



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

April 8, 2022

Brows by Linnie Inc, Owner
 Brows By Linnie
 14502 Beach Blvd., Ste D
 Westminster, CA 92683

Date of Issuance	Citation Number	Institution Code
April 8, 2022	2122112	Unapproved

On March 4, 2022, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2122112 (Citation) against Brows by Linnie Inc, Owner of Brows by Linnie (Institution). In attendance were Jason Alley, Enforcement Chief, Linh Nguyen, Department of Consumer Affairs Legal Counsel, Linnie Phan, CEO, Julie Goerlinger, Attorney, Joseph Adams, Attorney and Vy Dang, Administrative Assistant.

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. 2122112.

It is the decision of the Enforcement Chief that on March 31, 2022, Citation No. 2122112 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>

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 August 9, 2021, the Bureau received a anonymous complaint that the Institution was operating without Bureau approval.

On August 27, 2021, Bureau staff reviewed the Institution’s website and found the following courses offered:

- Orange County two (2) day, Small Intimate Ombre Powder and Microblading Training: \$2,600 with \$200 deposit, August 25 & 26 or November 3 & 4, 2021
- Orange County three (3) day, Beginners Group Training + Live Model: \$3,500 with \$300 deposit, January 10, 2022
- Orange County three (3) day, Beginners Group Training + Live Model: \$3,600 with \$300 deposit, January 18, 2022
- San Jose CA two (2) day, Ombre Powder and Microshading Group Training: \$2,600 with \$300 deposit, August 13 or November 19, 2021
- Orange County two (2) day, Ombre Powder and Microshading Group Training: \$2,600 with \$300 deposit, August 20, 2021
- Los Angeles CA two (2) day, Ombre Powder and Microshading Group Training: \$2,600 with \$300 deposit, June 18 & 25, August 22, or November 19, 2021 or January 14, 2022
- Fresno CA two (2) day, Ombre Powder and Microshading Group Training: \$2,600 with \$300 deposit, November 12, 2021
- Sacramento CA two (2) day, Ombre Powder and Microshading Group Training: \$2,600 with \$300 deposit, May 21 or November 22, 2021
- San Francisco CA two (2) day, Ombre Powder/Microshading Group Training: \$2,600 with \$300 deposit, May 23 or May 24 or November 23 or 24, 2021
- Los Angeles two (2) day, Ombre Powder/Microshading Group Training: \$2,600 with \$500 deposit, January 15, 2022
- San Diego two (2) day, Ombre Powder/Microshading Group Training: \$2,600 with \$500 deposit, January 15, 2022
- Orange County two (2) day, Ombre Powder/Microshading Group Training: \$2,600 with \$500 deposit February 20, 2022

That same day, Bureau staff reviewed the Institution’s website and all the trainings over \$2,500 had been removed.

On September 7, 2021, Bureau staff sent email correspondence to the Institution asking questions regarding if the prices listed are up to date, if deposits are separate from the tuition prices, if enrollment agreements are signed by students, where trainings are located, and if prices differ for online training versus live trainings.

On September 20, 2021, Bureau staff received email correspondence from the Institution’s Attorney stating that he will provide an update after he speaks to the Institution’s Owner.

On October 4, 2021, Bureau staff sent email correspondence to the Institution's Attorney inquiring if he had the opportunity to speak to the Institution Owner regarding the questions that the Bureau provided to the Institution.

On October 7, 2021 Bureau staff received email correspondence from the Institution's Attorney stating that he plans to provide answers to the Bureau's questions by October 9, 2021.

On October 18, 2021, Bureau staff sent email correspondence to the Institution's Attorney inquiring if he had the chance to speak to the Institution's Owner. That same day, Bureau staff received email correspondence from the Institution's Attorney stating the deposits are a part of the total course price, all signups are done through the Institution's website, and most live trainings sessions occur outside of California, though a few are conducted at the Institution's address.

As of December 27, 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 www.browsbylinnie.net/, 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, (657) 342-0149, 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.

New Order of Abatement:

If the Institution is not currently operating under 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 www.browsbylinnie.net/, 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, (657) 342-0149, 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.

	<p><u>Assessment of Fine</u> The fine for this violation is <u>\$50,000.00</u></p> <p>The administrative fine for this violation has been modified from \$50,000.00 to <u>\$5,000.00</u>.</p>
<p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$5,000.00</u></p>	

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 **April 8, 2022**. The Order of Abatement and payment are due by **May 8, 2022**.

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) 574-7427 or at Cheryl.Lardizabal@dca.ca.gov.

“Original Signature on File”

“4/8/2022”

Christina Villanueva
Discipline Manager

Date

Enclosures

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