



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

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

INSTITUTION CODE: Unapproved
CITATION NUMBER: 1819139
CITATION ISSUANCE/SERVICE DATE: March 7, 2019
DUE DATE: April 6, 2019

FINE AMOUNT: \$ 75,000.00

ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to NetCertExpert, Inc., Owner, of NC Expert (Institution) located at 5113 Johnson Dr., Pleasanton, CA 94588, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

On September 29, 2017, the Bureau’s Complaint Investigations Unit received a tip alleging the Institution is operating without Bureau approval in violation of CEC section 94886. Bureau staff investigated the complaint and found that the Institution enrolls students sponsored by the Workforce Investment Opportunities Act (WIOA) and Department of Veteran’s Affairs (VA). Under that sponsorship, the WIOA and the VA reimburses the Institution for a portion of eligible student’s tuition. Bureau staff found that the Institution has been operating in California for the last 7 years and charges up to \$55,000 in tuition for some of its courses.

VIOLATION

#	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.	<u>Violation:</u> CEC Section 94886. Approval to Operate Required “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.”

CEC Section 94817.5. Approved to Operate or Approved

“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.”

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 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, 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. 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. 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), 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.

Assessment of Fine:

The fine for this violation is \$75,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$75,000.00

ASSESSMENT OF A FINE

In accordance with CEC section 94936; and 5, CCR sections 75020 and 75030, the Bureau hereby orders this assessment of fine in the amount of **\$75,000.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of CEC section 94936 and 5, CCR section 75020 the Bureau hereby issues the order(s) of abatement described above. **Evidence of compliance with the order(s) of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; and/or through an administrative hearing in accordance with Chapter 5 (Commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this Citation, you must submit the 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by **April 6, 2019**, you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **March 7, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **April 6, 2019**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

Payment of the administrative fine and/or written request for appeal must be mailed to:

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

Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this 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 Citation, or desire further information, please contact Gurinder Sandhu, Citation Analyst, at 916-431-6940 or Gurinder.Sandhu@dca.ca.gov.



Christina Villanueva
Discipline Manager



Date

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First-Class Mail