



NOTICE TO COMPLY – CU-0101031-0519 (Ed. Code §94935 & 5, CCR §75010)

Institution Name:	Moler Barber College	Institution Telephone:	(510) 652-4177
Institution Code:	0101031	Administrator Name:	Frank Quattro
Street Address:	3815 Telegraph Avenue Oakland, CA 94609	Date of Inspection:	5/21/2019

Nature and Facts of the Violation(s), Including a Reference to the Statute or Regulation Violated, and Manner in Which the Institution Must Correct the Violation to Achieve Compliance:

ENROLLMENT AGREEMENT MINIMUM REQUIREMENTS

Item No.	Education Code (CEC) or Regulation (5, CCR)	Deficiency – Requested Submission
1 5	5, CCR §71800	<p>In addition to the requirements of section 94911 of the Code, an institution shall provide to each student an enrollment agreement that contains at the least the following information:</p> <p>(b) Period covered by the enrollment agreement.</p> <p>The enrollment agreement failed to identify the period covered by the enrollment agreement.</p> <p>To remedy this violation, the school shall identify the period covered by the enrollment agreement. The updated enrollment agreement shall be submitted with the institution’s response to the NTC and the last page of this document by June 20, 2019.</p>
2 6	5, CCR §71800	<p>In addition to the requirements of section 94911 of the Code, an institution shall provide to each student an enrollment agreement that contains at the least the following information:</p> <p>(e) Itemization of all institutional charges and fees including, as applicable:</p> <p>(5) Textbooks, or other learning media;</p> <p>The enrollment agreement failed to include in its itemization of all institutional charges and fees, the charge for books identified on pages 9-13 of the catalog.</p>

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 Inspector’s Initial: 
 Administrator’s Initial: 

		<p>You are not eligible for protection from the STRF and you are not required to pay the STRF assessment, if you are not a California resident, or are not enrolled in a residency program.”</p> <p>The school failed to update the STRF Disclosures in its enrollment agreement, in accordance with new regulations implemented on August 10, 2017.</p> <p>To remedy this violation, the school shall update the STRF disclosure in its enrollment agreement with the above verbatim statements. The updated enrollment agreement shall be submitted with the institution’s response to the NTC and the last page of this document by June 20, 2019.</p>
<p>5 40</p>	<p>CEC §94911</p>	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(e) (1) A disclosure with a clear and conspicuous caption, “STUDENT’S RIGHT TO CANCEL,” under which it is explained that the student has the right to cancel the enrollment agreement and obtain a refund of charges paid through attendance at the first class session, or the seventh day after enrollment, whichever is later.</p> <p>The enrollment agreement contains two inconsistent cancellation policies. According to page 1 of the enrollment agreement, “STUDENTS RIGHT TO CANCEL: The student has the right to cancel the enrollment agreement and obtain a refund of charges paid through attendance at the first class session or the seventh day after enrollment whichever is later. To Cancel Please Notify School Director”. Page 2 of the same enrollment agreement states, “CANCELLATION, WITHDRAWAL, AND REFUND RIGHTS 1) You have the right to cancel this agreement for educational service, any equipment or other goods and services, until midnight of the seventh business day after the first class you attended. Business day means a day on which you were scheduled to attend a class. Cancellation occurs when you give written notice of cancellation at school address shown on the front page of this Agreement.”</p> <p>To remedy this violation, the school shall update its enrollment agreement to contain consistent cancellation policy. The updated enrollment agreement shall be submitted with the institution’s response to the NTC and the last page of this document by June 20, 2019.</p>

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Inspector’s Initial: *AT*

Administrator’s Initial: *fel.*

		<p>To remedy this violation, the enrollment agreement shall include within the Itemization & Total Tuition Fees, the charge for books. The updated enrollment agreement shall be submitted with the institution's response to the NTC and the last page of this document by June 20, 2019.</p>
3 8	CEC §94911	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(c) In underlined capital letters on the same page of the enrollment agreement in which the student's signature is required, the total charges for the current period of attendance, the estimated total charges for the entire educational program, and the total charges the student is obligated to pay upon enrollment.</p> <p>The enrollment agreement failed to identify in underlined capital letters on the same page in which the student's signature is required, the total charges for the current period of attendance, the estimated total charges for the entire educational program, and the total charges the student is obligated to pay upon enrollment.</p> <p>To remedy the violation, the enrollment agreement shall identify in underlined capital letters on the same page in which the student's signature is required: <u>"TOTAL CHARGES FOR THE CURRENT PERIOD OF ATTENDANCE"</u>, <u>"ESTIMATED TOTAL CHARGES FOR THE ENTIRE EDUCATIONAL PROGRAM"</u>, and <u>"TOTAL CHARGES THE STUDENT IS OBLIGATED TO PAY UPON ENROLLMENT"</u>. The updated enrollment agreement shall be submitted with the institution's response to the NTC and the last page of this document by June 20, 2019.</p>
4 9	5, CCR §76215	<p>(a) A qualifying institution shall include the following statement on both its enrollment agreement and school catalog:</p> <p>"The State of California established the Student Tuition Recovery Fund (STRF) to relieve or mitigate economic loss suffered by a student in an educational program at a qualifying institution, who is or was a California resident while enrolled, or was enrolled in a residency program, if the student enrolled in the institution, prepaid tuition, and suffered an economic loss. Unless relieved of the obligation to do so, you must pay the state-imposed assessment for the STRF, or it must be paid on your behalf, if you are a student in an educational program, who is a California resident, or are enrolled in a residency program, and prepay all or part of your tuition.</p>

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Inspector's Initial: 

Administrator's Initial: 

<p>10</p>	<p>CEC §94911</p>	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(e) (2) The disclosure shall contain the institution's refund policy and a statement that, if the 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>The enrollment agreement is missing a statement specifying that, if the 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>To remedy this violation, the enrollment agreement shall include a statement that, if the 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. The updated enrollment agreement shall be submitted with the institution's response to the NTC and the last page of this document by June 20, 2019.</p>
<p>12</p>	<p>CEC §94911</p>	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(g) A statement specifying that, if the student is eligible for a loan guaranteed by the federal or state government and the student defaults on the loan, both of the following may occur:</p> <p>(1) The federal or state government or a loan guarantee agency may take action against the student, including applying any income tax refund to which the person is entitled to reduce the balance owed on the loan.</p> <p>(2) The student may not be eligible for any other federal student financial aid at another institution or other government assistance until the loan is repaid.</p> <p>The enrollment agreement is missing statements specifying that, if the student is eligible for a loan guaranteed by the federal or state government and the student defaults on the loan, both of the following may occur:(1) The federal or state government or a loan guarantee agency may take action against the student, including applying any income tax refund to which the person is entitled to reduce the balance owed on the loan. (2) The student may not be eligible for any other federal student financial aid at another</p>

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		<p>institution or other government assistance until the loan is repaid.</p> <p>To remedy this violation, the school shall include the above statements in its enrollment agreement. The updated enrollment agreement shall be submitted with the institution's response to the NTC and the last page of this document by June 20, 2019.</p>
<p>20 15</p>	<p>CEC §94911</p>	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(i) (1) The following statement: "Prior to signing this enrollment agreement, you must be given a catalog or brochure and a School Performance Fact Sheet, which you are encouraged to review prior to signing this agreement. These documents contain important policies and performance data for this institution. This institution is required to have you sign and date the information included in the School Performance Fact Sheet relating to completion rates, placement rates, license examination passage rates, salaries or wages, <u>and the most recent three-year cohort default rate, if applicable, prior to signing this agreement.</u>"</p> <p>The school failed to include the above statement verbatim in the enrollment agreement. The statement located on page 1, excluded parts of the statement.</p> <p>To remedy this violation, the school shall update the enrollment agreement to include all parts of the required statement. The updated enrollment agreement shall be submitted with the institution's response to the NTC and the last page of this document by June 20, 2019.</p>
<p>9 15</p>	<p>CEC §94911</p>	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(i) (2) Immediately following the statement required by paragraph (1), a line for the student to initial, including the following statement: "I certify that I have received the catalog, School Performance Fact Sheet, and information regarding completion rates, placement rates, license examination passage rates, salary or wage information, and the most recent three-year cohort default rate, if applicable, included in the School Performance Fact sheet, and have signed, initialed, and dated the information provided in the School Performance Fact Sheet."</p> <p>The enrollment agreement is missing the above verbatim statement.</p>

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Inspector's Initial:

Administrator's Initial:

J.S.
J.P.

		<p>To remedy this violation, the school shall include the above verbatim statements in its enrollment agreement. The updated enrollment agreement shall be submitted with the institution's response to the NTC and the last page of this document by June 20, 2019.</p>
10 19	CEC §94916	<p>An institution extending credit or lending money to an individual for institutional and noninstitutional charges for an educational program shall cause any note, instrument, or other evidence of indebtedness taken in connection with that extension of credit or loan to be conspicuously marked on its face in at least 12-point type with the following notice:</p> <p>"NOTICE" "You may assert against the holder of the promissory note you signed in order to finance the cost of the educational program all of the claims and defenses that you could assert against this institution, up to the amount you have already paid under the promissory note."</p> <p>The school failed to include the notice regarding extending credit or lending money to an individual for institutional and noninstitutional charges for an educational program within the enrollment agreement.</p> <p>To remedy this violation, the school shall include above notice, within the enrollment agreement. The updated enrollment agreement shall be submitted with the institution's response to the NTC and the last page of this document by June 20, 2019.</p>

STUDENT TUITION RECOVERY FUND (STRF) MINIMUM REQUIREMENTS

Item No.	Education Code (CEC) or Regulation (5, CCR)	Deficiency - Requested Submission
11	5, CCR §76130	<p>(b) A qualifying institution shall complete the STRF Assessment report 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:</p> <p>(1) April 30 for the first quarter, (2) July 31 for the second quarter, (3) October 31 for the third quarter, and (4) January 31 for the fourth quarter.</p> <p>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.</p>

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Inspector's Initial: *JS*

Administrator's Initial: *JD*

	<p>The school failed to submit the 4th Quarter 2018 STRF Assessment Reporting Form to the Bureau by the above deadline.</p> <p>To remedy this violation, the school shall complete the 4th Quarter 2018 STRF Assessment Reporting form. Once the form is complete and signed, email the form to the Bureaus Administrative Support Unit at bppe@dca.ca.gov and mail the original form to the attention of "Administration Unit- STRF Assessment Form" at the following address: 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833. A copy of the email to bppe@dca.ca.gov and copy of the complete form shall be submitted with the institution's response to the NTC and the last page of this document by June 20, 2019.</p>
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STUDENT RECORDS MINIMUM REQUIREMENTS

Item No.	Referenced Law	Deficiency - Requested Submission
12 8	5, CCR §71920	<p>(a) The institution shall maintain a file for each student who enrolls in the institution whether or not the student completes the educational service.</p> <p>(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</p> <p>(5) In addition to the requirements of section 94900(b) of the Code, a transcript showing all of the following:</p> <p>(E) The name, address, website address, and telephone number of the institution.</p> <p>The school's official transcript failed to contain the website address of the institution.</p> <p>To remedy this violation, the school shall add the website address of the institution to the official transcript. A copy of the updated official transcript shall be submitted with the institution's response to the NTC and the last page of this document by June 20, 2019.</p>

WITHDRAWALS AND REFUNDS MINIMUM REQUIREMENTS

Item No.	Referenced Law	Deficiency - Requested Submission
13 3	5, CCR §71750	<p>(f) The institution shall maintain a cancellation and withdrawal log, kept current on a monthly basis, which shall include the names, addresses, telephone numbers, and dates of cancellations or withdrawal</p>

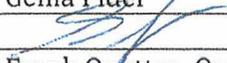
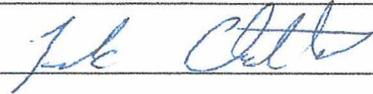
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Inspector's Initial: *JH*

Administrator's Initial: *JD*

		<p>of all students who have cancelled the enrollment agreement with, or withdrawn from, the institution during the calendar year</p> <p>The school's cancellation log failed to contain the students address and telephone numbers.</p> <p>To remedy this violation, the school shall provide an updated copy of the school's cancellation log containing the names, addresses, telephone numbers, and dates of cancellations or withdrawal of all students who have cancelled the enrollment agreement with, or withdrawn from, the institution during the calendar year. A copy of the updated cancellation log shall be submitted with the institution's response to the NTC and the last page of this document by June 20, 2019.</p>
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Only minor violations are listed on a Notice to Comply.

Inspector's Name	Gema Fider
Inspector's Signature	
Institution Administrator Name/Title:	Frank Quattro, Owner
Institution Administrator's Signature:	

Education Code can be located at: http://www.bppe.ca.gov/lawsregs/ppe_act.shtml
Code of Regulations can be located at: <http://www.bppe.ca.gov/lawsregs/regs.shtml>

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RETURN THIS FORM WITHIN THE SPECIFIED TIME FRAME WITH EITHER: 1) VERIFICATION OF COMPLIANCE OR 2) A NOTICE OF DISAGREEMENT

IMPORTANT COMPLIANCE NOTICE

California Education Code §94935 and California Code of Regulations §75010 provide that the Bureau for Private Postsecondary Education (Bureau) shall issue a Notice to Comply for minor violations detected during a compliance inspection by the Bureau.

By no later than 30 days from the date of the inspection, you must either: 1) Remedy the noncompliance item(s), sign the below declaration and submit this form to the Bureau, along with documentation describing how compliance was achieved; or 2) File with the Bureau a written notice of disagreement, specifying the minor violation(s) described in the Notice to Comply with which you disagree, and appealing it by requesting an informal office conference. If a written notice of disagreement is not timely filed with the Bureau, the right to appeal is deemed to have been waived.

Failure to timely remedy the noncompliance item(s) or file a written request for an informal office conference may result in the Bureau taking administrative enforcement action.

DECLARATION

Attached to this document is a list describing how compliance was achieved for each violation and supporting documentation. I declare under penalty of perjury that all violations identified in this Notice to Comply are corrected as described in the attachment.

Signature

Date

Print Name and Title

THIS DECLARATION OR A NOTICE OF DISAGREEMENT MUST BE SUBMITTED TO THE BUREAU BY **June 20, 2019**

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Inspector's Initial: *ST*

Administrator's Initial: *fd*