



**Bureau for Private Postsecondary Education**  
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**CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT**

To: Carlos J. Romero  
 San Jose Barber College  
 1686 Monterey Hwy Bldg. A  
 San Jose, CA 95112

**INSTITUTION CODE: 4304951**  
**CITATION NUMBER: 1314009**  
**CITATION ISSUANCE/SERVICE DATE: 5/13/2014**  
**DUE DATE: 6/12/2014**  
**FINE AMOUNT: \$9,608.00**  
**ORDER OF ABATEMENT INCLUDED: YES**

Alyson Cooney issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Deputy Bureau Chief of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Carlos J. Romero, Owner of San Jose Barber College located at 1686 Monterey Hwy Bldg. A San Jose, CA 95112 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.

VIOLATION

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the code section(s) of law you are charged with violating.
1.	<p><b>Violation:</b>                  CEC 94900 (b)- Required Student Records  <i>"(b) An institution shall maintain, for each student granted a degree or certificate by that institution, permanent records of all of the following:</i>                  (1) <i>The degree or certificate granted and the date on which that degree or certificate was granted.</i>                  (2) <i>The courses and units on which the certificate or degree was based.</i>                  (3) <i>The grades earned by the student in each of those courses."</i></p> <p><b>Student records do not contain required documentation, i.e. grades earned, completed procedures.</b></p> <p><b>Order of Abatement:</b>                  The Bureau orders that you provide detailed information of how the institution will maintain these</p>

	<p>procedures and submit evidence of compliance to the Bureau.</p> <p><b><u>Fine Assessment</u></b> The fine for this violation is <u>\$501.00</u></p>
2.	<p><b><u>Violation:</u></b> CEC 94900.5(a) - Required Institutional Records <i>"(a) The educational programs offered by the institution and the curriculum for each."</i></p> <p>School does not have a written curriculum.</p> <p><b><u>Order of Abatement:</u></b> The Bureau orders that the institution establish a curriculum for each approved program and provide a copy to the Bureau. This shall be maintained for a period of not less than five years, at its principle place of business in this state.</p> <p><b><u>Fine Assessment</u></b> The fine for this violation is <u>\$501.00</u></p>
3.	<p><b><u>Violation:</u></b> CEC 94900.5(b) - Required Institutional Records <i>"(b) The names and addresses of the members of the institution's faculty and records of the educational qualifications of each member of the faculty."</i></p> <p>School did not have faculty's educational qualifications.</p> <p><b><u>Oder of Abatement</u></b> The Bureau orders that the institution provide the records and the educational qualifications of each member of the faculty</p> <p><b><u>Fine Assessment:</u></b> The fine for this violation is <u>\$501.00</u></p>
4.	<p><b><u>Violation:</u></b> CEC 94907 - Mandatory Internal Dispute Resolution Prohibited <i>"An enrollment agreement shall not contain a provision that requires a student to invoke an internal institutional dispute procedure before enforcing any contractual or other legal rights or remedies."</i></p> <p>94897 (m). - Prohibited Business Practices <i>"(m) Direct any individual to perform an act that violates this chapter, to refrain from reporting unlawful conduct to the bureau or another government agency, or to engage in any unfair act to persuade a student not to complain to the bureau or another government agency."</i></p> <p>Enrollment agreement states in part "School related questions or problems that arise must be settled between me and the School."</p> <p><b><u>Order of Abatement:</u></b> "The Bureau orders that the institution remove this provision from the enrollment agreement. Provide an updated enrollment agreement that meets the minimum requirements in accordance with CEC 94911 and CCR 71800 to the Bureau."</p>

	<p><b><u>Fine Assessment:</u></b> The fine for this violation is <u>\$750.00</u></p>
5.	<p><b><u>Violation:</u></b> CEC 94911(e)(1)(2) - Minimum Requirements for Enrollment Agreement <i>"(e) (1) A disclosure with a clear and conspicuous caption, "STUDENT'S RIGHT TO CANCEL," under which it is explained that the student has the right to cancel the enrollment agreement and obtain a refund of charges paid through attendance at the first class session, or the seventh day after enrollment, whichever is later. (2) The disclosure shall contain the institution's refund policy and a statement that, if the student has received federal student financial aid funds, the student is entitled to a refund of moneys not paid from federal student financial aid program funds."</i></p> <p><b>Enrollment agreement "Students Right to Cancel", refund policy is not listed.</b></p> <p><b><u>Order of Abatement:</u></b> The Bureau orders that the disclosure statement be added to the enrollment agreement so that it meets the minimum requirements in accordance with CEC 94911 and CCR 71800. Provide an updated enrollment agreement to the Bureau.</p> <p><b><u>Fine Assessment:</u></b> The fine for this violation is <u>\$50.00</u></p>
6.	<p><b><u>Violation:</u></b> CEC 94911(g)(1)(2) - Minimum Requirements for Enrollment Agreement <i>"(g) A statement specifying that, if the student is eligible for a loan guaranteed by the federal or state government and the student defaults on the loan, both of the following may occur: (1) The federal or state government or a loan guarantee agency may take action against the student, including applying any income tax refund to which the person is entitled to reduce the balance owed on the loan. (2) The student may not be eligible for any other federal student financial aid at another institution or other government assistance until the loan is repaid."</i></p> <p><b>Enrollment agreement does not list federal and state loan default verbiage.</b></p> <p><b><u>Order of Abatement:</u></b> The Bureau orders that the federal and state loan default statement be added to the enrollment agreement so that it that meets the minimum requirements in accordance with CEC 94911 and CCR 71800. Provide an updated enrollment agreement to the Bureau.</p> <p><b><u>Fine Assessment:</u></b> The fine for this violation is <u>\$50.00</u></p>
7.	<p><b><u>Violation:</u></b> CEC 94911(h) - Minimum Requirements for Enrollment Agreement <i>"(h) The transferability disclosure that is required to be included in the school catalog, as specified in paragraph (15) of subdivision (a) of Section 94909."</i></p> <p><b>Enrollment agreement does not list transferability disclosure.</b></p> <p><b><u>Order of Abatement:</u></b> The Bureau orders that the transferability disclosure be added to the school catalogue as specified in paragraph (15) of subdivision (a) of Section 94909. Provide an updated enrollment agreement to</p>

	<p>the Bureau.</p> <p><b><u>Fine Assessment:</u></b> The fine for this violation is <u>\$50.00</u></p>
8.	<p><b><u>Violation:</u></b> CEC 94911(i)(1)(2) - Minimum Requirements for Enrollment Agreement <i>"(i) (1) The following statement: "Prior to signing this enrollment agreement, you must be given a catalog or brochure and a School Performance Fact Sheet, which you are encouraged to review prior to signing this agreement. These documents contain important policies and performance data for this institution. This institution is required to have you sign and date the information included in the School Performance Fact Sheet relating to completion rates, placement rates, license examination passage rates, salaries or wages, and the most recent three-year cohort default rate, if applicable, prior to signing this agreement." (2) Immediately following the statement required by paragraph (1), a line for the student to initial, including the following statement: "I certify that I have received the catalog, School Performance Fact Sheet, and information regarding completion rates, placement rates, license examination passage rates, salary or wage information, and the most recent three-year cohort default rate, if applicable, included in the School Performance Fact sheet, and have signed, initialed, and dated the information provided in the School Performance Fact Sheet."</i></p> <p><b>Enrollment agreement does not list a statement that the student has been given a catalog, brochure and fact sheet with a line provided for student's initials or statement to certify student has received required documents.</b></p> <p><b><u>Order of Abatement:</u></b> The Bureau orders that that statement be added to your enrollment agreement verbatim. Provide an updated enrollment agreement to the Bureau.</p> <p><b><u>Fine Assessment:</u></b> The fine for this violation is <u>\$50.00</u></p>
9.	<p><b><u>Violation:</u></b> CEC 94911(j)(1)(2) - Minimum Requirements for Enrollment Agreement <i>"(j) The following statements: (1) "Any questions a student may have regarding this enrollment agreement that have not been satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary Education at 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833, <a href="http://www.bppe.ca.gov/">http://www.bppe.ca.gov/</a>, Phone: (916) 4316959, Fax: 916263-1896." (2) "A student or any member of the public may file a complaint about this institution with the Bureau for Private Postsecondary Education by calling (toll-free telephone number) or by completing a complaint form, which can be obtained on the bureau's Internet Web site (Internet Web site address)."</i></p> <p><b>Enrollment agreement does not list current Bureau contact information.</b></p> <p><b><u>Order of Abatement:</u></b> The Bureau orders that the institution updates their enrollment agreement with the current Bureau</p>

	<p>contact information listed above.</p> <p><b><u>Fine Assessment:</u></b> The fine for this violation is \$50.00</p>
10.	<p><b><u>Violation:</u></b> CCR 71735(b) - Facilities and Equipment <i>“(b) An institution's facilities, including heating and cooling, ventilation, lighting, classrooms, laboratories, and campus environs, shall be well-maintained. The institution shall maintain all valid permits required by any public agencies relating to the health and safety of the institution's facilities and equipment on file, and such permits shall be available to the Bureau upon request.”</i></p> <p>The school has a roach infestation issue and the building is in disrepair.</p> <p><b><u>Order of Abatement:</u></b> The Bureau orders that the institution remedy the following items found to be in disrepair during investigation as well as any items in accordance with CCR 717135 (b): cracked and missing ceiling tiles; cracked and missing floor tiles; exposed wires from ceiling; unsanitary condition of restrooms, break room, and theory room; condition of the sink in men’s restroom; and roach infestation problem. Provide proof of compliance to the Bureau with a copy of a health and safety inspection report and repair receipts, current lease agreements, and permits.</p> <p><b><u>Fine Assessment:</u></b> The fine for this violation is \$2,500.00.</p>
11.	<p><b><u>Violation:</u></b> CCR 71800(b) - Enrollment Agreement <i>“(b) Period covered by the enrollment agreement.”</i></p> <p>Enrollment agreement does not list period covered by enrollment agreement.</p> <p><b><u>Order of Abatement:</u></b> The Bureau orders that the period of the enrollment agreement be listed on the enrollment agreement so that it that meets the minimum requirements in accordance with CEC 94911 and CCR 71800.</p> <p><b><u>Fine Assessment:</u></b> The fine for this violation is \$50.00</p>
12.	<p><b><u>Violation:</u></b> CCR 71800(d) - Enrollment Agreement <i>“(d) Date by which the student must exercise his or her right to cancel or withdraw, and the refund policy, including any alternative method of calculation if approved by the Bureau pursuant to section 94921 of the Code.”</i></p> <p>Enrollment agreement does not list date by which a student has the right to cancel.</p> <p><b><u>Order of Abatement:</u></b> The Bureau orders that the date by which the student has the right to cancel be listed in the enrollment agreement so that it that meets the minimum requirements in accordance with CEC</p>

	<p>94911 and CCR 71800.</p> <p><b><u>Fine Assessment:</u></b> The fine for this violation is <u>\$50.00</u></p>
13.	<p><b><u>Violation:</u></b> CCR 71920(b)(1)(A) - Student Records <i>“(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records: (1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following: (A) Verification of high school completion or equivalency or other documentation establishing the student's ability to do college level work, such as successful completion of an ability-to-benefit test;”</i></p> <p><b>Student files do not have proof of high school diploma, equivalency or ATB.</b></p> <p><b><u>Order of Abatement:</u></b> The Bureau orders that you provide detailed information of how the institution will maintain these records and submit evidence of compliance to the Bureau.</p> <p><b><u>Fine Assessment:</u></b> The fine for this violation is <u>\$501.00</u></p>
14.	<p><b><u>Violation:</u></b> CCR 71920(b)(5)(A) - Student Records <i>“(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records: (5) In addition to the requirements of section 94900(b) of the Code, a transcript showing all of the following: (A) The courses or other educational programs that were completed, or were attempted but not completed, and the dates of completion or withdrawal;”</i></p> <p><b>Student files did not contain course work completed and/or attempted</b></p> <p><b><u>Order of Abatement:</u></b> The Bureau orders that you provide detailed information of how the institution will maintain these records and submit evidence of compliance to the Bureau.</p> <p><b><u>Fine Assessment:</u></b> The fine for this violation is <u>\$501.00</u></p>
15.	<p><b><u>Violation:</u></b> CCR 71920(b)(9) - Student Records <i>“(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records: (9) A document showing the total amount of money received from or on behalf of the student and the</i></p>

date or dates on which the money was received;"

Student files did not contain documentation showing the total amount of money received from or on behalf of student.

**Order of Abatement:**

The Bureau orders that you provide detailed information of how the institution will maintain these records and submit evidence of compliance to the Bureau.

**Fine Assessment:**

The fine for this violation is \$501.00

16. **Violation:**

CCR 71930(c)(2)(4) - Maintenance of Records

*"(c) A record is considered current for three years following a student's completion or withdrawal. A record may be stored on microfilm, microfiche, computer disk, or any other method of record storage only if all of the following apply:*

*(2) For a record that is current, the institution maintains functioning devices that can immediately reproduce exact, legible printed copies of stored records. The devices shall be maintained in reasonably close proximity to the stored records at the institution's primary administrative location in California. For a record that is no longer current, the institution shall be able to reproduce exact, legible printed copies within two (2) business days.*

*(4) Any person authorized by the Act or this chapter to inspect and copy records shall be given immediate access to the document reproduction devices for the purpose of inspecting and copying stored records and shall, upon request, reimburse the institution for the reasonable cost of using the institution's equipment and material to make copies at a rate not to exceed ten cents (\$0.10) per page."*

Some student files were stored on cd's that were unavailable when requested during the investigation since Mr. Romero stated he took his laptop home.

**Order of Abatement:**

The Bureau orders that the institution have all records available upon request through a functioning device (i.e. laptop). The devices shall be maintained in reasonably close proximity to the stored records at the institution's primary administrative location in California.

**Fine Assessment:**

The fine for this violation is \$501.00

17. **Violation:**

CCR 76120(a) - Amount of STRF Assessment

*"(a) Each qualifying institution shall collect an assessment of fifty cents (\$.50) per one thousand dollars (\$1,000) of institutional charges, rounded to the nearest thousand dollars, from each student in an educational program who is a California resident or is enrolled in a residency program. For institutional charges of one thousand dollars (\$1,000) or less, the assessment is fifty cents (\$.50)."*

**Order of Abatement:**

The Bureau orders that the institution collect STRF payments from each qualifying student assessing the appropriate amount. Provide detailed information from the institution on how the institution will maintain record of these payments and submit to the Bureau.

**Fine Assessment:**

The fine for this violation is \$2501.00

**TOTAL ADMINISTRATIVE FINE DUE: \$9,608.00**

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 **\$9,608.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

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.**

BACKGROUND

On June 6, 2011 the Bureau received a complaint against San Jose Barber College. On May 1, 2012 an investigation was conducted on site. Throughout the course of this investigation, the above mentioned violations were identified.

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 **June 12, 2014**, 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 **May 13, 2014**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **June 12, 2014**. 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.

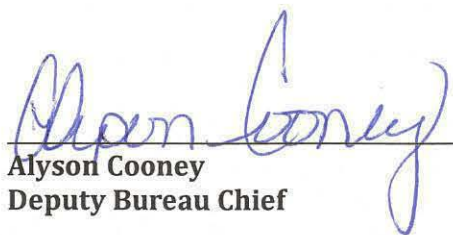
**Payment of the administrative fine and/or written request for appeal must be mailed to:**

Renee Campos, 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 Renee Campos, Enforcement Analyst, at (916) 431-6940 or Renee.Campos@dca.ca.gov.

  
Alyson Cooney  
Deputy Bureau Chief

05-12-14  
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 - Wavier of Appeal
- Declaration of Service by Certified and First Class Mail