



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: New America Beauty Education Corp.
Hair California Beauty Academy
1828 E. Collin Ave, Suite A
Orange, CA 92867

INSTITUTION CODE: 3003191

CITATION NUMBER: 1819079

CITATION ISSUANCE/SERVICE DATE: January 10, 2019

DUE DATE: February 9, 2019

FINE AMOUNT: \$ 5,501.00

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 New America Beauty Education Corp., Owner of Hair California Beauty Academy (Institution) located at 1828 E. Collin Ave, Suite A, Orange, CA 92867, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

On May 5, 2017, the Bureau received a complaint against the Institution. The complaint alleged that the Institution was moving from its Bureau approved location of 1110 N. Tustin Street, Orange, CA 92867 to an unapproved location at a non-disclosed address.

On September 19, 2017, the Bureau received an incomplete Application for Change of Location from the Institution, which the Bureau denied on February 26, 2018.

On January 5, 2018, the Bureau found that the Institution advertises from its website, www.haircabeauty.com, that they are operating at an unapproved address of 1828 E. Collin Ave., Orange, CA 92867.

On February 16, 2018, Bureau staff visited the Institution at 1828 E. Collins Ave., Orange, CA 92867 and was greeted by a staff member, S.V., who stated she was the front desk administrator. Bureau staff requested a tour of the facility and S.V. stated that she would need to call another administrator, J.N., for permission to provide the tour. S.V. informed Bureau staff that she would be able to give the tour, however, she was unsure if J.N. would return that day. Bureau staff informed S.V. that prior to the visit, the Bureau requested, via email, a current student roster for an associated complaint against the Institution that the Bureau was simultaneously investigating, and that the Bureau had not received the requested documents. Bureau staff inquired if S.V. had access

to print a current student roster and was informed that the only administrators who had access to student files were not present. S.V. provided the Bureau with a tour of the facility.

During the tour, the Institutions faculty stated that the Institution moved locations in October 2017. The Institutions staff later informed Bureau staff that the Institution’s administrator, J.N. would not be returning that day due to the Chinese New Year holiday. As such, the Bureau found the Institution is in violation of 5, CCR 71930 (e) as the Institution failed to make records readily available during normal business hours.

On April 23, 2018, the Bureau received a notification of a non-substantive change from the Institution for a change of location. Per 5, CCR 71660, notifications of non-substantive changes shall be made within 30-days of the change and sent to the Bureau. As the Bureau determined that the Institution was operating from an unapproved location on February 16, 2018, and the Institution’s staff confirmed that the Institution moved in October 2017, the Bureau determined that the Institution failed to properly notify the Bureau within 30 days of the change in location, in violation of 5, CCR 71660.

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.	<p><u>Violation:</u> 5, CCR Section 71930 (e) – Maintenance of Records <i>“(e) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations.”</i></p> <p>On February 16, 2018, the Bureau visited the Institution at 1828 E. Collins Ave., Orange, CA 92867 and received a tour of the facility from the Institution’s front desk administrator S.V. While visiting the Institution, the Bureau requested access to a current student rosters for a separate complaint against the Institution. The Institution’s staff attempted to contact the Institution’s administrators via phone, but later informed Bureau staff that they did not have access to student records and that the Institutions administrators with access, would not be returning that day due to the Chinese New Year holiday. As the Institution did not make records immediately available to Bureau staff upon request during normal business hours, the Bureau found the Institution in violation of 5, CCR 71930 (e).</p> <p><u>Order of Abatement:</u> The Bureau orders that the Institution submit a written policy to the Bureau of how compliance with this code section will be maintained.</p> <p><u>Assessment of Fine</u> The fine for this violation is \$5000.00</p>
2.	<p><u>Violation:</u> 5, CCR Section 71660 – Notifications of Non-Substantive Changes <i>“An institution shall notify the Bureau of a non-substantive change including: change of location of less than 10 miles; addition of a program related to the approved programs offered by the institution; addition of a new branch five miles or less from the main or branch campus; addition of a satellite; and</i></p>

change of mailing address. All such notifications shall be made within 30 days of the change and sent to the Bureau, in writing, to the address listed in section 70020."

On May 5, 2017, the Bureau received a complaint against the Institution. The complaint alleged that the Institution moved from its Bureau approved location of 1110 N. Tustin Street, Orange, CA 92867 to an unapproved location at a non-disclosed address.

On September 19, 2017, the Bureau received an incomplete Application for Change of Location from the Institution which the Bureau denied on February 26, 2018.

On January 5, 2018, the Bureau found that the Institution advertises an unapproved school address from their website, www.haircabeauty.com, of 1828 E. Collins Ave., Suite A, Orange, CA 92867.

On February 16, 2018, the Bureau visited the Institution at 1828 E. Collins Ave., Orange, CA 92867, received a tour of the facility, and verified that the Institution is operating at this unapproved location prior to notifying the Bureau, or receiving Bureau approval. Additionally, the Institution's staff informed the Bureau that the Institution moved locations in October 2017.

On April 23, 2018, the Bureau received a notification of a non-substantive change from the Institution for a change of location.

As the Bureau determined that the Institution was operating from an unapproved location on February 16, 2018, and the Institution's staff confirmed that the Institution moved in October 2017, the Bureau determined that the Institution failed to properly notify the Bureau of a non-substantive change within 30 days of the change in location, in violation of 5, CCR 71660.

Order of Abatement:

The Bureau orders that the Institution submit a written policy to the Bureau of how compliance with this code section will be maintained in the future.

Assessment of Fine

The fine for this violation is \$501.00

TOTAL ADMINISTRATIVE FINE DUE: \$5,501.00

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 **\$5,501.00** 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(s) 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 **February 9, 2019**, 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 **January 10, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **February 9, 2019**. 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:

Gurinder Sandhu, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

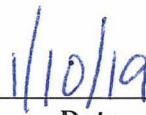
Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate 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 Gurinder Sandhu, Citation Analyst, at 916-431-6940 or Gurinder.Sandhu@dca.ca.gov.



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