



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

To: Brownson Technical School, Inc., Owner
Brownson Technical School
1110 Technology Circle, Suite D
Anaheim, CA 92805

INSTITUTION CODE: 3005331
CITATION NUMBER: 1920315
CITATION ISSUANCE/SERVICE DATE: May 27, 2020
DUE DATE: June 26, 2020
FINE AMOUNT: \$ 5,500.00
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 Brownson Technical School, Inc., Owner of Brownson Technical School (Institution) located at 1110 Technology Circle, Suite D, Anaheim, CA 92805, 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 August 14, 2019, Bureau staff conducted an unannounced Compliance inspection at the Institution. As a result, material violations were found related to the 2016-2017 School Performance Fact Sheet (SPFS) and supporting documentation.

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>Violation: 5, CCR Section 74112(h)(i)(2)(4)(k)(m)(2)(3)(4) - Uniform Data - Annual Report, Performance Fact Sheet <i>“(h) Completion Rates. Reporting of completion rates for an institution’s Annual Report and Performance Fact Sheet shall include, for each educational program, the number of students who began the program as defined in subdivision (d)(1) of this section, the number of students available for graduation, number of on-time graduates, and completion rate(s). An optional table may be added to include completion rate data for students completing within 150% of the published program length. For an institution reporting completion data pursuant to section 94929(b) of the Code, completion</i></p>

data shall be separately reported for each program and the Performance Fact Sheet shall disclose, if true, that the completion data is being reported for students completing within 150% of the published program length, and that data is not being separately reported for students completing the program within 100% of the published program length. Programs that are more than one year in length which are reporting 150% Completion Rate will provide four calendar years of data.

CEC Section 94929(a)(b) – Reporting of Completion Rate

“(a) An institution shall annually report to the bureau, as part of the annual report, and publish in its School Performance Fact Sheet, the completion rate for each program. Except as provided in subdivision (b), the completion rate shall be calculated by dividing the number of on-time graduates by the number of students available for graduation.

(b) In lieu of calculating graduation data pursuant to subdivision (a), an institution may report graduation data reported to, and calculated by, the Integrated Postsecondary Education Data System of the United States Department of Education.”

(i) Job Placement Rates

(2) Placement is measured six months from the graduation date of each student. For programs that require passage of a licensing examination, placement shall be measured six months after the announcement of the examination results for the first examination available after a student completes an applicable educational program. Reporting of placement rates shall include for each educational program: the number of students who began the program, the number of graduates as defined in subdivision (b) section 94842 of the Code, the graduates available for employment, graduates employed in the field and job placement rate(s).

(4) Placement rate shall be calculated as follows: the number of graduates employed in the field as defined in section 94928(e)(1) of the Code in conjunction with section 74112(d)(3) divided by the number of graduates available for employment as defined in section 94928(d) of the Code.

CEC Section 94929.5 – Reporting of Student Performance Data

“(a) An institution shall annually report to the bureau, as part of the annual report, and shall publish in its School Performance Fact Sheet, all of the following:

(1) The job placement rate, calculated by dividing the number of graduates employed in the field by the number of graduates available for employment for each program that is either (1) designed, or advertised, to lead to a particular career, or (2) advertised or promoted with any claim regarding job placement.

(3) Salary and wage information, consisting of the total number of graduates employed in the field and the annual wages or salaries of those graduates stated in increments of five thousand dollars (\$5,000).”

(k) Salary and Wage Information. All Salary and Wage Information shall be reported to the Bureau pursuant to sections 94910(d) and 94929.5(a)(3) of the Code and shall be included in the Performance Fact Sheet, for each educational program, in a format substantially similar to the chart below (dates, numbers, salaries, and other data shown are for example only)

(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:

(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;"

CEC Section 94900.5(c) – Required Institutional Records

"An institution shall maintain, for a period of not less than five years, at its principal place of business in this state, complete and accurate records of all of the following information:

(c) Any other records required to be maintained by this chapter, including, but not limited to, records maintained pursuant to Article 16 (commencing with Section 94928)."

Violation: 5 CCR, Section 74112(h) and CEC Section 94929: Bureau staff reviewed the 2016-2017 SPFS and supporting documentation and found that the documentation provided does not substantiate the information listed for the 2016-2017 Completion Rates and 150% Completion Rates for the HVACR Technology Program.

2016

- SPFS states 173 students began the program; supporting documentation shows 147 students
- SPFS states 173 students were available for graduation in 2015; supporting documentation shows 146 students available for graduation
- SPFS reports 75% on-time completion in 2016, supporting documentation reports 88%
- SPFS reports 85% of students available for graduation within 150% in 2016; supporting documentation shows 100% (146 graduates within 150%)

2017

- SPFS states 148 students began the program; supporting documentation shows 127 students
- SPFS states 146 students were available for graduation in 2017; supporting documentation shows 127 students available for graduation
- SPFS states 118 students completed the program on-time; supporting documentation shows 121 students
- SPFS reports 81% on-time completion in 2017, supporting documentation reports 95%
- SPFS reports 87% of students available for graduation completed within 150% in 2017; supporting documentation showed 99%

Violation: 5 CCR, Section 74112(i)(2)(4) and CEC Section 94929.5(a)(1): Bureau staff reviewed the 2016-2017 SPFS and supporting documentation and found that the supporting documentation provided does not substantiate the 2016-2017 Job Placement Rates for the HVACR Technology Program.

2016

- SPFS reported 143 students who began the program; supporting documentation shows 147 students

2017

- SPFS reports 148 students who began the program; supporting documentation shows 127 students
- SPFS reports 127 graduates: supporting documentation reports 126
- SPFS reports 125 graduates available for employment: supporting documentation reports 124
- SPFS reports 87% Placement Rate: supporting documentation reports 88%

Violation: 5 CCR, Section 74112(k): Bureau staff reviewed the 2016-2017 SPFS and supporting documentation and found that the supporting documentation does not substantiate the Salary and Wage data reported in the 2016-2017 Cosmetology SPFS and Esthetician SPFS.

2016

- SPFS reports 27 graduates earned a salary within \$30,001-\$35,000 range: supporting documentation reports 26 graduates within the range
- SPFS reports 16 graduates earned a salary within \$40,001-\$45,000 range: supporting documentation reports 17 graduates within the range.

2017

- SPFS reports 3 graduates earned a salary within \$65,001-\$70,000 range: supporting documentation reports 1 graduate within that range, 1 graduate within the \$70,001-\$75,000 range, and 1 graduate within the \$100,001-\$105,000 range.

Violation: CEC Section 94929.5(a)(3): Bureau staff reviewed the 2016-2017 SPFS and supporting documentation and found that the 2016-2017 HVACR Technology Program SPFS failed to report salary and wage date in \$5,000 increments. In addition, the SPFS reports 3 graduates earned a salary within \$65,001-\$70,000 range; however, the supporting documentation reports 1 graduate within that range, 1 graduate within the \$70,001-\$75,000 range, and 1 graduated within the \$100,001-\$105,000 range. The SPFS did not report the \$70,001-\$75,000 and \$100,001-\$105,000 ranges.

Violation: 74112(m)(2)(3)(4) and CEC Section 94900.5(c): Bureau staff reviewed the 2016-2017 SPFS and supporting documentation and found that the supporting documentation failed to contain the student’s scheduled completion date, the date the graduate’s employment began, and the date employment ended (if applicable). In addition, the supporting documentation provided was incomplete as it failed to include the following elements for all students:

- Employer address
- Employer phone number
- Employer contact person name
- Employer contact person phone number
- Employer contact person email address

Order of Abatement:

The Bureau orders the Institution to submit a policy, or procedure, of how future compliance with 5, CCR Section 74112 and CEC Sections 94900.5, 94929, and 94929.5 will be maintained.

Assessment of Fine

The fine for this violation is \$5,500.00

TOTAL ADMINISTRATIVE FINE DUE: \$5,500.00

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 **\$5,500.00** 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 **June 26, 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 **May 27, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **June 26, 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:

Gabriella Perez, 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 Gabriella Perez, Citation Analyst, at (916) 574-8969 or Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“5/27/2020”

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