



## SETTLEMENT OF MODIFIED CITATION ORDER

<b>Citation Issued To:</b> Divina Cosmetology & Barbering Academy 1011 Mason Street, Units 5 & 6 Vacaville, CA, 95688  <b>Institution Code:</b> 78865145	<b>Citation Number:</b> 2223106
	<b>Total Fine Amount:</b> <b>\$1,501.00</b>
	<b>Order of Abatement Included:</b> No

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

### LICENSING HISTORY

- On or about March 18, 2020, the Bureau issued an Approval to Operate a Private Postsecondary Institution to Divina Cosmetology & Barbering Academy (hereinafter referred to as the "Institution"). This Approval to Operate will expire on or about March 18, 2025, unless renewed.

### DISCIPLINE HISTORY

- The Institution has the following discipline history:
  - [Citation No. 2021144, issued November 12, 2020](#)
    - Evidence of compliance; citation satisfied May 5, 2021.
  - [Citation No. 2122062, issued September 20, 2021](#)
    - Evidence of compliance; citation satisfied June 14, 2022.
  - [Modified Citation No. 2122146, issued September 16, 2022](#)

### CITATION JURISDICTION

- 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.

Citation Number: 2223106  
Institution: Divina Cosmetology & Barbering Academy  
Institution Code: 78865145

### CITATION HISTORY

4. On or about March 27, 2023, the Bureau issued Citation No. 2223106. On or about April 12, 2023, the Bureau received a Notice of Appeal requesting both an informal conference and administrative hearing. The Bureau held the informal conference on April 26, 2023, and the citation was modified as a result of the informal conference. The Modified Citation Order was issued on May 11, 2023. The Institution requested the Bureau move forward with the appeal for an administrative hearing; however, later requested settlement options in lieu of the administrative hearing. As settlement of Modified Citation No. 2223106, the Institution agrees to withdrawal its request for an Administrative Hearing and agrees to a Settlement of Modified Citation Order as follows:

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

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

**Violation #1:**

**5 CCR section 74110 – Annual Report in conjunction with CEC section 94934 – Annual Report**

**Cause for Citation:** A review of the Bureau's records confirm the Institution failed to submit all components of the 2021 Annual Report which was due to the Bureau by December 1, 2022. A reminder notice was sent to the Institution on or about the following dates: June 28, 2022, July 14, 2022, and July 26, 2022.

**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 \$5,000.00.

**Administrative Fine: The administrative fine for this violation has been modified from \$2,501.00 to \$1,501.00.**

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

The Bureau orders the Institution to submit the 2021 Annual Report pursuant to 5 CCR section 74110 and CEC section 94934.

**Order of Abatement: The Order of Abatement has been satisfied.**

### COMPLIANCE WITH ASSESSMENT OF FINE

6. The Bureau hereby modifies the Administrative Fine amount from \$2,501.00 to \$1, 501.00. The Institution agrees to pay the administrative fine in twelve (12) installments. The first installment shall be paid to the Bureau within 30 days of the order in the amount of \$125.00. Thereafter, the Institution will continue to make the next 10 monthly payments in the amount of \$125.00 due no later than the 5<sup>th</sup> of each month. The final payment with the balance due of \$126.00 shall be paid by February 5, 2025.

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. The Institution forfeits their right to appeal by withdrawing their appeal for an administrative hearing.

### COMPLIANCE WITH FINE AND/OR ORDER OR ABATEMENT DISCLOSURE

8. Pursuant to 5 CCR section 75050, payment of the 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 section 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

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operate. An approval to operate shall not be renewed without payment of the renewal fee and fine. The Bureau may also enforce the administrative fine as if it were a money judgment pursuant to CEC section 94936.

### **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](mailto:Tessa.Barron@dca.ca.gov) or by phone at (916) 574-7791.

“Original Signature on File”

1/10/2024

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Elizabeth Elias  
Enforcement Chief

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Citation Date of Issuance

Enclosures:

- Payment of Fine Acknowledgement
- Declaration of Service by Certified and First-Class Mail