



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

November 26, 2019

Quattro Barber Colleges, Corp Level I, Owner
 Moler Barber College
 3815 Telegraph Avenue
 Oakland, CA, 94609

Date of Issuance	Citation Number	Institution Code
November 26, 2019	1920061	0101031

On October 25, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920061 (Citation) against Quattro Barber Colleges, Corp Level I, Owner of Moler Barber College (Institution). In attendance were Marina O'Connor, Licensing Chief, Frank Quattro, Director, and Christina Quattro, Director.

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. 1920061.

It is the decision of the Licensing Chief that on November 14, 2019 Citation No. 1920066 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><u>Violation:</u> 5, CCR Section 74112(a)(h)(i)(k)(m)(1-9) – Uniform Data – Annual Report, Performance Fact Sheet</p> <p><i>(a) Format. The format for the Performance Fact Sheet shall be in at least 12 pt. type, in an easily readable font, with 1.15 line spacing and all titles and column headings shall be in bold 14 pt. type, which shall also identify the program for which the Performance Fact Sheet pertains. The Performance Fact Sheet shall contain all and only the information required or specifically permitted by sections 94910 and 94929.5 of the Code or this chapter. A separate Performance Fact Sheet shall be prepared for each program.</i></p> <p><i>(h) Completion Rates. Reporting of completion rates for an institution's Annual Report and Performance Fact Sheet shall include, for each educational program, the number of students who began the program as defined in subdivision (d)(1) of this section, the number of students available for graduation, number</i></p>

of on-time graduates, and completion rate(s). An optional table may be added to include completion rate data for students completing within 150% of the published program length. For an institution reporting completion data pursuant to section 94929(b) of the Code, completion data shall be separately reported for each program and the Performance Fact Sheet shall disclose, if true, that the completion data is being reported for students completing within 150% of the published program length, and that data is not being separately reported for students completing the program within 100%

of the published program length. Programs that are more than one year in length which are reporting 150% Completion Rate will provide four calendar years of data.

Completion rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below (dates, numbers, and other data shown are for example only):

On-time Completion Rates (Graduation Rates) (includes data for the two calendar years prior to reporting)

Name of Educational Program (Program Length)

Calendar Year	Number of Students Who Began the Program	Students Available for Graduation	Number of On-time Graduates	On-time Completion Rate
20XX	100	98	70	71%
20XY	80	80	55	69%

Students Completing Within 150% of the Published Program Length Name of Educational Program (Program Length)

Calendar Year	Number of Students Who Began the Program	Students Available for Graduation	150% Graduates	150% Completion Rate
20XX	100	98	95	97%
20XY	80	80	78	98%
*20XZ	90	90	87	97%
*20YA	87	85	74	87%

Student's Initials: _____ Date: _____
 Initial only after you have had sufficient time
 to read and understand the information.

(i) Job Placement Rates.

(1) Any placement data required by sections 94910(b) and 94929.5(a) of the Code shall be reported for the number of students who began the program as defined in subdivision (d)(1) of this section for each reported calendar year.

(3) If the institution makes any claim related to preparing students for a job or regarding job placement,

the list required by section 94910(f)(2) of the Code shall identify the employment positions by using the Detailed Occupation or six-digit level of the Standard Occupational Classification codes.

(4) Placement rate shall be calculated as follows: the number of graduates employed in the field as defined in section 94928(e)(1) of the Code in conjunction with section 74112(d)(3) divided by the number of graduates available for employment as defined in section 94928(d) of the Code.

Job Placement rates and related disclosures shall be included in the Performance Fact Sheet in a format substantially similar to the charts below, (dates, numbers, and other data shown are for example only):

Job Placement Rates (includes data for the two calendar years prior to reporting)

Name of Educational Program (Program Length)

Calendar Year	Number of Students Who Began the Program	Number of Graduates	Graduates Available for Employment	Graduates Employed in the Field	Placement Rate % Employed in the Field
20XX	100	70	70	55	79%
20XY	80	55	55	20	36%

Student's Initials: _____ Date: _____
 Initial only after you have had sufficient time
 to read and understand the information.

Gainful Employment Categories (includes data for the two calendar years prior to reporting)

Name of Educational Program (Program Length)

Part time vs. Full Time Employment

	Graduates Employed in the field	Graduates Employed in the field at	Total Graduates
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	20 to 29 hours per week	least 30 hours per week	Employed in the Field
20X X	15	40	55
20X Y	5	15	20

Single Position vs. Concurrent Aggregated Positions

	Graduates Employed in the field in a single position	Graduates Employed in the field in concurrent aggregated positions	Total Graduates Employed in the Field
20X X	52	3	55
20X Y	19	1	20

Self-Employed/Freelance Positions

	Graduates Employed who are self-employed or working freelance	Total Graduates Employed in the Field
20X X	3	55
20X Y	5	20

Institutional Employment

	Graduates Employed in the field who are employed by the institution, an employer owned by the institution, or an employer who shares ownership with the institution	Total Graduates Employed in the Field
20X X	15	55
20X Y	5	20

Student's Initials: _____ Date: _____

Initial only after you have had sufficient time to read and understand the information.

(k) Salary and Wage Information

All Salary and Wage Information shall be reported to the Bureau pursuant to sections 94910(d) and 94929.5(a)(3) of the Code and shall be included in the Performance Fact Sheet, for each educational program, in a format substantially similar to the chart below (dates, numbers, salaries, and other data shown are for example only).

Salary and Wage Information (includes data for the two calendar years prior to reporting)

Name of Educational Program (Program Length)

Annual Salary and Wages Reported for Graduates Employed in the Field

Calendar Year	Graduates Available for Employment	Graduates Employed in the Field	\$15,000	\$20,001	\$25,001	\$30,001	No Salary Information Reported
			-	-	-	-	
			\$20,000	\$25,000	\$30,000	\$35,000	
20XX	100	70	5	40	6	3	16
20XY	80	55	5	7	3	5	35

A list of sources used to substantiate salary disclosures is available from the school. (Insert how student can obtain this information.)

Student's Initials: _____ Date: _____

Initial only after you have had sufficient time to read and understand the information."

(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum:

- (1) the list of job classifications determined to be considered gainful employment for the educational program;*
- (2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;*
- (3) graduate's place of employment and position, date employment began, date employment ended, if applicable, actual salary, hours per week, and the date employment was verified;*
- (4) for each employer from which employment or salary information was obtained, the employer name(s) address and general phone number, the contact person at the employer and the contact's phone number and email address, and all written communication with employer verifying student's employment or salary;*
- (5) for students who become self-employed, all documentation necessary to demonstrate self employment;*
- (6) a description of all attempts to contact each student. or employer;*
- (7) any and all documentation used to provide data regarding license examinations and examination results;*
- (8) for each student determined to be unavailable for graduation or unavailable for employment, the identity of the student, the type of unavailability, the dates of unavailability, and the documentation of the unavailability; and*
- (9) the name, email address, phone number, and position or title of the institution's representative who was primarily responsible for obtaining the students' completion, placement, licensing, and salary and*

wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered.

CEC Section 94929 (a) -Reporting of Completion Rate

(a) An institution shall annually report to the bureau, as part of the annual report, and publish in its School Performance Fact Sheet, the completion rate for each program. Except as provided in subdivision (b), the completion rate shall be calculated by dividing the number of on-time graduates by the number of students available for graduation.

CEC Section 94929.5 (a)(2)(3)-Reporting of Student Performance Data

(a) An institution shall annually report to the bureau, as part of the annual report, and shall publish in its School Performance Fact Sheet, all of the following:

(2) The license examination passage rates for the immediately preceding two years for programs leading to employment for which passage of a state licensing examination is required, calculated by dividing the number of graduates who pass the examination by the number of graduates who take the licensing examination the first time that the examination is available after completion of the educational program. The institution shall use state agency licensing data to calculate license examination passage rates. If those data are unavailable, the institution shall calculate the license examination passage rate in a manner consistent with regulations adopted by the bureau.

(3) Salary and wage information, consisting of the total number of graduates employed in the field and the annual wages or salaries of those graduates stated in increments of five thousand dollars (\$5,000).

SPFS Violations:

Violation: 5, CCR Section 74112 (a): The Institution failed to create and maintain a SPFS for the following programs: Barbering Instructor, Cosmetology, Re-enrollment, and Refresher course.

Violation: 5, CCR Section 74112 (i): The 2015-2016 SPFS for the Cosmetology Crossover program contained inconsistent data and tables for the 2015 Total Graduates Employed in the Field. According to the Job Placement table, the school reported 9 Graduates Employed in the Field, compared to the 10 Total Graduates Employed in the Field reported within the Part-Time vs. Full Time table, Single Position vs. Concurrent Aggregated Position table, Self Employed/Freelance Position table, and Institutional Employment table.

Violation: 5, CCR Section 74112 (k): The 2015-2016 SPFS for the Cosmetology Crossover program Salary and Wage Information table contained inconsistent data for the 2015 Graduates Available for Employment section. According to the information reported on the SPFS for the 2015 calendar year, the Institution reported 10 students for the Graduates Available for Employment in the Job Placement section, however, the Institution reported 14 students in the table for Graduates Available for Employment in the Salary and Wage information.

Violation: 5, CCR Section 74112 (m)(1-9): The supporting documentation for the 2016 SPFS Cosmetology Crossover and Barbering programs did not capture all of the data points as outlined in 5, CCR Section 74112 (m)(1-9).

Violation: CEC Section 94929.5 (a)(2): The 2015-2016 SPFS for the Barbering program Licensing Examination Passage Rate table contained calculation errors with its 2015 Passage Rate. According to the information reported on the 2015 SPFS, the school reported the number of students taking the exam was 72 and the number of students who passed the first available exam was 51. Based on the data for Licensure information reported for 2015, the passage rate should be 70.8%, however the Institution reported a passage rate of 74%.

Violation: CEC Section 94929.5 (a)(3): The 2015-2016 SPFS for the Barbering program and Cosmetology Crossover program Salary and Wage Information tables failed to report the annual wages or salaries in increments of five thousand dollars (\$5,000). The Institution used the following increments of \$10,000 and above: \$5,001-\$25,000, \$25,000-\$35,000, \$35,001-\$45,000, \$45,001-\$75,000.

Annual Report Violation:

Violation: CEC Section 94929 (a): The 2016 Annual Report Section 2 Program data submitted for the Cosmetology Crossover program contained calculation errors with its completion rate. The Institution reported 18 students were available for graduation and 2 on-time graduates. Based on the data for On-Time Completion rates reported for 2016, the rate should be 11, however the Institution reported a rate of 9.

SPFS & Annual Report Violations:

Violation: 5, CCR Section 74112 (h): The 2015-2016 SPFS for the Barbering Program contained calculation errors with the 150% Completion Rate for the 2015 reporting calendar year. The school reported 119 students were available for graduation and 51 students for the 150% graduates. Based on the data report for 2015 150% graduates, the completion rate should be 42.8%, however the school reported a rate of 90%.

The 2016 Annual Report Section 2 Program data submitted for the Barbering program, contained reporting errors with its 150% Completion Rate. According to the 2015-2016 SPFS for the Barbering program, the school reported 85 students were available for graduation and 69 for its 150% graduates, resulting in 150% Completion Rate of 81%. However, the Institution reported a completion rate of 69%.

Order of Abatement:

The Bureau orders the Institution shall submit a written policy of how future compliance with 5, CCR section 74112 and CEC Sections 94929 (a) and 94929.5 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 \$3,000.00.

2.

Violation:

CEC Section 94910 (g)(1)(2) -Minimum Requirements for School Performance Fact Sheet

Except as provided in subdivision (d) of Section 94909 and Section 94910.5, prior to enrollment, an institution shall provide a prospective student with a School Performance Fact Sheet containing, at a minimum, the following information, as it relates to the educational program:

(g) The following statements:

(1) "This fact sheet is filed with the Bureau for Private Postsecondary Education. Regardless of any information you may have relating to completion rates, placement rates, starting salaries, or license exam passage rates, this fact sheet contains the information as calculated pursuant to state law."

(2) "Any questions a student may have regarding this fact sheet that have not been satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary Education at (address), Sacramento, CA (ZIP Code), (Internet Web site address), (telephone and fax numbers)."

	<p>The 2015-2016 SPFS for the Barbering program and Cosmetology Crossover program were missing the required verbatim statements.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to correct the 2015-2016 SPFS to include the required verbatim statements and submit the evidence of compliance.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$100.00</u></p>
3.	<p><u>Violation:</u> CEC Section 94935(b)(h) – Notice to Comply <i>“(b) An institution that receives a notice to comply shall have no more than 30 days from the date of inspection to remedy the noncompliance.”</i> <i>“(h) If an institution fails to comply with a notice to comply within the prescribed time, the bureau shall take appropriate administrative enforcement action.”</i></p> <p>The Institution failed to respond to the NTC within the prescribed time of 30 days. The Institution did not submit proof compliance for the violations listed and did not submit a Notice of Disagreement.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit proof of compliance with all violations listed on the Notice to Comply (see attached).</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$501.00</u></p>
<p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$3601.00</u></p>	

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:

Cheryl Lardizabal, Discipline Citation Program
Bureau for Private Postsecondary Education
P.O. Box 980818
West Sacramento, CA 95798-0818

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 AND FINE ASSESSMENT

This modified Citation is effective on **November 26, 2019**. The Order of Abatement and payment are due by **December 26, 2019**.

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 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