



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

May 20, 2020

KG & B Investment, Inc., Owner
Rosemead Beauty School
8531 E. Valley Boulevard
Rosemead, CA 91770

Date of Issuance	Citation Number	Institution Code
May 20, 2020	1920220	1904731

On April 17, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920220 (Citation) against KG & B Investment, Inc., Owner of Rosemead Beauty School (Institution). In attendance were Beth Danielson, Enforcement Chief, Douglas Smith, Department of Consumer Affairs Legal Counsel, Betty Lam, CEO, Kenneth Yong, CEO/President, and Christine Galdston, Legal Consultant.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1920220.

It is the decision of the Enforcement Chief that on April 21, 2020, Citation No. 1920220 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	<p><u>Violation:</u> CEC Section 94893 – Authorization Required for Substantive Change <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></p> <p>5, CCR, Section 71600 – Application for Significant Change in Method of Instructional Delivery <i>(a) An institution seeking to make a significant change in its method of instructional delivery shall complete the “Significant Change in Method of Instructional Delivery” form (INS rev. 2/10) to obtain prior authorization. For the purposes of this section a “significant change in instructional delivery” is any change that alters the way students interact with faculty or access significant equipment. The form shall be submitted to the Bureau along with the appropriate fee as provided in Section 94930.5(c) of the Code. For an institution approved under section 94885 of the Code, it shall be signed and dated</i></p>

by the signatory(ies) required by section 71380, and for an institution approved under section 94890 of the Code, it shall be signed and dated by the signatory(ies) required by section 71390, and each fact stated therein and each attachment thereto shall be declared to be true under penalty of perjury, in the following form:

During the inspection, Bureau staff directly observed students during the class that was taking place and found that the Institution had instruction written, as well as instruction being provided, in a language other than English. Bureau staff spoke to Institution representative who stated the instructors will translate the lecture and notes for the students who have a hard time fully understanding the English language. Bureau staff informed the Institution representative that Bureau staff observed instruction taking place in a language other than English and that the Institution is only approved to teach in English.

The Institution is in violation of CEC section 94893 and 5, CCR section 71600(a) for failing to submit an Application for a Change in Method of Instructional Delivery and failing to receive Bureau approval prior to making a substantive change.

Order of Abatement:

The Bureau orders the Institution to submit an Application for a Change in Method of Instructional Delivery in order to teach in a language other than English. The Institution shall not offer instruction in a language other than English until approval from the Bureau is obtained. The Institution shall submit evidence of compliance to the Bureau.

New Order of Abatement:

The Institution shall not offer instruction in a language other than English without approval from the Bureau.

Reason for modification: New substantive facts were presented at the informal conference.

Assessment of Fine

The fine for this violation is \$501.00

On March 12, 2020, payment of the \$501.00 fine was received.

Violation:

5, CCR Section 74112 (m)(1)(3)(4)(5)(6)(7)(8)(9) - Uniform Data - Annual Report, Performance Fact Sheet

(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum:

(1) the list of job classifications determined to be considered gainful employment for the educational program;

(3) graduate's place of employment and position, date employment began, date employment ended, if applicable, actual salary, hours per week, and the date employment was verified;

(4) for each employer from which employment or salary information was obtained, the employer name(s) address and general phone number, the contact person at the employer and the contact's phone number and email address, and all written communication with employer verifying student's employment or salary;

(5) for students who become self-employed, all documentation necessary to demonstrate self-

employment;
(6) a description of all attempts to contact each student or employer;
(7) any and all documentation used to provide data regarding license examinations and examination results;
(8) for each student determined to be unavailable for graduation or unavailable for employment, the identity of the student, the type of unavailability, the dates of unavailability, and the documentation of the unavailability; and
(9) the name, email address, phone number, and position or title of the institution's representative who was primarily responsible for obtaining the students' completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered.

The Institution provided Bureau staff with the 2017 SPFS supporting documentation however, Bureau staff determined that the documentation was deficient of the reporting requirements outlined in 5, CCR Section 74112 (m)(1)(3)(4)(5)(6)(7)(8)(9).

Order of Abatement:

The Bureau orders the Institution to submit a written policy of how future compliance with 5, CCR section 74112 (m)(1)(3)(4)(5)(6)(7)(8)(9) will be maintained.

New Order of Abatement:

The Bureau orders the Institution to submit the 2018 Financial Statement. In addition, the Bureau orders the Institution to submit a written policy of how future compliance with 5, CCR section 74112 (m)(1)(3)(4)(5)(6)(7)(8)(9) will be maintained.

Reason for modification: New substantive facts were presented at the informal conference.

Assessment of Fine

The fine for this violation is \$5,000.00

On March 12, 2020, payment of the \$5,000.00 fine was received.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$00.00

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within 30 days from the date of this decision.

Evidence of Compliance with the Order of Abatement may be mailed to:

Gabriella Perez, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. You *do*, however, have the right to appeal this affirmed or modified Citation through an Administrative Hearing. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you do not wish to appeal this modified Citation you must withdraw your initial request for an Administrative Hearing. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on **May 20, 2020**. The Order of Abatement is due by **June 19, 2020**.

Failure to abate the violation within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified 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 decision or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 574-8969 or at Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“5/20/2020”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail