



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

July 30, 2020

Cinta Aveda Institute, Owner
Cinta Aveda Institute
305 Kearny Street
San Francisco, CA 94108

Date of Issuance	Citation Number	Institution Code
July 30, 2020	1920243	87449475

On May 29, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920243 (Citation) against Cinta Aveda Institute, Owner of Cinta Aveda Institute (Institution). In attendance were Beth Danielson, Enforcement Chief, Janett Cabanero, Director of Operations and Compliance, and Cinta Gibbons, President and CEO.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1920243.

It is the decision of the Enforcement Chief that on June 9, 2020, Citation No. 1920243 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

#	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> 5, CCR Section 71717(b) – Satellite Locations <i>“(b) The institution shall not maintain any permanent student records there.”</i></p> <p>On May 13, 2014, Bureau staff informed the Institution that they could not conduct student enrollment or maintain student files at the satellite campus. The Institution acknowledged that they would maintain compliance by only storing information and enrolling students at the main location. On July 25, 2019, Bureau staff determined that the Institution continues to be in violation of 5, CCR Section 71717.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to remove all student records from the satellite location and submit evidence of compliance with 5, CCR Section 71717. In addition, the Bureau orders the Institution to provide a written policy of how future compliance with 5, CCR Section 71717 will be</p>

maintained.

Assessment of Fine

The fine for this violation is \$5,000.00

2.

Violation:

5, CCR Section 74112(m)(1-9) – Uniform Data – Annual Report, Performance Fact Sheet

“(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance

Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum:

(1) the list of job classifications determined to be considered gainful employment for the educational program;

(2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;

(3) graduate’s place of employment and position, date employment began, date employment ended, if applicable, actual salary, hours per week, and the date employment was verified;

(4) for each employer from which employment or salary information was obtained, the employer name(s) address and general phone number, the contact person at the employer and the contact’s phone number and email address, and all written communication with employer verifying student’s employment or salary;

(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;

(6) a description of all attempts to contact each student. or employer;

(7) any and all documentation used to provide data regarding license examinations and examination results;

(8) for each student determined to be unavailable for graduation or unavailable for employment, the identity of the student, the type of unavailability, the dates of unavailability, and the documentation of the unavailability; and

(9) the name, email address, phone number, and position or title of the institution’s representative who was primarily responsible for obtaining the students’ completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered.”

Bureau staff reviewed the supporting documentation for the 2016 Annual Report and determined that the documentation was missing information to support the data reported on the Institution’s 2016-2017 SPFS.

Order of Abatement:

The Bureau orders the Institution to submit to the supporting documentation for the data reported on the 2016 Annual report. In addition, the Bureau orders the Institution to submit a written policy of how future compliance with 5, CCR Section 74112(m)(1-9) will be maintained.

Reason for modification: New substantive facts were presented at the informal conference. The Order of Abatement has been satisfied.

Assessment of Fine

The fine for this violation is \$5,000.00

The administrative fine has been modified from <u>\$5,000.00</u> to <u>\$500.00</u> .
TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$5,500.00</u>

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within 30 days from the date of this decision.

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

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

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. You *do*, however, have the right to appeal this affirmed or modified Citation through an Administrative Hearing. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you do not wish to appeal this modified Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within 30 Days of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on **July 30, 2020**. The Order of Abatement and payment are due by **August 29, 2020**.

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified 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 decision or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 574-8969 or at Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“7/30/2020”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail