



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

To: Pro Barber College, Inc., Owner  
Pro Barber College  
2606 W. 182nd Street, Room 13  
Torrance, CA, 90504

**INSTITUTION CODE: 55871640**  
**BRANCH CODE: 41501036**  
**CITATION NUMBER: 2021237**  
**CITATION ISSUANCE/SERVICE DATE: April 19, 2021**  
**DUE DATE: May 19, 2021**  
**FINE AMOUNT: \$17,001.00**  
**ORDER OF ABATEMENT INCLUDED: Yes**

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Pro Barber College, Inc., Owner of Pro Barber College (Institution) located at 6478 Westminster Boulevard, Westminster, CA, 92683, 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 19, 2016, the Bureau received multiple complaints alleging that the Institution failed to provide educational services, did not have instructors, was requiring students to pay additional tuition and fees, was providing proof of training (POT) to students that did not receive training, and did not have any materials or text books available for students.

On January 10, 2019, Bureau staff conducted both an onsite investigation and an unannounced Compliance inspection at the Institution (Main and Branch location). Through the course of the investigation Bureau staff found several violations.

VIOLATION

#	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>Violation:</b>  <b>CEC Section 94897 (j)(3) – Prohibited Business Practices</b>  <i>“(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, attendance record, record indicating student completion, placement, employment, salaries, or financial information, including any of the following:</i>  <i>(3) Any other record or document required by this chapter or by the bureau.”</i></p>

The Institution made false and misleading statements related to student attendance records, records indicating student completion and placement rates, License Exam Passage Rates, and the cost of the Barber Crossover, Barber Instructor, and Barber Refresher course as listed below:

- The Institution provided false and/or misleading statements in the form of POT documents which stated that students were provided with all the required curriculum components.
- The California Board of Barbering & Cosmetology (BBC) provided reports to Bureau staff that included information regarding students who submitted POT documents demonstrating that they attended the Institution at the time the Institution submitted the Student Tuition Recovery Fund (STRF) reports. The STRF documentation that Institution provided to the Bureau for the 1<sup>st</sup>- 4<sup>th</sup> quarters of 2018 did not account for the 24 students that were reported to BBC as having attended the Institution.
- The Institution made false and/or misleading statements regarding student completion, student placement, and License Exam Passage Rates on the 2015/2016 and 2016/2017 SPFS.
- The Institution did not include the correct cost of the educational programs for the Barber Crossover, Barber Instructor, and Barber Refresher on the 2015/2016 and 2016/2017 SPFS.

**Order of Abatement:**

The Bureau orders the Institution to submit a written policy, or procedure, of how future compliance will be maintained with CEC Section 94897.

**Assessment of Fine**

The fine for this violation is \$5,000.00

2.

**Violation:**

**5, CCR Section 71710 (a) – Educational Program**

*In order to meet its mission and objectives, the educational program defined in section 94837 of the Code shall be comprised of a curriculum that includes:*

*(a) Those subject areas that are necessary for a student to achieve the educational objectives of the educational program in which the student is enrolled;*

**5, CCR Section 71715 (a)(b) – Instruction**

*(a) Instruction shall be the central focus of the resources and services of the institution.*

*(b) The institution shall document that the instruction offered leads to the achievement of the learning objectives of each course*

**Violation 5, CCR Section 71710 (a):**

The Institution failed to provide students with all the required subject areas necessary for the student to achieve the educational goals of the program and failed to provide instruction regarding the BBC laws and regulations and/or the BBC mandated Health and Safety Course.

The Institution failed to document that the instruction offered leads to the achievement of the learning objectives of the course. The student files did not contain the required documentation regarding the theory hours and/or practical operations that the student had completed to date. This information is required to be recorded for BBC's purposes.

**Violation 5, CCR Section 71715 (a)(b):**

The Institution failed to have instruction be the central focus of the resources of the Institution.

In addition, the Institution failed to record the theory hours and/or practical operations. During the onsite investigation, Bureau staff observed that the students spent most of their time in school self-studying or engaging in other activities outside of the education program. Instructors were not available to offer direct instruction or supervision of practical operations and direct instruction did not take place for any of the educational programs offered by the Institution. The Institution allowed current students to instruct students in lieu of having an instructor present.

**Order of Abatement:**

The Bureau orders the Institution to submit a written policy, or procedure, of how future compliance will be maintained with 5, CCR Section 71710 (a) and 71715 (a)(b).

**Assessment of Fine**

The fine for this violation is \$5,000.00

3.

**Violation:**

**CEC Section 94899.5 (b)- Collection of Tuition**

*(b) For those programs designed to be four months or longer, an institution shall not require more than one term or four months of advance payment of tuition at a time. When 50 percent of the program has been offered, the institution may require full payment.*

**CEC Section 94902 (a); (b)(1)(3)- General Enrollment Requirements**

*(a) A student shall enroll solely by means of executing an enrollment agreement. The enrollment agreement shall be signed by the student and by an authorized employee of the institution.*

*(b) An enrollment agreement is not enforceable unless all of the following requirements are met:*

*(1) The student has received the institution's catalog and School Performance Fact Sheet prior to signing the enrollment agreement.*

*(3) Prior to the execution of the enrollment agreement, the student and the institution have signed and dated the information required to be disclosed in the Student Performance Fact Sheet pursuant to subdivisions (a) to (d), inclusive, of Section 94910. Each of these items in the Student Performance Fact Sheet shall include a line for the student to initial and shall be initialed and dated by the student*

**CEC Section 94911 (b)(c)- Minimum Requirements for Enrollment Agreements**

*(b) A schedule of total charges, including a list of any charges that are nonrefundable and the student's obligations to the Student Tuition Recovery Fund, clearly identified as nonrefundable charges.*

*(c) In underlined capital letters on the same page of the enrollment agreement in which the student's signature is required, the total charges for the current period of attendance, the estimated total charges for the entire educational program, and the total charges the student is obligated to pay upon enrollment.*

**CEC Section 94912 - Signature, Initials Required**

*Prior to the execution of an enrollment agreement, the information required to be disclosed pursuant to subdivisions (a) to (d), inclusive, of Section 94910 shall be signed and dated by the institution and the student. Each of these items shall also be initialed and dated by the student.*

**5, CCR Section 71800 (a)(b)(c)(d)(e)(1-12)**

*In addition to the requirements of section 94911 of the Code, an institution shall provide to each student an enrollment agreement that contains at the least the following information:*

*(a) The name and address of the institution and the addresses where instruction will be provided.*

- (b) Period covered by the enrollment agreement.*
- (c) Program start date and scheduled completion date.*
- (d) Date by which the student must exercise his or her right to cancel or withdraw, and the refund policy, including any alternative method of calculation if approved by the Bureau pursuant to section 94921 of the Code.*
- (e) Itemization of all institutional charges and fees including, as applicable:*
  - (1) Tuition;*
  - (2) Registration fee (non-refundable);*
  - (3) Equipment;*
  - (4) Lab supplies or kits;*
  - (5) Textbooks, or other learning media;*
  - (6) Uniforms or other special protective clothing;*
  - (7) in-resident housing;*
  - (8) Tutoring;*
  - (9) Assessment fees for transfer of credits;*
  - (10) Fees to transfer credits;*
  - (11) Student Tuition Recovery Fund fee (non-refundable);*
  - (12) Any other institutional charge or fee.*

During the onsite investigation Bureau staff collected several student files and found the following violations:

**Violation CEC Section 94899.5 (b):** The Institution required the students to pay for the entire program upon enrollment and more than four months of tuition in advance.

**Violation CEC Section 94902(a):** The enrollment agreement did not include the student's signature and/or an authorized employee of the Institution.

**Violation CEC Section 94902 (b)(1)(3) and 94912:** Student files did not contain a signed School Performance Fact Sheet (SPFS).

**Violation CEC Section 94911 (b) and 5, CCR Section 71800 (e)(1-12):** The enrollment agreements did not include the charges the student was obligated to pay and did not include the Student Tuition Student Recovery Fund (STRF) Assessment charges.

**Violation CEC Section 94911 (c):** The enrollment agreement did not include the total charges for a period of attendance.

**Violation 5, CCR Section 71800 (a-d):** The enrollment agreement did not include the address where instruction will be provided, the period covered by the enrollment agreement, the program start and scheduled completion date, and the date by which a student must exercise their right to cancel.

**Order of Abatement:**

The Bureau orders the Institution to provide an updated Enrollment Agreement that is in compliance with CEC section 94899.5. In addition, the Institution is ordered to cease charging the full cost of programs that are four months or longer in length.

Additionally, the Bureau orders the Institution to submit a written policy, or procedure, of how future compliance with and CEC sections 94902, 94911, and 5, CCR section 71800 will be

	<p>maintained.</p> <p><b><u>Assessment of Fine</u></b> The fine for this violation is <u>\$5,000.00</u></p>
4.	<p><b><u>Violation:</u></b> <b>5, CCR Section 71920 (a)(b)(4)(10) – Student Records</b> <i>(a) The institution shall maintain a file for each student who enrolls in the institution whether or not the student completes the educational service.</i> <i>(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</i> <i>(4) Records of the dates of enrollment and, if applicable, withdrawal from the institution, leaves of absence, and graduation; and</i> <i>(10) A document specifying the amount of a refund, including the amount refunded for tuition and the amount for other itemized charges, the method of calculating the refund, the date the refund was made, and the name and address of the person or entity to which the refund was sent;</i></p> <p><b><u>Violation 5, CCR Section 71920 (a)(b)(4)(10):</u></b> The Institution failed to maintain a student file for each student who enrolled in an educational program. The student files that were maintained did not contain documentation of the dates of attendance, withdrawal, completion, and a refund calculation worksheet.</p> <p><b><u>Order of Abatement:</u></b> The Bureau orders the Institution to submit a written policy, or procedure, of how future compliance with 5, CCR sections 71920 and 71750 will be maintained.</p> <p><b><u>Assessment of Fine</u></b> The fine for this violation is <u>\$1,000.00</u></p>
5.	<p><b><u>Violation:</u></b> <b>5, CCR Section 71930 (d)(e) - Maintenance of Records</b> <i>(d) The institution shall maintain a second set of all academic and financial records required by the Act and this chapter at a different location unless the original records, including records stored pursuant to subdivision (b) of this section, are maintained in a manner secure from damage or loss. An acceptable manner of storage under this subsection would include fire resistant cabinets.</i> <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><b>5, CCR Section 71750 (f) - Withdrawals and Refunds</b> <i>(f) The institution shall maintain a cancellation and withdrawal log, kept current on a monthly basis, which shall include the names, addresses, telephone numbers, and dates of cancellations or withdrawal of all students who have cancelled the enrollment agreement with, or withdrawn from, the institution during the calendar year.</i></p> <p><b><u>Violation 5, CCR Section 71930 (d)(e):</u></b> The Institution failed to store student files in a manner safe from damage or loss.</p> <p><b><u>In addition, the Institution failed to provide the supporting documentation for the SPFS for the 2015/2016 year, duty statements for each administrator, transcripts for all who students who enrolled at the Institution, withdrawal log and a record of all students who enrolled at the Institution, including name, address, email address, and telephone number when requested by</u></b></p>

	<p>Bureau staff.</p> <p><b>Violation 5, CCR Section 71750 (f):</b> The Institution failed to maintain a cancellation and withdrawal log.</p> <p><b>Order of Abatement:</b> The Bureau orders the Institution to submit to the Bureau a policy, or procedure, of how the Institution will maintain future compliance with 5, CCR Sections 71930 and 71750.</p> <p><b>Assessment of Fine</b> The fine for this violation is <u>\$501.00</u></p>
6.	<p><b>Violation:</b> <b>5, CCR Section 76140 (a)(1)(3-9)(11)(13) - Record-Keeping Requirements</b> <i>(a) A qualifying institution shall collect and maintain records of student information to substantiate the data reported on the STRF Assessment Reporting Form and records of the students' eligibility under the Fund. Such records shall include the following for each student:</i></p> <ul style="list-style-type: none"> <li><i>(1) Student identification number</i></li> <li><i>(3) Email address,</i></li> <li><i>(4) Local or mailing address,</i></li> <li><i>(5) Address at the time of enrollment,</i></li> <li><i>(6) Home address,</i></li> <li><i>(7) Date enrollment agreement signed,</i></li> <li><i>(8) Courses and course costs,</i></li> <li><i>(9) Amount of STRF assessment collected,</i></li> <li><i>(11) Third-party payer identifying information,</i></li> <li><i>(12) Total institutional charges charged, and</i></li> <li><i>(13) Total institutional charges paid.</i></li> </ul> <p>The Institution failed to include the required data points (listed above) in the supporting documentation for STRF.</p> <p><b>Order of Abatement:</b> The Bureau orders the Institution to submit a policy, or procedure, of how the Institution will maintain future compliance with 5, CCR section 76140.</p> <p><b>Assessment of Fine</b> The fine for this violation is <u>\$500.00</u></p>
<b>TOTAL ADMINISTRATIVE FINE DUE: \$17,001.00</b>	

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 **\$17,001.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH 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 **May 19, 2021**, 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 **April 19, 2021**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **May 19, 2021**. 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:**

Cheryl Lardizabal, Discipline Citation Program  
Bureau for Private Postsecondary Education  
1747 N. Market Blvd., Suite 225  
Sacramento, CA 95834

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 Cheryl Lardizabal, Citation Analyst, at (916) 547-8968 or [Cheryl.Lardizabal@dca.ca.gov](mailto:Cheryl.Lardizabal@dca.ca.gov).

“Original signature on file”

“4/19/2021”

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**Christina Villanueva**  
**Discipline Manager**

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**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