



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Tracy Hua, Owner
 Sebastopol Massage Center
 23615 El Toro Rd. Ste. 1
 Lake Forest, CA 92630

INSTITUTION CODE: 4900941
CITATION NUMBER: 1819090
CITATION ISSUANCE/SERVICE DATE: January 24, 2019
DUE DATE: February 23, 2019
FINE AMOUNT: \$ 2,500.00
ORDER OF ABATEMENT INCLUDED: YES

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

CITATION

A Citation is hereby issued to Tracy Hua, Owner of Sebastopol Massage Center (Institution) located at 23615 El Toro Rd. Ste. 1 Lake Forest, CA 92630 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

On May 26, 2018, an unannounced compliance inspection took place at the Institution pursuant to CEC section 94932.5. As a result of four minor violations that were unable to be cleared before the end of the inspection, the Institution was issued Notice to Comply (NTC) #CA 4900941 0518 (Attachment A). The Institution was given thirty days from the date of the inspection to either remedy all violations listed in the NTC or submit a written Notice of Disagreement. A Notice of Disagreement was not received, and the Institution was not able to clear any of the four violations within thirty days.

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>Violation: CEC Section 94935(a)(b)(c)(h) - Notice to Comply (a)Bureau staff who, during an inspection of an institution, detect a violation of this chapter, or regulations adopted pursuant to this chapter, that is a minor violation as determined by the bureau, pursuant to regulations adopted by January 1, 2011, shall issue a notice to comply before leaving</p>

the institution. The bureau shall establish a voluntary informal appeal process, by regulation, within one year of the enactment of this chapter.

(b) An institution that receives a notice to comply shall have no more than 30 days from the date of inspection to remedy the noncompliance.

(c) Upon achieving compliance, the institution shall sign and return the notice to comply to the bureau.

(h) If an institution fails to comply with a notice to comply within the prescribed time, the bureau shall take appropriate administrative enforcement action.

The Institution failed to submit documentation to clear the outstanding violations and did not submit a Notice of Disagreement by June 16, 2018.

Order of Abatement:

The Institution shall submit to the Bureau sufficient evidence to clear each of the four outstanding violations on the Notice to Comply.

Assessment of Fine

The fine for this violation is \$2,500.00

TOTAL ADMINISTRATIVE FINE DUE: \$2,500.00

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 **\$2,500.00** 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 23, 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 24, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **February 23, 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.

Beth Scott

1/24/19

Beth Scott
Enforcement Chief

Date

Enclosures

- Attachment A
- 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



Bureau for Private Postsecondary Education
 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
 P.O. Box 980818, West Sacramento, CA 95798-0818
 P (916) 431-6959 F (916) 263-1897 www.bppe.ca.gov



NOTICE TO COMPLY – CA-4900941-0518 (Ed. Code §94935 & 5, CCR §75010)

Institution Name:	Sebastopol Massage Center	Institution Telephone:	(949) 842-1224
Institution Code:	4900941	Administrator Name:	Eric Hua
Street Address:	23615 El Toro Rd, Suite 1 Lake Forest, Ca 92630	Date of Inspection:	May 16, 2018


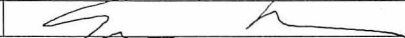
Nature and Facts of the Violation(s), Including a Reference to the Statute or Regulation Violated, and Manner in Which the Institution Must Correct the Violation to Achieve Compliance:

Referenced Law	Deficiency – Requested Submission
CEC §94913(a)(2)	<p>(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following: (2) A School Performance Fact Sheet for each educational program offered by the institution.</p> <p>The School Performance Fact Sheets posted to the school’s website, under the Programs and Services tab, are outdated reflecting the years 2014/2015.</p> <p>To remedy this violation, the school shall update the School Performance Fact Sheets to reflect the current reporting years 2015/2016.</p>
CEC §94913(a)(5)	<p>(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following: (5) The institution’s most recent annual report submitted to the bureau.</p> <p>The school failed to post to its website its most recent annual report submitted to the Bureau.</p> <p>To remedy this violation, the school shall post to its website its most recent annual report submitted to the Bureau.</p>
CEC §94900.5 (b)	<p>An institution shall maintain, for a period of not less than five years, at its principal place of business in this state, complete and accurate records of all of the following information: (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.</p> <p>The school failed to provide a faculty file for the CAO.</p> <p>To remedy this violation, the school shall submit a policy and procedure outlining the requirements for maintaining faculty and</p>

Notice to Comply – CA-4900941-0518
 Inspector’s Initial: *[Signature]*
 Administrator’s Initial:

5, CCR §71730 (b)	<p>CAO files.</p> <p>(b) The duties, responsibilities, and performance evaluation criteria for each administrator shall be set forth in a personnel manual or other writing maintained by the institution.</p> <p>The school failed to provide a duty statement and performance evaluation criteria for the CAO.</p> <p>To remedy this violation, the school shall submit a duty statement and performance evaluation criteria for the CAO.</p>
-------------------	--


Only minor violations are listed on a Notice to Comply.


Inspector's Name	Tiffany Lawrence
Inspector's Signature	
Institution Administrator Name/Title:	Eric Hua / CAO/COO
Institution Administrator's Signature:	

Education Code can be located at: http://www.bppe.ca.gov/lawsregs/ppe_act.shtml

Code of Regulations can be located at: <http://www.bppe.ca.gov/lawsregs/regs.shtml>

Notice to Comply - CA-4900941-0518

Inspector's Initial: 

Administrator's Initial: 

RETURN THIS FORM WITHIN THE SPECIFIED TIME FRAME WITH EITHER: 1) VERIFICATION OF COMPLIANCE OR 2) A NOTICE OF DISAGREEMENT

IMPORTANT COMPLIANCE NOTICE

California Education Code §94935 and California Code of Regulations §75010 provide that the Bureau for Private Postsecondary Education (Bureau) shall issue a Notice to Comply for minor violations detected during a compliance inspection by the Bureau.

By no later than 30 days from the date of the inspection, you must either: 1) Remedy the noncompliance item(s), sign the below declaration and submit this form to the Bureau, along with documentation describing how compliance was achieved; or 2) File with the Bureau a written notice of disagreement, specifying the minor violation(s) described in the Notice to Comply with which you disagree, and appealing it by requesting an informal office conference. If a written notice of disagreement is not timely filed with the Bureau, the right to appeal is deemed to have been waived.

Failure to timely remedy the noncompliance item(s) or file a written request for an informal office conference may result in the Bureau taking administrative enforcement action.

DECLARATION

Attached to this document is a list describing how compliance was achieved for each violation and supporting documentation. I declare under penalty of perjury that all violations identified in this Notice to Comply are corrected as described in the attachment.


Signature

Date

Print Name and Title

THIS DECLARATION OR A NOTICE OF DISAGREEMENT MUST BE SUBMITTED TO THE BUREAU BY **June, 16, 2018**

Notice to Comply – CA-4900941-0518

Inspector's Initial: 

Administrator's Initial: 