



CITATION ORDER

Citation Issued To: Simply Divine Academy (formerly known as Simply Divine Barbering Academy) 325 West Huntington Dr. Monrovia, CA 91016 Institution Code: 45567574	Citation Number: 2324186
	Total Fine Amount: \$6,503.00
	Order of Abatement Included: Yes

Elizabeth Elias issues this citation in her official capacity as Deputy Bureau Chief of Enforcement at the Bureau for Private Postsecondary Education, California Department of Consumer Affairs (hereinafter referred to as the “Bureau”).

LICENSING HISTORY

1. On or about August 13, 2019, the Bureau issued an Approval to Operate a Private Postsecondary Institution, Institution Code 45567574, to Simply Divine Academy (formerly known as Simply Divine Barber Academy) hereinafter referred to as the “Institution”. This Approval to Operate will expire on or about August 22, 2024, unless renewed.

DISCIPLINE HISTORY

2. The Institution has the following discipline history:
 - [Citation No. 2122013, issued July 19, 2021](#)
 - Evidence of compliance; citation satisfied November 4, 2021

CITATION JURISDICTION

3. This administrative citation is issued to the Institution pursuant to California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5 CCR) section 75020 et seq. for the violation(s) described below.

CAUSE FOR CITATION & ASSESMENT OF FINE AND/OR ORDER OF ABATEMENT

4. The Institution is in violation of the following Bureau laws and regulations:

Violation #1:

5 CCR section 71920 (b)(1) – Student Records and CCR, 5 CCR section 71930 (a), (e) – Maintenance Records in conjunction with CEC 94900 (b) – Required Student Records

Cause for Citation: On or about March 27, 2023, the Bureau conducted an announced compliance inspection pursuant to section CEC 94932.5(a). Bureau staff reviewed student files and determined that three (3) of the nine (9) files reviewed did not contain written records of any formal education or training, testing, or experience relevant to demonstrate the student's qualifications for admission to the institution. Furthermore, the Institution admitted to not having the requested documents.

Administrative Fine: Pursuant to 5, CCR 75030, the Bureau has determined this to be a "Class C" violation. The Institution is issued a fine of \$501.00.

Order of Abatement: Pursuant to 5, CCR 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to ensure all student records follow the law pursuant to CCR, Title 5, section 71920. The Institution must submit a statement of attestation they have corrected the violation and ensured that all student records contain admission documents showing minimum qualifications to enroll. The statement of attestation must be dated and signed by an authorized representative of the Institution.

Violation #2:

CEC section 94912 – Signature, Initials Required in conjunction CEC Section 94902 (b)(3) – General Enrollment Requirements

Cause for Citation: On or about March 27, 2023, the Bureau conducted an announced compliance inspection pursuant to CEC 94932.5(a). Bureau staff reviewed nine (9) student files and found that four (4) of the nine (9) files did not contain a School Performance Fact Sheet (SPFS) signed and dated by the Institution and the student. Furthermore, the Institution admitted to not having the requested documents.

The institution failed to properly execute an enrollment agreement by failing to have students sign and date the SPFS prior to the execution of the enrollment agreement.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a “Class B” violation. The Institution is issued a fine of \$1,001.00.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to ensure all student records follow the law pursuant to CEC sections 94902 and 94912. The Institution must submit a statement of attestation that they have corrected the violation and will ensure that all student records contain signed and dated Student Performance Fact Sheets (SPFS) prior to the execution of the enrollment agreement. The statement of attestation must be dated and signed by an authorized representative of the Institution.

Violation #3:

5 CCR section 74112 (m)(3-5 & 8-9) – Uniform Data – Annual Report, Performance Fact Sheet and 5 CCR section 71930 (e) – Maintenance Records

Cause for Citation: Prior to the announced inspection, the Institution submitted its 2020/2021 supporting documentation for the data reported on its 2020/2021 SPFS to the Bureau. Bureau staff analyzed the data provided and found the supporting data failed to contain all required data point in accordance with 5, CCR §74112(m); in particular, sections 74112 (m) (3-5) and (8-9).

On March 27, 2023, during the announced inspection, Bureau staff inquired about the missing data points and was informed by the Institution the data was not available.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a “Class A” violation. The Institution is issued a fine of \$2,501.00.

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Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to correct the violation by providing an electronic copy of the template used by the Institution to document supporting data for SPFS, for the Bureau to verify the Institution is collecting the required data points pursuant to 5 CCR section 74112.

In addition, the Institution must submit a statement of attestation they have corrected the violation and will ensure that the supporting data for SPFS is maintained and immediately available during an inspection. The statement of attestation must be dated and signed by an authorized representative of the Institution.

Violation #4:

5 CCR section 71920 (b)(10) – Student Records and CCR, 5 CCR section 71930 (a), (e) – Maintenance Records in conjunction with CEC 94900 (b) – Required Student Records

Cause for Citation: On or about March 27, 2023, the Bureau conducted an announced compliance inspection pursuant to CEC 94932.5(a). Bureau staff reviewed three (3) withdrawn/dropped student files and determined that all files reviewed did not contain a written record specifying the amount of refund or method of calculating the refund, the date the refund was made, or the name and address of the person or entity to which a refund was sent. Furthermore, the Institution admitted they did not maintain this documentation.

Administrative Fine: Pursuant to 5, CCR 75030, the Bureau has determined this to be a “Class B” violation. The Institution is issued a fine of \$2,500.00.

Order of Abatement: Pursuant to 5, CCR 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to ensure all student records follow the law pursuant to CCR, Title 5, section 71920. The Institution must submit a statement of attestation they have corrected the violation and ensured that all student records contain refund information. The statement of attestation must be dated and signed by an authorized representative of the Institution.

COMPLIANCE WITH ORDER OF ABATEMENT

5. In accordance with the provisions of CEC section 94936 and 5 CCR section 75020, the Bureau issues the order(s) of abatement described above. Evidence of compliance with the order of abatement must be submitted to the Bureau within 30 days from the date of issuance of this citation. Evidence of compliance with the order of abatement may sent by mail or email to:
- Mail: Bureau for Private Postsecondary Education
Attn: Discipline Unit – Tessa Barron
1747 North Market, Blvd., Suite 225
Sacramento, CA 95834
 - Email: bppe.discipline@dca.ca.gov
 - In the subject line, please include the Institution name and citation number.

COMPLIANCE WITH ASSESSMENT OF FINE

6. In accordance with the provisions of CEC section 94936, and 5 CCR sections 75020 and 75030, the Bureau hereby orders this assessment of fines in the total amount of \$6,503.00 for the violations described above. Payment of the fines must be made to the Bureau within 30 days from the date of service of this citation unless an informal conference or hearing is requested. To assist the Bureau in processing the payment of fines, please submit the enclosed *Payment of Fine – Waiver of Appeal* form.

Payment must be sent to the Bureau by mail at:

- Bureau for Private Postsecondary Education
Attn: Discipline Unit – Tessa Barron
1747 North Market, Blvd., Suite 225
Sacramento, CA 95834

NOTICE OF APPEAL RIGHTS

7. You have the right to contest this citation through an informal conference with the Bureau pursuant to 5 CCR section 75020 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.

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If you wish to contest this citation, you may submit a written request to the Bureau or submit the enclosed *Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing* form within 30 days from the date of issuance of this citation.

Failure to submit a written request for an informal conference and/or administrative hearing within 30 days from the date of issuance of this citation will forfeit your ability to appeal the citation.

If a hearing is requested, you are not required to comply with this citation until a final order is entered against you.

COMPLIANCE WITH FINE AND/OR ORDER OR ABATEMENT DISCLOSURE

8. Pursuant to BPC section 125.9 and 5 CCR 75050, payment of fine and/or compliance with any order of abatement does not constitute an admission of the violation charged and shall be represented as satisfactory resolution of the matter for the purposes of public disclosure.

Pursuant to 5 CCR 75050, failure to comply with this citation order, its order of abatement, and/or administrative fine by the required due date is grounds for denial or discipline of an approval to operate. Where a citation is not contested and fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the approval to operate. An approval to operate shall not be renewed without payment of the renewal fee and fine.

BUREAU CONTACT INFORMATION

9. If you have any questions regarding this Citation, please contact Tessa Barron, Citation Analyst by email at Tessa.Barron@dca.ca.gov or by phone at (916) 574-7791.

“Original Signature on File”

6/20/2024

Elizabeth Elias
Deputy Bureau Chief of Enforcement

Citation Date of Issuance

Enclosures:

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- 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