



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

To: Juana Roman dba CERT Institute of Cosmetology, LLC
American Beauty College
646 South Sunset Avenue
West Covina, CA 91790

INSTITUTION CODE: 1913061
CITATION NUMBER: 1516042
CITATION ISSUANCE/SERVICE DATE: Nov 6, 2015
DUE DATE: December 5, 2015
FINE AMOUNT: \$ 10,000.00
ORDER OF ABATEMENT INCLUDED: YES

Elainea Shotwell issues this Citation: Assessment of Fine, Order of Abatement and Restitution (Citation) in her official capacity as Enforcement Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Juana Roman dba CERT Institute of Cosmetology, LLC, Owner of American Beauty College located at 646 South Sunset Avenue, West Covina, CA 91790 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 violations described below.

VIOLATION

Table with 2 columns: # and description of violation. Row 1: #, The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the code section(s) of law you are charged with violating. Row 2: 1. Violation: CEC 94897 (j) - Prohibited Business Practices. "An institution shall not do any of the following: (j) In any manner make an untrue or misleading change in, or untrue or misleading statement related to, a test score, grade or record of grades, attendance record, record indicating student completion, placement, employment, salaries, or financial

information, including any of the following”

On 10/17/14, Bureau staff received Y.Z.'s student file from the institution. A review of the records found an End Data Information Sheet noting that Y.Z. graduated from the Cosmetology program with 1600 clock hours completed. On 10/29/14, the Bureau received Y.Z.'s time cards from the institution. A review of the records found that Y.Z. completed 400 hours in Cosmetology and 900 hours in the Barber program for a total of 1300 hours. The institution provided Y.Z. with a Proof Of Training Document that stated she completed 1500 hours in the Barber program. Therefore, the End Data Information Sheet and the Proof of Training Document contain false information in violation of CEC 94897 (j).

Order of Abatement:

The Bureau orders that the institution cease from making any untrue or misleading statements on student records regarding the completion of a program in compliance with CEC 94897 (j). Submit written evidence to the Bureau.

Assessment of Fine

The fine for this violation is \$5,000.00

2. **Violation:**

CEC 94898(b)(2) - Merging Classes, Converting Method of Delivery, Changing Locations
“(b) After a student has enrolled in an educational program, the institution shall not do either of the following: 2) Change the day or time during the period of attendance in which any class is offered to a day when the student is not scheduled to attend the institution or to a time that is outside of the range of time that the student is scheduled to attend the institution on the day for which the change is proposed unless at least 90 percent of the students who are enrolled consent to the change and the institution offers full refunds to the students who do not consent to the change. For the purpose of this paragraph, “range of time” means the period beginning with the time at which the student’s first scheduled class session for the day is set to start and ending with the time the student’s last scheduled class session for that day is set to finish.”

CEC 94927 - Institutions in Default of Enrollment Agreement

“An institution shall be considered in default of the enrollment agreement when an educational program is discontinued or canceled or the institution closes prior to completion of the educational program. When an institution is in default, student institutional charges may be refunded on a pro rata basis if the bureau determines that the school has made provision for students enrolled at the time of default to complete a comparable educational program at another institution at no additional charge to the students beyond the amount of the total charges in the original enrollment agreement. If the institution does not make that provision, a total refund of all institutional charges shall be made to students.”

In December of 2012, the institution notified student Y.Z. that they are closing the night Cosmetology program effective 1/11/13 in violation of CEC 94898(b)(2) and CEC 94927. Y.Z. was given the choice of transferring into the day Cosmetology program or transfer into the night Barber program.

Order of Abatement:

The Bureau orders that the institution refund the full tuition of \$15,137.50 to Y.Z. as required by CEC 94898(b)(2) and CEC 94927. Submit written evidence of restitution to the Bureau.

	<p><u>Assessment of Fine</u> The fine for this violation is <u>\$5,000.00</u></p>
<p>TOTAL ADMINISTRATIVE FINE DUE: \$10,000.00</p>	

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 **\$10,000.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

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 10/8/14 the Bureau received a complaint from student Y.Z. alleging that American Beauty College (ABC) changed her education from Cosmetology to Barbering and failed to provide a crossover program as promised.

Records indicate that Y.Z. signed an enrollment agreement for the Cosmetology program on 6/19/12. On 1/11/13, the institution discontinued the evening Cosmetology course that Y.Z. was enrolled in. Y.Z. had only completed 400 hours of the 1600 hour Cosmetology course contract. Carole Stephenson, ABC's owner at that time, told Y.Z. that she had the option of moving to the day Cosmetology class or change her course of study to Barbering in order to take an evening class. According to Stephenson, ABC would provide a crossover Cosmetology course to students who complete the Barbering program.

On 6/4/14, Y.Z. went to ABC to enroll in the Cosmetology crossover course that she was promised and was told by J.M., Compliance Director and Financial Officer, that she had already graduated from the Cosmetology program. Y.Z. could not have graduated as she did not have enough Cosmetology hours to have graduated from the Cosmetology program. J.M. advised Y.Z. that if she wanted to do the crossover training she could at a discounted cost.

On 10/17/14, Bureau staff received Y.Z.'s student file from the institution. Included in the documents was the End Data Information Sheet noting that Y.Z. graduated from the Cosmetology program with 1600 clock hours completed. Also, the institution provided Y.Z. with a Proof of Training Document that stated she completed 1500 hours in the Barber program. On 10/29/14, the Bureau received Y.Z.'s time cards from the institution. Records provided indicate that Y.Z. completed 400 hours in Cosmetology and 900 hours in the Barber program for a total of 1300 hours. Both the End Data Information Sheet and the Proof of Training Document contain false information in violation of CEC 94897 (j).

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 **December 5, 2015**, 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 **November 6, 2015**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **December 5, 2015**. 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:

Jody Wright, 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 Jody Wright, Enforcement Analyst, at 916-431-6940 or Jody.Wright@dca.ca.gov.



Elainea Shotwell
Enforcement Manager

November 6, 2015
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**