



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

November 5, 2019

Fox Microblading & PMU Academy, LLC., Owner
 Fox Microblading & PMU Academy
 5075 Warner Avenue
 Huntington Beach, CA 92649

Date of Issuance	Citation Number	Institution Code
September 11, 2019	1920077	Unapproved

On October 18, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of No. 1920077 (Citation) against Fox Microblading & PMU Academy, LLC., Owner of Fox Microblading & PMU Academy (Institution). In attendance were Yvette Johnson, Administrative Chief and Alan Alicante, 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. 1920077.

It is the decision of the Administrative Chief that on October 18, 2019, Citation No. 1920077 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 February 20, 2019, the Bureau reviewed the Institution's active website (<https://foxmicrobladingacademy.com>). The Institution advertised the following educational programs with the corresponding tuition costs: Night/Weekend Microblading for \$2,750; 4-Day Microblading Course for \$2,500; Microblading and PMU Course for \$3,500; 4-Day Microblading Certification Course for \$2,500; Microblading Training for \$2,500; Basic and Advanced Microblading Course for \$2,500; Permanent Makeup Course for \$3,500; and Permanent Certification Class for \$3,500.

The Institution is offering educational programs that range from \$2,500 to \$3,500, therefore are not exempt per CEC Section 94874.

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://foxmicrobladingacademy.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) 756-2344, 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.

Reason for modification: New substantive facts were presented at the conference. The Order of Abatement has been satisfied.

Assessment of Fine

The fine for this violation is \$50,000.00

The administrative fine for this violation has been modified from \$50,000.00 to **\$1,000.00**.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$1,000.00

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
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

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 November 5, 2019. The payment is due by **December 5, 2019**.

Failure 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) 621-2593 or at Gabriella.Perez@dca.ca.gov.

Christina Villanueva
Discipline Manager

Date

Enclosures

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