Business, Consumer Services and Housing Agency– Governor Gavin Newsom

Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 574-8900 F (916) 263-1897 www.bppe.ca.gov

CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Cosmo Beauty Academy Inc., Owner
Cosmo Beauty Academy
3500 Fulton Avenue
Sacramento, CA 95821

INSTITUTION CODE: 41500959
CITATION NUMBER: 1920263
CITATION ISSUANCE/SERVICE DATE: March 25, 2020
DUE DATE: April 24, 2020
FINE AMOUNT: $ 5,000.00
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 Cosmo Beauty Academy Inc., Owner, Owner of Cosmo Beauty Academy (Institution) located at 3500 Fulton Avenue, Sacramento, CA 95821 pursuant to Business and Professions Code section 125.9; California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

In accordance with CEC section 94934 and 5, CCR section 74110 (c) and (d) an Institution shall file its annual report by December 1st of every year. As of November 14, 2019, the Bureau has not received an annual report for the 2017 calendar year from the Institution.

On December 20, 2018, the Bureau's Annual Report Unit (ARU) notified institutions by mail, to the addresses on record, informing them that the online portal to submit the 2017 Annual Report would be opening with an April 20, 2019 due date. On or about February 14, 2019, institutions were notified by mail, sent to the addresses on record, that the online portal was open. On April 18, 2019, ARU mailed reminder letters to the institutions, sent to the addresses on record, that the online portal opened January 16, 2019 and that submission deadlines were extended to May 16, 2019. On or about September 18, 2019, the institutions were notified by mail, sent to the addresses on record, that the 2017 Annual Report and/or its components had not been received by the Bureau. Institutions were provided with a deadline of October 10, 2019 to submit the 2017 Annual Report. As of November 14, 2019, the Institution has not submitted the Annual Report for the 2017 calendar year.

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.	**Violation:** **5, CCR Section 74110 (a-d) – Annual Report** *"(a) The annual report required by section 94934 of the Code shall include the information required by section 94929.5 and 94934 for all educational programs offered in the prior calendar year. (b) In addition to the information required by section 94934 and this section provided under penalty of perjury, the institution shall have annual financial statements prepared for the institution's prior fiscal year and signed under penalty of perjury, and shall submit a hard copy under separate cover of such statements in conjunction with its annual report. The form, content and mode of preparation of financial statements shall comply with Section 74115 of this Division. The Bureau may request that the institution immediately make available for inspection to a representative of the Bureau, these financial statements at the offices of the institution. (c) An institution shall file its annual report by December 1st. The Bureau may extend the period for filing if the institution demonstrates evidence of substantial need but in no case longer than 60 days. The institution shall not change the date of its filing its annual report because of a change in the fiscal year without the Bureau's approval. (d) The annual report shall be electronically filed by submitting the information required by section 94934 of the Code and this section via the online form provided on the Bureau's website, electronically attaching, as directed, the School Performance Fact Sheet, the enrollment agreement, and the school catalog".* **CEC Section 94934(a)(1-9) - Annual Report** *"(a) As part of the compliance program, an institution shall submit an annual report to the bureau, under penalty of perjury, signed by a responsible corporate officer, by July 1 of each year, or another date designated by the bureau, and it shall include the following information for educational programs offered in the reporting period:* *(1) The total number of students enrolled by level of degree or for a diploma.* *(2) The number of degrees, by level, and diplomas awarded.* *(3) The degree levels and diplomas offered.* *(4) The Student Performance Fact Sheet, as required pursuant to Section 94910.* *(5) The school catalog, as required pursuant to Section 94909.* *(6) The total charges for each educational program by period of attendance.* *(7) A statement indicating whether the institution is, or is not, current in remitting Student Tuition Recovery Fund assessments.* *(8) A statement indicating whether an accrediting agency has taken any final disciplinary action against the institution.* *(9) Additional information deemed by the bureau to be reasonably required to ascertain compliance with this chapter".* As of November 14, 2019, the Bureau has not received an annual report for the year 2017 from the Institution. **Order of Abatement:** The Bureau orders the Institution to submit its annual report in accordance with 5, CCR section74110(a-d) and CEC section 94934(a)(1-9). The Institution shall submit the following:

	2017 Annual Report • Complete and submit the 2017 Annual Report via the Bureau's Online Annual Report Submission Portal website at https://bppe.ca.gov/annual_report/. • A hard copy of the financial statements for year-end 2017 must be submitted via regular mail to the Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95833. **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 94936; and 5, CCR sections 75020 and 75030, the Bureau hereby orders this assessment of 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.**

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 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, 2020,** 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, 2020.** Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **April 24, 2020**. 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 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 Gabriella Perez, Citation Analyst, at (916) 574-8969 or Gabriella.Perez@dca.ca.gov.

"Original signature on file" "3/25/2020"

Christina Villanueva **Date**
Discipline Manager

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