



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

October 25, 2021

Franchesca Del Carpio, Owner
3D Microblading Inc.
111 Fashion Lane #260
Tustin, CA 92780

Date of Issuance	Citation Number	Institution Code
October 25, 2021	2122033	Unapproved

On September 16, 2021, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2122033 (Citation) against Franchesca Del Carpio, Owner of 3D Microblading Inc. (Institution). In attendance were Yvette Johnson, Administrative Chief and Franchesca Del Carpio, 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. 2122033.

It is the decision of the Administrative Chief that on September 29, 2021, Citation No. 2122033 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> <p>CEC Section 94869. To Operate <i>“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.”</i></p>

On February 25, 2020, the Bureau received a complaint that the Institution was operating without Bureau approval.

On June 7, 2021, Bureau staff sent email correspondence to the Institution asking the following questions:

- If experience is needed to enroll in any of the courses
- The next available class start date
- If the price of 4-day course, that is advertised on the website for \$3,900.00, will increase in June as stated on the website.

Bureau staff received email correspondence from Institution in response to the Bureau's questions and stated the following:

- Previous experience is not needed to become a permanent make up artist.
- Class is 11am-6pm. The class sizes are small, and the Institution will work with the student's schedule.
- The class is on sale now for \$3,900.00 and will increase to \$4,400.00 in mid-June.

On June 21, 2021, Bureau staff reviewed the Institution's website and found the following courses offered:

- 3 Days Microblading & shading courses for \$3,300.00
- 4 Days Microblading & shading courses for \$3,900.00

On June 23, 2021, Bureau staff reviewed the Institution's Facebook (social media) pages and found multiple posts advertising microblading courses.

As of August 16, 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://3dworldmicrobladingcareertraining.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) 642-6182, 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.

	<p><u>New Order of Abatement:</u> The Institution shall comply with all requests of the Order of Abatement in Citation No. 2021033 dated August 16, 2021, except that the phone number (714) 642-6182 can remain in service as it is a main business line.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$25,000.00</u></p> <p><u>Reason for modification:</u> New substantive facts were presented at the conference.</p> <p><u>The administrative fine for this violation has been modified from \$25,000.00 to \$5,000.00.</u></p>
TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$5,000.00</u>	

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:

Cheryl Lardizabal, 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 **October 25, 2021**. The Order of Abatement and payment are due by **November 24, 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 Cheryl Lardizabal, Citation Analyst, at (916) 574-8968 or at Cheryl.Lardizabal@dca.ca.gov.

“Original Signature on File”

“10/25/2021”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Declaration of Service by Certified and First-Class Mail