



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

April 3, 2019

New America Beauty Education Corp., Owner
 Hair California Beauty Academy
 1828 E. Collin Ave, Suite A
 Orange, CA 92867

Date of Issuance	Citation Number	Institution Code
January 10, 2019	1819079	3003191

On March 11, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819079 (Citation) against New America Beauty Education Corp., Owner of Hair California Beauty Academy. In attendance were Beth Scott, Enforcement Chief; and New America Beauty Education Corp., Owner.

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. 1819079.

It is the decision of the Enforcement Chief that on March 25, 2019, Citation No. 1819079 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 Violation: 5, CCR Section 71930 (e) – Maintenance of Records <i>“(e) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations.”</i></p> <p>On February 16, 2018, the Bureau visited the Institution at 1828 E. Collins Ave., Orange, CA 92867 and received a tour of the facility from the Institution’s front desk administrator S.V. While visiting the Institution, the Bureau requested access to a current student rosters for a separate complaint against the Institution. The Institution’s staff attempted to contact the Institution’s administrators via phone, but later informed Bureau staff that they did not have access to student records and that the Institutions administrators with access, would not be returning that day due to the Chinese New Year holiday. As the Institution did not make records immediately available to Bureau staff upon</p>

request during normal business hours, the Bureau found the Institution in violation of 5, CCR 71930 (e).

Order of Abatement:

The Bureau orders that the Institution submit a written policy to the Bureau of how compliance with this code section will be maintained.

Assessment of Fine

The fine for this violation is \$5000.00

Reason for modification: New substantive facts were presented at the conference.

The administrative fine for this violation has been modified from \$5,000.00 to \$50.00.

2. **DISMISSED**

Violation:

5, CCR Section 71660 – Notifications of Non-Substantive Changes

"An institution shall notify the Bureau of a non-substantive change including: change of location of less than 10 miles; addition of a program related to the approved programs offered by the institution; addition of a new branch five miles or less from the main or branch campus; addition of a satellite; and change of mailing address. All such notifications shall be made within 30 days of the change and sent to the Bureau, in writing, to the address listed in section 70020."

On May 5, 2017, the Bureau received a complaint against the Institution. The complaint alleged that the Institution moved from its Bureau approved location of 1110 N. Tustin Street, Orange, CA 92867 to an unapproved location at a non-disclosed address.

On September 19, 2017, the Bureau received an incomplete Application for Change of Location from the Institution which the Bureau denied on February 26, 2018.

On January 5, 2018, the Bureau found that the Institution advertises an unapproved school address from their website, www.haircabeauty.com, of 1828 E. Collins Ave., Suite A, Orange, CA 92867.

On February 16, 2018, the Bureau visited the Institution at 1828 E. Collins Ave., Orange, CA 92867, received a tour of the facility, and verified that the Institution is operating at this unapproved location prior to notifying the Bureau, or receiving Bureau approval. Additionally, the Institution's staff informed the Bureau that the Institution moved locations in October 2017.

On April 23, 2018, the Bureau received a notification of a non-substantive change from the Institution for a change of location.

As the Bureau determined that the Institution was operating from an unapproved location on February 16, 2018, and the Institution's staff confirmed that the Institution moved in October 2017, the Bureau determined that the Institution failed to properly notify the Bureau of a non-substantive change within 30 days of the change in location, in violation of 5, CCR 71660.

Order of Abatement:

The Bureau orders that the Institution submit a written policy to the Bureau of how compliance with this code section will be maintained in the future.

<u>Reason for modification:</u> New substantive facts were presented at the conference.
TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$50.00</u>

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau 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(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

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

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 modified Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the 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 from when the original citation 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 within **30 Days** of the date of this decision.

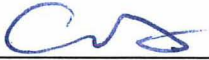
EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on **April 3, 2019**. The order of abatement and payment are due by **May 3, 2019**.

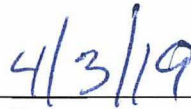
Failure to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified Citation and recover the civil penalties prescribed therein or found to be due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

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Cheryl Lardizabal, Citation Analyst, at (916) 621-2591 or at Cheryl.Lardizabal@dca.ca.gov.



Christina Villanueva
Discipline Manager



Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail