

APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

May 9, 2019

Tang Dynasty, Inc, Owner
 Cosmo Beauty Academy
 3500 Fulton Avenue
 Sacramento, CA, 95821

Date of Issuance	Citation Number	Institution Code
May 9, 2019	1819121	41500959

On April 19, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819121 (Citation) against Tang Dynasty, Inc, Owner of Cosmo Beauty Academy. In attendance were Beth Scott, Enforcement Chief and Jackie Tang, Administrative 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. 1819121.

It is the decision of the Enforcement Chief that on April 23, 2019, Citation No. 1819121 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

#	Below you will find the California Education Code (GEC) 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) – Uniform Data – Annual Report, School Performance Fact Sheet <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>The Institution combined all the approved program information into one SPFS. As required by 5, CCR section 74112 (a) the Institution shall prepare a separate SPFS for each approved program. During the onsite inspection, Bureau staff advised the Institution that the SPFS shall be separated as individual programs.</p> <p><u>Reason for modification:</u> New substantive facts were presented at the conference. Compliance obtained.</p>

	<p><u>Assessment of Fine:</u> The fine for this violation is: \$ 2,501.00</p> <p>The administrative fine for this violation has been modified from \$2501.00 to \$00.00.</p>
2.	<p><u>Violation:</u> 5, CCR Section 74112(i)(3) - Uniform Data - Annual Report, School Performance Fact Sheet <i>(i) Job Placement Rates.</i> <i>(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. CEC §94929.7(b)</i> <i>(b) An institution shall provide a list of employment positions used to determine the number of graduates employed in the field for purposes of calculating job placement rates pursuant to this article.</i></p> <p>Bureau staff requested the Institution provide a list of the employment positions and corresponding Standard Occupational Classification Codes (SOC) used to determine job placement rates and gainful employment. The Institution could not provide the list upon request as required by 5, CCR section 74112(i)(3).</p> <p><u>Reason for modification:</u> New substantive facts were presented at the conference. Compliance obtained.</p> <p><u>Assessment of Fine:</u> The fine for this violation is: \$ 1,000.00</p> <p>The administrative fine for this violation has been modified from \$1000.00 to \$00.00.</p>
3.	<p><u>Violation:</u> 5, CCR Section 71930 (e) -Maintenance of Records <i>(e) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations.</i></p> <p>The Administrative Director of the Institution stated that she did not have access to the documentation. Therefore, the Institution was not able to provide the supporting documentation to Bureau staff upon request.</p> <p><u>Order of Abatement:</u> The Bureau orders that the Institution submit a policy and procedure ensuring that the Institution has personnel available during normal business hours to access the required documentation and to provide the supporting documentation for the 2016 reporting year.</p> <p><u>Reason for modification:</u> New substantive facts were presented at the conference. Compliance obtained.</p> <p><u>Assessment of Fine:</u> The fine for this violation is: \$ 5,000.00</p>

The administrative fine for this violation has been modified from \$5,000.00 to \$00.00.

4.

Violation:

5, CCR Section 74112 (m) (1-9) – Uniform Data – Annual Report, Performance Fact Sheet

(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 94929.7(a)(1)(2) -Documentation of Performance Data

(a) The information used to substantiate the rates and information calculated pursuant to Sections 94929 and 94929.5 shall do both of the following:

(1) Be documented and maintained by the institution for five years from the date of the publication of the rates and information.

(2) Be retained in an electronic format and made available to the bureau upon request.

The Administrative Director of the Institution, stated that the Institution had documentation to substantiate the rates reported in the 2015/2016 SPFS, but could not provide the documentation for review because she did not have access to the supporting documentation.

Order of Abatement:

The Bureau orders the Institution to submit the supporting documentation for the SPFS 2016 reporting year. Additionally, the Institution shall submit to the Bureau an established policy and procedure that identifies how personnel will be present during business hours to access the required substantiating documentation for the SPFS and how all the required substantiating documentation for the SPFS will be tracked and electronically maintained and be made readily available to the Bureau upon request during normal business hours.

<p><u>Reason for modification:</u> New substantive facts were presented at the conference.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$2,501.00</u></p> <p>The administrative fine for this violation has been modified from \$2501.00 to <u>\$250.00.</u></p>
<p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$250.00</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
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. 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 modified Citation is effective on May 9, 2019. The order of abatement and payment are due by **June 8, 2019.**

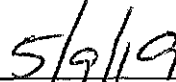
Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified Citation and recover the civil penalties prescribed therein 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, Discipline 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
- Declaration of Service by Certified and First-Class Mail