



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

To: Joanie French-Reed
 Blake Austin College
 611-K Orange Drive
 Vacaville, CA 95687

INSTITUTION CODE: 4800991
CITATION NUMBER: 1516026
CITATION ISSUANCE/SERVICE DATE: August 18, 2015
DUE DATE: September 17, 2015
FINE AMOUNT: \$ 10,000.00
ORDER OF ABATEMENT INCLUDED: YES

Yvette Johnson 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.

CITATION

A Citation is hereby issued to Joanie French-Reed, Owner of Blake Austin College located at 611-K Orange Drive, Vacaville, CA 95687 pursuant to Business and Professions Code section 125.9; California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5 CCR) section 75020 for the violations described below.

VIOLATION

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the code section(s) of law you are charged with violating.
1.	<p>Violation: CEC 94897(j)-Prohibited Business Practices <i>“(j) In any manner make an untrue or misleading change in, or untrue or misleading statement related to, a test score, grade or record of grades, attendance record, record indicating student completion, placement, employment, salaries, or financial information, including any of the following:</i> (1) A financial report filed with the bureau. (2) Information or records relating to the student’s eligibility for student financial aid at the institution. (3) Any other record or document required by this chapter or by the bureau.”</p>

On 2/2/12, the Bureau received a complaint from former student, J. B., alleging that she was wrongfully terminated from Blake Austin College's cosmetology program. On 1/16/14, Bureau staff requested J.B.'s student file and a copy of the school catalog from the school's onsite administrator, J.M. The Bureau received the requested documents on 1/24/14. After reviewing the documentation, Bureau staff found that on 1/02/12, K.M., Blake Austin College's Financial Aid Director and Compliance Officer, filed a student closure form which stated that student, J. B., had voluntarily withdrawn from the cosmetology program due to poor class attendance. On 2/14/14, Bureau staff received a copy of J. B.'s Detailed Grade Book Report Card, dated 1/10/12, from J. M. The Detailed Grade Book Report Card showed that J.B.'s cumulative attendance was 94.36%. Blake Austin's attendance policy requires over 85% to be satisfactory. In addition, there was no documentation to support the school's claim that student J.B. voluntarily withdrew from the Cosmetology program. J.B. was released by the school on 1/2/12.

Order of Abatement:

The Bureau orders that the institution submit a plan of action to stay in compliance with CEC 94897(j) and ensure no false statements or documentation is manufactured by the school administration and/or faculty.

Assessment of Fine

The fine for this violation is \$5000.00

2. **Violation:**

CEC94897(m)-Prohibited Business Practices

"(m) Direct any individual to perform an act that violates this chapter, to refrain from reporting unlawful conduct to the bureau or another government agency, or to engage in any unfair act to persuade a student not to complain to the bureau or another government agency."

On 1/10/12, Blake Austin College asked former student J.B. to sign a release that she would keep this matter confidential and not discuss with any person, entity or state administrative agency and further agree not to pursue any actions against the school. In exchange for her signature on the release form, the school would release her transcripts and waive the balance of \$688.00 for the remainder of the tuition J.B. owed to the school.

Order of Abatement:

The Bureau orders that the institution remove any provisions asking a student to guarantee that a complaint not be made to The Bureau of Private Postsecondary Education or any other entity. In addition, the Bureau orders that the institution submit a written policy of how compliance with this code section will be maintained.

Assessment of Fine

The fine for this violation is \$5,000.00

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 **\$5,501.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

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.**

BACKGROUND

Blake Austin College produced a false termination document on 1/02/12 stating that former student, J.B., was terminated from their cosmetology program due to poor attendance. J.B.'s student record shows accumulative attendance at 94.36% at time of termination. Blake Austin College's school catalog defines a satisfactory attendance rate is 85%. Therefore, student was in compliance with Blake Austin College's attendance policy. Blake Austin College would not release the student's transcripts and waive her remaining tuition balance unless she signed a release that would prohibit her from talking about this matter or filing a complaint with a state agency.

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 10, 2015, 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 18, 2015**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **September 17, 2015**. 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:

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

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 Jody Wright, Enforcement Analyst, at 916-431-6940 or Jody.Wright@dca.ca.gov.


Yvette Johnson
Enforcement Chief

August 18, 2015
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