



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION AFFIRMED

August 13, 2019

Tri Vinh Ly, Owner
 VV Brows and Beauty
 5530 Silver Drive
 Santa Ana, CA 92703

Date of Issuance	Citation Number	Institution Code
August 13, 2019	1819127	Unapproved

On May 2, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819127 (Citation) against Tri Vinh Ly, Owner of VV Brows and Beauty (Institution). In attendance were Marina O'Connor, Licensing Chief; Tri Vinh Ly, Owner; Dina Linh Nguyen, Attorney; and Vy Nguyen, Interpreter.

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. 1819127.

It is the decision of the Licensing Chief that on July 23, 2019, Citation No. 1819127 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.	<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</i></p>

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.”

Bureau staff reviewed the documentation submitted by the complainant and interviewed Mr. Ly and found that Mr. Ly has charged over \$2,500.00 for student tuition for the classes he has taught.

As of February 27, 2019, the Institution is still operating without Bureau approval.

Order of Abatement:

The Bureau orders that the Institution cease to operate as a private postsecondary educational institution. The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including the Internet web sites <https://facebook.com/beautywithtrivinh/>, <https://facebook.com/TrivinhLyTrainer/>, <https://facebook.com/phunxamvietnam/>, and <https://facebook.com/TrivinhLyPMUtrainer/> 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 (714) 457-0957 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 \$75,000.00

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$75,000.00

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:

Ray Delaney, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this affirmed Citation. You *do*, however, have the right to appeal this affirmed 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 affirmed 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 affirmed Citation is effective on August 13, 2019. The order of abatement and payment are due by **September 12, 2019**.

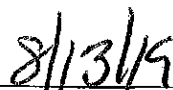
Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Affirmed Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Ray Delaney, Citation Analyst, at (916) 431-6946 or at Ray.Delaney@dca.ca.gov.



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



BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
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WITHDRAWAL – REQUEST FOR ADMINISTRATIVE HEARING

Citation No.	Case Number	Institution Name	Owner(s) of Institution	School Code
1819127	1003323	VV Brows and Beauty	Tri Vinh Ly	Unapproved

I, _____, owner of _____, Institution Code Number _____, herein give notice to the Bureau for Private Postsecondary Education of the **WITHDRAWAL** of our request for an appeal through an Administrative Hearing to contest Citation: Assessment of Fine and Order of Abatement Number 1819127.

Owner's Printed Name

Owner's Signature

Date