



MODIFIED CITATION:
ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Carmen Morgan, Owner
Skin City Permanent Cosmetic Academy
305 Petaluma Blvd. S.
Petaluma, CA 94952

INSTITUTION CODE: Unapproved
CITATION NUMBER: 2122003
MODIFIED CITATION ISSUANCE/SERVICE DATE: March 10, 2022
MODIFIED DUE DATE: April 9, 2022
FINE AMOUNT: \$ 500.00
ORDER OF ABATEMENT INCLUDED: NO

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

CITATION

A Modified Citation is hereby issued to Carmen Morgan, Owner of Skin City Permanent Cosmetic Academy (Institution) located at 305 Petaluma Blvd. S., Petaluma, CA 94952, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

The Bureau previously issued Citation: Assessment of Fine and Order of Abatement No. 2122003 to the Owner of the Institution on July 15, 2021, which was appealed by the Institution and subsequently withdrawn without prejudice on March 8, 2022.

VIOLATION

#	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>

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 26, 2021, the Bureau received a complaint alleging that the Institution was operating without Bureau approval.

On April 5, 2021, Bureau staff reviewed the Institution's website and found the following courses being offered:

- Full Permanent Cosmetic Course: \$6,200.00
- 2-Day Microblading Course: \$2,700.00
- 4-Day Brow Course: \$3,300.00
- Eyeliner Course: \$2,500.00
- Lips Course: \$2,500.00
- Corrective & Medical Tattoo Course: \$2,500.00
- One-on-One Training Course: \$1,500.00

Between April 5, 2021, and May 4, 2021, the Bureau attempted to reach Institution staff by phone and/or email, however all attempts were unsuccessful. Bureau staff left voicemails and sent emails requesting a response.

On May 5, 2021, Bureau staff reviewed the Institution's website and found that it was updated with the following courses being offered:

- Permanent Makeup Training Course: -\$6,900.00 with a \$300.00 student discount for the starter kit
- Three (3) Day Microblading Course: \$3,500.00
- Four (4) Day Brow Class: \$4,200.00
- Ombre Brows & Microblading Course: \$4,200.00

On May 14, 2021, the Institution's Owner responded to email correspondence sent by Bureau staff, and stated the following:

- They are a small business that conducts one-on-one trainings;
- The Institution's Owner is a representative for SofTap and they mostly conduct skin care with facial treatments and permanent cosmetics;
- They are regulated by Environmental Health and Safety and have all permits;
- The Institution does not have catalogs, nor SofTap brochures of pigments and needle configuration.

Bureau staff responded to the Institution's email correspondence and inquired about the following:

- Prices listed on the Institution's website;

- If the website was up-to-date and accurate;
- Whether the Institution requires students to sign enrollment agreements upon enrollment at the Institution.

On May 19, 2021, the Institution responded to Bureau staff's email inquiry with the following information:

- The website that was active at that time is the old site and the Institution is in the process of having a new website set up;
- The pricing on the website is for four (4) different separate courses:
 1. Brow/Microblading
 2. Lip
 3. Eyeliner
 4. Camouflage
- Kits of pigments and needles cost an extra \$500.00-\$1,000.00;
- The Microblading Course is \$2,500.00;
- The Institution has not taught courses since 2018 and has not been actively training due to the COVID-19 Pandemic.

Bureau staff determined that the Institution had been 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://skincitybycarmen.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, (707) 766-9903 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 through the appeal process. The Order of Abatement has been satisfied.

Assessment of Fine

The fine for this violation is \$5,000.00

The administrative fine for this violation has been modified from \$5,000.00 to \$500.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$500.00

ASSESSMENT OF A FINE

In accordance with CEC section 94936; and 5, CCR sections 75020 and 75030, the Bureau hereby orders this assessment of fine in the amount of **\$500.00** for the violations described above.

Payment of the administrative must be made to the Bureau by April 9, 2022.

PAYMENT OF ADMINISTRATIVE FINE

The Institution shall pay the civil penalty in the amount of \$500.00 by way of cashiers' check or money order. The payment shall be mailed to:

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

The civil penalty must be paid to the Bureau by April 9, 2022. Payment of an administrative citation is not an admission of guilt or liability.

The Institution gives up the right to an administrative hearing and all other rights accorded by the California Administrative Procedure Act and other applicable laws. The Institution's failure to pay the Modified Citation civil penalty pursuant to the terms of this settlement will result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau for Private Postsecondary Education may file an Amended Modified Citation for the failure of conditions required of the Institution.

CONTACT INFORMATION

If you have any questions regarding this Modified Citation, or desire further information, please contact Gabriella Perez, Citation Analyst, at Gabriella.Perez@dca.ca.gov.

"Original Signature on File"

"3/10/2022"

Christina Villanueva
Discipline Manager

Date

Enclosure

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