



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

November 24, 2021

Deanna M. Brown, Owner
I.E. Microblading & Permanent Makeup Academy, LLC
771 Foothill Boulevard
Upland, CA 91786

Date of Issuance	Citation Number	Institution Code
November 24, 2021	2122031	Unapproved

On October 21, 2021, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2122031 (Citation) against Deanna M. Brown, Owner of I.E. Microblading & Permanent Makeup Academy, LLC (Institution). In attendance were Yvette Johnson, Licensing Chief, Deanna M. Brown, Owner, Allena Guerrero, Director of Operations, and Demetric Brown, Chief Financial Officer.

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. 2122031.

It is the decision of the Licensing Chief that on November 17, 2021, Citation No. 2122031 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 3 <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 December 7, 2020, the Bureau received a complaint alleging that the Institution was operating without Bureau approval.

On June 7, 2021, Bureau staff sent email correspondence to the Institution inquiring about the Institution’s microblading program. Bureau staff asked the following questions:

1. If experience is required to enroll in classes
2. If there were openings for the June classes
3. If the \$2,850 cost of the program includes a starter kit

That same day, the Institution responded to the Bureau’s inquiry with the following information:

1. The Microblading & Microshading class is a foundation course for new permanent makeup artists.
2. Three spots were left for the June classes
3. The \$2,850 includes the starter kit.

On June 21, 2021, Bureau staff reviewed the Institution’s website and found the following courses being offered:

- 4-Day Microblading and Microshading Course: \$2,850.00: June 22-25, 2021 and July 27-30, 2021
- 6-Day Bundle Brows & Lashes Course: \$4,000.00; July 27 – August 1, 2021

On June 22, 2021, Bureau staff reviewed the Institution’s Facebook and Instagram (social media) pages and found advertisements for the program posted between March 20, 2019 and June 18, 2021.

As of August 12, 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 <https://www.iemicrobladingacademy.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, (909) 348-2092, 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

<p>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.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$25,000.00</u></p> <p>The administrative fine has been modified from <u>\$25,000.00</u> to <u>\$5,000.00</u>.</p> <p><u>Reason for modification: New substantive facts were presented at the informal conference.</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:

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 **November 24, 2021**. The Order of Abatement and payment are due by **December 24, 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) 574-7429 or at Gabriella.Perez@dca.ca.gov.

“Original Signature on File”

“11/24/2021”

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