



Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 574-8900 F (916) 263-1897 www.bppe.ca.gov



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

January 28, 2021

Ivy League Barber Academy, Inc., Owner
Ivy League Barber Academy
1001 W. San Marcos Boulevard, Suite 120
San Marcos, CA 92078

Date of Issuance	Citation Number	Institution Code
January 28, 2021	2021136	82297492

On December 30, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2021136 (Citation) against Ivy League Barber Academy, Inc., Owner of Ivy League Barber Academy (Institution). In attendance were Beth Scott, Enforcement Chief, Michael Kanotz, Department of Consumer Affairs Legal Counsel, and Klinton LeBlang, Attorney.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 2021136.

It is the decision of the Enforcement Chief that on January 12, 2021, Citation No. 2021136 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

#	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>MODIFIED</p> <p><u>Violation:</u> 5, CCR Section 76130 (a-e)– Collection and Submission of Assessments <i>“(a) A qualifying institution shall collect the assessment from each student in an educational program at the time it collects the first payment from or on behalf of the student at or after enrollment. The assessment shall be collected for the entire period of enrollment, regardless of whether the student pays the institutional charges in increments.</i> <i>(b) A qualifying institution shall complete the STRF Assessment Reporting Form (Rev. 2/10) and remit it with the STRF assessments collected from students to be received by the Bureau no later than the last day of the month following the close of the quarter as follows:</i> <i>(1) April 30 for the first quarter,</i> <i>(2) July 31 for the second quarter,</i> <i>(3) October 31 for the third quarter, and</i> <i>(4) January 31 for the fourth quarter. If the due date falls on a Saturday, Sunday or State or federal</i></p>

holiday, the due date shall be extended to the next regular business day for the Bureau.
If the due date falls on a Saturday, Sunday, or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.

(c) The STRF Assessment Reporting Form shall contain the following information:

(1) Total number of students who signed enrollment agreements for educational programs during the reporting period; and

(2) Total number of students eligible for STRF who signed enrollment agreements for educational programs during the reporting period; and

(3) The total number of students who signed their enrollment agreement during the reporting period, were eligible for STRF, and who made their first payment during the reporting period; and

(4) The total number of students who signed their enrollment agreement in a previous reporting period, were eligible for STRF, and who made their first payment during the current reporting period; and

(5) Total amount of institutional charges after rounding each student's institutional charges to the nearest \$1,000, for all eligible STRF students whose STRF assessment was collected in the reporting period; and

(6) Current contact telephone number of the person preparing the form; and

(7) A declaration dated and signed under penalty of perjury by the person preparing the form that the form and any attachments are true and correct.

(d) In the event of a school closure, any collected assessments shall be remitted to the Bureau within seven days following the cessation of instruction.

(e) Submission of all prior reports and assessments required by this section is a condition of renewal.”

The Institution has failed to submit STRF Assessment Reporting Forms for the following quarters:

- Second, Third, and Fourth Quarters of 2019; and
- First, Second, and Third Quarters of 2020.

On June 24, 2019, the Institution was notified via mail at 1001 W. San Marcos Boulevard, Suite 120, San Marcos, CA 92078, that the STRF Assessment Reporting Form for the 2nd quarter of 2019 was due. As of September 15, 2020, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On September 18, 2019, the Institution was notified via mail at 1001 W. San Marcos Boulevard, Suite 120, San Marcos, CA 92078, that the STRF Assessment Reporting Form for the 3rd quarter of 2019 was due. As of November 5, 2020, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On December 17, 2019, the Institution was notified via mail at 1001 W. San Marcos Boulevard, Suite 120, San Marcos, CA 92078, that the STRF Assessment Reporting Form for the 4th quarter of 2019 was due. As of November 5, 2020, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On March 24, 2020, the Institution was notified via mail at 1001 W. San Marcos Boulevard, Suite 120, San Marcos, CA 92078, that the STRF Assessment Reporting Form for the 1st quarter of 2020 was due. As of November 5, 2020, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On June 18, 2020, the Institution was notified via mail at 1001 W. San Marcos Boulevard, Suite 120,

San Marcos, CA 92078, that the STRF Assessment Reporting Form for the 2nd quarter of 2020 was due.

On July 29, 2020, the Institution was notified via email that the STRF Assessment Reporting Form for the 2nd quarter of 2020 was due. As of November 5, 2020, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On September 3, 2020, the Institution was notified via email that the STRF Assessment Reporting Forms for the 2nd, 3rd, and 4th quarters of 2019, and the 1st and 2nd quarters of 2020 were due. As of November 5, 2020, the Bureau has not received the STRF Assessment Reporting Forms from the Institution.

On September 18, 2020, the Institution was notified via mail at, 1001 W. San Marcos Boulevard, Suite 120, San Marcos, CA 92078, that the STRF Assessment Reporting Form for the 3rd quarter of 2020 was due. As of November 5, 2020, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

Order of Abatement:

The Bureau orders that the Institution submit the delinquent STRF Assessment Reporting Forms with the STRF Assessments collected from students for the quarters listed above. The information provided shall comply with "Record Keeping Requirements" Pursuant to 5, CCR section 76140.

Reason for modification: New substantive facts were presented at the conference. The Order of Abatement has been satisfied.

Assessment of Fine

The fine for this violation is \$50.00

The administrative fine for this violation has been modified from \$50.00 to \$00.00.

2. **WITHDRAWN**

Violation:

5, CCR Section 74006(a) and (b) - Annual Fee

"(a) An institution's annual fee is due within 30 days of the date on which the institution originally receives its approval to operate and each year thereafter on the anniversary of the date of the original approval. (b) An institution shall pay its annual fee in addition to any other applicable fees."

CEC Section 94930.5 (g)- Fee Schedule

"(g) Notwithstanding subdivision (d), effective July 1, 2018, the annual fee for each campus described in subparagraphs (A) and (B) of paragraph (1) of subdivision (d) shall be in an amount equal to 0.55 percent of that campus' total gross revenue derived from students in California, but not to be less than two thousand five hundred dollars (\$2,500) and not to exceed sixty thousand dollars (\$60,000) for each campus."

CEC Section 94931(a)- Late Payment

"(a) A fee that is not paid on or before the 30th calendar day after the due date for payment of the fee shall be subject to a 25 percent late payment penalty fee."

2019 Late Payment Penalty Fee

<p>The Institution has failed to pay its 30-day late payment penalty fee for calendar year 2019.</p> <p>On February 28, 2019, the Institution was notified, Invoice # 900339920, via mail at 1001 W. San Marcos Boulevard, Suite 120, San Marcos, CA 92078, stating that the annual fee for calendar year 2019 was due on April 1, 2019.</p> <p>On May 15, 2019, the 1st Delinquency Notice (Invoice # 900341870) was sent via mail at 1001 W. San Marcos Boulevard, Suite 120, San Marcos, CA 92078, stating that the annual fee for calendar year 2019 was due on April 1, 2019.</p> <p>On May 2, 2019, the Bureau received payment for the 2019 annual fee in the amount of \$2,500. However, the 30-day delinquency fee was not included in the submission.</p> <p>On May 16, 2019, the Institution was notified via mail at 1001 W. San Marcos Blvd., Suite 120, San Marcos, CA 92078, that a balance of \$625.00 was due for the 30-day late payment penalty fee.</p> <p>As of November 5, 2020, the Bureau has not received the 30-day late payment penalty fee from the Institution.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to pay all late payment penalty fees.</p> <p><u>Reason for modification:</u> New substantive facts were presented at the conference. The Order of Abatement has been satisfied.</p> <p><u>Assessment of Fine</u> The fine for this violation is \$00.00</p>
<p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$00.00</u></p>

APPEAL OF CITATION

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 affirmed or modified Citation through an Administrative Hearing. 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 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 within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION

This modified Citation is effective on **January 28, 2021**.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Nicole Mitchell, Citation Analyst, at Nicole.Mitchell@dca.ca.gov.

“Original Signature on File”

“1/28/2021”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail