



AMENDED CITATION: ASSESSMENT OF FINE

To: Alfonso Rezende, Owner
Broadway Grooming Clinic and School
1004 Jefferson St
Oakland CA 94607

INSTITUTION CODE: Unapproved

(Verification of Exemption: November 12, 2021

- Institution Code: 40866472)

CITATION NUMBER: 2122111

CITATION ISSUANCE/SERVICE DATE: December 30, 2021

DUE DATE: January 29, 2022

FINE AMOUNT: \$ 5,000.00

ORDER OF ABATEMENT INCLUDED: No

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

CITATION

An Amended Citation is hereby issued to Alfonso Rezende, Owner of Broadway Grooming Clinic and School (Institution) located at 1004 Jefferson St, Oakland CA 94607 pursuant to Business and Professions Code section 125.9 and 149; California Education Code (CEC) section 94944; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violation(s) described below.

BACKGROUND

On July 7, 2021, the Bureau received a complaint alleging that the Institution was operating without Bureau approval. Through the course of the investigation and evidence obtained, it was determined that the Institution is operating without Bureau approval or a valid exemption.

VIOLATION(S)

#	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></p> <p>CEC Section 94886. Approval to Operate Required</p> <p><i>"Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter."</i></p> <p>CEC Section 94817.5. Approved to Operate or Approved</p>

"Approved to operate" or "approved" means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs."

CEC Section 94868. To Offer to the Public

"To offer to the public" means to advertise, publicize, solicit, or recruit."

CEC Section 94869. To Operate

"To operate" means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided."

On July 7, 2021, the Bureau received a complaint alleging that the Institution was operating without Bureau approval.

On July 20, 2021, Bureau staff reviewed the Institution's website and found the following course being offered:

- Professional Pet Grooming Program
 - Three (3) Month Course - Three (3) Days a week, 11:00 am – 3:00 pm
 - Minimum of three (3) months/144 hours of class time, longer if necessary, to demonstrate competency
 - \$4,500.00 tuition fees include instruction, tools, books, and tests, no refunds

Furthermore, on July 21, 2021, Bureau staff reviewed the Institution's website and found that the Institution provides students with diplomas upon completion of the program.

That same day, Bureau staff spoke to the Institution's Owner by phone and found the following information:

- There is an enrollment agreement
- The Institution has a license through the City of Oakland to operate the Institution
- Some students pay the tuition of \$4,500.00 in full, or make payments to pay the amount in full

On July 29, 2021, Bureau staff spoke to the Institution's attorney by phone and the attorney stated that they found a consulting agency to assist in the process of obtaining Bureau approval. Bureau staff provided the attorney with contact information for the Bureau's Licensing Unit, and at the end of the phone call the attorney stated that they would provide Bureau staff with a copy of the Institution's Enrollment Agreement as requested.

On July 30, 2021, Bureau staff received email correspondence from the attorney that included the form that incoming students sign and the attorney stated that although the form states "no refund," that the Institution has provided refunds to students who withdrew from the course for any reason.

On August 6, 2021, Bureau staff received email correspondence from the attorney that stated that the Institution's Owner created a new enrollment form and updated the refund policy to conform to the Institution providing pro-rata or full refunds upon request. In addition, the attorney stated that the Institution is not enrolling new students pending review by the Bureau.

On August 12, 2021, Bureau staff received email correspondence from the attorney that stated that

the Institution lowered its tuition cost for its vocational course down to \$2,500.00, inclusive of all tools, books, and any additional required items. The email included the Institution's updated Enrollment Agreement form along with an application for Verification of Exemption that the Institution planned to mail to the Bureau that same week. Additionally, the attorney stated that the Institution's website was updated to reflect the new tuition cost of \$2,500.00.

On August 16, 2021, Bureau staff reviewed the Institution's updated Enrollment Agreement and website and confirmed that the tuition cost had been updated to \$2,500.00. Furthermore, according to the Bureau's records, the Bureau received an application for Verification of Exemption from the Institution on August 21, 2021.

As of November 12, 2021, the Institution received approval for Verification of Exempt status from the Bureau.

Assessment of Fine

The fine for this violation is \$5,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$5,000.00

ASSESSMENT OF A FINE

In accordance with CEC section 94944; and 5, CCR section 75020(b), the Bureau hereby orders this assessment of a fine in the amount of **\$5,000.00** for the violations described above. **Payment must be made, 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 **January 29, 2022**, 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 **December 30, 2021**. Payment of the administrative fine shall be due by **January 29, 2022**. 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:

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

Failure for an applicant or institution 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 Amended Citation, or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 574-7429 or Gabriella.Perez@dca.ca.gov.

"Original Signature on File"

"12/30/2021"

**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