



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION AFFIRMED

October 8, 2019

Fely Eguia, Owner
 PhiBrows Training by Fely Eguia
 13565 Dix Toledo Road
 Southgate, MI 48195

Date of Issuance	Citation Number	Institution Code
August 26, 2019	1920055	Unapproved

On September 26, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920055 (Citation) against Fely Eguia, Owner of PhiBrows Training by Fely Eguia (Institution). In attendance were Beth Scott, Enforcement Chief; and Fely Eguia, Owner.

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. 192055.

It is the decision of the Enforcement Chief that on October 2, 2019, Citation No. 1920055 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

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>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 94858. Private Postsecondary Educational Institution <i>“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.</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</i></p>

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 February 13, 2019, Bureau staff found that the Institution was offering PhiBrows microblading training at Elite Lash Brow’s studio located at 1715 W. Verdugo Ave, Burbank, CA 91506 for \$3500, creating a physical presence in California. The training class was scheduled for February 23 & 24, 2019.

On March 5, 2018, Bureau staff found that the Institution’s website, <https://elitelashbrow.com/>, was offering a PhiBrows microblading 2-day course at their location “coming soon”.

The Institution’s website, <http://phibrowsmicrobladingeducation.com/>, states that the Institution’s main office is in Southgate, Michigan. The website shows dates and locations in: Miami, Philadelphia, New York City, Detroit, Arizona and the Dominican Republic. Classes are also offered online. Although California is not listed on the website, the Institution has previously had, and will have on an upcoming date, a 2-day microblading course in California for \$3500.

The Institution is offering a microblading course for \$3500, which is over \$2500, and therefore does not meet the exemption of 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 www.elitelashbrow.com, www.phibrowsmicrobladingeducation.com, and any other websites not identified here that are associated with the Institution, until an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers that are associated with the Institution or any California institution until 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 \$50,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$50,000.00

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.

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:

Gabriella Perez, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this affirmed 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 affirmed Citation is effective on October 8, 2019. The order of abatement and payment are due by **November 7, 2019**.

Failure to abate the violation or 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 Affirmed 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 Gabriella Perez, Citation Analyst, at (916) 621-2593 or at Gabriella.Perez@dca.ca.gov.

Christina Villanueva
Discipline Manager

Date

Enclosures

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