



Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 574-8900 F (916) 263-1897 www.bppe.ca.gov



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

December 29, 2020

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

Date of Issuance	Citation Number	Institution Code
December 29, 2020	2021119	Unapproved

On November 19, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2021115 (Citation) against Nouveau Contour, Owner of Nouveau Contour (Institution). In attendance were Yvette Johnson, Administrative Chief, and Nelly Kirschler, Executive Director.

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. 2021119.

It is the decision of the Administrative Chief that on December 18, 2020, Citation No. 2021119 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> 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 <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 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 equalate to a total of \$2,686.50)
- 5-Day course costing \$995.00 per day (a 10% discount was offered, which would equalate 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.

Reason for modification:

New substantive facts were presented at the conference. The Order of Abatement has been satisfied.

Assessment of Fine

The fine for this violation is \$10,000.00

The administrative fine for this violation has been modified from \$10,000.00 to \$5,000.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$5,000.00

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:

Nicole Mitchell, 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. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on December 29, 2020. The payment is due by **January 30, 2021**.

Failure 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 Nicole Mitchell, Citation Analyst, at (916) 574-8955 or at Nicole.Mitchell@dca.ca.gov.

“Original Signature on File”

“12/29/2020”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Declaration of Service by Certified and First-Class Mail