



**APPEAL OF CITATION INFORMAL CONFERENCE**  
**DECISION: CITATION MODIFIED**

November 5, 2019

NetCertExpert, Inc., Owner  
 NC Expert  
 5113 Johnson Dr.  
 Pleasanton, CA 94588

<b>Date of Issuance</b>	<b>Citation Number</b>	<b>Institution Code</b>
November 5, 2019	1819139	Unapproved

On March 27, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819139 (Citation) against NetCertExpert, Inc., Owner of NC Expert (Institution). In attendance were Marina O’Connor, Licensing Chief and Annmarie Morgan, 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. 1819139.

It is the decision of the Licensing Chief that on October 25, 2019, Citation No. 1819139 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><b><u>Violation:</u></b></p> <p><b>CEC Section 94886. Approval to Operate Required</b>            “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.”</p> <p><b>CEC Section 94817.5. Approved to Operate or Approved</b>            “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.”</p> <p><b>CEC Section 94868. To Offer to the Public</b>            “To offer to the public” means to advertise, publicize, solicit, or recruit.”</p> <p><b>CEC Section 94869. To Operate</b>            “To operate” means to establish, keep, or maintain any facility or location in this state where, or</p>

from which, or through which, postsecondary educational programs are provided.”

On September 27, 2017, Bureau staff interviewed the Institution’s Chief Executive Officer, T.J. T.J. stated that the Institution enrolls students using WIOA and VA benefits. T.J. also stated that the Institution offers a \$3,000 Cisco Certification Class, and a 32-month, \$50,000 Cisco Certification Course, to veterans.

On October 2, 2017, Bureau staff reviewed the VA’s Weams Public webpage at <https://inquiry.vba.va.gov/weamspub/buildViewOrg.do> which describes a class that the Institution offers to veterans. According to the webpage, the Institution is offering a Network Engineer Apprenticeship Program.

On October 2, 2017, Bureau staff downloaded a copy of the IT Apprenticeship program and reviewed a series of the Institution’s webpages describing its NC-Expert Apprenticeship Program. According to the webpage at [www.nc-expert.com/veteran-apprenticeship.php@parentHorizontalTab2](http://www.nc-expert.com/veteran-apprenticeship.php@parentHorizontalTab2), the Institution recommends that veterans take its 32-month, multi-part program course at a cost of \$55,000.

On December 12, 2017, Bureau staff reviewed a post from the Institution’s Facebook page at [www.facebook.com/story.php?story\\_fbid=303894876682773&id=162086997530229](http://www.facebook.com/story.php?story_fbid=303894876682773&id=162086997530229). According to that post, T.J. was planning to teach a Interconnecting Cisco Network Devices course, (CCNAX) at a cost of \$2,595, in Pleasanton, California.

On December 12, 2017, Bureau staff found an article written and posted by T.J. to the LinkedIn website at [www.linkedin.com/pulse/major-changes-ccie-program-just-announced-terry-jenkins/?trk+mp-reader-card](http://www.linkedin.com/pulse/major-changes-ccie-program-just-announced-terry-jenkins/?trk+mp-reader-card). According to that article, the Institution is offering three Cisco Network Internetwork Expert re-certification courses which cost between \$2,295 to \$7,995 each.

On September 28, 2018, Bureau staff reviewed the Institution’s “index” webpage at <https://nc-expert.com/index.php> which states that the Institution’s “Any Location-List Price” for training is typically \$2,795.

**Order of Abatement:**

The Bureau orders that the Institution cease to operate as a private postsecondary educational institution. The Institution must cease all instructional services and advertising in any form or type of media (including its Internet web site at [www.nc-expert.com](http://www.nc-expert.com)), until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers not identified here 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 94926. The Institution must provide a roster of each student currently enrolled at the Institution. The roster must include the name of the student, their contact information (including phone number, email address, and physical address), the program in which they are enrolled, the amount paid for the program, and the amount the student was refunded.

Reason for modification: New substantive facts were presented at the conference. The Order of Abatement has been satisfied.

**Assessment of Fine:**

The fine for this violation is \$75,000.00

	The administrative fine for this violation has been modified from \$75,000.00 to \$25,000.00.
	<b>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$25,000.00</u></b>

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 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 **November 5, 2019**. The payment is due by **December 5, 2019**.

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) 621-2591 or at Cheryl.Lardizabal@dca.ca.gov.

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**Christina Villanueva**  
**Discipline Manager**

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**Date**

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail