



**Bureau for Private Postsecondary Education**  
 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833  
 P.O. Box 980818, West Sacramento, CA 95798-0818  
 P (916) 431-6959 F (916) 263-1897 www.bppe.ca.gov



**NOTICE TO COMPLY – CA-46576500-0116 (Ed. Code § 94935, 5 CCR § 75010)**

Institution Name:	Victoria Beauty College	Institution Telephone:	408-942-8989
Institution Code:	46576500	Administrator Name:	Hien Tran
Street Address:	1350 S. Park Drive, Suite 36 Milpitas, CA 95035	Date of Inspection:	1-19-2016

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:

Education Code	Subsection , Description, and Required Correction
<p><b>§94909 - Minimum Requirements for School Catalog and §94897 - Prohibited Business Practices</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><b>The institution failed to include the required statement.</b></p> <p>(1) Use the terms “approval,” “approved,” “approval to operate,” or “approved to operate” without stating clearly and conspicuously that approval to operate means compliance with state standards as set forth in this chapter. If the bureau has granted an institution approval to operate, the institution may indicate that the institution is “licensed” or “licensed to operate,” but may not state or imply either of the following:</p> <p>(1) The institution or its educational programs are endorsed or recommended by the state or by the bureau.                      (2) The approval to operate indicates that the institution exceeds minimum state standards as set forth in this chapter.</p> <p><b>The institution failed to include a complete statement.</b></p> <p><b>Institution shall submit a copy of its revised catalog that includes a complete statement like the example below:</b>  <i>This institution is a private institution approved to operate by the California Bureau for Private Postsecondary Education. Approval to operate means the institution is compliant with the minimum standards contained in the California Private Postsecondary Education Act of 2009 (as amended) and Division</i></p>

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Inspector’s Initial: *JR*  
 Administrator’s Initial: *HT*

<p><b>§94909 - Minimum Requirements for School Catalog.</b></p>	<p><b>7.5 of Title 5 of the California Code of Regulations.</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>(6) If the educational program is designed to lead to positions in a profession, occupation, trade, or career field requiring licensure in this state, a notice to that effect and a list of the requirements for eligibility for licensure.</p> <p><b>The institution failed to include the required information.</b></p> <p><b>Institution shall submit a copy of its revised catalog that contains a list of all the eligibility requirements for licensure.</b></p>
<p><b>§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>(D) Attendance policies.</p> <p><b>The institution failed to include the required attendance policies.</b></p> <p><b>Institution shall submit a copy of its revised catalog that contains the institution's complete attendance policies.</b></p>
<p><b>§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><b>The institution failed to include the required statement.</b></p> <p><b>Institution shall submit a copy of its revised catalog that includes a complete 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 must all be added to the catalog.</b></p>

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Administrator's Initial: *[Signature]*

<p><b>§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>(16) A statement specifying whether the institution, or any of its degree programs, are accredited by an accrediting agency recognized by the United States Department of Education. If the institution is unaccredited and offers an associate, baccalaureate, master's, or doctoral degree, or is accredited and offers an unaccredited program for an associate, baccalaureate, master's, or doctoral degree, the statement shall disclose the known limitations of the degree program, including, but not limited to, all of the following:</p> <p><b>The institution failed to include the required statement.</b></p> <p><b>Institution shall submit a copy of its revised catalog that contains a statement specifying whether the institution is accredited by an accrediting agency recognized by the United States Department of Education.</b></p>
<p><b>§94911 - Minimum Requirements for Enrollment Agreements.</b></p>	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(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.</p> <p>(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.</p> <p>(3) The text shall also include a description of the procedures that a student is required to follow to cancel the enrollment agreement or withdraw from the institution and obtain a refund.</p> <p><b>The institution failed to include the correct information.</b></p> <p><b>Institution shall submit a copy of its revised enrollment agreement that includes a correct disclosure that explains 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 disclosure shall correctly contain the institution's refund policy and the detailed steps and procedures students are required to follow in order to cancel or withdraw and obtain a refund. This information should all be found starting on page 6 of the enrollment agreement.</b></p>

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Administrator's Initial: *[Signature]*

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

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."

(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 failed to include the correct information.**

**Institution shall submit a copy of its revised enrollment agreement that includes the statements verbatim. In addition, the second statement should be revised as shown below:**

\_\_\_\_\_ (initial) "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."

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

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 failed to include all of the required information.**

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Inspector's Initial: 

Administrator's Initial: 

	<b>Institution shall submit a copy of its revised enrollment showing the statement verbatim.</b>
<b>§94911 - Minimum Requirements for Enrollment Agreements.</b>	<p>An enrollment agreement shall include, at a minimum, all of the following:</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 institution failed to include the correct statement.</b></p> <p><b>Institution shall submit a copy of its revised enrollment agreement that includes the statement verbatim and above the student's signature.</b></p>

<b>Code of Regulations</b>	<b>Subsection, Description, and Required Correction</b>
<b>§71720 - Faculty.</b>	<p>(b) Instructors in an Educational Program Not Leading to a Degree.</p> <p>(2) Each instructor shall maintain their knowledge by completing continuing education courses in his or her subject area, classroom management or other courses related to teaching.</p> <p><b>The institution failed to maintain the required continuing education courses information.</b></p> <p><b>Institution shall submit copies of the current instructors continuing education courses completed in the past 12 months.</b></p>
<b>§71810 - Catalog.</b>	<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;</p> <p><b>The institution failed to include the required information.</b></p> <p><b>Institution shall submit a copy of its revised catalog that includes the kind of English language proficiency documentation that will be accepted to show applicants are "equivalent to 10<sup>th</sup> grade level and up."</b></p>
<b>§71810 - Catalog.</b>	<p>(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:</p> <p>(6) The institution's policies and practices regarding any form of</p>

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Administrator's Initial: *MA*

	<p>financial aid, including all consumer information which the institution is required to disclose to the student under any state or federal financial aid program;</p> <p><b>The institution failed to include the required policies and practices regarding any form of financial aid.</b></p> <p><b>Institution shall submit a copy of its revised catalog that contains the policies and practices, including required disclosures, regarding any form of financial aid accepted. If the institution does not accept any form of financial aid the catalog should be revised to state that information.</b></p>
<p><b>§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><b>The institution failed to include the information in the catalog.</b></p> <p><b>Institution shall submit a copy of its revised catalog that includes a description of the types of materials that will be used for instruction.</b></p>
<p><b>§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 institution failed to include all of the required information.</b></p> <p><b>Institution shall submit a copy of its revised enrollment agreement that correctly explains the amount owed by the student is derived by total hourly charge for instruction (total institutional charge divided by the number of program hours) multiplied by the total hours attended by the student. All amounts that the student has paid shall be subject to refund unless the enrollment agreement and the refund policy outlined in the catalog specify non-refundable amounts paid.</b></p>
<p><b>§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><u>"You must pay the state-imposed assessment for the Student Tuition Recovery Fund (STRF) if all of the following applies to you:</u></p>

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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."

(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:

"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.

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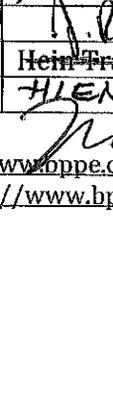
Administrator's Initial: *me*

	<p>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.</p> <p>5. An inability after diligent efforts to prosecute, prove, and collect on a judgment against the institution for a violation of the Act."</p> <p><b>The institution failed to include the required statement.</b></p> <p><b>Institution shall submit a copy of its revised enrollment agreement that includes STRF language verbatim.</b></p>
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**Only minor violations are listed on this Notice to Comply.**

Additional material violations have been found?  Y  N (Circle one)

If yes, material violations will be forwarded to Enforcement for further review. A Bureau representative will contact the institution with additional guidance.

Inspector's Name	Jessica Rodriguez
Inspector's Signature	
Institution Administrator Name/Title:	Hien Tran, CEO
Institution Administrator's Signature:	 HIEN TRAN

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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**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 FEBRUARY 19, 2016**

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Inspector's Initial: *JR*

Administrator's Initial: *[Signature]*