Bureau for Private Postsecondary Education
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P.O. Box 980818, West Sacramento, CA 95798-0818
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Beauty Careers, Inc., dba Torrance Beauty College
Tiana Capper, Owner
1978 West Carson Street
Torrance, California 90501

INSTITUTION CODE: 1906751
CITATION NUMBER: 1314003
CITATION ISSUANCE/SERVICE DATE: March 14, 2014
DUE DATE: April 13, 2014
FINE AMOUNT: $8,750.00
ORDER OF ABATEMENT INCLUDED: Yes

Yvette Johnson 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.

CITATION

A Citation is hereby issued to Tiana Capper, Owner of Beauty Careers, Inc., dba Torrance Beauty College (Institution) located at 1978 West Carson Street, Torrance, California 90501, 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 violation(s) described below.

VIOLATION(S)

#	The California Education Code (CEC) and Title 5 of the California Code of Regulations (5 CCR). Below you will find the code section(s) of law you are charged with violating.
1.	**Violation:** CEC §94902(a) – General Enrollment Requirements *"(a) A student shall enroll solely by means of executing an enrollment agreement. The enrollment agreement shall be signed by the student and by an authorized employee of the institution."* A review of student records at the institution indicates that an enrollment agreement was not signed by the student and by an authorized employee of the institution.

	Order of Abatement: 1. The institution shall enroll students by means of executing an enrollment agreement, which shall be signed by the student and by an authorized employee of the institution. **Assessment of Fine:** You are not being assessed an administrative fine for this violation.
2.	**Violation:** CEC §94911(b) – Minimum Requirements for Enrollment Agreement *"An enrollment agreement shall include, at a minimum, all of the following:* *(b) A schedule of total charges, including a list of any charges that are nonrefundable and the student's obligations to the Student Tuition Recovery Fund, clearly identified as nonrefundable charges".* The institution's enrollment agreement does not contain a schedule of total charges, including a list of any charges that are nonrefundable and the student's obligations to the Student Tuition Recovery Fund, clearly identified as nonrefundable charges. **Order of Abatement:** 1. The institution's enrollment agreement shall have a schedule of total charges, including a list of any charges that are nonrefundable and the student's obligation to the Student Tuition Recovery Fund, clearly identified as nonrefundable charges. 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800. **Assessment of Fine:** You are not being assessed an administrative fine for this violation.
3.	**Violation:** CEC §94911(c) – Minimum Requirements for Enrollment Agreement *"An enrollment agreement shall include, at a minimum, all of the following:* *(c) In underlined capital letters on the same page of the enrollment agreement in which the student's signature is required, the total charges for the current period of attendance, the estimated total charges for the entire educational program, and the total charges the student is obligated to pay upon enrollment."* The institution's enrollment agreement does not contain in underlined capital letters on the same page as the student's signature is required, the total charges for the current period of attendance, the estimated total charges for the entire educational program, and the total charges the student is obligated to pay upon enrollment. **Order of Abatement:** 1. The institution's enrollment agreement shall contain in underlined capital letters on the same page in which the student's signature is required, the total charges for the current period of attendance, the estimated total charges for the entire educational program, and the total charges the student is obligated to pay upon enrollment. 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800.

	Assessment of Fine: You are not being assessed an administrative fine for this violation.
4.	**Violation:** CEC §94911(d) – Minimum Requirements for Enrollment Agreement *"An enrollment agreement shall include, at a minimum, all of the following:* *(d) A clear and conspicuous statement that the enrollment agreement is legally binding when signed by the student and accepted by the institution."* The institution's enrollment agreement does not contain a clear and conspicuous statement that the enrollment agreement is legally binding when signed by the student and accepted by the institution. **Order of Abatement:** 1. The institution's enrollment agreement shall contain a clear and conspicuous statement that the enrollment agreement is legally binding when signed by the student and accepted by the institution. 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800. **Assessment of Fine:** You are not being assessed an administrative fine for this violation.
5.	**Violation:** CEC §94911(e)(1) – Minimum Requirements for Enrollment Agreement *"An enrollment agreement shall include, at a minimum, all of the following:* *(e) (1) A disclosure with a clear and conspicuous caption, "STUDENT'S RIGHT TO CANCEL," under which it is explained that the student has the right to cancel the enrollment agreement and obtain a refund of charges paid through attendance at the first class session, or the seventh day after enrollment, whichever is later."* The institution's enrollment agreement does not contain the verbatim required caption "STUDENT'S RIGHT TO CANCEL," under which it is explained that the student has the right to cancel the enrollment agreement and obtain a refund of charges paid through attendance at the first class session, or the seventh day after enrollment, whichever is later. **Order of Abatement:** 1. The institution's enrollment agreement shall contain the verbatim required caption "STUDENT'S RIGHT TO CANCEL," under which it is explained that the student has the right to cancel the enrollment agreement and obtain a refund of charges paid through attendance at the first class session, or the seventh day after enrollment, whichever is later. 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800. **Assessment of Fine:** You are not being assessed an administrative fine for this violation.
6.	**Violation:** CEC §94911(e)(2) – Minimum Requirements for Enrollment Agreement

	"An enrollment agreement shall include, at a minimum, all of the following: *(e) (2) The disclosure shall contain the institution's refund policy and a statement that, if the student has received federal student financial aid funds, the student is entitled to a refund of moneys not paid from federal student financial aid program funds."* The institution's enrollment agreement contains the institution's refund policy; however, it does not contain the disclosure regarding federal student financial aid funds. **Order of Abatement:** 1. The institution's enrollment agreement shall contain a statement that, if the student has received federal student financial aid funds, the student is entitled to a refund of moneys not paid from federal student financial aid funds. 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800. **Assessment of Fine:** You are not being assessed an administrative fine for this violation.
7.	**Violation:** CEC §94911(f) – Minimum Requirements for Enrollment Agreement *"An enrollment agreement shall include, at a minimum, all of the following:* *(f) A statement specifying that, if the student obtains a loan to pay for an educational program, the student will have the responsibility to repay the full amount of the loan plus interest, less the amount of any refund."* The institution's enrollment agreement does not contain the above referenced statement. **Order of Abatement:** 1. The institution's enrollment agreement shall contain a statement specifying, that if the student obtains a loan to pay for an educational program, the student will have the responsibility to repay the full amount of the loan plus interest, less the amount of any refund. 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800. **Assessment of Fine:** You are not being assessed an administrative fine for this violation.
8.	**Violation:** CEC §94911(g)(1) – Minimum Requirements for Enrollment Agreement *"An enrollment agreement shall include, at a minimum, all of the following:* *(g) A statement specifying that, if the student is eligible for a loan guaranteed by the federal or state government and the student defaults on the loan, both of the following may occur:* *(1) The federal or state government or a loan guarantee agency may take action against the student, including applying any income tax refund to which the person is entitled to reduce the balance owed on the loan."*

	The institution's enrollment agreement does not contain the above referenced statement. **Order of Abatement:** 1. The institution's enrollment agreement shall contain a statement specifying that if the student is eligible for a loan guaranteed by the federal or state government and the student defaults on the loan, the federal or state government or a loan guarantee agency may take action against the student, including applying any income tax refund to which the person is entitled to reduce the balance owed on the loan. 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800. **Assessment of Fine:** You are not being assessed an administrative fine for this violation.
9.	**Violation:** CEC §94911(g)(2) – Minimum Requirements for Enrollment Agreement *"An enrollment agreement shall include, at a minimum, all of the following:* *(g) A statement specifying that, if the student is eligible for a loan guaranteed by the federal or state government and the student defaults on the loan, both of the following may occur:* *(2) The student may not be eligible for any other federal student financial aid at another institution or other government assistance until the loan is repaid."* The institution's enrollment agreement does not contain the above referenced statement. **Order of Abatement:** 1. The institution's enrollment agreement shall contain a statement specifying that if the student is eligible for a loan guaranteed by the federal or state government and the student defaults on the loan, the student may not be eligible for any other federal student financial aid at another institution or other government assistance until the loan is repaid. 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800. **Assessment of Fine:** You are not being assessed an administrative fine for this violation.
10.	**Violation:** CEC §94911(h) – Minimum Requirements for Enrollment Agreement *"An enrollment agreement shall include, at a minimum, all of the following:* *(h) The transferability disclosure that is required to be included in the school catalog, as specified in paragraph (15) of subdivision (a) of Section 94909."* The institutions enrollment agreement does not contain the required verbatim transferability disclosure mentioned in CEC §94909(a)(15). **Order of Abatement:** 1. The institution's enrollment agreement shall contain the required transferability disclosure mentioned in CEC §94909(a)(15). 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the

	minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800. **Assessment of Fine:** You are not being assessed an administrative fine for this violation.
11.	**Violation:** CEC §94911(i)(1) – Minimum Requirements for Enrollment Agreement *"An enrollment agreement shall include, at a minimum, all of the following:* *(i) (1) The following statement: "Prior to signing this enrollment agreement, you must be given a catalog or brochure and a School Performance Fact Sheet, which you are encouraged to review prior to signing this agreement. These documents contain important policies and performance data for this institution. This institution is required to have you sign and date the information included in the School Performance Fact Sheet relating to completion rates, placement rates, license examination passage rates, salaries or wages, and the most recent three-year cohort default rate, if applicable, prior to signing this agreement.""* The institution's enrollment agreement does not contain the above referenced required verbatim statement. **Order of Abatement:** 1. The institution's enrollment agreement shall contain the above mentioned required verbatim statement. 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800. **Assessment of Fine:** You are not being assessed an administrative fine for this violation.
12.	**Violation:** CEC §94911(i)(2) – Minimum Requirements for Enrollment Agreement *"An enrollment agreement shall include, at a minimum, all of the following:* *(i) (2) Immediately following the statement required by paragraph (1), a line for the student to initial, including the following statement: "I certify that I have received the catalog, School Performance Fact Sheet, and information regarding completion rates, placement rates, license examination passage rates, salary or wage information, and the most recent three-year cohort default rate, if applicable, included in the School Performance Fact sheet, and have signed, initialed, and dated the information provided in the School Performance Fact Sheet.""* The institution's enrollment agreement does not contain a line for the student to initial including the above referenced required verbatim statement. **Order of Abatement:** 1. Immediately following the statement required in CEC §94911(i)(1) the institution's enrollment agreement shall contain a line for the student to initial including the above mentioned required verbatim statement. 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800.

	Assessment of Fine: You are not being assessed an administrative fine for this violation.
13.	**Violation:** CEC §94911(j)(1) – Minimum Requirements for Enrollment Agreement *"An enrollment agreement shall include, at a minimum, all of the following:* *(j) The following statements:* *(1) "Any questions a student may have regarding this enrollment agreement 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*)""* The institution's enrollment agreement does not contain the above referenced required verbatim statement. **Order of Abatement:** 1. The institution's enrollment agreement shall contain the above mentioned required verbatim statement. 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800. **Assessment of Fine:** You are not being assessed an administrative fine for this violation. *The following may be used for inserts: Address: 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833 or P.O. Box 980818, West Sacramento, CA 95798-0818 Web site Address: www.bppe.ca.gov Telephone and Fax #'s: (888) 370-7589 or by fax (916) 263-1897 or (916) 431-6959 or by fax (916) 263-1897
14.	**Violation:** CEC §94911(j)(2) – Minimum Requirements for Enrollment Agreement *"An enrollment agreement shall include, at a minimum, all of the following:* *(j) The following statements:* *(2) "A student or any member of the public may file a complaint about this institution with the Bureau for Private Postsecondary Education by calling (toll-free telephone number*) or by completing a complaint form, which can be obtained on the bureau's Internet Web site (Internet Web site address*)""* The institution's enrollment agreement does not contain the above referenced required verbatim statement. **Order of Abatement:** 1. The institution's enrollment agreement shall contain the above mentioned required verbatim statement. 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800.

	Assessment of Fine: You are not being assessed an administrative fine for this violation. *The following may be used for inserts: Toll-free telephone #: (888) 370-7589 Web site Address: www.bppe.ca.gov
15.	**Violation:** CEC §94911(k) – Minimum Requirements for Enrollment Agreement *"An enrollment agreement shall include, at a minimum, all of the following:* *(k) The following statement above the space for the student's signature:* *"I understand that this is a legally binding contract. My signature below certifies that I have read, understood, and agreed to my rights and responsibilities, and that the institution's cancellation and refund policies have been clearly explained to me.""* The institution's enrollment agreement does not contain the above referenced required verbatim statement, above the space for the student's signature. **Order of Abatement:** 1. The institution's enrollment agreement shall contain the above mentioned required verbatim statement, above the space for the student's signature. 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800. **Assessment of Fine:** You are not being assessed an administrative fine for this violation.
16.	**Violation:** CEC §94930.5(d)(1)(A) – Fee Schedule *"An institution shall remit to the bureau for deposit in the Private Postsecondary Education Administration Fund the following fees, in accordance with the following schedule:* *(d) (1) In addition to any fees paid to the bureau pursuant to subdivisions (a) to (c), inclusive, each institution that is approved to operate pursuant to this chapter shall remit both of the following:* *(A) An annual institutional fee, in an amount equal to three-quarters of 1 percent of the institution's annual revenues derived from students in California, but not exceeding a total of twenty-five thousand dollars ($25,000) annually."* The institution did not pay the required 2011 and 2012 annual fees. Annual fees for 2011 and 2012 are currently delinquent. **Order of Abatement:** 1. The institution shall remit to the Bureau an annual institutional fee, in an amount equal to three-quarters of 1 percent of the institution's annual revenues derived from students in California, but not exceeding a total of twenty-five thousand dollars ($25,000) annually. 2. The institution shall pay the required 2011 and 2012 annual fees including all late penalty fees.

	Assessment of Fine: The fine for this violation is: **$2,550.00.**
17.	**Violation:** 5 CCR §71800(a) – Enrollment Agreement *"In addition to the requirements of section 94911 of the Code, an institution shall provide to each student an enrollment agreement that contains at the least the following information:* *(a) The name and address of the institution and the addresses where instruction will be provided."* The institution's enrollment agreement does not indicate an address of where instruction will be provided. **Order of Abatement:** 1. The institution's enrollment agreement shall contain the address of where instruction will be provided. 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800. **Assessment of Fine:** You are not being assessed an administrative fine for this violation.
18.	**Violation:** 5 CCR §71800(b) – Enrollment Agreement *"In addition to the requirements of section 94911 of the Code, an institution shall provide to each student an enrollment agreement that contains at the least the following information:* *(b) Period covered by the enrollment agreement."* The institution's enrollment agreement does not contain the period covered by the enrollment agreement. **Order of Abatement:** 1. The institution's enrollment agreement shall contain the period covered by the enrollment agreement. 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800. **Assessment of Fine:** You are not being assessed an administrative fine for this violation.
19.	**Violation:** 5 CCR §71800(d) – Enrollment Agreement *"In addition to the requirements of section 94911 of the Code, an institution shall provide to each student an enrollment agreement that contains at the least the following information:* *(d) Date by which the student must exercise his or her right to cancel or withdraw, and the refund policy, including any alternative method of calculation if approved by the Bureau pursuant to section 94921 of the Code."*

	The institution's enrollment agreement does not contain the date by which the student must exercise the right to cancel or withdraw to obtain a refund of charges paid. **Order of Abatement:** 1. The institution's enrollment agreement shall contain the date by which the student must exercise the right to cancel or withdraw to obtain a refund of charges paid. * 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800. **Assessment of Fine:** You are not being assessed an administrative fine for this violation. * The institution is required to put an actual date (MM/DD/YY) that the student can cancel or withdraw to obtain a refund of charges paid, which would be either by the first class session, or the seventh day after enrollment, whichever is later (CEC §94911(e)(1)).
20.	**Violation:** 5 CCR §71800(e)(11) – Enrollment Agreement *"In addition to the requirements of section 94911 of the Code, an institution shall provide to each student an enrollment agreement that contains at the least the following information:* *(e) Itemization of all institutional charges and fees including, as applicable:* *(11) Student Tuition Recovery Fund fee (non-refundable);"* The institution's enrollment agreement does not contain an itemized charge for the Student Tuition Recovery Fund fee (non-refundable). **Order of Abatement:** 1. The institution's enrollment agreement shall contain an itemized charge for the Student Tuition Recovery Fund fee (non-refundable). 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800. **Assessment of Fine:** You are not being assessed an administrative fine for this violation.
21.	**Violation:** 5 CCR §76120(a) – Amount of STRF Assessment *"(a) Each qualifying institution shall collect an assessment of fifty cents ($.50) per one thousand dollars ($1,000) of institutional charges, rounded to the nearest thousand dollars, from each student in an educational program who is a California resident or is enrolled in a residency program. For institutional charges of one thousand dollars ($1,000) or less, the assessment is fifty cents ($.50)."* The institution has failed to collect Student Tuition Recovery Fund fees from eligible students. Students who are enrolled in an educational program at the institution are eligible for the Student Tuition Recovery Fund if any of the total charges are paid by the student to the institution and the student is a California resident or are enrolled in a residency program.*

	Order of Abatement: 1. The institution shall collect an assessment of $0.50 per $1,000.00 of institutional charges, rounded to the nearest thousand dollars, from each eligible student in an education program who is a California resident or is enrolled in a residency program. 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800. 3. The institution shall submit a copy of the next reporting period quarter Student Tuition Recovery Fund Assessment Reporting from. 4. The institution shall submit the records of student information to substantiate the data reported on the Student Tuition Recovery Fund Assessment Reporting Form and records of the student's eligibility under the Fund, which includes the required information mentioned in CCR §76140(a). **Assessment of Fine:** The fine for this violation is: **$2,550.00.** *Referenced laws regarding students eligibility for the Student Tuition Recovery Fund: 5. 5 CCR §76215(a) *""You must pay the state-imposed assessment for the Student Tuition Recovery Fund (STRF) if all of the following applies to you:* *1. You are a student in an educational program, who is a California resident, or are enrolled in a residency program, and prepay all or part of your tuition either by cash, guaranteed student loans, or personal loans, and* *2. Your total charges are not paid by any third-party payer such as an employer, government program or other payer unless you have a separate agreement to repay the third party.""* 6. CCR §94870 – Total Charges *""Total charges" means the sum of institutional and noninstitutional charges."* 7. CCR §94844 – Institutional Charges *""Institutional charges" means charges for an educational program paid directly to an institution."* 8. CCR §94850 – Noninstitutional charges *""Noninstitutional charges" means charges for an educational program paid to an entity other than an institution that are specifically required for participation in an educational program."*
22.	**Violation:** 5 CCR §76130(a) – Collection and Submission of Assessments *"(a) A qualifying institution shall collect the assessment from each student in an educational program at the time it collects the first payment from or on behalf of the student at or after enrollment. The assessment shall be collected for the entire period of enrollment, regardless of whether the student pays the institutional charges in increments."* The institution has failed to collect the Student Tuition Recovery Fund (STRF) fees from each student in an educational program at the time it collects the first payment or on behalf of the student at or after enrollment. The institution has failed to collect STRF fees at any time, from any student enrolled in an educational program at the institution.

	Order of Abatement: 1. The institution shall collect STRF fees from each student in an educational program at the time it collects the first payment or on behalf of the student at or after enrollment. The STRF fee shall be collected for the entire period of enrollment, regardless of whether the student pays the institutional charges in increments. 2. The institution shall submit a copy of the next reporting period quarter Student Tuition Recovery Fund Assessment Reporting form. 3. The institution shall submit the records of student information to substantiate the data reported on the STRF Assessment Reporting Form and records of the student's eligibility under the Fund, which includes the required information mentioned in 5 CCR §76140(a). **Assessment of Fine:** The fine for this violation is: **$2,550.00.**
23.	**Violation:** 5 CCR §76130(b)(3-4) – Collection and Submission of Assessments *"(b) A qualifying institution shall complete the STRF Assessment Reporting Form (Rev. 2/10) and remit it with the STRF assessments collected from students to be received by the Bureau no later than the last day of the month following the close of the quarter as follows:* *(3) October 31 for the third quarter, and* *(4) January 31 for the fourth quarter. If the due date falls on a Saturday, Sunday or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau."* The institution failed to submit STRF Assessment Reporting forms for the third and fourth quarter of 2011. **Order of Abatement:** 1. The institution shall complete the STRF Assessment Reporting forms and remit it with the STRF assessments collected from students to be received by the Bureau no later than the last day of the month following the close of the quarters as follows: (1) April 30 for the first quarter, (2) July 31 for the second quarter, (3) October 31 for the third quarter, and (4) January 31 for the fourth quarter. If the due date falls on a Saturday, Sunday or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau. 2. The institution shall submit third quarter of 2011 and the fourth quarter of 2011 STRF Assessment Reporting Forms to the Bureau. **Assessment of Fine:** The fine for this violation is: **$550.00.**
24.	**Violation:** 5 CCR §76140(a) – Record-Keeping Requirements *"(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:* *(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."* The institution does not maintain the required student information mentioned above to substantiate the data reported on the STRF Assessment Reporting Form. **Violation:** 5 CCR §76140(b) – Record-Keeping Requirements *"(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."* The institution does not maintain the student data required in section (a) of this law in an electronic format. **Order of Abatement:** 1. The 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, for each student, each of the items (1)-(13) mentioned above. 2. The institution shall maintain the data required in section (a) in an electronic format that is available and open to inspection by the Bureau upon request. 3. The institution shall submit a copy of the next reporting period quarter Student Tuition Recovery Fund Assessment Reporting form. 4. The institution shall submit the records of student information to substantiate the data reported on the STRF Assessment Reporting Form and records of the student's eligibility under the Fund, which includes the required information mentioned in 5 CCR §76140(a). **Assessment of Fine:** The fine for this violation is: **$550.00.**
25.	**Violation:** 5 CCR §76215(a) – Student Tuition Recovery Fund Disclosures *"(a) A qualifying institution shall include the following statement on both its enrollment agreement for an educational program and its current schedule of student charges:* *"You must pay the state-imposed assessment for the Student Tuition Recovery Fund (STRF) if all of the following applies to you:* *1. You are a student in an educational program, who is a California resident, or are enrolled in a residency program, and prepay all or part of your tuition either by cash, guaranteed student loans, or personal loans, and*

	2. Your total charges are not paid by any third-party payer such as an employer, government program or other payer unless you have a separate agreement to repay the third party. *You are not eligible for protection from the STRF and you are not required to pay the STRF assessment, if either of the following applies:* *1. You are not a California resident, or are not enrolled in a residency program, or* *2. Your total charges are paid by a third party, such as an employer, government program or other payer, and you have no separate agreement to repay the third party.""* The institution's enrollment agreement does not include the above referenced required verbatim statement. **Order of Abatement:** 1. The institution's enrollment agreement shall contain the above mentioned required verbatim statement. 2. The institution shall submit to the Bureau an enrollment agreement, that complies with the minimum requirements for enrollment agreements, pursuant to CEC §94911 and 5 CCR §71800. **Assessment of Fine:** You are not being assessed an administrative fine for this violation.
TOTAL ADMINISTRATIVE FINE DUE: $8,750.00	

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 **$8,750.00** for the violation(s) 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

On March 22, 2010 the Bureau received a complaint against the institution. On February 8, 2012 two Bureau investigators conducted an unannounced investigative visit. During the course of the Bureau's investigation the above mentioned violation(s) were identified.

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 **April 13, 2014** 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 **March 14, 2014.** Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **April 13, 2014**. 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:

Renee Campos, 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 Renee Campos, Enforcement Analyst, at (916) 431-6940 or Renee.Campos@dca.ca.gov.

Yvette Johnson

Yvette Johnson
Enforcement Chief

3/14/14

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