



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

May 13, 2021

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

Date of Issuance	Citation Number	Institution Code
May 13, 2021	2021192	12682827 (Exempt as of February 9, 2021)

On April 15, 2021, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement and No. 2021192 (Citation) against Han Tran, Owner of 3D Brows by MH (Institution). In attendance were Yvette Johnson, Administrative Chief, and Han Tran, Owner of Institution.

Pursuant to Business and Professions Code, §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. 20211192.

It is the decision of the Administrative Chief that on April 28, 2021, Citation No. 2021192 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

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.	<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,</i>

or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter.”

CEC Section 94817.5. Approved to Operate or Approved

“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 \$2,700.00
- 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

	<p>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.</p> <p><u>Assessment of Fine</u> The fine for this violation is <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:

Nicole Mitchell, 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 affirmed 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 affirmed Citation is effective on **May 13, 2021**. The order of abatement and payment are due by **June 12, 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 Affirmed 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 Nicole Mitchell, Citation Analyst, at Nicole.Mitchell@dca.ca.gov

“Original signature on file”

“5/13/2021”

Christina Villanueva
Discipline Manager

Date

Enclosures

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