



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

To: Diane Nguyen
 Andrew Vo
 Santa Ana Beauty College
 1926 West 17th Street
 Santa Ana, CA 92706

INSTITUTION CODE: 46614787
CITATION NUMBER: 1516049
CITATION ISSUANCE/SERVICE DATE: December 3, 2015
DUE DATE: January 2, 2016
FINE AMOUNT: \$ 1,000.00
ORDER OF ABATEMENT INCLUDED: Yes

Elainea Shotwell issues this Citation: Assessment of Fine and Order of Abatement (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 Diane Nguyen and Andrew Vo, Owners of Santa Ana Beauty College located at 1925 West 17th Street, Santa Ana, CA 92706 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

#	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.
1.	<p><u>Violation:</u> CEC 94893/94894(a)- Authorization Required for Substantive Change/Substantive Change Defined <i>"If an institution intends to make a substantive change to its approval to operate, the institution shall receive prior authorization from the bureau. Except as provided in subdivision (a) of Section 94896, if the institution makes the substantive change without prior bureau authorization, the institution's approval to operate may be suspended or revoked.</i> <i>The following changes to an approval to operate are considered substantive changes and require prior authorization:</i></p> <p><i>(a) A change in educational objectives, including an addition of a new diploma or a degree educational program unrelated to the approved educational programs offered by the institution."</i></p> <p>During the unannounced visit on September 24, 2014, school owner, Diane Nguyen, admitted to Bureau staff that programs are taught in English, Vietnamese and Chinese. Santa Ana Beauty</p>

College's 2014 school catalog indicated that classes are taught in English only. The Bureau does not have record of approval to offer instruction in courses taught in Chinese and Vietnamese. Santa Ana Beauty College failed to obtain approval from the Bureau prior to implementing the change.

Order of Abatement:

The Bureau orders that the institution obtain approval to offer classes in any other language than English. Cease offering instruction in any other language other than English until the application is received and approved by the Bureau.

Assessment of Fine

The fine for this violation is \$1,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$1,000.00

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 **\$1,000.00** 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 January 9, 2006, the institution was approved by the Bureau to offer Barbering and Cosmetology programs in English.

On August 31, 2012, the Bureau received a student complaint alleging the institution sold transcripts to students who did not attend classes.

On September 14, 2014, the Bureau conducted an unannounced school visit to Santa Ana Beauty College. Bureau staff obtained the school catalog, student files, and faculty files; observed the daily operation of the institution; and conducted an interview with co-owner Diane Nguyen(Nguyen). During the interview with Bureau staff, Nguyen confirmed that classes are taught in English, Chinese, Vietnamese, and Spanish. Additionally, Santa Ana Beauty College's 2014 school catalog indicated that classes are taught in English only. The Bureau does not have any record that Santa Ana Beauty College obtained approval to offer instruction in Chinese, Vietnamese or Spanish.

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 **January 2, 2016**, 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 **December 3, 2015**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **January 2, 2016**. 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

December 3, 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