



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

To: Cynthia Allen, Owner
Allen's Academy of Dog Grooming
3910 East Morse Road
Lodi, CA 95240

INSTITUTION CODE: 98908051
CITATION NUMBER: 1213002
CITATION ISSUANCE DATE: 8/31/2012
DUE DATE: 9/30/2012
FINE AMOUNT: \$2504.00

Connie Bouvia issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Enforcement Chief of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

BACKGROUND

Allen's Academy of Dog Grooming (Institution), Institution Code 98908051, was issued a Notice to Comply #000258 (NTC) on February 11, 2012 as a result of minor violations that were detected during the desk and on-site inspection. On March 7, 2012 the Bureau received documents to remedy the noncompliance of the violations listed on the NTC. After review of the submitted documents there were violations that remained outstanding.

CITATION

A Citation is hereby issued to Cynthia Allen, owner of Allen's Academy of Dog Grooming located at 3910 East Morse Road, Lodi, CA 95240 in accordance with Section 125.9 of the Business and Professions Code; Section 94936 of the California Education Code; and Section 75020 of the California Code of Regulations for the violations described in the 'Violation Code Sections' of this document.

PENALTY – ASSESSMENT OF A FINE

In accordance with California Education Code section 94936; and California Code of Regulations Sections 75020 and 75030, the Bureau hereby orders the issuance of a Citation and the assessment of a fine in the amount of **\$2504.00** for the violations described in the 'Violation Code Sections' of this document.

You are hereby notified that you are in violation of the California Education Code and the California Code of Regulations and cause for issuance of a citation and assessment of an administrative fine exists.

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance to the Bureau within 30 days of the date of this Citation Order.

VIOLATION CODE SECTIONS

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| # | The California Education Code (CEC) and California Code of Regulations (CCR). Below you will find the sections you are charged with violating. |
| 1. | <p><u>Violation of CEC 94900.5(b) – Required Institutional Records</u> <i>The Institution did not maintain, for a period not less than five years, complete and accurate records of the names, addresses, and educational qualifications of the faculty.</i></p> <p>The Bureau orders that you maintain complete and accurate records of the names, addresses and educational qualifications of the current and any future faculty. Establish a written policy regarding this code section.</p> <p>The fine for these violations are <u>\$501.00</u></p> |
| 2. | <p><u>Violation of CEC 94909(a)(3)(C) – Minimum Requirements for School Catalog</u> <i>The Institution’s school catalog does not provide the verbatim statement as mentioned in the above referenced code section.</i></p> <p>The Bureau orders that you include in the Institution’s catalog the verbatim statement as mentioned in the above referenced code section.</p> <p>The fine for this violation is <u>\$50.00</u></p> |
| 3. | <p><u>Violation of CEC 94909(a)(8)(E) – Minimum Requirements for School Catalog</u> <i>The Institution’s school catalog does not contain a detailed description of institutional policies related to Leave-of-absence.</i></p> <p>The Bureau orders that you include a detailed description of institutional policies related to Leave-of-Absence in the Institution’s school catalog.</p> <p>The fine for this violation is <u>\$50.00</u></p> |
| 4. | <p><u>Violation of CEC 94909(a)(9) – Minimum Requirements for School Catalog</u> <i>The Institution’s school catalog does not contain the schedule of total charges for a period of attendance or an estimated schedule of total charges for the entire educational program.</i></p> <p>The Bureau orders that you include both the schedule of total chargers for a period of attendance and estimated schedule of total chargers for the entire educational program in the Institution’s school catalog.</p> <p>The fine for this violation is <u>\$50.00</u></p> |
| 5. | <p><u>Violation of CEC 94909(a)(14) – Minimum Requirements for School Catalog</u> <i>The Institution’s school catalog does not contain the verbatim statement related to the Student Tuition Recovery Fund (STRF) as mentioned in the CCR §76215(a)(b).</i></p> <p><u>Violation of CCR 76215(b) – Student Tuition Recovery Fund Disclosures</u> <i>The Institution does not have the verbatim statement mentioned in 76215(b) on its current schedule of student charges related to STRF.</i></p> <p>The Bureau orders that you take out the current STRF statement in the Institution’s school catalog and replace it with the verbatim statement mentioned in the CCR §76215(b).</p> |

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| | The fine for this violation is <u>\$50.00</u> |
| 6. | <p><u>Violation of CEC 94909(a)(15) – Minimum Requirements for School Catalog</u> <i>The Institution’s school catalog does not contain the verbatim statement related to transferability of credits and credentials.</i></p> <p>The Bureau orders that you take out the current transfer of credits statement and replace it with the verbatim statement mentioned in the above referenced code section.</p> <p>The fine for this violation is <u>\$50.00</u></p> |
| 7. | <p><u>Violation of CEC 94911(e)(1) – Minimum Requirements for Enrollment Agreement</u> <i>The Institution’s enrollment agreement does not contain the clear and conspicuous caption, “STUDENT’S RIGHT TO CANCEL”. Under that caption it is not explained that the student has the right to cancel the enrollment agreement and obtain a refund of charges paid through “...or the seventh day after enrollment, whichever is later.”</i></p> <p><u>Violation of CCR 71800(d) – Enrollment Agreement</u> <i>The Institution’s enrollment agreement does not contain the date (mentioned in 94911(e)(1)) by which the student must exercise his or her right to cancel or withdraw and the refund policy related to those.</i></p> <p>The Bureau orders that you take out “BUYERS RIGHT TO CANCEL” in the enrollment agreement and replace it with the “STUDENT’S RIGHT TO CANCEL.” Also, include the full disclosure that the student has the right to not only cancel the enrollment agreement and obtain a refund of charges paid through attendance at the first class session but also “...or the seventh day after enrollment, whichever is later.”</p> <p>The fine for these violations are <u>\$50.00</u></p> |
| 8. | <p><u>Violation of CEC 94911(e)(2) – Minimum Requirements for Enrollment Agreement</u> <i>The Institution’s enrollment agreement does not contain a statement related to refunds for students who receive federal financial aid.</i></p> <p>The Bureau orders that you include in the enrollment agreement a statement related to, that, if a student has received federal student financial aid funds, the student is entitled to a refund of moneys not paid from federal student financial aid program funds.</p> <p>You are not being assessed an administrative fine for this violation.</p> |
| 9. | <p><u>Violation of CEC 94911(f) – Minimum Requirements for Enrollment Agreement</u> <i>The Institution’s enrollment agreement does not contain a statement related to refunds for students who obtain a loan.</i></p> <p>The Bureau orders that you include in the enrollment agreement a statement specifying that, if the student obtains a loan to pay for an educational program, the student will have the responsibility to repay the full amount of the loan plus interest, less the amount of any refund.</p> <p>The fine for this violation is <u>\$50.00</u></p> |
| 10. | <p><u>Violation of CEC 94911(h) – Minimum Requirements for Enrollment Agreement</u> <i>The Institution’s enrollment agreement does not contain the transferability disclosure that is required to be in the school catalog and specified in CEC §94909(a)(15).</i></p> |

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| | <p>The Bureau orders that you include in the enrollment agreement the specific statement related to transferability of credits and credentials that is specified in CEC §94909(a)(15).</p> <p>The fine for this violation is <u>\$50.00</u></p> |
| 11. | <p><u>Violation of CEC 94911(j)(2) – Minimum Requirements for Enrollment Agreement</u> <i>The Institution's enrollment agreement does not contain the verbatim statement for contacting the Bureau if a student wants to file a complaint.</i></p> <p>The Bureau orders that you include in the enrollment agreement the verbatim statement as mentioned in the above referenced code section.</p> <p>The fine for this violation is <u>\$50.00</u></p> |
| 12. | <p><u>Violation of CCR 71760 – Self-Monitoring Procedures</u> <i>The Institution does not maintain adequate procedures to assure that it is maintained and operating in compliance with the CEC, Title 3, Division 10, Part 59, Chapter 8 and the CCR.</i></p> <p>The Bureau orders that you develop and maintain adequate written procedures to assure that it is maintained and operated in compliance with the CEC and the CCR.</p> <p>The fine for this violation is <u>\$501.00</u></p> |
| 13. | <p><u>Violation of CCR 71920(b)(4) – Student Records</u> <i>The Institution did not maintain student records of student withdrawal dates and graduation dates.</i></p> <p>The Bureau orders that you maintain student records of student withdrawal dates and graduation dates of current and any future students. Establish a written policy regarding this code section.</p> <p>The fine for this violation is <u>\$501.00</u></p> |
| 14. | <p><u>Violation of CCR 71920(b)(5)(A) – Student Records</u> <i>The Institution did not maintain student records of student transcripts showing courses or other educational programs that were completed, or were attempted but not completed.</i></p> <p>The Bureau orders that you maintain student records of student transcripts showing courses or other educational programs that were completed, or were attempted but not completed of current and any future students. Establish a written policy regarding this code section.</p> <p>The fine for this violation is <u>\$501.00</u></p> |
| 15. | <p><u>Violation of CCR 71930(b)(1) – Maintenance of Records</u> <i>The Institution did not maintain for a period of 5 years the permanent student records described in CCR §71920 from the student's date of completion or withdrawal.</i></p> <p>The Bureau orders that you maintain student records of the student's completion and withdrawal dates for current and any future students. Establish a written policy regarding this code section.</p> <p>You are not being assessed an administrative fine for this violation.</p> |

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| 16. | <p><u>Violation of CCR 76215(a) – Student Tuition Recovery Fund Disclosures</u></p> <p><i>The Institution's enrollment agreement and its current schedule of student charges does not contain the verbatim statement related to Student Tuition Recovery Fund (STRF) as mentioned in the above referenced code section.</i></p> <p>The Bureau orders that you include in the Institution's enrollment agreement and the school catalog the verbatim statement as mentioned in the above referenced code section.</p> <p>The fine for this violation is <u>\$50.00</u></p> |
| TOTAL ADMINISTRATIVE FINE DUE: <u>\$2504.00</u> | |

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 enclosed 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form within 30 days from the service of the Citation. If you do not request an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time. Deliver or mail your written request to:

Janel Quayle, Discipline Citation Program
 Bureau for Private Postsecondary Education
 2535 Capitol Oaks Drive, Suite 400
 Sacramento, CA 95833

If you request an administrative hearing, further information regarding your rights to discovery and to request postponement of the hearing for good cause will be provided to you with the Notice of Hearing.

Unless a written request for an informal conference and/or an administrative hearing is signed by you or on behalf of Allen's Academy of Dog Grooming and delivered to the Bureau by September 30, 2012, you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on August 31, 2012. The order of abatement and payment are due by September 30, 2012. Your payment of the administrative fine shall not constitute an admission of the violation 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 ADMINISTRATIVE FINE

Payment of the administrative fine must be made to the Bureau for Private Postsecondary Education by check or money order. Please include the Citation number on the payment of the fine assessment. Payments may be mailed to:

Janel Quayle, Discipline Citation Program
 Bureau for Private Postsecondary Education
 2535 Capitol Oaks Drive, Suite 400
 Sacramento, CA 95833

CONTACT INFORMATION

If you have any questions regarding this Citation, or desire further information, please contact Janel Quayle, Enforcement Analyst, at (916) 431-6940 or Janel.Quayle@dca.ca.gov.

Connie Bouvia

Connie Bouvia
Enforcement Chief

August 31, 2012

August 31, 2012

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 – Wavier of Appeal
- Declaration of Service by Certified and First Class Mail