



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

To: Megan Sutton, Owner
Beauty & the Blade



INSTITUTION CODE: Unapproved
CITATION NUMBER: 2021220
MODIFIED CITATION ISSUANCE/SERVICE DATE: December 2, 2021
MODIFIED DUE DATE: January 1, 2022
FINE AMOUNT: \$ 2,500.00
ORDER OF ABATEMENT INCLUDED: Yes

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: Assessment of Fine and Order of Abatement is hereby issued to Beauty & the Blade (Institution) located at [redacted] 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No. 2021220 to the Owner of the Institution on March 24, 2021, which was appealed by the Institution and subsequently withdrawn without prejudice on November 29, 2021.

VIOLATIONS

#	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></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>

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 February 25, 2020, the Bureau received a complaint alleging that the Institution was operating without Bureau approval.

On February 3, 2021, Bureau staff reviewed the Institution’s website and found that the Institution was offering a Microblading Training Academy for \$3,000.00.

On February 23, 2021, Bureau staff emailed the Institution requesting information on the Santa Rosa location and upcoming class dates in March. The Institution’s Owner responded to the email stating the Institution relocated to, [REDACTED] and that the courses offered in March had limited seats available.

On February 24, 2021, Bureau staff emailed the Institution requesting information regarding the cost of the program. The Institution’s Owner responded stating the price was not expected to change and listed the items included in the starter kit.

On February 25, 2021, Bureau staff reviewed the Institution’s website and confirmed that the Microblading Training Academy was being offered for a total cost of \$3,000.00.

On February 26, 2021, Bureau staff reviewed the Institution’s social media page and found advertisements for training class.

As of April 1, 2021, the Institution is 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 beautyandtheblade.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, (707) 477-3277, 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.

Modified Order of Abatement:

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 also provide a roster of each student currently enrolled at the Institution. The roster must include the names of the

<p>students, their contact information (including phone number, email address, and physical address), the programs in which they are enrolled, and the amount paid for the programs.</p> <p>Reason for Modification: New substantive facts presented during settlement.</p> <p>Assessment of Fine The fine for this violation is <u>\$5,000.00</u></p> <p>The Administrative Fine has been modified from <u>\$5,000.00</u> to <u>\$2,500.00</u></p>
<p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$2,500.00</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.

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 **\$2,500.00** for the violations described above.

Payment must be made to the Bureau by January 1, 2022.

PAYMENT OF ADMINISTRATIVE FINE

The Institution shall pay the civil penalty in the amount of \$2,500.00 by way of cashiers’ check or money order. The payment shall be mailed to:

Cheryl Lardizabal, 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 January 1, 2022. 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 Cheryl Lardizabal, Citation Analyst, at (916) 574-7427 or Cheryl.Lardizabal@dca.ca.gov.

“Original Signature on File”

“12/2/2021”

Christina Villanueva
Discipline Manager

Date

Enclosure

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