



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

October 21, 2021

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

Date of Issuance	Citation Number	Institution Code
October 21, 2021	2122003	Unapproved

On September 10, 2021, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2122003 (Citation) against Carmen Morgan, Owner of Skin City Permanent Cosmetic Academy (Institution). In attendance were Yvette Johnson, Administrative Chief and Carmen Morgan, 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. 2122003.

It is the decision of the Administrative Chief that on October 6, 2021, Citation No. 2122003 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> 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</p>

“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.

Assessment of Fine: \$25,000.00

Reason for modification: New substantive facts were presented at the conference.

The administrative fine for this violation has been modified from \$25,000.00 to \$5,000.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$5,000.00

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:

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 **October 21, 2021**. The Order of Abatement and payment are due by **November 20, 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, at (916) 574-8969 or at Gabriella.Perez@dca.ca.gov.

“Original Signature on File”

“10/21/2021”

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