



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: D&A, Inc., Owner
 Amy Beauty School
 290 Corporate Terrace Circle, Suite 104
 Corona, CA 92879

INSTITUTION CODE: 55795308
CITATION NUMBER: 1819157
CITATION ISSUANCE/SERVICE DATE: March 25, 2019
DUE DATE: April 24, 2019
FINE AMOUNT: \$ 1002.00
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 D&A, Inc., Owner of Amy Beauty School (Institution) located at 290 Corporate Terrace Circle Suite 104 Corona, CA 92879, 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 October 30, 2018, during an unannounced compliance inspection and complaint investigation conducted by the Bureau at the Institution located at 290 Corporate Terrace Circle, Suite 104 Corona, CA 92879, the Bureau identified that the Institution is offering a Manicurist Class in Vietnamese. This program is listed in the school catalog as taught in English only. The Institution is offering the program without Bureau approval.

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><u>Violation:</u> CEC Section 94893. Authorization Required for Substantive Change If an institution intends to make a substantive change to its approval to operate, the institution shall receive prior authorization from the bureau. Except as provided in subdivision (a) of Section 94896</p>

If the institution makes the substantive change without prior bureau authorization, the institution's approval to operate may be suspended or revoked.

The Institution failed to obtain Bureau approval prior to offering the Manicurist Class in Vietnamese. The Institution is only approved to teach in English.

On October 30, 2018, during the onsite investigation, Bureau staff witnessed the Institution instructing students in Vietnamese while referencing material/books in English. During the inspection, the Institution's instructor translated to students in Vietnamese explaining the purpose of Bureau staff present in their classroom.

Order of Abatement:

The Bureau orders the Institution to submit the Application for Significant Change in Method of Instructional Delivery to the Bureau. The Institution shall not offer programs to student in a language not approved by the Bureau, per CEC section 94894 (g).

Assessment of Fine

The fine for this violation is **\$501.00**

2. **Violation:**

CEC Section 94906(a) - Language of Enrollment Agreement

An enrollment agreement shall be written in language that is easily understood. If English is not the student's primary language, and the student is unable to understand the terms and conditions of the enrollment agreement, the student shall have the right to obtain a clear explanation of the terms and conditions and all cancellation and refund policies in his or her primary language.

A review of the Institution's Enrollment Agreement found that the Institution provides Enrollment Agreements to students that are written only in English. Which is not the primary language of the students.

Order of Abatement:

The Bureau orders the Institution submit to the Bureau an Enrollment Agreement that is written in Vietnamese as well as one written in English for Bureau review. In addition, the Institution shall submit to the Bureau a policy of how compliance with this code section will be maintained.

Assessment of Fine

The fine for this violation is **\$501.00**

TOTAL ADMINISTRATIVE FINE DUE: \$1002.00

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 **\$1002.00** 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 **April 24, 2019**, 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 **March 25, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **April 24, 2019**. 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
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 Cheryl Lardizabal, Citation Analyst, at 916-621-2591 or Cheryl.Lardizabal@dca.ca.gov.



Christina Villanueva
Discipline Manager



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