



**Bureau for Private Postsecondary Education**  
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834  
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**APPEAL OF CITATION INFORMAL CONFERENCE**  
**DECISION: CITATION MODIFIED**

August 3, 2021

Cindy Vu, Owner  
Beauty Elements by Cindy Vu  
13341 Garden Grove, Blvd. Suite D  
Garden Grove, CA 92843

| <b>Date of Issuance</b> | <b>Citation Number</b> | <b>Institution Code</b> |
|-------------------------|------------------------|-------------------------|
| August 3, 2021          | 2021227                | Unapproved              |

On June 24, 2021 an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2021227 (Citation) against Cindy Vu, Owner of Beauty Elements by Cindy Vu (Institution). In attendance were Yvette Johnson, Administrative Chief and Cindy Vu, Owner.

Pursuant to Business and Professions Code, section 148; California Education Code (CEC), section 94944; and Title 5 of California Code of Regulations (5, CCR), section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 2021227.

It is the decision of the Administrative Chief that on June 30, 2021, Citation No. 2021227 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><b>CEC Section 94886. Approval to Operate Required</b><br/><i>“Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter.”</i></p> <p><b>CEC Section 94817.5. Approved to Operate or Approved</b><br/><i>“Approved to operate” or “approved” means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs.”</i></p> <p><b>CEC Section 94868. To Offer to the Public</b><br/><i>“To offer to the public” means to advertise, publicize, solicit, or recruit.”</i></p> <p><b>CEC Section 94869. To Operate</b></p> |

*“To operate” means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided.”*

On March 4, 2020, the Bureau received a complaint alleging that the Institution was operating without Bureau approval.

On December 23, 2020, Bureau staff reviewed the Institution’s website and found the following:

- The Institution has been providing instruction to students since 2018;
- The Institution offers a Masterclass for \$4,200.00 and a Single Technique Class for \$2,500.00.

Furthermore, Bureau staff reviewed YELP’s website and found comments left between November 18, 2018 to January 31, 2020 from individuals stating they took courses at the Institution.

On January 15, 2021, Bureau staff emailed the Institution requesting a list of courses and pricing.

On January 26, 2021, Bureau staff reviewed the website again and found an additional email address. Bureau staff emailed the Institution requesting a list of courses dates and pricing.

On January 27, 2021, Bureau staff received an email from the Institution that listed the following upcoming courses and prices:

- 3 Techniques (Microblading, Ombre, Microshading) for \$4,200.00
  - Courses available March 25-26, April 15-16, May 3-4, May 15-16, May 24-25, and June 10-11.
- Microblading (which includes a model) for \$2,500.00 plus tax
  - Courses available February 25, March 9, March 26, April 2, April 7, May 7, May 24, and June 3.

On February 26, 2021, Bureau staff reviewed the Institution Owners’ social media page and found the following:

- October 23, 2020, the Institution Owner posted a photo of students holding a certification of completion for the Masterclass and of a student practicing on a mannequin.
- On December 2, 2020, the Institution Owner posted a photo of students holding certifications of completion for the Masterclass, students working on a live model, and students studying out of a textbook.

As of April 14, 2021, the Institution is operating without Bureau approval or a valid exemption.

**Order of Abatement:**

The Bureau orders that the Institution cease to operate as a private postsecondary educational institution, unless the Institution qualifies for an exemption under CEC section 94874. The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including <https://beautyelementscv.com>, and any other websites not identified here that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service

numbers including, but not limited to, (714) 866-9696, that are associated with the Institution until such time as an approval to operate is obtained from the Bureau. To comply with the Order of Abatement the Institution must submit a school closure plan to the Bureau pursuant to California Education Code section 94926. The Institution must provide a roster of each student currently enrolled at the Institution. The roster must include the names of the students, their contact information (including phone number, email address, and physical address), the programs in which they are enrolled, the amount paid for the programs.

**Assessment of Fine**

The fine for this violation is \$25,000.00

Reason for modification: New substantive facts were presented at the conference.

**The administrative fine for this violation has been modified from \$25,000.00 to \$5,000.00.**

**TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$5,000.00**

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. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on **August 3, 2021**. The Order of Abatement and payment of the administrative fine are due by **September 2, 2021**.

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”

“8/3/2021”

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**Christina Villanueva**  
**Discipline Manager**

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**Date**

Enclosures

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