

**BEFORE THE DIRECTOR  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU FOR PRIVATE POSTSECONDARY EDUCATION  
STATE OF CALIFORNIA**

In the Matter of the Citation Against:

**SEDUX STUDIO**

17742 Irvine Blvd., Suite 201

Tustin, CA 92780

Citation No.: 23240295

BPPE Case No.: BPPE22-598

OAH Case No.: 2024100775

Respondent.

**DECISION AND ORDER**

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective on April 16, 2025.

It is so ORDERED March 13, 2025.

" Original Signature on File"

\_\_\_\_\_  
RYAN MARCROFT  
DEPUTY DIRECTOR, LEGAL AFFAIRS DIVISION  
DEPARTMENT OF CONSUMER AFFAIRS

**BEFORE THE  
BUREAU FOR PRIVATE POSTSECONDARY EDUCATION  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Citation Against:**

**SEDUX STUDIO, Respondent**

**Agency Case No. BPPE22-598**

**OAH No. 2024100775**

**PROPOSED DECISION**

Marion J. Vomhof, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter by videoconference on January 21, 2025.

Desiree L. Kellogg, Deputy Attorney General, represented complainant Elizabeth Elias, Deputy Bureau Chief of Enforcement at the Bureau of Private Postsecondary Education (BPPE or bureau), Department of Consumer Affairs, State of California.

Michael Khouri, Attorney at Law, represented respondent Sedux Studio LLC (Sedux Studio) and owner Jacqueline Yang, who was present at the hearing.

Oral and documentary evidence was received. The record was closed and the matter was submitted for decision on January 21, 2025.

## **FACTUAL FINDINGS**

### **Jurisdictional Matters and Background**

1. The bureau is the agency responsible for approving and regulating private postsecondary educational institutions.
2. On August 15, 2022, the bureau received an anonymous complainant, alleging that Sedux Studio was offering permanent makeup courses with tuition costs between the amounts of \$3,000 to \$10,000 without having an approval to operate.
3. A bureau investigation substantiated the allegation and determined that respondent Sedux Studio is operating as a private postsecondary educational institution in California without an approval to operate or a valid exemption.
4. On June 6, 2024, the bureau issued Citation No. 23240295 to Sedux Studio for violation of Education Code section 94886, operating without approval of the bureau. The bureau issued an administrative fine of \$25,000 and an order of abatement ordering Sedux Studio, in part, to cease to operate as a private postsecondary educational institution, unless Sedux Studio qualifies for an exemption or an approval to operate is obtained from the bureau, and to cease unlawful advertising. Respondent filed a notice of appeal with a request for an administrative hearing. This hearing followed.

### **Testimony of Special Investigator Aleta Prudhomme**

5. Aleta Prudhomme has worked for the bureau since May 2022. She began as a special investigator and became a supervising special investigator on April 2, 2024. She investigated this matter for the bureau and prepared an investigation report,

which was entered into evidence. The following is a summary of her testimony and her written report.

6. As a special investigator, her responsibilities included: review complaints, conduct investigations, request and review documents, interview witnesses, prepare investigation reports, and conduct scheduled and unscheduled visits for the bureau. She is familiar with the bureau's statutes requiring prior approval. A private postsecondary institution requires prior approval according to Education Code section 94886. A private postsecondary institution is defined as a private entity with a physical presence in this state that offers postsecondary education to the public for an institutional charge. Based on her knowledge as a special investigator, Ms. Prudhomme understands that permanent makeup academies can fit within the definition of a private educational institution.

7. On August 15, 2022, the bureau received an anonymous complainant, alleging that Sedux Studio was offering permanent makeup courses with tuition costs between the amounts of \$3,000 to \$10,000 without having an approval to operate.

8. On November 6, 2023, Ms. Prudhomme was assigned to investigate this matter. On December 5, 2023, she conducted a search of bureau records and confirmed that respondent did not have an approval to operate or a verification of exemption on file, and there are no applications pending.

9. She researched Sedux Studio on the Secretary of State (SOS) website and found that Sedux Studio was listed as a business. The following people were listed as agent authorized employees: Joyce Yi, Sandra Menjivar, Jesse Camarena, and Arielle Devay.

10. On December 5, 2023, Ms. Prudhomme searched Sedux Studio's website and she captured screenshots of relevant pages she observed. The website showed pricing of \$2,400 for classes and statements that Ms. Yang is a "master artist and CEO," and "What you'll learn" followed by "Ombre powder brow technique plus correction & cover up technique and marketing and content creation," and "Marketing – how to gain visibility, attract clients, brand yourself and start your business successfully."

11. The website also contained this statement:

Meet your Instructor - Hello, I'm Jacqueline Yang

With over 3 years of experience in cosmetic tattooing and over 30 certifications with some of the world leading artists, my curriculum is curated and designed based on my personal experience, trial and errors. I want to share my talent and knowledge to help others evolve into the best versions of themselves, without having to work for others.

Through my simple step-by-step process, you'll learn how to create ombre brows using my technique and make your biz as strong and optimized as it can be – no matter your starting point.

12. Based on her review of the website, Ms. Prudhomme concluded that Sedux Studio was advertising these courses for employment or vocational purposes, and Ms. Yang specifically discussed marketing and assisting clients to market their business.

13. On December 7, 2023, Ms. Prudhomme conducted an unannounced site visit to Sedux Studio, which is located at 17742 Irvine Blvd., Suite 201, Tustin, California (location). She knocked on the door of Suite 201. No one answered. She photographed the wall next to the door, which showed that Sedux Studio was listed as the business located at Suite 201. She attempted to call Sedux Studio. When no one answered, she left a voicemail message asking for a return call.

14. On December 8, 2023, Ms. Prudhomme received a telephone call from a woman who identified herself as Jacqueline Yang, the owner of Sedux Studio. Ms. Prudhomme identified herself and explained that she was calling from the bureau and investigating a complaint, and that she had been to Sedux Studio the previous day and they were not open. Ms. Yang said she was sorry she had missed Ms. Prudhomme, but her business is open by appointment only. Ms. Prudhomme asked Ms. Yang if she taught classes at the location and Ms. Yang said that she did. Ms. Yang stated that she wanted to help the bureau because there are many establishments teaching and performing the same services as her, that are "messing up people [*sic*] faces." Ms. Yang said she is the owner and instructor at Sedux Studio. She charges between \$3,000 and \$10,000 for her eyebrow tattooing classes. When Ms. Prudhomme asked how many students she had in her classes, Ms. Yang said she would need to call Ms. Prudhomme back. Ms. Prudhomme said, "Okay," and the call ended.

15. On March 29, 2024, Ms. Prudhomme reviewed the website a second time and captured screenshots of what she observed. On the top of one page are the words: "Sedux Studio & Academy" followed by: "Welcome to Sedux Studios, we are a permanent cosmetics studio and training academy . . . ." Locations are listed in Orange County and San Diego, California. The website listed Ombre Powder Brow Training for

\$2,700, a Private Guidance Session for \$1,500, and a Two-Day Private Training for \$4,000.

16. Ms. Prudhomme reviewed the website a third time prior to today's hearing, and she captured screenshots of what she observed. The prices were no longer listed, and there was a statement that asked that "you reach out through email to find out about courses that are offered and pricing." From the evidence she obtained in her investigation, Ms. Prudhomme determined that Sedux Studio is in violation of Education Code section 94886 because Sedux Studio is offering permanent makeup courses with tuition costs between the amounts of \$3,000 to \$10,000 without having an approval to operate.

17. The bureau must approve if classes are being offered to prepare for employment. The significance of requiring approval is the bureau's concern for students who may have paid a lot of money and they are harmed when the certificate is worthless. With respect to Ms. Prudhomme's determination that courses by Sedux Studio are offered to prepare for employment, she relied on the statement on Sedux Studio's website that states "this will help your business." It was Ms. Prudhomme's conclusion, after reviewing the website and curriculum enhancing business, that Ms. Yang was teaching courses to enhance individuals' marketing skills, to make their "business as strong as it can be." Ms. Prudhomme does not know if the marketing skills were to help start or use for existing businesses.

18. On cross-examination, Ms. Prudhomme acknowledged that she did not inspect the premises or witness classes or interview students because the business was closed. Her investigation included a review of the complaint and the website, checking bureau records, and interviewing Ms. Yang. She found no indication of fraud or of low

quality classes. She did not check if Ms. Yang had a certificate from the health department or a business license.

### **Testimony of Bureau Analyst Aspen Grambusch**

19. Aspen Grambusch earned a bachelor's degree in criminal justice from California State University, Sacramento in May 2023. She has worked for the bureau since June 2023, and she has worked as a citation analyst in the bureau's discipline unit since April 2024. As part of her duties, she reviews inspection and compliance reports, analyzes for substantiated violations, drafts citations and makes recommendations for issuance, and processes appeals. She is familiar with the bureau's statutes and regulations regarding the bureau's approval to operate.

20. Ms. Grambusch referenced the following relevant statutes:

21. Education Code section 94886 requires that private postsecondary educational institutions in California that seek to offer educational programs to the public must obtain prior approval to operate.

22. Education Code section 94868 defines "offer to the public" as to advertise or solicit. Section 94837 defines "educational programs" as short courses that provide training skills but they are not designed to lead to employment.

23. Education Code section 94817.5 defines approval to operate as having authorization to offer postsecondary education programs to the public.

24. Education Code section 94874 provides exemptions to the bureau's requirement for approval. Some of these exemptions include: an institution that offers solely recreational or avocational courses; an institution that offers pre-apprenticeship programs; and the most common exemption, an institution that does not offer awards



or degrees, but solely provides educational programs for total charges of \$2,500 or less.

25. Education Code section 94944 provides the bureau with authority to issue citations to approved institutions who are not compliant with the statutes and regulations, and to unlicensed individuals or entities who are in violation of statutes or regulations. The bureau has authority to issue citations up to \$100,000.

26. Business and Professions Code section 149 gives the bureau authority to issue an order of abatement, which may include an order to cease operation or provide a period of time to obtain approval.

27. Ms. Grambusch reviewed the investigation report in this matter and looked for a substantiated violation by reviewing the California SOS website and reviewing the bureau records to verify that there was no approval to operate on file and there was no verification of an exempt status or an exemption application. Ms. Grambusch concluded that respondent was offering and providing private postsecondary educational programs for more than \$2,500 without an approval to operate. She drafted the citation and forwarded the citation to the deputy bureau chief. The final decision as to whether a citation is issued is determined by Deputy Bureau Chief of Enforcement, Elizabeth Elias. The deputy bureau chief also determines the fine, in accordance with Education Code section 94944 and considering these factors: the nature and seriousness of the violation, the history of previous violations, and potential harm it poses to students. The bureau has authority to cite up to \$100,000. The bureau is concerned about fraud and students being taken advantage of financially. An unapproved institution is a serious violation because there is a potential risk for a student to be defrauded.

28. On cross-examination, Ms. Grambusch stated that objectives of the regulations are the prevention of fraud and to ensure that what is offered is of good value. She did not prepare the investigation report. Her job is to review the records and look for an exemption or approval by the bureau. However, during her review she did not find any evidence of fraud or less than acceptable quality of courses.

29. The bureau has jurisdiction only over private postsecondary institution. The bureau has no jurisdiction or oversight of publicly funded institutions. If courses are offered by a community college or through a government grant, then there is no oversight by the bureau. An institution is defined in the Private Postsecondary Education Act of 2009.

30. Ms. Grambusch was asked whether the bureau regulates businesses with a primary purpose of offering "personal beautification" such as a barber, beauty shop, or a tattoo artist. She replied that if they are primarily a private postsecondary institution offering educational services, and depending on how many hours, this would determine if the business fell under the bureau's jurisdiction.

### **Testimony of Respondent**

31. Jacqueline Yang is 28 years old. She has owned Sedux Studio since 2019. She has no employees. Her business has been located in Tustin for the past two years, and prior to that was located at another location in Orange County. The primary purpose of her business is to provide permanent makeup services for eyebrows. Ombre powder is the same as microblading, except that it uses machine. The word ombre means to create a gradient from the front to the end of the brows. It is a different technique done with a machine.

32. Ms. Yang learned her business when she was self-taught by watching YouTube and she then took a class in 2019. She gets most of her clients from social media because that is where she markets. She has about 5 to 10 clients a week. They come from all over the world, but mostly from Los Angeles and Orange County. Her business is legally a tattoo service and requires the same permit as a tattoo artist. She obtained two permits from the Orange County Health Department. She received a practitioner's permit which allows her to work on eyebrows, and a facility permit, which allows her studio to be inspected. She was only required to obtain a blood borne pathogen certificate, which she obtained after a four hour online course. She obtained the permits by showing her certificate. She received her first permit in June 2019.

33. Ms. Yang's customers receive ombre brows or nano brows (microblading) except the ombre brows are done with a machine. The primary purpose of her business was services. She "did not offer training until three years later." As a secondary service of her business is "to show people my skill."

34. About 80 percent of her customers have their own eyebrow business. The remainder of her customers take her courses "for personal fulfillment." She does not refer students to employers or conduct on-campus interviews.

35. Ms. Yang charges \$2,700 for a two-day course for people to watch her technique. She said some of this fee, about \$600, is for "supplies," so only \$2,100 is attributed to instruction. However, she later stated that the supplies are part of the instruction process.

36. Ms. Yang is the only instructor and CEO and sole officer of Sedux Studio LLC. She confirmed that the screenshots provided by Ms. Prudhomme from 2022, December 2023 and March 2024, respectively, were accurate. Ms. Yang confirmed that

she charges between \$3,000 and \$10,000 per student for her eyebrow tattooing classes. She raised her prices at the end of 2023 or the start of 2024.

37. Sedux Studio's website states and Ms. Yang confirmed that she teaches people about marketing the ombre brow technique. She confirmed that she advertised that "you will learn how to create ombre brows using my technique and make your biz strong and optimized as it can be, no matter your starting point," and that "what you'll learn is marketing, how to gain visibility, attract clients, brand yourself, and start your business successfully." She provided this instruction to her students.

38. In August 2022 she advertised \$2,700 for an ombre beginners course, with a \$300 nonrefundable deposit. She confirmed that customers paid the \$2,700. In March 2024 she charged, and student's paid, \$4,000 for a two-day private training course which she advertised on her website.

## **Closing Arguments**

### **COMPLAINANT**

39. Protection of the public is the bureau's highest priority. Ms. Yang as the owner of Sedux Studio cannot do business as a private postsecondary educational institution without approval to operate, and she has not sought or obtained approval. Sedux Studio is a private postsecondary institution that offers classes to the public. Ms. Yang charges more than \$2,500 per class. No exemptions apply.

Complainant has met its burden by preponderance of the evidence to show that respondent violated Education Code section 94886. She had no approval from the bureau, and no exemptions apply. Ms. Yang is the sole owner of Sedux Studio and the

only instructor, and she charged \$3,000 to \$10,000 per course. The "supply kits" were used for instruction and training to enhance or improve business for clients.

The bureau has authority to fine up to \$100,000. Here Sedux Studio was only fined \$25,000 to discourage Ms. Yang from continuing without obtaining approval from the bureau.

### **RESPONDENT**

40. Sedux Studio argued that the citation "makes no sense." Complainant states that the bureau has a duty to protect the public but there is no evidence that Sedux Studio and Ms. Yang are a danger to the public. The potential for harm does not justify the agency's "wide assertion of agency power." Sedux Studio is not offering a course; rather, Ms. Yang "shares her talents" and her techniques with people who want to learn from her, and these people pay her. Her primary purpose is services, she does eyebrows. The classes are just "on the side." She has approval from public health to operate her business. Respondent's counsel stated: "My client is a child. She is trying to get by. [The bureau] is trying to impose a fine, which they can only enforce if they intimidate Ms. Yang to pay."

### **LEGAL CONCLUSIONS**

1. The bureau operates pursuant to the California Private Postsecondary Education Act of 2009 (Act) (Ed. Code, § 94800, et seq.) and its regulations (Cal. Code Regs., tit. 5, § 71100, et seq.).

2. Complainant has the burden of proving, by a preponderance of the evidence, all facts necessary to support the citation. (*Owen v. Sands* (2009) 176 Cal.App.4th 985, 992.)

3. California Code of Regulations, title 5, section 75020, authorizes the bureau to issue citations, administrative fines, and orders of abatement for violations of the statutes and regulations governing private postsecondary institutions.

4. Education Code section 94944 provides that, notwithstanding any other law, the bureau shall cite any person, and that person shall be subject to a fine not to exceed one hundred thousand dollars (\$100,000), for operating an institution without proper approval to operate issued by the bureau. The maximum fine for unlicensed activity is separate and not inclusive of fines for other violations or refunds ordered.

5. Education Code section 94936 provides that the bureau may issue a citation for violations of the Act. The citation may include an order of abatement, and an administrative fine not to exceed \$5,000 for each violation. The fine shall be based on the nature and seriousness of the violation, the persistence of the violation, the good faith of the institution, the history of previous violations, the potential harm to students, and the purposes of the Act. (Ed. Code, § 94936, subd. (b).)

6. Education Code section 94858 defines a private postsecondary educational institution as "a private entity with a physical presence in this state that offers postsecondary education to the public for an institutional charge."

7. Education Code section 94886 requires that private postsecondary educational institutions in California that seek to offer educational programs to the public must get prior approval to operate.

8. Education Code section 94868 defines "to offer to the public" as "to advertise, publicize, solicit, or recruit."

9. Education Code section 94837 defines "educational programs" as short courses that provide training skills but they are not designed to lead to employment.

10. Education Code section 94817.5 defines "approval to operate" as having authorization to offer postsecondary education programs to the public.

11. Education Code section 94874 provides exemptions to the bureau's requirement for approval. These include: an institution that offers solely recreational or avocational courses; an institution that offers pre-apprenticeship programs; and the most common exemption, an institution that does not offer awards or degrees, but solely provides educational programs for total charges of \$2,500 or less.

12. The California Private Postsecondary Education Act of 2009 defines an institution as a postsecondary educational institution that offers programs to the public for a fee.

13. Business and Professions Code section 149 gives the bureau authority to issue an order of abatement, which may include an order to cease operation or provide a period of time to obtain approval.

## **Evaluation**

14. The bureau protects students and consumers through its oversight of California's private postsecondary educational institutions. The bureau's investigation determined that Sedux Studio's programs posed a "potential for harm," but no explanation or reasoning was provided as to how the \$25,000 fine was assessed. The argument that a fine of \$25,000 would discourage Sedux Studio and Ms. Yang from

committing further violations is unconvincing, as this offers no explanation as to why this specific amount, rather than a different amount, would discourage further violations. Using the criteria in Education Code section 94936, Ms. Yang has only been offering the training courses for about three years. Sedux Studio had no previous violations. There was no evidence that Ms. Yang was not acting in good faith. For this reason, the administrative fine shall be reduced to \$12,500.

15. The citation alleges that Sedux Studio and Ms. Yang, as its sole owner, violated Education Code section 94886, which requires that private postsecondary educational institutions in California that seek to offer educational programs to the public must get prior approval to operate.

16. Education Code section 94858 defines a private postsecondary educational institution as "a private entity with a physical presence in this state that offers postsecondary education to the public for an institutional charge." Sedux Studio is registered with the SOS as an LLC. Ms. Yang confirms that she is the only instructor and the sole owner of Sedux Studio. Sedux Studio has a studio in Tustin, California, where it offers courses to the public. Ms. Yang confirmed that she taught classes at the Tustin location. Sedux Studio's website states "Sedux Studio & Academy" followed by: "Welcome to Sedux Studio, we are a permanent cosmetics studio and training academy . . ." The website advertised Ombre Powder Brow Training for \$2,700, a Private Guidance Session for \$1,500, and a Two-Day Private Training for \$4,000.

17. Education Code section 94868 defines "to offer to the public" as "to advertise, publicize, solicit, or recruit," and section 94837 defines education programs as short course that provide training skills but are not designed to lead to employment. Ms. Prudhomme provided screenshots of Sedux Studio's website which included statements that Ms. Yang is a "master artist and CEO," and "What you'll learn"



followed by "Ombre powder brow technique plus correction & cover up technique and marketing and content creation," and "Marketing – how to gain visibility, attract clients, brand yourself and start your business successfully." The website included a "meet your Instructor," where Ms. Yang stated ". . . my curriculum is curated and designed based on my personal experience . . . I want to share my talent and knowledge to help others evolve into the best versions of themselves, . . ." and "Through my simple step-by-step process, you'll learn how to create ombre brows using my technique . . ."

18. Education Code section 94817.5 defines "approval to operate" as having obtained authorization from the bureau to offer private postsecondary education programs to the public. Ms. Prudhomme reviewed the bureau records and verified that respondent did not have an approval to operate on file or a verification of exemption on file, and there are no applications pending. Sedux Studio does not meet any of the exemptions for bureau approval. Ms. Yang testified at hearing that she charges between \$3,000 and \$10,000 per course.

19. Respondent argued that these were not classes and she was not teaching or training her customers, but rather that she was paid by individuals for "sharing her skills and techniques" with them. Respondent later argued that there was no indication of fraud or low quality classes. Respondent further argued that lack of approval and only a potential for fraud were not sufficient to issue a fine of \$25,000. Respondent also pointed out that Ms. Yang had obtained certificates from the Orange County Health Department, and this was all she should need. However, there were no allegations of actual fraud or poor quality of courses offered, and a certificate from the health department is not relevant in this matter because Sedux Studio, and Ms. Yang, as its sole owner and operator, was operating as a private postsecondary educational

institution that offered programs to the public that lead to employment and, therefore Sedux Studio must have approval by the bureau.

20. Based on the above, the allegation that Sedux Studio and Ms. Yang, its sole owner, violated Education Code section 94886 has been substantiated.

### **Cause Exists to Affirm Citation**

21. Cause exists to affirm Citation No. 23240295 issued to Sedux Studio for violating Education Code section 94886. The bureau investigation substantiated allegations that Sedux Studio is operating as a private postsecondary educational institution in California without an approval to operate granted by the bureau or a valid exemption.

22. Consistent with the factors under Education Code section 94936, the Order of Abatement is affirmed and the administrative fine is reduced from \$25,000 to \$12,500.

### **ORDER**

1. The appeal of respondent Sedux Studio LLC and Jacqueline Yang, sole owner, is denied.

2. Citation No. 23240295 issued to respondent Sedux Studio LLC is affirmed.

3. The administrative fine is reduced to \$12,500 and shall be paid in full within 180 days following the effective date of this decision.

//

4. The Order of Abatement is affirmed.

DATE: February 20, 2025

*Marion J. Vomhof*

MARION J. VOMHOF

Administrative Law Judge

Office of Administrative Hearings