



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

To: Bakersfield Barber College Incorporated, Owner
Bakersfield Barber College, Inc.
2844 Niles Court
Bakersfield, CA 93306

INSTITUTION CODE: 1501031
CITATION NUMBER: 2021077
CITATION ISSUANCE/SERVICE DATE: September 10, 2020
DUE DATE: October 10, 2020
FINE AMOUNT: \$ 2,500.00
ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Bakersfield Barber College Incorporated, Owner of Bakersfield Barber College, Inc. (Institution) located at 2844 Niles Court, Bakersfield, CA 93306, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

On February 4, 2020, Bureau staff conducted an unannounced compliance Inspection at the Institution. During the inspection the Institution was unable to provide all the supporting documentation to substantiate the data reported on the 2017/2018 School Performance Fact Sheet (SPFS).

VIOLATION

#	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></p> <p>5, CCR Section 74112 (m)(3-9) – Uniform Data – Annual Report, Performance Fact Sheet <i>“(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:</i> <i>(3) graduate’s place of employment and position, date employment began, date employment ended, if</i></p>

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 selfemployment;
 (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."

CEC Section 94929.7 (a)(1)(2)- Documentation of Performance Data

"(a) The information used to substantiate the rates and information calculated pursuant to Sections 94929 and 94929.5 shall do both of the following:

- (1) Be documented and maintained by the institution for five years from the date of the publication of the rates and information.
- (2) Be retained in an electronic format and made available to the bureau upon request."

On February 4, 2020 Bureau staff requested the supporting documentation for the 2017/2018 SPFS. The supporting documentation the Institution provided failed to contain all of the information needed to substantiate the data reported on the 2017/2018 SPFS as required by 5, CCR 74112 (m)(3-9).

In addition, the Institution failed to maintain documentation for five years from the date of publication of the rates and information. An Institution representative stated they had not been contacting students after graduation.

Order of Abatement:

The Bureau orders the Institution to electronically maintain documentation supporting all data reported in the SPFS for at least five years from the last date reported. The Institution shall submit a written policy of how compliance with the 5, CCR section 74112 and CEC section 9492.7 will be maintained.

Assessment of Fine

The fine for this violation is \$2,500.00

TOTAL ADMINISTRATIVE FINE DUE: \$2,500.00

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 \$2,500.00 for the violations described above.

Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.

COMPLIANCE WITH 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.**

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 **October 10, 2020**, 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 **September 10, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **October 10, 2020**. 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:

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

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 Nicole Mitchell, Citation Analyst, at (916) 574-8995 or Nicole.Mitchell@dca.ca.gov.

“Original Signature on File”

“9/10/2020”

Christina Villanueva
Discipline Manager

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