



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



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: EEEM Power LLC, Owner
Southern California College of Barber and Beauty
641 N. Broadway
Escondido, CA 92025

INSTITUTION CODE: 74309352
CITATION NUMBER: 1920318
CITATION ISSUANCE/SERVICE DATE: June 3, 2020
DUE DATE: July 3, 2020
FINE AMOUNT: \$ 5,000.00
ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to EEEM Power LLC, Owner of Southern California College of Barber and Beauty (Institution) located at 641 N. Broadway , Escondido, CA 92025, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

On July 6, 2018, the Bureau received a complaint against the Institution alleging the Institution was admitting students without verifying their educational qualifications..

On November 8, 2018, a Bureau investigator conducted an investigation and a Compliance Inspector conducted an inspection concurrently. Through the course of the investigation and evidence obtained, material violations were found related to current, graduate, and dropped/withdrawn student files.

VIOLATION(S)

#	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><u>Violation:</u></p> <p>CEC Section 94902(a) – General Enrollment Requirements <i>“(a) A student shall enroll solely by means of executing an enrollment agreement. The enrollment agreement shall be signed by the student and by an authorized employee of the institution”</i></p> <p>CEC Section 94905(a) – Professions Requiring Licensure, Internships</p>

“(a) During the enrollment process, an institution offering educational programs designed to lead to positions in a profession, occupation, trade, or career field requiring licensure in this state shall exercise reasonable care to determine if the student will not be eligible to obtain licensure in the profession, occupation, trade, or career field at the time of the student’s graduation and shall provide all students enrolled in those programs with a written copy of the requirements for licensure established by the state, including any applicable course requirements established by the state. If the minimum course requirements of the institution exceed the minimum requirements for state licensure, the institution shall disclose this information, including a list of those courses that are not required for state licensure. The institution shall not execute an enrollment agreement with a student that is known to be ineligible for licensure, unless the student’s stated objective is other than licensure.”

CEC Section 94911(c) – Minimum Requirements for Enrollment Agreements

“An enrollment agreement shall include, at a minimum, all of the following:

(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.”

CEC Section 71800(d) – Enrollment Agreement

“(d) Date by which the student must exercise his or her right to cancel or withdraw, and the refund policy, including any alternative method of calculation if approved by the Bureau pursuant to section 94921 of the Code.”

Violation: CEC Section 94902(a): Student files failed to contain an Enrollment Agreement signed by the student and/or an authorized employee of the Institution.

Violation: CEC Section 94905(a): Student files did not contain verification that students would be eligible to sit for the California State Board License Exam for Barbering or Cosmetology. The Institution stated that they were not familiar with the requirements and did not verify this information prior to enrollment for some students enrolled at the school.

- The Institution also failed to contain a copy of the student’s social security number or Internal Transaction Number which would demonstrate the student meets the requirements to be eligible to sit for licensure.,

Violation: CEC Section 94911(c): The Institution’s Enrollment Agreement failed to identify the total charges for a period of attendance.

Violation: CEC Section 71800(d): The Institution failed to include in the Enrollment Agreement the date by which a student must exercise their right to cancel.

Order of Abatement:

The Bureau orders the Institution to submit a policy, or procedure, of how future compliance with CEC sections 94902, 94905, 94911, and 5, CCR Section 71800 will be maintained.

Assessment of Fine

The fine for this violation is \$2,000.00

2.

Violation:

CEC Section 94900(b)(1)(2)(3) – Required Student Records

“(b) An institution shall maintain, for each student granted a degree or certificate by that institution,

permanent records of all of the following:

- (1) The degree or certificate granted and the date on which that degree or certificate was granted.
- (2) The courses and units on which the certificate or degree was based.
- (3) The grades earned by the student in each of those courses."

5, CCR Section 71920(b)(5)(a-e) – Student Records

"(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:

(5) In addition to the requirements of section 94900(b) of the Code, a transcript showing all of the following:

- (A) The courses or other educational programs that were completed, or were attempted but not completed, and the dates of completion or withdrawal;*
- (B) Credit awarded for prior experiential learning, including the course title for which credit was awarded and the amount of credit;*
- (C) Credit for courses earned at other institutions;*
- (D) Credit based on any examination of academic ability or educational achievement used for admission or college placement purposes;*
- (E) The name, address, website address, and telephone number of the institution."*

5, CCR Section 71930(b)(1) – Maintenance of Records

"(b)(1) In addition to permanently retaining a transcript as required by section 94900(b) of the Code, the institution shall maintain for a period of 5 years the pertinent student records described in Section 71920 from the student's date of completion or withdrawal."

The Institution failed to maintain permanent records of the date's certificates were granted, a copy of the granted certificate, and the courses and grades for which the certificate was based on. In addition, student files failed to contain a transcript or a record of the dates of attendance and/or withdrawal/completion.

Order of Abatement:

The Bureau orders the Institution to submit a policy, or procedure, of how future compliance with CEC section 94900, and 5, CCR sections 71920 and 71930 will be maintained.

Assessment of Fine

The fine for this violation is \$2,500.00

3. **Violation:**

5, CCR Section 71920(b)(10) – Student Records

"(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:

- (10) A document specifying the amount of a refund, including the amount refunded for tuition and the amount for other itemized charges, the method of calculating the refund, the date the refund was made, and the name and address of the person or entity to which the refund was sent;"*

The Institution failed to maintain a refund calculation sheet in student files.

Order of Abatement:

The Bureau orders the Institution to submit a policy, or procedure, of how future compliance with 5, CCR section 71920 will be maintained.

	Assessment of Fine The fine for this violation is <u>\$500.00</u>
TOTAL ADMINISTRATIVE FINE DUE: \$5,000.00	

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 **\$5,000.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH 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.**

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 **July 3, 2020**, 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 **June 3, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **July 3, 2020**. 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:

Gabriella Perez, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

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 Gabriella Perez, Citation Analyst, at (916) 574-8969 or Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“6/3/2020”

Christina Villanueva
Discipline Manager

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