



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

March 28, 2019

Cert Institute of Cosmetology, LLC., Owner  
 American Beauty College  
 646 South Sunset Avenue  
 West Covina, CA 91790

Date of Issuance	Citation Number	Institution Code
March 28, 2019	1819112	1913061

On February 28, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819112 (Citation) against Cert Institute of Cosmetology, LLC., Owner of American Beauty College. In attendance were Beth Scott, Enforcement Chief; and Juana Roman, 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. 1819112.

It is the decision of the Enforcement Chief that on March 4, 2019, Citation No. 1819112 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>MODIFIED</b></p> <p><b>Violation:</b></p> <p><b>CEC Section 94913(a)(1-5)- Institutional Web Site Requirements</b>  <i>(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:</i></p> <p><i>(1) The school catalog.</i>  <i>(2) A School Performance Fact Sheet for each educational program offered by the institution.</i>  <i>(3) Student brochures offered by the institution.</i>  <i>(4) A link to the bureau's Internet Web site.</i>  <i>(5) The institution's most recent annual report submitted to the bureau.</i></p> <p><b>5, CCR Section 74117- Websites Requirements</b>  <i>In addition to the requirement in Section 94913(b) of the Code, an institution that maintains a website shall provide on the homepage of that website clear and conspicuous links to all the items required in Section 94913(a) of the Code.</i></p>

The Institution failed to provide clear and conspicuous links to the school catalog, School Performance Fact Sheet (SPFS), brochure (if applicable), the most recent annual report, and a link to the Bureau's web site, on the Institution's website.

**Order of Abatement:**

The Bureau orders that the Institution update their website to include clear and conspicuous links to the catalog, SPFS, 2016 annual report, and a link to the Bureau's web site, on the Institution's website homepage. The Institution shall provide proof of compliance to the Bureau.

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 \$100.00.

2. **MODIFIED**

**Violation:**

**CEC Section 94885(a)(6) and (9)– Minimum Operating Standards**

*“(a) The bureau shall adopt by regulation minimum operating standards for an institution that shall reasonably ensure that all of the following occur: [...]*

*(6) The institution is financially sound and capable of fulfilling its commitments to students. [...]*

*(9) The institution is maintained and operated in compliance with this chapter and all other applicable ordinances and laws.”*

**5, CCR Section 71745(a)(6)- Financial Resources.**

*“(a) The institution shall document that it has at all times sufficient assets and financial resources to do all of the following: [...]*

*(6) Maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or greater at the end of the most recent fiscal year when using generally accepted accounting principles, or for an institution participating in Title IV of the federal Higher Education Act of 1965, meet the composite score requirements of the U.S. Department of Education. For the purposes of this section, current assets does not include: intangible assets, including goodwill, going concern value, organization expense, startup costs, long-term prepayment of deferred charges, and non-returnable deposits, or state or federal grant or loan funds that are not the property of the institution but are held for future disbursement for the benefit of students. Unearned tuition shall be accounted for in accordance with general accepted accounting principles.”*

For the reasons stated above, the institution is in violation of these sections of law.

**Order of Abatement:**

The Bureau orders the Institution to:

1. Submit a detailed plan to address its financial shortfalls and to meet the composite score and any other requirements set forth by the U.S. Department of Education.
2. In addition, please provide an explanation of all measures to be taken by the Institution to ensure it meets future financial responsibilities.
3. Please provide the Bureau with, in electronic format:
  - a) a roster of all currently enrolled students that includes the student (1) names, (2) addresses, (3) telephone numbers, (4) email addresses, (5) program in which they are enrolled, (6) date of enrollment, (7) total cost of the program and (8) the total amount the student has paid.

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

**TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$100.00**

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.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on **March 28, 2019**. The payment is due by **April 27, 2019**.

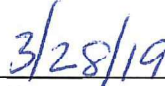
Failure to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified Citation and recover the civil penalties prescribed therein or found to be due 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](mailto:Cheryl.Lardizabal@dca.ca.gov).



\_\_\_\_\_  
**Christina Villanueva**  
**Discipline Manager**



\_\_\_\_\_  
**Date**

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Declaration of Service by Certified and First-Class Mail