



Bureau for Private Postsecondary Education
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Palace Beauty College, Inc.
Byung D. Cho, Owner
1517 S. Western Avenue
Los Angeles, California 90006

INSTITUTION CODE: 1942441
CITATION NUMBER: 1718005
CITATION ISSUANCE/SERVICE DATE: October 12, 2017
DUE DATE: November 11, 2017
FINE AMOUNT: \$ 601.00
ORDER OF ABATEMENT INCLUDED: YES

Yvette Johnson issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Enforcement Chief of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Byung D. Cho, Owner of Palace Beauty College, Inc. located at 1517 South Western Avenue, Los Angeles, California 90006 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 January 27, 2015, the Bureau received a complaint from B.H. alleging that the institution lacked instructors, did not provide a complete esthetician kit, and failed to maintain working equipment in the Esthetician Program. During the course of the Bureau's investigation, Bureau staff confirmed that the institution does employ sufficient staff, and does maintain working equipment in the Esthetician program. However, the institution did not maintain B.H.'s esthetician kit check-list and grievance letter within B.H.'s student file, in accordance with 5, CCR §71920(b)(3) and 5, CCR §71920(b)(12) Student Records.

VIOLATION

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the code section(s) of law you are charged with violating.
1.	<p><u>Violation:</u> 5, CCR § 71920(b)(3)– Student Records <i>“(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records: (3) Copies of all documents signed by the student, including contracts, instruments of indebtedness, and documents relating to financial aid”</i></p> <p>On January 27, 2015, the Bureau received a complaint alleging that Palace Beauty College did not provide student B.H. with a complete Esthetician Program kit. On March 23, 2015, Bureau staff received the student file for B.H. On October 13, 2015, Bureau staff reviewed the student file and found that a signed Esthetician Program kit check-list was missing from the student file. Based on a previously obtained template of the Esthetician Program kit check-off list, provided to the Bureau on February 19, 2015, it is standard protocol for each student of Palace Beauty College to receive and sign the check-off list stating that they received all of the items within their kit. On November 18, 2015, Bureau staff conducted a field investigation at Palace Beauty College located at 1517 South Western Avenue, Los Angeles, California 90006. When Bureau staff requested a copy of B.H.'s kit acknowledgement form, Palace Beauty College staff was unable to furnish this document in violation of 5, CCR § 71920(b)(3) Student Records. On November 25, 2015, via email, Palace Beauty College acknowledged their error in maintaining B.H.'s student file and noted that they will adhere to the Bureau's law in the future. Palace Beauty College has reimbursed B.H. \$40.00 for the missing kit items which included one pair of slanted tweezers and a broken brush palette.</p> <p><u>Order of Abatement:</u> The Bureau orders that the institution submit a written policy to the Bureau that ensures that students and the institution sign required documentation and that those signed documents are maintained in the student files in compliance with 5, CCR § 71920 (b)(3) in the future.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$501.00</u></p>
2.	<p><u>Violation:</u> 5, CCR § 71920(b)(12) Student Records. <i>“(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records: (12) Complaints received from the student.”</i></p> <p>On January 27, 2015, the Bureau received a complaint from student, B.H., alleging that Palace Beauty College lacked instructors, did not provide her a complete esthetician kit, and failed to maintain working equipment in the Esthetician Program. B.H. claimed that she filed a grievance in writing with Palace Beauty College Inc., Owner, Byung D. Cho (Cho) regarding the compensation B.H. was seeking due to the lack of instruction and incomplete esthetician kit. On March 23, 2015, Bureau staff received the student file for B.H. and a faculty list from Palace Beauty College. On October 13, 2015, Bureau staff reviewed the student file and did not locate B.H.'s grievance letter within the student file. On November 18, 2015, Bureau staff conducted a field investigation at Palace Beauty College located at 1517 South Western Avenue, Los Angeles, California 90006.</p>

Bureau Staff requested a copy of B.H.'s grievance letter. Palace Beauty College staff was unable to locate the letter within B.H.'s file, but acknowledged that they did have knowledge of it. Before concluding the visit, Palace Beauty College Staff located a copy of B.H.'s grievance letter. Palace Beauty College staff stated that the letter was located in a separate filing cabinet in Cho's office. Since the letter was not located within B.H.'s student file, Palace Beauty College is in violation of 5, CCR § 71920(b)(12). On November 29, 2015, via email, Palace Beauty College acknowledged their error in maintaining B.H.'s student file.

Order of Abatement:

The Bureau orders that the institution submit a written policy to the Bureau that ensures the institution will maintain grievances filed by students within the student files in compliance with 5, CCR § 71920(b)(12) in the future.

Assessment of Fine

The fine for this violation is \$100.00

TOTAL ADMINISTRATIVE FINE DUE: \$601.00

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 **\$601.00** for the violations described above.

Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.

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 **November 11, 2017**, 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 **October 12, 2017**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **November 11, 2017**. 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:

Gurinder Sandhu, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

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 Gurinder Sandhu, Discipline Analyst, at 916-431-6940 or Gurinder.Sandhu@dca.ca.gov.


Yvette Johnson
Enforcement Chief

10/12/17
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