



Bureau for Private Postsecondary Education
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Nouveau Contour, Owner
Nouveau Contour
1427 Lincoln Blvd. #201
Santa Monica, CA 90401

INSTITUTION CODE: Unapproved
CITATION NUMBER: 2021119
CITATION ISSUANCE/SERVICE DATE: October 15, 2020
DUE DATE: November 14, 2020
FINE AMOUNT: \$ 10,000.00
ORDER OF ABATEMENT INCLUDED: Yes

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

CITATION

A Citation is hereby issued to Nouveau Contour, Owner of Nouveau Contour (Institution) located at 1427 Lincoln Blvd. #201, Santa Monica, CA 90401 pursuant to Business and Professions Code section 125.9 and 149; California Education Code (CEC) section 94944; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violation(s) described below.

BACKGROUND

On March 9, 2020, the Bureau received a complaint alleging that the Institution was operating without Bureau approval in violation of CEC section 94886. Through the course of investigation and evidence obtained, it was determined the Institution is operating without Bureau approval and is not exempt under any provision of the Private Postsecondary Act of 2009.

VIOLATION(S)

#	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> 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</p>

“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 March 9, 2020, the Bureau received a complaint alleging that the Institution was operating without Bureau approval in violation of CEC section 94886.

On April 23, 2020, Bureau staff reviewed the Institution’s website and found that the following course was advertised for over \$2,500.00:

- Brow Fundamental Training w/Starter Device for \$6,995.00

In addition, Bureau staff also found that the Institution’s website offered courses for the following dates:

- February 24 to February 28, 2020;
- April 27 to May 1, 2020;
- July 6 to July 10 (no year given); and
- October 19 to October 23 (no year given).

On April 27, 2020, Bureau staff found a 2019 Training Schedule on the Institution’s website that had a start date of January 14, 2019. The 2019 Training Scheduled showed the following courses advertised:

- 3-Day course for \$995.00 per day (a 10% discount was offered, which would equvalate to a total of \$2,686.50)
- 5-Day course costing \$995.00 per day (a 10% discount was offered, which would equvalate to a total of \$4,477.50)
- Two 5-Day courses costing \$5,495.000 each which includes hotel.

In addition, Bureau staff found that the Institution’s website lists an additional California location at 10221 Slater Ave., Huntington Beach, CA 92708.

On May 7, 2020, Bureau staff contacted the Institution’s headquarters in Orlando, Florida. According to the Operations Manager, the Institution is a remote campus where instruction is given intermittently when there are enough students to fill the class. Per her statement, the California locations are listed on the Institution’s website as Nouveau Contour Product Retailers. The Operations Manager stated that she did not apply to the Bureau for approval to operate.

On May 11, 2020, Bureau staff found the following posts regarding the Institution on the internet:

- A video advertisement from October 23, 2018, stating that Nouveau Contour’s California

Academy is offering students and enrollment is available through its website;

- A social media post on October 22, 2018, stating that the Institution has expanded its academy to the west coast to meet demand for its micropigmentation devices, products, and training. The posts stated that the Institution has a 2nd location for permanent makeup training in Santa Monica, California.

In addition, on May 11, 2020, Bureau staff contacted the Operations Manager who informed the Bureau that. courses were marketed in 2018 but did not start until 2019. .

On May 28, 2020, Bureau staff found the following posts regarding the Institution on the internet:

- A video advertisement from January 30, 2019, promoting its “California Academy” and stating that “classes have already started”;
- A video advertisement from March 13, 2019, stating that that Nouveau Contour offered classes for non-laser ink removal classes from May 23-24 (no year given); and
- A video advertisement from February 3, 2020, stating that that Nouveau Contour offered classes for non-laser ink removal classes from May 6-7 (no year given).

As of October 15, 2020, the Institution continues to operate without Bureau Approval while charging over \$2,500.00 for courses.

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 www.nouveaucontourusa.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, (424) 322-8025, 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 \$10,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$10,000.00

ASSESSMENT OF A FINE

In accordance with CEC section 94944; and 5, CCR section 75020(b), the Bureau hereby orders this assessment of a fine in the amount of **\$10,000.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of 5, CCR section 75020 (b) the Bureau hereby issues the order(s) of abatement described above. In accordance with Business and Professions Code Section 149, the Bureau may disconnect any telephone service numbers used by an unapproved Institution. **Evidence of compliance with the order(s) of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; and/or through an administrative hearing in accordance with Chapter 5 (Commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this Citation, you must submit the 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by **November 14, 2020**, you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **October 15, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **November 14, 2020**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

Payment of the administrative fine and/or written request for appeal must be mailed to:

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

Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this 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 Citation, or desire further information, please contact Nicole Mitchell, Citation Analyst, at (916) 574-8995 or Nicole.Mitchell@dca.ca.gov.

“Original Signature on File”

“10/15/2020”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First-Class Mail