



**Bureau for Private Postsecondary Education**  
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**NOTICE TO COMPLY – CU 0102231 1116 (Ed. Code § 94935, 5 5, CCR § 75010)**

Institution Name:	Avalon School of Cosmetology	Institution Telephone:	510-523-3247
Institution Code:	0102231	Administrator Name:	Brandon Pobiak
Street Address:	2318 Central Avenue Alameda, CA 94501	Date of Inspection:	11/15/2016

Nature and Facts of the Violation(s), Including a Reference to the Statute or Regulation Violated, and Manner in Which the Institution Must Correct the Violation to Achieve Compliance:

**STUDENT TUITION RECOVERY FUND**

Education Code (CEC) or Code of Regulations (5, CCR)	Subsection , Description, and Required Correction
<p><b>5, CCR §76140. Record-Keeping Requirements</b></p>	<p>(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:</p> <ol style="list-style-type: none"> <li>(1) Student identification number,</li> <li>(2) First and last names,</li> <li>(3) Email address,</li> <li>(4) Local or mailing address,</li> <li>(5) Address at the time of enrollment,</li> <li>(6) Home address,</li> <li>(7) Date enrollment agreement signed,</li> <li>(8) Courses and course costs,</li> <li>(9) Amount of STRF assessment collected,</li> <li>(10) Quarter in which the STRF assessment was remitted to the Bureau,</li> <li>(11) Third-party payer identifying information,</li> <li>(12) Total institutional charges charged, and</li> <li>(13) Total institutional charges paid.</li> </ol> <p><b>The institution did not maintain records of STRF eligibility for all students.</b></p> <p><b>To remedy this violation, the institution shall establish and maintain records of eligibility for each student.</b></p> <p><b>The STRF eligibility documentation shall be submitted with the institution's response to the NTC and the last page of this document</b></p>

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<p><b>5, CCR §76140. Records-Keeping Requirements</b></p>	<p><b>by December 15, 2016.</b></p> <p>(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.</p> <p><b>The institution did not maintain the 13 required data points for each student in an electronic format. The documentation was not made immediately available.</b></p> <p><b>To remedy this violation, the institution shall maintain the required data points in an electronic format and in an intelligible and orderly manner.</b></p> <p><b>The STRF eligibility documentation shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</b></p>
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**INSTITUTIONAL WEBSITE AND ADVERTISEMENTS**

<p>Education Code (CEC) or Code of Regulations (5, CCR)</p>	<p>Subsection , Description, and Required Correction</p>
<p><b>CEC §94913. Institutional Web Site Requirements</b></p>	<p>(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:</p> <p>(1) The school catalog.</p> <p><b>The institution's website does not contain updated the current school catalog.</b></p> <p><b>To remedy the violation, the institution's current website shall be updated to provide the updated current school catalog. The link to the updated catalog shall be made available on the homepage of the institution's website.</b></p> <p><b>A printout of or a link to the updated website shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</b></p>
<p><b>CEC §94913. Institutional Web Site Requirements</b></p>	<p>(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:</p> <p>(2) A School Performance Fact Sheet for each educational program offered by the institution.</p> <p><b>The institution's website does not contain updated 2013/2014 Performance Fact Sheets.</b></p>

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	<p>To remedy the violation, the institution's website shall be updated to contain the updated and corrected 2013/2014 Performance Fact Sheets. The link to the updated School Performance Fact Sheet shall be made available on the homepage of the institution's website.</p> <p>A printout of or a link to the updated website shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</p>
<p><b>CEC §94913. Institutional Web Site Requirements</b></p>	<p>(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:  (4) A link to the bureau's Internet Web site.</p> <p>The institution's website does not contain a link to the bureau's Internet Web site.</p> <p>To remedy the violation, the institution's website shall be updated to include a link to the bureau's Internet Web site. The link to the Bureau's internet website shall be made available on the homepage of the institution's website.</p> <p>A printout of or a link to the updated website shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</p>
<p><b>5, CCR §74117. Website Requirements.</b></p>	<p>In addition to the requirement in Section 94913(b) of the Code, an institution that maintains a website shall provide on the homepage of that website clear and conspicuous links to all the items required in Section 94913(a) of the Code.</p> <p>The institution's website did not contain, on the institution's homepage:</p> <ul style="list-style-type: none"> <li>• the institution's updated current catalog,</li> <li>• School Performance Fact Sheets,</li> <li>• a link to the Bureau's internet website, and</li> <li>• a link to the most recent Annual Report submitting to the Bureau.</li> </ul> <p>A link on the institution's homepage to "Consumer Disclosure" does not satisfy this section.</p> <p>To remedy the violation, the institution's website homepage shall be updated to contain:</p> <ul style="list-style-type: none"> <li>• the institution's updated current catalog,</li> <li>• School Performance Fact Sheets,</li> <li>• a link to the Bureau's internet website, and</li> <li>• a link to the most recent Annual Report submitting to the Bureau.</li> </ul>

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A printout of or a link to the updated website shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.

**SCHOOL CATALOG**

Education Code (CEC) or Code of Regulations (5, CCR)	Subsection , Description, and Required Correction
5, CCR §71810. Catalog.	<p>(a) Each institution shall provide a catalog pursuant to section 94909 of the Code, which shall be updated annually. Annual updates may be made by the use of supplements or inserts accompanying the catalog. If changes in educational programs, educational services, procedures, or policies required to be included in the catalog by statute or regulation are implemented before the issuance of the annually updated catalog, those changes shall be reflected at the time they are made in supplements or inserts accompanying the catalog.</p> <p><b>The institution failed to provide a written statement describing their policy on updating the catalog.</b></p> <p><b>The institution shall provide a written statement addressing their policy for updating the catalog. The policy shall, at a minimum, state the catalog will be updated annually.</b></p> <p><b>The written statement shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</b></p>
CEC §94909. Minimum Requirements for School Catalog	<p>(a) Except as provided in subdivision (d), 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:</p> <p>(4) The address or addresses where class sessions will be held.</p> <p><b>The catalog does not state the address or addresses where class sessions will be held.</b></p> <p><b>To remedy this violation, the current catalog shall contain the address or addresses where class sessions will be held in a statement. The catalog shall indicate class sessions held at the main and satellite locations. The catalog shall indicate the nature of the satellite location pursuant to 5, CCR §71717(c).</b></p> <p><b>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</b></p>
5, CCR §71810. Catalog.	<p>(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:</p> <p>(1) The specific beginning and ending dates defining the time period</p>

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	<p>covered by the catalog;</p> <p>The catalog does not contain the specific beginning and ending dates defining the time period covered by the catalog. The catalog cover states "May 2016".</p> <p>To remedy the violation, the current catalog shall contain the specific beginning and ending dates (Month, Date, Year) defining the time period covered by the catalog.</p> <p>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</p>
<p><b>CEC §94909. Minimum Requirements for School Catalog</b></p>	<p>(a) Except as provided in subdivision (d), 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:</p> <p>(2) Except as specified in Article 2 (commencing with Section 94802), a statement that the institution is a private institution and that it is approved to operate by the bureau.</p> <p>The catalog failed to state the institution is approved to operate by the bureau. The catalog stated the institution is licensed to operate.</p> <p>To remedy this, the institution shall update the current catalog to state the institution is a private institution and that it is approved to operate by the Bureau, and include an explanation of what approval to operate means pursuant to CEC §94897(I). Approval to operate means the institution has met the minimum standards set for by the California Education Code and Title 5, Division 7.5 of the California Code of Regulations.</p> <p>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</p>
<p><b>CEC §94909. Minimum Requirements for School Catalog</b></p>	<p>(a) Except as provided in subdivision (d), 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:</p> <p>(12) A statement specifying whether the institution has a pending petition in bankruptcy, is operating as a debtor in possession, has filed a petition within the preceding five years, or has had a petition in bankruptcy filed against it within the preceding five years that resulted in reorganization under Chapter 11 of the United States Bankruptcy Code (11 U.S.C. Sec. 1101 et seq.).</p> <p>The catalog does not contain the statement describing whether the institution has a pending petition in bankruptcy, is operating as a debtor in possession, has filed a petition within the preceding five</p>

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	<p>years, or has had a petition in bankruptcy filed against it within the preceding five years that resulted in reorganization under Chapter 11 of the United States Bankruptcy Code.</p> <p>To remedy this violation, the current catalog shall be updated to include the statement stating whether or not the institution has filed a petition within the preceding five years, or has had a petition in bankruptcy filed against it within the preceding five years that resulted in reorganization under Chapter 11 of the United States Bankruptcy Code.</p> <p>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</p>
<p><b>CEC §94909. Minimum Requirements for School Catalog</b></p>	<p>(a) Except as provided in subdivision (d), 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:</p> <p>(3) The following statements:</p> <p>(B) "As a prospective student, you are encouraged to review this catalog prior to signing an enrollment agreement. You are also encouraged to review the School Performance Fact Sheet, which must be provided to you prior to signing an enrollment agreement."</p> <p>The catalog does not contain the specific required statement verbatim to the language quoted above. The institution's catalog added, "Avalon School of Cosmetology does not enroll any prospective students currently enrolled, attending or admitted to another school offering a similar program of study."</p> <p>To remedy this violation, the current catalog shall be updated to include the statement verbatim to the specific quoted language above. The added statement shall be separated from the specific required language.</p> <p>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</p>
<p><b>5, CCR §71810. Catalog.</b></p>	<p>(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:</p> <p>(9) A description of the facilities and of the types of equipment and materials that will be used for instruction</p> <p>The catalog failed to contain a complete description of the types of equipment and materials that will be used for instruction. The catalog generalized the description of equipment "state of the art tools." There was no description of the equipment or materials required by the California Board of Barbering and Cosmetology (BBC).</p>

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	<p>To remedy the violation, the current catalog shall be updated to include a description of all equipment and materials that will be used to support the instruction offered. At a minimum, the description shall meet the standards required by BBC.</p> <p>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</p>
<p><b>CEC §94909. Minimum Requirements for School Catalog</b></p>	<p>(a) Except as provided in subdivision (d), 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:</p> <p>(3) The following statements:</p> <p>(A) "Any questions a student may have regarding this catalog that have not been satisfactorily answered by <b>the institution</b> may be directed to the Bureau for Private Postsecondary Education at (address*), Sacramento, CA (ZIP Code*), (Internet Web site address*), (telephone and fax numbers*)." </p> <p>*The following may be used for parentheticals:  Address: 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833  P.O. Box 980818, West Sacramento, CA 95798-0818  Website Address: <a href="http://www.bppe.ca.gov">www.bppe.ca.gov</a>  Telephone and Fax #'s: (888) 370-7589 or by fax (916) 263-1897 (916) 431-6959 or by fax (916) 263-1897</p> <p>The catalog does not contain the specific required statement verbatim to the language quoted above. The catalog used "Avalon School of Cosmetology" in lieu of "the institution," bolded above.</p> <p>To remedy this violation, the current catalog shall be updated to include the statement verbatim to the specific quoted language above. The institution shall change "Avalon School of Cosmetology" to "the institution".</p> <p>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</p>
<p><b>CEC §94909. Minimum Requirements for School Catalog</b></p>	<p>(a) Except as provided in subdivision (d), 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:</p> <p>(3) The following statements:</p> <p>(C) "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*)." </p>

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\*The following may be used for parentheticals:  
Telephone and Fax #'s: (888) 370-7589  
Website Address: [www.bppe.ca.gov](http://www.bppe.ca.gov)

**The catalog failed to contain the specific required statement verbatim to the language quoted above. The statement was omitted from the catalog.**

**To remedy this violation, the current catalog shall be updated to include the statement verbatim to the specific quoted language above.**

**The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.**

**CEC §94909. Minimum Requirements for School Catalog**

(a) Except as provided in subdivision (d), 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:

(15) The following statement:

**"NOTICE CONCERNING TRANSFERABILITY OF CREDITS AND CREDENTIALS EARNED AT OUR INSTITUTION**

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."

***\*If institution offers more than one educational program, "the educational program" may be inserted.***

**The catalog failed to contain the specific required statement verbatim to the language above. The catalog used "the School" in lieu of "Avalon School of Cosmetology," as bolded above.**

**To remedy the violation, the current catalog shall be updated to change "the School" to "Avalon School of Cosmetology".**

**The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.**

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<p><b>CEC §94909. Minimum Requirements for School Catalog</b></p>	<p>(a) Except as provided in subdivision (d), 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:</p> <p>(8) A detailed description of institutional policies in the following areas:</p> <p>(A) Admissions policies, including the institution's policies regarding the acceptance of credits earned at other institutions or through challenge examinations and achievement tests, admissions requirements for ability-to-benefit students, and a list describing any transfer or articulation agreements between the institution and any other college or university that provides for the transfer of credits earned in the program of instruction. If the institution has not entered into an articulation or transfer agreement with any other college or university, the institution shall disclose that fact.</p> <p><b>The catalog failed to contain statement describing any transfer or articulation agreement between the institution and any other college or university that provides for the transfer of credits earned in the program of instruction, or a statement the institution has not entered into an articulation or transfer agreement with any other college or university.</b></p> <p><b>To remedy the violation, the current catalog shall be updated to include a list describing any transfer or articulation agreement between the institution and any other college or university that provides for the transfer of credits earned in the program of instruction, or a statement the institution has not entered into an articulation or transfer agreement with any other college or university.</b></p> <p><b>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</b></p>
<p><b>5, CCR §71810. Catalog.</b></p>	<p>(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:</p> <p>(4) Language proficiency information, including:</p> <p>(A) the level of English language proficiency required of students and the kind of documentation of proficiency, such as the Test of English as a Foreign Language (TOEFL), that will be accepted; and</p> <p>(B) whether English language services, including instruction such as ESL, are provided and, if so, the nature of the service and its cost.</p> <p><b>The catalog failed to contain the English language proficiency requirements of students and the type of documentation accepted.</b></p> <p><b>To remedy the violation, the current catalog shall be updated to contain the English language proficiency required and the type of documentation that would be accepted.</b></p>

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	<p><b>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</b></p>
<p><b>5, CCR §71810. Catalog.</b></p>	<p>(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:  (5) Whether any instruction will occur in a language other than English and, if so, the level of proficiency required and the kind of documentation of proficiency, such as the United States Foreign Service Language Rating System, that will be accepted.</p> <p><b>The catalog failed to state whether any instruction will occur in a language other than English, and the level of proficiency and the kind of documentation of proficiency accepted.</b></p> <p><b>To remedy the violation, the current catalog shall be updated to state whether any instruction will occur in a language other than English, and describe the level of proficiency and the kind of documentation of proficiency accepted.</b></p> <p><b>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</b></p>
<p><b>CEC §94909. Minimum Requirements for School Catalog</b></p>	<p>(a) Except as provided in subdivision (d), 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:  (9) The schedule of total charges for a period of attendance and an estimated schedule of total charges for the entire educational program.</p> <p><b>The catalog failed to contain a scheduled of total charges for a current period of attendance and an estimated schedule of total charges for the entire educational program. The schedule of charges identified in the catalog failed to identify the correct Student Tuition Recovery Fund (STRF) amount.</b></p> <p><b>To remedy the violation, the current catalog shall be updated to contain a scheduled of total charges for a current period of attendance and an estimated schedule of total charges for the entire educational program. The current catalog shall also be update to reflect the current STRF fee of \$0.00 per \$1,000 of institutional charges. The schedule of charges in the current catalog shall be updated to include a description of any fees the institution may charge.</b></p> <p><b>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</b></p>
<p><b>CEC §94909. Minimum Requirements for</b></p>	<p>(a) Except as provided in subdivision (d), prior to enrollment, an</p>

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<p><b>School Catalog.</b></p>	<p>institution shall provide a prospective student, either in writing or electronically, with a school catalog containing, at a minimum, all of the following:</p> <p>(14) A description of the student's rights and responsibilities with respect to the Student Tuition Recovery Fund. This statement shall specify that it is a state requirement that a student who pays his or her tuition is required to pay a state-imposed assessment for the Student Tuition Recovery Fund. This statement shall also describe the purpose and operation of the Student Tuition Recovery Fund and the requirements for filing a claim against the Student Tuition Recovery Fund.</p> <p><b>The catalog failed to contain a description of the student's rights and responsibilities with respect to the Student Tuition Recovery Fund. 5, 5, CCR §76215(a)(b) provide specific required disclosures that satisfy this section. Those disclosures are not included in the catalog.</b></p> <p><b>To remedy the violation, the current catalog shall be updated to contain a description of the student's rights and responsibilities with respect to the Student Tuition Recovery Fund. The catalog shall contain 5, 5, CCR §76215(a)(b).</b></p> <p><b>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</b></p>
<p><b>5, CCR §76215. Student Tuition Recovery Fund Disclosures.</b></p>	<p>(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:</p> <p>"You must pay the state-imposed assessment for the Student Tuition Recovery Fund (STRF) if all of the following applies to you:</p> <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol> <p>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:</p> <ol style="list-style-type: none"> <li>1. You are not a California resident, or are not enrolled in a residency program, or</li> <li>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." <p>(b) In addition to the statement described under subdivision (a) of this section, a qualifying institution shall include the following statement on its current schedule of student charges:</p> <p>"The State of California created the Student Tuition Recovery Fund (STRF) to relieve or mitigate economic losses suffered by students in</p> </li></ol>

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educational programs who are California residents, or are enrolled in a residency programs attending certain schools regulated by the Bureau for Private Postsecondary and Vocational Education.

You may be eligible for STRF if you are a California resident or are enrolled in a residency program, prepaid tuition, paid the STRF assessment, and suffered an economic loss as a result of any of the following:

1. The school closed before the course of instruction was completed.
  2. The school's failure to pay refunds or charges on behalf of a student to a third party for license fees or any other purpose, or to provide equipment or materials for which a charge was collected within 180 days before the closure of the school.
  3. The school's failure to pay or reimburse loan proceeds under a federally guaranteed student loan program as required by law or to pay or reimburse proceeds received by the school prior to closure in excess of tuition and other costs.
  4. There was a material failure to comply with the Act or this Division within 30 days before the school closed or, if the material failure began earlier than 30 days prior to closure, the period determined by the Bureau.
  5. An inability after diligent efforts to prosecute, prove, and collect on a judgment against the institution for a violation of the Act."
- However, no claim can be paid to any student without a social security number or a taxpayer identification number.

**The catalog failed to contain the specific required disclosures verbatim to the language in quotations. See the bolded sections above for correction.**

**To remedy the violation, the current catalog shall be updated to contain the specific required disclosures verbatim to the language in quotations.**

**The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.**

**CEC §94909. Minimum Requirements for School Catalog**

(a) Except as provided in subdivision (d), 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:

(7) Information regarding the faculty and their qualifications.

**The catalog contained insufficient information regarding faculty and their qualification.**

**To remedy this violation, the current catalog shall be updated to include detailed information regarding faculty qualifications, such as the courses or components taught, experience and their licensure history.**

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	<p>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</p>
<p>5, CCR §71810. Catalog.</p>	<p>(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:  (15) Policies on the retention of student records.</p> <p>The catalog failed to contain a statement of the institution's policy for the retention of student records.</p> <p>To remedy this violation, the current catalog shall be updated to include detailed information for the retention of student records, including records maintained for five years and transcripts maintained permanently.</p> <p>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</p>

**ENROLLMENT AGREEMENT**

<p>Education Code (CEC) or Code of Regulations (5, CCR)</p>	<p>Subsection , Description, and Required Correction</p>
<p>CEC §94906. Language of Enrollment Agreement</p>	<p>(a) An enrollment agreement shall be written in language that is easily understood. If English is not the student's primary language, and the student is unable to understand the terms and conditions of the enrollment agreement, the student shall have the right to obtain a clear explanation of the terms and conditions and all cancellation and refund policies in his or her primary language.</p> <p>(b) If the recruitment leading to enrollment was conducted in a language other than English, the enrollment agreement, disclosures, and statements shall be in that language.</p> <p>The institution failed to provide a statement indicating how the enrollment agreement, disclosures, and statements are provided to students when they are unable to understand the terms and conditions and English is not their primary language.</p> <p>To remedy the violation, the institution shall provide a statement explaining the student shall have the right to obtain a clear explanation of the terms and conditions and all cancellation and refund policies in his or her primary language with English is not his or her primary language and the student is unable to understand the terms and conditions of the enrollment agreement. The statement shall also address that a prospective student shall receive the enrollment agreement, disclosures, and statements shall be in the same language recruitment is conducted in.</p>

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Administrator's Initial: *NM*

	<p><b>The enrollment agreement statement shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</b></p>
<p><b>5, CCR §71800. Enrollment Agreement.</b></p>	<p>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:</p> <p>(a) The name and address of the institution and the addresses where instruction will be provided.</p> <p><b>The enrollment agreement does not contain the addresses where instruction will be provided. There is no mention of class sessions or instruction offered at the satellite location located at 1361 Park Street, Suite 200, Alameda, CA 94501.</b></p> <p><b>To remedy the violation, the current enrollment agreement shall be updated to contain the addresses where instruction will be provided, including instruction offered at the satellite location located at 1361 Park Street, Suite 200, Alameda, CA 94501.</b></p> <p><b>The enrollment agreement correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</b></p>
<p><b>5, CCR §71800. Enrollment Agreement.</b></p>	<p>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:</p> <p>(b) Period covered by the enrollment agreement.</p> <p><b>The enrollment agreement does not contain the period covered by the enrollment agreement. The period covered by the enrollment agreement shall be identified in addition to the program start date and scheduled completion date, even if the date range is the same.</b></p> <p><b>To remedy the violation, the current enrollment agreement shall be updated to contain the period covered by the enrollment agreement.</b></p> <p><b>The enrollment agreement correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</b></p>
<p><b>5, CCR §71800. Enrollment Agreement.</b></p>	<p>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:</p> <p>(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.</p> <p><b>The enrollment agreement does not contain the date by which the student must exercise his or her right to cancel or withdraw. The enrollment agreement does not contain the refund policy.</b></p>

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Administrator's Initial: *NM*

	<p>To remedy the violation, the current enrollment agreement shall be updated to contain the date by which the student must exercise his or her right to cancel or withdraw and the institution's policy for refunds of institutional charges. The refund policy shall be consistent with the refund policy outlined in the catalog, and meet the requirements set forth by CEC §94919/94920 and 5, 5, CCR §71750.</p> <p>The enrollment agreement correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</p>
<p><b>5, CCR §71800. Enrollment Agreement.</b></p>	<p>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:</p> <p>(e) Itemization of all institutional charges and fees including, as applicable:</p> <ul style="list-style-type: none"> <li>(2) registration fee (non-refundable);</li> <li>(3) equipment;</li> <li>(4) lab supplies or kits;</li> <li>(5) Textbooks, or other learning media;</li> <li>(11) Student Tuition Recovery Fund fee (non-refundable);</li> </ul> <p>The enrollment agreement does not itemize charges separately for equipment, lab supplies or kits, textbooks, or the Student Tuition Recovery Fund (non-refundable).</p> <p>To remedy the violation, the current enrollment agreement shall contain a list of charges itemized separately for equipment, lab supplies or kits, textbooks, or the Student Tuition Recovery Fund (non-refundable).</p> <p>The enrollment agreement correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</p>
<p><b>CEC §94911. Minimum Requirements for Enrollment Agreements</b></p>	<p>(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.</p> <p>The enrollment agreement does not include the student's obligations to the Student Tuition Recovery Fund.</p> <p>To remedy the violation, the current enrollment agreement shall be updated to include a schedule of total charges that includes a list of nonrefundable charges and the student's obligation to the Student Tuition Recovery Fund.</p> <p>The enrollment agreement correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</p>

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<p><b>CEC §94911. Minimum Requirements for Enrollment Agreements</b></p>	<p>(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.</p> <p>The enrollment agreement does not contain 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 in underlined capital letters on the same page the student's signature is required. See below for format.</p> <p><b><u>THE TOTAL CHARGES FOR THE CURRENT PERIOD OF ATTENDANCE:</u></b>  <b><u>THE ESTIMATED TOTAL CHARGES FOR THE ENTIRE EDUCATIONAL PROGRAM:</u></b>  <b><u>THE TOTAL CHARGES THE STUDENT IS OBLIGATED TO PAY UPON ENROLLMENT:</u></b></p> <p>To remedy the violation, the current enrollment agreement shall be updated to contain 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 in underlined capital letters on the same page the student's signature is required.</p> <p>The enrollment agreement correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</p>
<p><b>5, CCR §76215. Student Tuition Recovery Fund Disclosures.</b></p>	<p>(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:</p> <p>"You must pay the state-imposed assessment for the Student Tuition Recovery Fund (STRF) if all of the following applies to you:</p> <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol> <p>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:</p> <ol style="list-style-type: none"> <li>1. You are not a California resident, or are not enrolled in a residency program, or</li> <li>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." <p>(b) In addition to the statement described under subdivision (a) of this section, a qualifying institution shall include the following statement</p> </li></ol>

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on its current schedule of student charges:  
 "The State of California created the Student Tuition Recovery Fund (STRF) to relieve or mitigate economic losses suffered by students in educational programs who are California residents, or are enrolled in a residency programs attending certain schools regulated by the Bureau for Private Postsecondary and Vocational Education.  
 You may be eligible for STRF if you are a California resident or are enrolled in a residency program, prepaid tuition, paid the STRF assessment, and suffered an economic loss as a result of any of the following:

1. The school closed before the course of instruction was completed.
2. The school's failure to pay refunds or charges on behalf of a student to a third party for license fees or any other purpose, or to provide equipment or materials for which a charge was collected within 180 days before the closure of the school.
3. The school's failure to pay or reimburse loan proceeds under a federally guaranteed student loan program as required by law or to pay or reimburse proceeds received by the school prior to closure in excess of tuition and other costs.
4. There was a material failure to comply with the Act or this Division within 30 days before the school closed or, if the material failure began earlier than 30 days prior to closure, the period determined by the Bureau.
5. An inability after diligent efforts to prosecute, prove, and collect on a judgment against the institution for a violation of the Act."

However, no claim can be paid to any student without a social security number or a taxpayer identification number.

**The enrollment agreement and current schedule of charges (catalog) do not contain the specific required statements verbatim to the quotations above.**

**To remedy the violation, the updated enrollment agreement and current schedule of charges shall be updated to include the specific required statements verbatim to the quotations above.**

**The enrollment agreement correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.**

**CEC §94911. Minimum Requirements for Enrollment Agreements**

(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 enrollment agreement does not contain a statement specifying 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.**

	<p>To remedy the violation, the current enrollment agreement shall be updated to include a statement specifying 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.</p> <p>The enrollment agreement correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</p>
<p><b>CEC §94911. Minimum Requirements for Enrollment Agreements</b></p>	<p>(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.</p> <p><b>"NOTICE CONCERNING TRANSFERABILITY OF CREDITS AND CREDENTIALS EARNED AT OUR INSTITUTION</b></p> <p>The transferability of credits you earn at (<b>name of institution</b>) 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."</p> <p><b>The enrollment agreement failed to contain the specific required statement verbatim to the language above. The enrollment agreement used "the School" in lieu of "Avalon School of Cosmetology," as bolded above.</b></p> <p><b>To remedy the violation, the current enrollment agreement shall be updated to change "the School" to "Avalon School of Cosmetology".</b></p> <p><b>The enrollment agreement correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.</b></p>
<p><b>CEC §94911. Minimum Requirements for Enrollment Agreements</b></p>	<p>(j) The following statements:</p> <p>(1) "Any questions a student may have regarding this enrollment agreement that have not been satisfactorily answered by <b>the institution</b> may be directed to the Bureau for Private Postsecondary Education at (address*), Sacramento, CA (ZIP Code*), (Internet Web site address*), (telephone and fax numbers*)." </p> <p>*The following may be used for parentheses:  Address: 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833</p>

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Inspector's Initial: *MMW*  
Administrator's Initial: *NM*

P.O. Box 980818, West Sacramento, CA 95798-0818  
Website Address: [www.bppe.ca.gov](http://www.bppe.ca.gov)  
Telephone and Fax #'s: (888) 370-7589 or by fax (916) 263-1897  
(916) 431-6959 or by fax (916) 263-1897

**The enrollment agreement does not contain the specific required statement verbatim to the language quoted above. The enrollment agreement used "Avalon School of Cosmetology" in lieu of "the institution," bolded above.**

**To remedy this violation, the current enrollment agreement shall be updated to include the statement verbatim to the specific quoted language above. The institution shall change "Avalon School of Cosmetology" to "the institution".**

**The enrollment agreement correction shall be submitted with the institution's response to the NTC and the last page of this document by December 15, 2016.**

**CEC §94911. Minimum Requirements for Enrollment Agreements**

(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."

(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 enrollment agreement does not contain the specific statement required verbatim to the requirements in subsection (i)(1). The statement is missing "and the most recent three-year cohort default rate, if applicable," (bolded above).**

**The enrollment agreement does not contain the specific statement required verbatim to the requirements in subsection (i)(2). The statement is missing "and the most recent three-year cohort default rate, if applicable," (bolded above).**

**To remedy the violation, the current enrollment agreement shall be**

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Inspector's Initial: *MM*

Administrator's Initial: *MM*

	<p>updated to contain the specific statement required verbatim to the requirements in subsection (i)(1). The statement shall include “and the most recent three-year cohort default rate, if applicable,” (bolded above).</p> <p>The enrollment agreement shall be updated to contain the specific statement required verbatim to the requirements in subsection (i)(2). The statement shall include “and the most recent three-year cohort default rate, if applicable,” (bolded above).</p> <p>The enrollment agreement correction shall be submitted with the institution’s response to the NTC and the last page of this document by December 15, 2016.</p>
<p><b>CEC §94911. Minimum Requirements for Enrollment Agreements</b></p>	<p>(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.”</p> <p><b>The enrollment agreement contains the specific required statement; however, the statement is not above the space for the student’s signature verbatim to the quotations above. The statement, “This Agreement is legally binding when signed by me and accepted by the School. I understand that I will be provided a copy of the Agreement once it has been fully executed.”</b></p> <p><b>To remedy the violation, the current enrollment agreement shall be updated to separate the statements, and place the specific required verbatim statement directly above the space for the student’s signature.</b></p> <p><b>The enrollment agreement correction shall be submitted with the institution’s response to the NTC and the last page of this document by December 15, 2016.</b></p>

Only minor violations are listed on this Notice to Comply.

Inspector’s Name	Matthew Wiggins
Inspector’s Signature	<i>Matthew Wiggins</i>
Institution Administrator Name/Title:	Brandon Pobiak, Owner
Institution Administrator’s Signature:	<i>Brandon Pobiak</i> for Brandon Pobiak

Education Code can be located at: [http://www.bppe.ca.gov/lawsregs/ppe\\_act.shtml](http://www.bppe.ca.gov/lawsregs/ppe_act.shtml)  
 Code of Regulations can be located at: <http://www.bppe.ca.gov/lawsregs/regs.shtml>

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 Inspector’s Initial: *MW*  
 Administrator’s Initial: *NM*

RETURN THIS FORM BY DECEMBER 15, 2016 WITH EITHER: 1) VERIFICATION OF COMPLIANCE OR 2) A NOTICE OF DISAGREEMENT

IMPORTANT COMPLIANCE NOTICE

California Education Code §94935 and California Code of Regulations §75010 provide that the Bureau for Private Postsecondary Education (Bureau) shall issue a Notice to Comply for minor violations detected during a compliance inspection by the Bureau.

By no later than 30 days from the date of the inspection, you must either: 1) Remedy the noncompliance item(s), sign the below declaration and submit this form to the Bureau, along with documentation describing how compliance was achieved; or 2) File with the Bureau a written notice of disagreement, specifying the minor violation(s) described in the Notice to Comply with which you disagree, and appealing it by requesting an informal office conference. If a written notice of disagreement is not timely filed with the Bureau, the right to appeal is deemed to have been waived.

Failure to timely remedy the noncompliance item(s) or file a written request for an informal office conference may result in the Bureau taking administrative enforcement action.

DECLARATION

Attached to this document is a list describing how compliance was achieved for each violation and supporting documentation. I declare under penalty of perjury that all violations identified in this Notice to Comply are corrected as described in the attachment.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title

THIS DECLARATION OR A NOTICE OF DISAGREEMENT MUST BE SUBMITTED TO THE BUREAU BY **December 15, 2016.**

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Inspector's Initial: *MM*

Administrator's Initial: *MM*