15): Revision has been made to School Catalog. SEE PAGE SIX of catalog." Page six nor any other pages of the school catalog contain the required verbatim statement.<br><br>**The Bureau orders that the institution include the required verbatim statement in its school catalog. Please submit evidence of compliance to the Bureau.**<br><br>The fine for this violation is $550.00 |
| 3. | Violation of CCR §71730(b) – Administration.<br>*"(b) The duties, responsibilities, and performance evaluation criteria for each administrator shall be set forth in a personnel manual or other writing maintained by the institution."*<br><br>The institution does not maintain in a personnel manual or other writing maintained by the institution performance evaluation criteria for each administrator. The documents submitted by the institution states: |

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| | "71730(b): Attached is the description of duties and personnel manuals." The documents submitted contain duties and responsibilities for each administrator but does NOT include performance evaluation criteria for each administrator.<br><br>**The Bureau orders that the institution include in a personnel manual or other writing maintained by the institution, evaluation criteria for each administrator. Please submit evidence of compliance to the Bureau.**<br><br>The fine for this violation is $50.00 |
| 4. | Violation of CCR §71750(f) – Withdrawals and Refunds.<br>*"(f) The institution shall maintain a cancellation and withdrawal log, kept current on a monthly basis, which shall include the names, addresses, telephone numbers, and dates of cancellations or withdrawal of all students who have cancelled the enrollment agreement with, or withdrawn from, the institution during the calendar year".*<br><br>The institution does not maintain the required monthly cancellation and withdrawal log. The document submitted by the institution states: "71750 (f): School will maintain a monthly log of all withdraws and refunds including new enrollments of students". That statement is not sufficient evidence to prove compliance.<br><br>**The Bureau orders that the institution submit a copy of the monthly cancellation and withdrawal log template. In addition, the Bureau orders that the institution submit, under penalty of perjury, a written declaration that the institution will comply with CCR §71750(f). Please submit evidence of compliance to the Bureau.**<br><br>The fine for this violation is $550.00 |
| 5. | Violation of CCR §71760 – Self-Monitoring Procedures.<br>*"Each institution shall develop and maintain adequate procedures used by the institution to assure that it is maintained and operated in compliance with the Act and this Division."*<br><br>The institution has not developed and does not maintain adequate procedures to assure that it is maintained and operated in compliance with the Act and this Division. The document submitted by the institution states: "71760: School will coordinate with personnel to maintain compliance with the Act and the Bureau." This statement is not sufficient evidence to prove compliance.<br><br>**The Bureau orders that the institution develop and maintain adequate procedures to assure that it is maintained and operated in compliance with Act and this Division. Provide detailed information of how the institution will maintain these procedures. Please submit evidence of compliance to the Bureau.**<br><br>The fine for this violation is $501.00 |
| 6. | Violation of CCR §71810(b)(1) – Catalog.<br>*"(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following: (1) The specific beginning and ending dates defining the time period covered by the catalog;"*<br><br>The school catalog does not contain the specific beginning and ending dates defining the time period covered by the catalog. The documents submitted by the institution states: "71810 (b)(1): Revision has been made to School Catalog. SEE PAGE ELEVEN of catalog." Page eleven nor any other pages of the school catalog contain the specific beginning and ending dates defining the period covered by the catalog.<br><br>**The Bureau orders that the institution include in the school catalog the beginning and ending dates defining** |

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| | **the time period covered by the catalog. Please submit evidence of compliance to the Bureau.**<br><br>The fine for this violation is $550.00 |
| | **TOTAL ADMINISTRATIVE FINE DUE: $2,701.00** |

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 enclosed 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form 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. Deliver or mail your written request to:

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

Unless a written request for an informal conference and/or an administrative hearing is signed by you or on behalf of City Beauty College and delivered to the Bureau by **March 24, 2013**, you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **February 22, 2013** and the payment is due by **March 24, 2013**. 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 ADMINISTRATIVE FINE

Payment of the administrative fine must be made to the Bureau for Private Postsecondary Education by check or money order. Please include the Citation number on the payment of the fine assessment. Payments may be mailed to:

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

CONTACT INFORMATION

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

Yvette Johnson
for **Connie Bouvia**
**Enforcement Chief**

2/22/13
**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 – Wavier of Appeal
- Declaration of Service by Certified and First Class Mail