



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

To: Cinta Aveda Institute, Owner
Cinta Aveda Institute
305 Kearny Street
San Francisco, CA 94108

INSTITUTION CODE: 87449475

CITATION NUMBER: 1920243

CITATION ISSUANCE/SERVICE DATE: March 4, 2020

DUE DATE: April 3, 2020

FINE AMOUNT: \$ 10,000.00

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 Cinta Aveda Institute, Owner of Cinta Aveda Institute (Institution) located at 305 Kearny Street, San Francisco, CA 94108, 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 July 25, 2019, Bureau staff conducted an unannounced Compliance inspection at the Institution's main location. During the inspection Bureau staff toured the main, and the satellite, locations. Student files were located within the business office of the satellite location. Previously, on May 13, 2014, the Bureau conducted an announced Compliance inspection at the Institution and the Institution was informed that they could not conduct student enrollment or maintain student files at the satellite location. The Institution acknowledged the information and provided the Bureau with a statement that student records and enrollments would be conducted at the main campus. The Institution continues to maintain filing cabinets with student records at its satellite location.

Furthermore, during the July 25, 2019 inspection, Bureau staff requested that the Institution provide the supporting documentation for the School Performance Fact Sheet (SPFS). The Institution provided Bureau staff with a hard copy of the supporting documentation for the 2016 Annual Report. Bureau staff reviewed the documentation and determined that it was incomplete as information was missing.

VIOLATION(S)

#	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> 5, CCR Section 71717(b) – Satellite Locations <i>“(b) The institution shall not maintain any permanent student records there.”</i></p> <p>On May 13, 2014, Bureau staff informed the Institution that they could not conduct student enrollment or maintain student files at the satellite campus. The Institution acknowledged that they would maintain compliance by only storing information and enrolling students at the main location. On July 25, 2019, Bureau staff determined that the Institution continues to be in violation of 5, CCR Section 71717.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to remove all student records from the satellite location and submit evidence of compliance with 5, CCR Section 71717. In addition, the Bureau orders the Institution to provide a written policy of how future compliance with 5, CCR Section 71717 will be maintained.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$5,000.00</u></p>
2.	<p><u>Violation:</u> 5, CCR Section 74112(m)(1-9) – 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></p> <ul style="list-style-type: none"> <i>(1) the list of job classifications determined to be considered gainful employment for the educational program;</i> <i>(2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;</i> <i>(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;</i> <i>(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;</i> <i>(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;</i> <i>(6) a description of all attempts to contact each student. or employer;</i> <i>(7) any and all documentation used to provide data regarding license examinations and examination results;</i> <i>(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</i> <i>(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.”</i>

	<p>Bureau staff reviewed the supporting documentation for the 2016 Annual Report and determined that the documentation was missing information to support the data reported on the Institution's 2016-2017 SPFS.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit to the supporting documentation for the data reported on the 2016 Annual report. In addition, the Bureau orders the Institution to submit a written policy of how future compliance with 5, CCR Section 74112(m)(1-9) will be maintained.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$5,000.00</u></p>
TOTAL ADMINISTRATIVE FINE DUE: \$10,000.00	

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 **\$10,000.00** 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 **April 3, 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 **March 4, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **April 3, 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”

“3/4/2020”

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