



Bureau for Private Postsecondary Education
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INFORMAL CITATION REVIEW CONFERENCE
DECISION CITATION ORDER MODIFIED

November 7, 2012

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

Date of Issuance	Citation Number	Institution Code
11/07/12	1213002	98908051

On October 5, 2012, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement (Citation) #1213002 against Cynthia Allen, owner of Allen's Academy of Dog Grooming. In attendance were Laura Metune, Bureau Chief; Simone Rinteria, DCA Legal Counsel; Janel Quayle, Enforcement Analyst; and Cynthia Allen, Respondent.

Pursuant to Business and Professions Code, Section 125.9; California Education Code, Section 94936; and California Code of Regulations, Section 75020, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of Citation #1213002.

It is the decision of the Bureau Chief that on November 7, 2012, Citation #1213002 is modified and makes following changes:

VIOLATION CODE SECTIONS

#	The California Education Code (CEC) and California Code of Regulations (CCR). Below you will find the sections you are charged with violating.
1.	<p>Modified</p> <p><u>Violation of CEC 94900.5(b) – Required Institutional Records</u></p> <p><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>Reason for modification: On March 7, 2012, the Bureau received a resume for the only faculty member. The resume contained the record name, address and educational qualifications of the faculty. Although the respondent provided documentation of the faculty's qualification the respondent failed to provide proof a policy is in place to ensure the institutional records are maintained for mandated time frame.</p> <p>It is ordered that you submit your written institutional records retention policy.</p>

	The administrative fine for this violation has been modified from \$501.00 to <u>\$0.00</u> .
2.	<p>Upheld - No new substantive facts were presented at the informal conference. <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>Upheld - No new substantive facts were presented at the informal conference. <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>Upheld - No new substantive facts were presented at the informal conference. <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>Upheld - No new substantive facts were presented at the informal conference. <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> <p>The fine for this violation is <u>\$50.00</u></p>
6.	<p>Upheld - No new substantive facts were presented at the informal conference. <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>Upheld - No new substantive facts were presented at the informal conference. <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>Upheld - No new substantive facts were presented at the informal conference. <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>Upheld - No new substantive facts were presented at the informal conference. <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>Upheld - No new substantive facts were presented at the informal conference. <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>

	<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>Upheld - No new substantive facts were presented at the informal conference. <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>Modified <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>Reason for modification: The Bureau received on October 10, 2012, additional documentation entitled 'Operational Plan' which outlines how the Institution will assure adequate procedures are maintained to operate in compliance with the CEC and CCR.</p> <p>The fine for this violation is has been modified from \$501.00 to <u>\$0.00</u>.</p>
13.	<p>Modified <u>Violation of CCR 71920(b)(4) – Student Records</u> <i>The Institution did not maintain records of student withdrawal dates and graduation dates.</i></p> <p>Reason for modification: The Bureau received on October 10, 2012, additional documentation entitled 'daily record keeper' which contains graduation dates of students.</p> <p>The "daily record keeper" is not sufficient for the requirements in CCR 71920 (b)(4). It is ordered that you maintain individual records in all student files of withdrawal dates and or graduation dates. It is ordered that you submit your written student record retention policy.</p> <p>The fine for this violation has been modified from \$501.00 to <u>\$50.00</u>.</p>
14.	<p>Upheld - No new substantive facts were presented at the informal conference. <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. It is ordered that you submit a written policy regarding maintenance of student records as required by CCR 71920 (b)(5)(A).</p>

	The fine for this violation is <u>\$501.00</u>
15.	<p>Upheld - No new substantive facts were presented at the informal conference.</p> <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. It is ordered that you submit a written policy regarding maintenance of student records as required by CCR 71930(b)(1).</p> <p>You are not being assessed an administrative fine for this violation.</p>
16.	<p>Upheld - No new substantive facts were presented at the informal conference.</p> <p><u>Violation of CCR 76215(a) – Student Tuition Recovery Fund Disclosures</u> <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 MODIFIED ADMINISTRATIVE FINE DUE: \$1051.00	

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 decision.

In addition, the Bureau orders that you must pay an administrative penalty (fine) in the amount of **\$1051.00** within 30 days from the date of this decision.

Payment of the administrative fine can 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. Payment of the administrative fine shall not constitute an admission of the violation charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

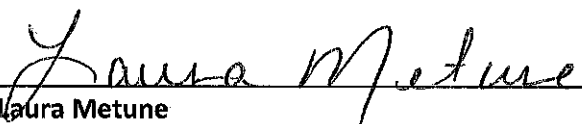
Janel Quayle, Discipline Citation Program
 Bureau for Private Postsecondary Education
 2535 Capitol Oaks Drive, Suite 400
 Sacramento, CA 95833

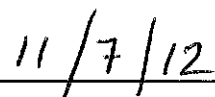
You do not have the right to request another Informal Conference to appeal this Modified Citation. You do, however, have the right to appeal this Modified Citation decision through an Administrative Hearing, *only if* you initially requested one within 30 days of the issuance date of original citation. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. If you did not initially request an Administrative Hearing within 30 days of when the original citation order was issued, you can no longer request one.

If you do not wish to appeal this Modified Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing and/or Payment of Fine – Waiver of Appeal Rights forms and include the amount assessed in the citation within 30 Days of the date of this decision.

Failure to abate these violations or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified Citation and recover the civil penalties prescribed thereon or found to be due after a hearing.

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


Laura Metune
Bureau Chief


Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Withdrawal – Request for Administrative Hearing
- Copy of Citation #1213002