



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

July 1, 2021

Katie Dang, Owner
Advance Microblading Academy
3530 S Route 59, Unit 118
Plainfield, IL 60544

Date of Issuance	Citation Number	Institution Code
July 1, 2021	2021203	Unapproved

On June 3, 2021, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2021203 (Citation) against Katie Dang, Owner of Advance Microblading Academy (Institution). In attendance were Yvette Johnson, Administrative Chief, Katie Dang, Owner, and Wilton Person, Advance Microblading Academy’s Legal Counsel.

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. 2021203.

It is the decision of the Administrative Chief that on June 23, 2021, Citation No. 2021203 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></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 “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.”</p> <p>CEC Section 94868. To Offer to the Public “To offer to the public” means to advertise, publicize, solicit, or recruit.”</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 September 25, 2020, the Bureau received a tip alleging that the Institution was operating without Bureau approval.

On December 23, 2020, Bureau staff reviewed the Institution’s website and found the following in-person training courses being advertised for locations in California:

- 3-Day Microblading and Manual Shading for \$3,897.00
 - 3-Day Brow Master Class for \$3,997.00
 - 2-Day Katie’s Signature Brows for \$2,697.00
- *A non-refundable \$500.00 deposit to reserve a seat.*

On January 15, 2021, Bureau staff emailed the Institution requesting a list of Institution courses and pricing. The Institution responded to the email with a graphic which contained the following 2021 in-person dates in Santa Ana, California:

- Microblading and Manual Shading: February 4-6
- Brow Masterclass: February 6-8

On February 3, 2021, Bureau staff reviewed the Institution’s social media pages and found posts dating from October 2020 to December 2020 that advertised classes in Santa Ana, California. The posts showed the Institution owner providing practical and classroom instruction. In addition, Bureau staff found posts from January 2021 which advertised classes from February 4, 2021, to February 8, 2021.

As of March 18, 2021, the Institution is 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.ccp.college/index.html>, 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, 1-888-221-1032, 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

The fine for this violation is \$25,000.00

	<u>Reason for Modification:</u> New substantive facts were presented at the informal conference.
	The administrative fine has been modified from <u>\$25,000.00</u> to <u>\$5,000.00</u> .
TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$5,000.00</u>	

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:

Gabiella 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. 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 **July 1, 2021**. The Order of Abatement and payment are due by **July 31, 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, Citation Analyst, at (916) 574-8969 or at Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“7/2/2021”

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