



Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
P.O. Box 980818, West Sacramento, CA 95798-0818
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MODIFIED CITATION:
ASSESSMENT OF FINE

To: Lynn Nguyen, Owner
Luxury Beauty Studio
18002 Irvine Blvd., Ste 250
Tustin, CA 92780

INSTITUTION CODE: Unapproved
MODIFIED INSTITUTION CODE: 67368458 (Verified Exempt, April 7, 2020)
CITATION NUMBER: 1920107
MODIFIED CITATION ISSUANCE/SERVICE DATE: October 15, 2020
MODIFIED DUE DATE: November 14, 2020
FINE AMOUNT: \$ 5,000.00
ORDER OF ABATEMENT INCLUDED: NO

Christina Villanueva issues this Modified Citation: Assessment of Fine (Citation) in her official capacity as Discipline Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Modified Citation is hereby issued to Lynn Nguyen, Owner of Luxury Beauty Studio (Institution) located at 18002 Irvine Blvd., Ste 250, Tustin, CA 92780, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

The Bureau previously issued Citation: Assessment of Fine and Order of Abatement No. 1920107 to the Owner of the Institution on October 9, 2019, which was appealed by the Institution and subsequently withdrawn without prejudice on October 8, 2020.

VIOLATION

#	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 <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>

CEC Section 94858. Private Postsecondary Educational Institution

“Private postsecondary educational institution” means a private entity with a physical presence in this state that offers postsecondary education to the public for an institutional charge.

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 26, 2019, Bureau staff reviewed the Institution’s website, <http://luxurybeautystudio.com>, and found that the Institution advertises the following educational programs with the corresponding tuition costs: Academy S - CraftMaster without Machines for \$1,976.00; Academy S - CraftMaster with Machines for \$2,964.00; 3-Day Microblading Class for \$3,200.00; Academy S - Master Course for \$3,800.00; and Academy S - Basic Course for \$5,800.00. All except for one educational program exceed the \$2,500.00 threshold which would exclude Institution from claiming a verification of exempt under CEC Section 94874(f).

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 luxurybeautystudio.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, (714) 364-7388, 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.

Reason for modification: New substantive facts provided to the Bureau during the appeal process. The Order of Abatement has been satisfied.

Assessment of Fine:

The fine for this violation is \$50,000.00

The modified administrative fine for this violation is \$5,000.00

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$5,000.00

ASSESSMENT OF A FINE

In accordance with CEC section 94936; and 5, CCR sections 75020 and 75030, the Bureau hereby orders this assessment of fine in the amount of **\$5,000.00** for the violations described above.

PAYMENT OF ADMINISTRATIVE FINE

**The Institution shall pay the civil penalty in the amount of \$5,000.00 by way of cashiers' check or money order as follows:
First payment of \$500.00 due within thirty (30) days of issuance of modified citation (unless otherwise modified by the bureau or payment plan arranged). The remaining balance will be paid at the rate of \$300.00 per month until the total amount is paid in full. The payments shall be mailed to:**

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

The civil penalty must be paid to the Bureau by October 14, 2020. Payment of an administrative citation is not an admission of guilt or liability.

The Institution gives up the right to an administrative hearing and all other rights accorded by the California Administrative Procedure Act and other applicable laws. The Institution's failure to pay the Modified Citation civil penalty pursuant to the terms of this settlement will result in this matter being referred to collection and will result in the full original penalty being imposed and due in full. The Bureau for Private Postsecondary Education may file an Amended Modified Citation for the failure of conditions required of the Institution.

CONTACT INFORMATION

If you have any questions regarding this Modified Citation, or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 574-8969 or Gabriella.Perez@dca.ca.gov.

Christina Villanueva
Discipline Manager

Date

Enclosure

- Declaration of Service by Certified and First-Class Mail
- Payment of Fine