



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION AFFIRMED

July 8, 2019

Vanity Makeup, Inc., Owner
 Vanity Makeup
 1353 North Hill Ave.
 Pasadena, CA 91104

Date of Issuance	Citation Number	Institution Code
July 8, 2019	1819184	Unapproved

On May 29, 2019, June 5, 2019 and June 25, 2019, an informal telephone conference was scheduled in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819184 (Citation) against Vanity Makeup, Inc., Owner of Vanity Makeup (Institution). On June 5, 2019, Leeza Rifredi, Deputy Bureau Chief, attempted to contact the Owner without success. On June 13, 2019, the Bureau for Private Postsecondary Education (Bureau) rescheduled the Informal Conference to June 25, 2019. On June 25, 2019, Yvette Johnson, Administrative Chief, attempted to contact the Owner without success.

Pursuant to Business and Professions Code, §148; California Education Code (CEC), section 94944; and Title 5 of California Code of Regulations (5, CCR), section 75020 and section 75040, the Bureau renders the following decision relative to your appeal of the Citation No. 1819184.

It is the decision of the Enforcement Chief that on June 25, 2019, Citation No. 1819184 is affirmed for the following reason(s):

- The Owner was not available for conference during the scheduled dates and times.

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:</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</p>

"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 June 21, 2017, Bureau staff sent an email to the Institution Staff as a follow up to a phone conversation they had with the Owner on June 16, 2017 stating that the Institution would need to either lower prices to fall within an exempt category (CEC Section 94874(f)) or submit an Application for Approval to Operate an Institution Non-Accredited. Bureau staff requested the Institution to respond by June 30, 2017. As of April 30, 2019, a response has not been received.

On January 9, 2019, Bureau staff conducted online research and found an active website for the Institution, www.vanitymakeup.com. The Institution's website offered the following educational programs:

- 4-day course (32 hours) - \$2,500
- 3-week course (48 hours) - \$3,000

The pricing advertised for the programs includes a kit, however it is outside the maximum tuition allowed to qualify for an exemption.

On January 14, 2019, a search of the Bureau's internal database, Schools Automated Information Link (SAIL), did not return any results of the Institution having an approval to operate, applying for approval to operate, or as being verified exempt.

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.vanitymakeup.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 that are associated with the Institution until such time 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 \$2,500.00

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$2,500.00

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:

Cheryl Lardizabal, 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. You *do*, however, have the right to appeal this affirmed 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 affirmed Citation you must withdraw your initial request for an Administrative Hearing. 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 affirmed Citation is effective on **July 8, 2019**. The order of abatement and payment are due by **August 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 Cheryl Lardizabal, Discipline Analyst, at (916) 621-2591 or at Cheryl.Lardizabal@dca.ca.gov.



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