



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

August 19, 2021

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

Date of Issuance	Citation Number	Institution Code
August 19, 2021	2021252	Unapproved

On July 15, 2021 an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2021252 (Citation) against Vanessa Vincent, Owner of Studio V (Institution). In attendance were Yvette Johnson, Administrative Chief and Vanessa Vincent, 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. 2021252

It is the decision of the Administrative Chief that on August 4, 2021, Citation No. 2021252 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>Violation:</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 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.

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 \$25,000.00

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

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 **August 19, 2021**. The payment is due by **September 18, 2021**.

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) 574-8968 or at Gabriella.Perez@dca.ca.gov.

“Original Signature on File”

“8/19/2021”

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