



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

To: Han Tran, Owner
3D Brows by MH
1008 Blossom Hill Road #G3
San Jose, CA 95123

INSTITUTION CODE: 12682827 (Exempt as of February 9, 2021)

CITATION NUMBER: 2021192

CITATION ISSUANCE/SERVICE DATE: February 25, 2021

DUE DATE: March 27, 2021

FINE AMOUNT: \$ 5,000.00

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 Han Tran, Owner, Owner of 3D Brows by MH (Institution) located at 1008 Blossom Hill Road #G3, San Jose, CA 95123 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 April 20, 2020, the Bureau received a tip alleging that the Institution was operating without Bureau approval while charging over \$2,500.00 in tuition. Through the course of investigation and evidence obtained, it was determined the Institution was operating without Bureau approval.

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>Violation: 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 April 20, 2020, the Bureau received a tip alleging that the Institution was operating without Bureau approval while charging over \$2,500.00 in tuition.

On October 12, 2020, in reviewing the tip received, Bureau staff located an email in which the Institution owner stated that the Institution charges \$3,500.00 for a microblading class which includes a starter kit worth \$1,200.00.

In addition, Bureau staff reviewed the Institution’s website and found that the Institution advertises a 4-day course as well as a 1-day advanced course in microblading, with the addition of a deposit of \$500.00 that is required to register for a class.

On November 16, 2020, Bureau staff emailed the Institution requesting a list of the Institution’s courses and prices. On November 17, 2020 the Institution replied with the following schedule of courses and prices:

- December 2- 5: All About Brows (microblading, microshading, ombre powder) for \$3,900.00
- January 22-24: Microshading for \$2,7000.00
- January 30-31: Ombre Brows for \$2,000.00
- February 19-20: Microblading for \$2,400.00

On January 6, 2021, the Bureau received an application for Verification of Exempt Status from the Institution.

On January 14, 2021, Bureau staff reviewed the Institution’s social media page which included photos of students holding certificates, working on live models, and sitting in a classroom setting. Therefore, it was determined that the Institution was operating unapproved.

On February 9, 2021, the Bureau verified the Institution as being exempt.

The Institution was operating without Bureau approval while charging over \$2,500.00 in tuition prior to obtaining the verified exemption.

Order of Abatement:

The Bureau orders the Institution to abide by the terms of the verified exemption. If the Institution decides to operate outside the exemption parameters, the Institution must submit the appropriate applicable application for approval to operate in accordance with CEC sections 94886 and 94817.5 and obtain Bureau approval before operating.

Assessment of Fine

The fine for this violation is \$5,0000.00

TOTAL ADMINISTRATIVE FINE DUE: \$5,000.00

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 **\$5,000.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

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 **March 27, 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 **February 25, 2021**. Payment of the administrative fine shall be due by **March 27, 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:

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

Failure for an applicant or institution 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 Nicole Mitchell, Citation Analyst, at Nicole.Mitchell@dca.ca.gov.

“Original signature on file”

“2/25/2021”

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