



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

November 9, 2022

San Bernardino Beauty College, Inc., Owner
 San Bernardino Beauty College
 600 N. Sierra Way
 San Bernardino, CA, 92410

Date of Issuance	Citation Number	Institution Code
November 9, 2022	2122021	42097051

On October 10, 2022, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2122021 (Citation) against San Bernardino Beauty College, Inc., Owner of San Bernardino Beauty College (Institution). In attendance were Daniel Rangel, Enforcement Chief, Jennifer Phan, Director, Hyundai Joh, Office Manager, and Delia Mora, Office Clerk.

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. 2122021.

It is the decision of the Enforcement Chief that on October 25, 2022, Citation No. 2122021 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>Violation: 5, CCR Section 74112 (m)(1)(2)(3)(4)(5)(6)(7)(8)(9) – Uniform Data – Annual Report, Performance Fact Sheet</p> <p><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></p> <p><i>(1) the list of job classifications determined to be considered gainful employment for the educational program;</i></p>

(2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;

(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."

On November 4, 2021, the Institution's Owner provided Bureau staff with a printout of the 2018-2019 School Performance Fact Sheet (SPFS) supporting documentation. Bureau staff reviewed the documentation provided and found that the information for 2018 matched the 44 students available for graduation on the 2018-2019 SPFS; however, the Institution did not provide the supporting documentation for the year 2019. Additionally, the documentation was missing the following SPFS points:

- (m)(2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;
- (m)(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;
- (m)(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;
- (m)(6) a description of all attempts to contact each student. or employer;
- (m)(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;
- (m)(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,

	<p style="color: red;">and copies of notes, letters or emails through which the information was requested and gathered</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit the missing items (listed above) for the data reported on the 2018 SPFS, as well as submit all of the supporting documentation for the data reported on the 2019 SPFS. Additionally, the Bureau orders the Institution to submit a written policy, or procedure, of how future compliance will be maintained in accordance with 5, CCR Section 74112.</p> <p><u>Reason for modification:</u> New substantive facts were presented at the conference. The Order of Abatement has been satisfied</p> <p><u>Assessment of Fine</u> The fine for this violation is \$5,000.00</p> <p style="color: red;">The administrative fine for this violation has been modified from \$5,000.00 to <u>\$3,000.00</u>.</p>
<p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$3,000.00</u></p>	

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Tessa Barron, 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. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on **November 9, 2022**. The payment is due by **December 9, 2022**.

Failure to pay the administrative fine 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 Insert Analyst Name, Citation Analyst, at (916) 574-7791 or at Tessa.Barron@dca.ca.gov.

“Original Signature on File”

“11/9/2022”

Elizabeth Elias
Enforcement Chief
Compliance and Discipline

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Declaration of Service by Certified and First-Class Mail