



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

June 20, 2022

Christen Caudillo, Owner
 Browtendre
 1351 E. Colorado St. Suite A
 Glendale, CA 91205

Date of Issuance	Citation Number	Institution Code
June 20, 2022	2122128	Unapproved

On May 13, 2022, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2122128 (Citation) against Christen Caudillo, Owner of Browtendre (Institution). In attendance were Ebony Santee, Licensing Chief, Linh Nguyen, Department of Consumer Affairs Legal Counsel, Christen Caudillo, Owner and Ashley N. Emerzian, Attorney.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 2122128.

It is the decision of the Licensing Chief that on June 6, 2022, Citation No. 2122128 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></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 <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 November 17, 2021, the Bureau received an anonymous complaint that the Institution was operating without Bureau approval.

On December 8, 2021, Bureau staff reviewed the Institution’s website and found the following courses offered:

- Three (3) day, Microblading & Brow Fundamentals Training for \$2,995.00;
- Three (3) day, Beginners Lip Blush Training for \$3,195.00.

On December 9, 2021, Bureau staff reviewed the Institution’s Yelp, Facebook and Instagram (social media) pages and found multiple posts between September 2, 2018 -October 27, 2021 advertising microblading courses and pictures of students with their completion certificates.

Between December 15, 2021- December 19, 2021, Bureau staff corresponded with the Institution via email and were informed of the following:

- The beginner class is set up so that if the student is new to cosmetic tattooing, the student will be able to get the solid fundamentals to be a successful artist.
- The Beginners Lip Blush course has 2 spots open and there are no upcoming dates available for Microblading & Brow Fundamentals.
- The costs of the courses on the website are up to date and include the respective beginner kits.

On December 20, 2021, Bureau staff sent an email to the Institution to schedule a phone call to talk about the complaint.

On December 22, 2021, Bureau staff received a phone call from the Institution and spoke about the complaint. Bureau staff informed the Institution that the two courses listed online were under investigation for operating unapproved and that the program costs of \$2,500.00 exceeded exemption. The Institution stated that they had not heard of the Bureau, and that there were two students enrolled in the Beginner Lip Blushing training. The Institution also stated they would reduce the costs to \$2,500.00. The Institution also stated that they researched “California Microblading School Requirements” and had not found information regarding the Bureau, and that had they known about the Bureau, they would have applied for approval, or the cost of the course would have been changed to under \$2,500.00. Bureau staff referenced the Bureau’s website and regulations for approval to operate for the Institution to review.

As of February 11, 2022, 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 www.browtendre.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, (626) 422-8272, 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: The Institution may continue use phone number (626) 422-8272, and the website www.browtendre.com, in connection with the Owner's business. If the Institution has any current students, the Bureau orders the Institution to submit a student roster that includes student names, contact information (phone number, email address, and physical address), the programs they are enrolled in, and the amount paid for the programs. At this time, the Institution does not have to submit a closure plan.

Assessment of Fine

The fine for this violation is \$15,000.00

Reason for modification: New substantive facts were presented at the informal conference.

The administrative fine for this violation has been modified from \$15,000.00 to \$2,500.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$2,500.00

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:

Cheryl Lardizabal, 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 **June 20, 2022**. The payment is due by **July 20, 2022**.

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 Cheryl Lardizabal, Citation Analyst, at (916) 574-7427 or at Cheryl.Lardizabal@da.ca.gov.

“Original Signature on File”

“6/20/22”

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