



Bureau for Private Postsecondary Education
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APPEAL OF CITATION

INFORMAL CONFERENCE DECISION:

CITATION AFFIRMED

January 14, 2016

Juana Roman
 American Beauty College dba Cert Institute of Cosmetology, LLC
 646 South Sunset Avenue
 West Covina, CA 91790

Date of Issuance	Citation Number	Institution Code
January 14, 2016	1516042	1913061

On January 13, 2016, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1516042 (Citation) against Juana Roman, owner of American Beauty College dba Cert Institute of Cosmetology, LLC. In attendance were Yvette Johnson, Enforcement Chief; Mina Hamilton, DCA Legal, Juana Roman, Owner, Jose Munoz, Admissions and Financial Director and Jennifer Roman, School Director.

Pursuant to Business and Professions Code, §125.9; California Education Code, §94936; and Title 5 of the California Code of Regulations, §75020 and §75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1516042.

It is the decision of the Enforcement Chief that on January 14, 2016, Citation No. 1516042 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

VIOLATION CODE SECTIONS

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the section(s) you are charged with violating.
1.	<p><u>AFFIRMED</u></p> <p>Violation: CEC 94897 (j) - Prohibited Business Practices <i>"An institution shall not do any of the following: (j) In any manner make an untrue or misleading change in, or untrue or misleading statement related to, a test score, grade or record of grades,</i></p>

attendance record, record indicating student completion, placement, employment, salaries, or financial information, including any of the following”

On 10/17/14, Bureau staff received Y.Z.’s student file from the institution. A review of the records found an End Data Information Sheet noting that Y.Z. graduated from the Cosmetology program with 1600 clock hours completed. On 10/29/14, the Bureau received Y.Z.’s time cards from the institution. A review of the records found that Y.Z. completed 400 hours in Cosmetology and 900 hours in the Barber program for a total of 1300 hours. The institution provided Y.Z. with a Proof Of Training Document that stated she completed 1500 hours in the Barber program. Therefore, the End Data Information Sheet and the Proof of Training Document contain false information in violation of CEC 94897 (j).

Order of Abatement:

The Bureau orders that the institution cease from making any untrue or misleading statements on student records regarding the completion of a program in compliance with CEC 94897 (j). Submit written evidence to the Bureau.

Assessment of Fine

The fine for this violation is \$5,000.00

2. **AFFIRMED**

Violation:

CEC 94898(b)(2) - Merging Classes, Converting Method of Delivery, Changing Locations

“(b) After a student has enrolled in an educational program, the institution shall not do either of the following: 2) Change the day or time during the period of attendance in which any class is offered to a day when the student is not scheduled to attend the institution or to a time that is outside of the range of time that the student is scheduled to attend the institution on the day for which the change is proposed unless at least 90 percent of the students who are enrolled consent to the change and the institution offers full refunds to the students who do not consent to the change. For the purpose of this paragraph, “range of time” means the period beginning with the time at which the student’s first scheduled class session for the day is set to start and ending with the time the student’s last scheduled class session for that day is set to finish.”

CEC 94927 - Institutions in Default of Enrollment Agreement

“An institution shall be considered in default of the enrollment agreement when an educational program is discontinued or canceled or the institution closes prior to completion of the educational program. When an institution is in default, student institutional charges may be refunded on a pro rata basis if the bureau determines that the school has made provision for students enrolled at the time of default to complete a comparable educational program at another institution at no additional charge to the students beyond the amount of the total charges in the original enrollment agreement. If the institution does not make that provision, a total refund of all institutional charges shall be made to students.”

In December of 2012, the institution notified student Y.Z. that they are closing the night Cosmetology program effective 1/11/13 in violation of CEC 94898(b)(2) and CEC 94927. Y.Z. was given the choice of transferring into the day Cosmetology program or transfer into the night Barber program.

Order of Abatement:

The Bureau orders that the institution refund the full tuition of \$15,137.50 to Y.Z. as required by CEC 94898(b)(2) and CEC 94927. Submit written evidence of restitution to the Bureau.

Assessment of Fine

The fine for this violation is \$5,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$10,000.00

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within 30 days from the date of this decision.

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:

Jody Wright, 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 affirmed Citation. You *do*, however, have the right to appeal this affirmed Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. 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.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This affirmed Citation is effective on January 14, 2016. The order of abatement and payment are due by **February 13, 2016**.

Failure to abate the violation or 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 Affirmed 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 Jody Wright, Citation Analyst, at (916) 431-6940 or at Jody.Wright@dca.ca.gov].



YVETTE JOHNSON
ENFORCEMENT CHIEF

January 14, 2016
Date

Enclosures

- Payment of Fine
- Notice of Appeal – Administrative Hearing
- Withdrawal Request for Administrative Hearing