



**APPEAL OF CITATION INFORMAL CONFERENCE**  
**DECISION: CITATION MODIFIED**

April 21, 2022

Alfonso Rezende, Owner  
 Broadway Grooming Clinic and School  
 1004 Jefferson St  
 Oakland CA 94607

Date of Issuance	Citation Number	Institution Code
April 21, 2022	2122111	Unapproved Verification of Exemption: November 12, 2021 (Institution Code: 40866472)

On March 25, 2022, an informal telephone conference was held in the matter of Citation: Assessment of Fine No. 2122111 (Citation) against Alfonso Rezende, Owner of Broadway Grooming Clinic and School (Institution). In attendance were Jason Alley, Acting Enforcement Chief, Linh T. Nguyen, Department of Consumer Affairs Legal Counsel, Alfonso Rezende, Owner, and Michael Haddad, Owner’s 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. 2122111.

It is the decision of the Acting Enforcement Chief that on April 7, 2022, Citation No. 2122111 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><b><u>Violation:</u></b>  <b>CEC Section 94886. Approval to Operate Required</b>  <i>“Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter.”</i></p> <p><b>CEC Section 94817.5. Approved to Operate or Approved</b></p>

*“Approved to operate” or “approved” means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs.”*

**CEC Section 94868. To Offer to the Public**

*“To offer to the public” means to advertise, publicize, solicit, or recruit.”*

**CEC Section 94869. To Operate**

*“To operate” means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided.”*

On July 7, 2021, the Bureau received a complaint alleging that the Institution was operating without Bureau approval.

On July 20, 2021, Bureau staff reviewed the Institution’s website and found the following course being offered:

- Professional Pet Grooming Program
  - Three (3) Month Course – Three (3) Days a week, 11:00 am – 3:00 pm
  - Minimum of three (3) months/144 hours of class time, longer if necessary, to demonstrate competency
  - \$4,500.00 tuition fees include instruction, tools, books, and tests, no refunds

Furthermore, on July 21, 2021, Bureau staff reviewed the Institution’s website and found that the Institution provides students with diplomas upon completion of the program.

That same day, Bureau staff spoke to the Institution’s Owner by phone and found the following information:

- There is an enrollment agreement
- The Institution has a license through the City of Oakland to operate the Institution
- Some students pay the tuition of \$4,500.00 in full, or make payments to pay the amount in full

On July 29, 2021, Bureau staff spoke to the Institution’s attorney by phone and the attorney stated that they found a consulting agency to assist in the process of obtaining Bureau approval. Bureau staff provided the attorney with contact information for the Bureau’s Licensing Unit, and at the end of the phone call the attorney stated that they would provide Bureau staff with a copy of the Institution’s Enrollment Agreement as requested.

On July 30, 2021, Bureau staff received email correspondence from the attorney that included the form that incoming students sign and the attorney stated that although the form states “no refund,” that the Institution has provided refunds to students who withdrew from the course for any reason.

On August 6, 2021, Bureau staff received email correspondence from the attorney that stated that the Institution’s Owner created a new enrollment form and updated the refund policy to conform to the

<p>Institution providing pro-rata or full refunds upon request. In addition, the attorney stated that the Institution is not enrolling new students pending review by the Bureau.</p> <p>On August 12, 2021, Bureau staff received email correspondence from the attorney that stated that the Institution lowered its tuition cost for its vocational course down to \$2,500.00, inclusive of all tools, books, and any additional required items. The email included the Institution's updated Enrollment Agreement form along with an application for Verification of Exemption that the Institution planned to mail to the Bureau that same week. Additionally, the attorney stated that the Institution's website was updated to reflect the new tuition cost of \$2,500.00.</p> <p>On August 16, 2021, Bureau staff reviewed the Institution's updated Enrollment Agreement and website and confirmed that the tuition cost had been updated to \$2,500.00. Furthermore, according to the Bureau's records, the Bureau received an application for Verification of Exemption from the Institution on August 21, 2021.</p> <p>As of November 12, 2021, the Institution received approval for Verification of Exempt status from the Bureau.</p> <p><b>Reason for modification:</b> New substantive facts were presented at the conference. The Order of Abatement has been satisfied.</p> <p><b>Fine Amount:</b> \$5,000.00</p> <p>The administrative fine for this violation has been modified from <del>\$5,000.00</del> to <del>\$00.00</del>.</p>
<p><b>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$00.00</u></b></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 April 21, 2022.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 574-7429 or at Gabriella.Perez@dca.ca.gov.

“Original Signature on File”

“4/21/2022”

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**Christina Villanueva**  
**Discipline Manager**

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**Date**

Enclosures

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