



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

March 26, 2019

Kyoko Amemiya, Owner
 Atlas Studio
 2228 Newport Blvd Suite C
 Costa Mesa, California 92627

Date of Issuance	Citation Number	Institution Code
March 26, 2019	1819101	Unapproved

On March 7, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819101 (Citation) against Kyoko Amemiya, Owner of Atlas Studio. In attendance were Leeza Rifredi, Deputy Bureau Chief; Kyoko Amemiya, Owner; and Mathew Eanet, Attorney.

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. 1819101.

It is the decision of the Deputy Bureau Chief that on March 7, 2019, Citation No. 1819101 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>MODIFIED</p> <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</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 April 10, 2019, during the investigation, Bureau staff discovered that the Institution is in operation through its website www.english.atlasstudiousa.com. Bureau staff searched the Institution’s website and discovered the Institution is advertising a 100-hour professional nail course for \$4,000 and a 36-hour eyelash extension professional course for \$2,400.

Bureau staff received documentation from a former student which included a nail school price list highlighting a program cost of \$3,300. The student provided a bank statement and a copy of a receipt which shows a payment of \$3,300 was made to the Institution.

Based on the Bureau’s investigation, the Institution is operating as a private postsecondary educational institution at 2228 Newport Blvd Suite C, Costa Mesa, California 92627, and is not exempt from the provisions of the California Private Postsecondary Act. The Institution advertises a program costing \$4,000, falls under the definition of a private postsecondary educational institution under CEC section 94858 and continues to operate without Bureau approval.

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 the www.atlasstudiousa.com, www.english.atlasstudio.com, and www.amelbo.jp/atlasstudiousa 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 (714) 429-1048 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 administrative fine for this violation has been modified from \$75,000.00 to \$10,000.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$10,000.00

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:

Gurinder Sandhu, 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 modified Citation. You *do*, however, have the right to appeal this modified Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. 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 did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

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 **March 26, 2019**. The payment is due by **April 25, 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 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 Gurinder Sandhu, Citation Analyst, at (916) 431-6940 or at Gurinder.Sandhu@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



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WITHDRAWAL – REQUEST FOR ADMINISTRATIVE HEARING

Citation No.	Case Number	Institution Name	Owner(s) of Institution	School Code
1819101	1003303	Atlas Studio	Kyoko Amemiya, Owner	Unapproved

I, Kyoko Amemiya, owner(s) of Atlas Studio, Institution Code Number Unapproved, herein give notice to the Bureau for Private Postsecondary Education of the **WITHDRAWAL** of my/our request for an appeal through an Administrative Hearing to contest Citation: Assessment of Fine and Order of Abatement Number 1819101.

 Owner's Printed Name

 Owner's Signature

 Date

