



**Bureau for Private Postsecondary Education**  
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834  
P.O. Box 980818, West Sacramento, CA 95798-0818  
P (916) 574-8900 F (916) 263-1897 [www.bppe.ca.gov](http://www.bppe.ca.gov)



**CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT**

To: Brian Beakley, Owner  
American Beauty Institute  
4625 Convoy Street, Suite A & B  
San Diego, CA 92111

**INSTITUTION CODE: 81663192**  
**CITATION NUMBER: 2122039**  
**CITATION ISSUANCE/SERVICE DATE: August 23, 2021**  
**DUE DATE: September 22, 2021**  
**FINE AMOUNT: \$ 1,501.00**

**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 Brian Beakley, Owner of American Beauty Institute (Institution) located at 4625 Convoy Street, Suite A & B, San Diego, CA, 92111, 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 April 29, 2021, Bureau staff conducted an announced Compliance inspection at the Institution. Bureau staff reviewed the student files and found that the files did not contain the required student records. Through the course of the inspection, Bureau staff found several potential material violations.

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><b>Violation:</b></p> <p><b>5, CCR Section 71770 (a)(1) – Admissions Standards and Transferred Credit Policy</b>  <i>“(a) The institution shall establish specific written standards for student admissions for each educational program. These standards shall be related to the particular educational program. An institution shall not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the program. In addition to any specific standards for an educational program, the admissions standards must specify as applicable that:</i>  <i>(1) Each student admitted to an undergraduate degree program, or a diploma program, shall possess a high school diploma or its equivalent, or otherwise successfully take and pass the relevant examination as required by section 94904 of the Code.”</i></p> <p><b>5, CCR Section 71920 (a)(b)(1)(A)(9)(10)– Student Records</b></p>

*“(a) The institution shall maintain a file for each student who enrolls in the institution whether or not the student completes the educational service.*

*(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:*

*(1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following:*

*(A) Verification of high school completion or equivalency or other documentation establishing the student's ability to do college level work, such as successful completion of an ability-to-benefit test;*

*(9) A document showing the total amount of money received from or on behalf of the student and the date or dates on which the money was received*

*(10) A document specifying the amount of a refund, including the amount refunded for tuition and the amount for other itemized charges, the method of calculating the refund, the date the refund was made, and the name and address of the person or entity to which the refund was sent;”*

**CEC Section 94904 (a) – Ability to Benefit Students**

*“(a) Except as provided in subdivision (c), before an ability-to-benefit student may execute an enrollment agreement, the institution shall have the student take an independently administered examination from the list of examinations prescribed by the United States Department of Education pursuant to Section 484(d) of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1070a et seq.). The student shall not enroll unless the student achieves a score, as specified by the United States Department of Education, demonstrating that the student may benefit from the education and training being offered.”*

**Violation 5. CCR Sections 71770 (a)(1), 71920 (a)(b)(1)(A)(9)(10), and CEC Section 94904 (a):** The Institution failed to include verification of high school completion, equivalency, or other documentation establishing the student’s ability to do college level work, such as a successful completion of an Ability to Benefit (ATB) exam upon admissions in student files.

**Violation 5. CCR Section 71920 (b)(9):** The Institution failed to include a document showing the total amount of money received from or on behalf of the student and the date or dates on which the money was received in student files.

**Violation 5. CCR Section 71920 (b)(10):** The Institution failed to include a document specifying the amount of refunded for tuition, the amount for other itemized charges, the method calculating the refund, the date the refund was made and the name and address of the person or entity to which the refund was sent in withdrawn student files.

**Order of Abatement:**

The Bureau orders the Institution to submit a written policy, or procedure, of how future compliance with 5, CCR sections 71770, 71920, and CEC Section 94904.

**Assessment of Fine**

The fine for this violation is \$1,501.00

**TOTAL ADMINISTRATIVE FINE DUE: \$1,501.00**

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 **\$1,501.00** 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 **September 22, 2021**, 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 **August 23, 2021**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **September 22, 2021**. 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:**

Cheryl Lardizabal, 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 contact Cheryl Lardizabal, Citation Analyst, at (916) 574-8968 or [Cheryl.Lardizabal@dca.ca.gov](mailto:Cheryl.Lardizabal@dca.ca.gov).

“Original Signature on File”

“8/23/2021”

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**Christina Villanueva**  
**Discipline Manager**

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**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