



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 13, 2021

Cecilia Giovacchini, Owner
The Brow Studio & Academy
1987 Santa Rita Road #G-1
Pleasanton, CA 94566

Date of Issuance	Citation Number	Institution Code
August 13, 2021	2021244	Unapproved

On June 10, 2021, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement and No. 2021244 (Citation) against Cecilia Giovacchini, Owner of The Brow Studio & Academy (Institution). In attendance were Ebony Santee, Licensing Chief, Linh T. Nguyen, Department of Consumer Affairs Legal Counsel, Cecilia Giovacchini, and Ciara McHale, The Brow Studio & Academy’s Legal Counsel.

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. 2021244.

It is the decision of the Licensing Chief that on July 12, 2021, Citation No. 2021244 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><u>Violation:</u></p> <p>CEC Section 94886. Approval to Operate Required <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>CEC Section 94817.5. Approved to Operate or Approved <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>CEC Section 94868. To Offer to the Public <i>“To offer to the public” means to advertise, publicize, solicit, or recruit.”</i></p>

CEC Section 94869. To Operate

“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 December 7, 2020, the Bureau received a complaint alleging that the Institution was operating without Bureau approval.

On March 21, 2021, Bureau staff reviewed the Institution’s website and found the following course being offered:

- 2-day Microblading and Shading Course for \$3,100

On March 24, 2021, Bureau staff sent email correspondence to the Institution asking questions regarding if experience is needed to enroll, were there openings for May 2021 classes, and the total cost of the program including any starter kits.

On March 25, 2021, Bureau staff received email correspondence from the Institution’s Owner in response to the Bureau’s questions and stated that experience was not necessary, the May class was fully booked for enrollment, however a July 2021 class was available, and the total cost of the course was \$3,100 and \$600 of the \$3,100 went to reserving a seat and purchase of the pro kit.

The Owner also stated that they offered students an extended training program for 6 months, with the ability to go back and work on 3 additional models under the Owner’s supervision.

On March 29, 2021, Bureau staff reviewed the Institution’s Facebook and Instagram (social media) pages and found multiple posts between the dates of July 31, 2019 and March 19, 2021 advertising Microblading classes.

As of April 28, 2021, the Institution is continuing to offer courses over \$2,500 and is therefore 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://www.thebrowstudiobycc.com/the-brow-academy>, 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, (925) 660-7273, 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.

Modified Order of Abatement: The Institution must cease to operate as a private postsecondary educational institution unless the Institution qualifies for an exemption under CEC section 94874 or obtains an approval to operate from the Bureau. The Institution shall ensure that current course pricing information explicitly shows the breakdown of the required deposit and optional materials

	<p>equaling a total course cost of \$2,500.00 or less, if operating under CEC 94874(f). The Institution may use all telephone service numbers associated with the institution, including but not limited to (925) 660-7273.</p> <p><u>Reason for modification:</u> New substantive facts were presented at the conference.</p> <p><u>Assessment of Fine:</u> The fine for this violation is <u>\$25,000.00</u>.</p> <p>The administrative fine for this violation has been modified from \$25,000.00 to <u>\$3,500.00</u></p>
TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$3,500.00</u>	

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. You do, however, have the right to appeal this affirmed or modified Citation through an Administrative Hearing. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you do not wish to appeal this modified Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on **August 13, 2021**. Payment is due by **September 12, 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”

“8/13/2021”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail