



Bureau for Private Postsecondary Education
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Vanessa Vincent, Owner
Studio V
236 Oak Street
Brentwood, CA 94561

INSTITUTION CODE: Unapproved
CITATION NUMBER: 2021252
CITATION ISSUANCE/SERVICE DATE: May 6, 2021
DUE DATE: June 5, 2021
FINE AMOUNT: \$ 25,000.00
ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager for the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Vanessa Vincent, Owner of Studio V (Institution) located at 236 Oak Street, Brentwood, CA 94561 pursuant to Business and Professions Code section 125.9 and 149; California Education Code (CEC) section 94944; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violation(s) described below.

BACKGROUND

On March 3, 2021, the Bureau received a complaint alleging that the Institution operates as a private postsecondary institution without Bureau approval. Through the course of the investigation and evidence obtained, it was determined that the Institution is operating without Bureau approval or a valid exemption.

VIOLATION(S)

#	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> 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</p>

“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.”

CEC Section 94868. To Offer to the Public

“To offer to the public” means to advertise, publicize, solicit, or recruit.”

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 March 3, 2021, the Bureau received a complaint that the Institution was operating without Bureau approval.

On March 23, 2021, Bureau staff reviewed documentation submitted with the complaint, including the following information listed on the Institution’s website and found the following courses being offered:

- 3-day Microblading Course for \$3,500
- Continuing Education Course for Certified Artists for \$1,500, or \$500 for current students

Bureau staff then reviewed the Institution’s web page and found the following information pertaining to what is included with the 3-day Microblading course for \$3,500:

- 6 months of continuous online support
- Apprenticeship opportunities for select students
- An extensive starter kit (\$500 value)
- Lunch each day
- Access to members only Facebook Support Group
- Unique interaction and demonstration with a live model

In addition, Bureau staff found an advertisement for a Machine Shading Course for \$2,500 that requires previous enrollment in a fundamentals course. This course includes the following:

- Work is done on a live model
- A machine, needles, pigments, and an instruction book on techniques is provided
- There is a \$500 deposit require to reserve a space in this class

Between the dates of March 9, 2019 and March 4, 2021, the Bureau found that the Institution’s social media pages (Facebook and Instagram) advertised the following:

Microblading Fundamentals Course scheduled for:

- April 26, 2019 through April 28, 2019
- July 26, 2019 through July 28, 2019
- February 5, 2021 through February 7, 2021
- April 9, 2021 through April 11, 2021

Furthermore, Bureau staff found a post dated September 18, 2020, that included a flyer advertising a

microblading fundamentals course for \$2,500, as well as posts dated January 1, 2021, January 19, 2021, and March 4, 2021, that included a photo of the Institution's Owner with students holding Certificates of Completion for the Microblading Fundamentals Course.

Moreover, a post, dated March 6, 2021, includes a photo of the Institution's owner providing a demonstration to students. The post includes information stating that class sizes are for 4 students maximum, a kit and a model are provided, and no certificates or licenses are needed to start their career.

On April 6, 2021, Bureau staff sent email correspondence to the Institution requesting confirmation of whether the Microblading Fundamentals Course is for beginners, if the price is always \$3,500, and if there are any discounts for a student who may have their own kit. The Institution's Owner replied with the following information:

- The next class will take place in July and dates will be announced soon.
- The first week after dates are announced there is a promotion when signing up for classes.
- The class is meant for beginners and the kit provided has everything needed to take the class.
- There is no discount for students bringing their own kit.

As of May 6, 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 <http://www.microbladingbystudiov.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, (925) 435-9912, 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

TOTAL ADMINISTRATIVE FINE DUE: \$25,000.00

ASSESSMENT OF A FINE

In accordance with CEC section 94944; and 5, CCR section 75020(b), the Bureau hereby orders this assessment of a fine in the amount of **\$25,000.00** 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 5, CCR section 75020 (b) the Bureau hereby issues the order(s) of abatement described above. In accordance with Business and Professions Code Section 149, the Bureau may disconnect any telephone service numbers used by an unapproved Institution. **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 **June 5, 2021**, 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 **May 6, 2021**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **June 5, 2021**. 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:

Gabriella Perez, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

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 Gabriella Perez, Citation Analyst, at (916) 574-8969 or Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“5/6/2021”

Christina Villanueva
Discipline Manager

Date

Enclosures

- 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