



Bureau for Private Postsecondary Education  
 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833  
 P.O. Box 980818, West Sacramento, CA 95798-0818  
 P (916) 431-6959 F (916) 263-1897 [www.bppe.ca.gov](http://www.bppe.ca.gov)



**CITATION: ASSESSMENT OF FINE AND/OR ORDER OF ABATEMENT ORDER**

To: Hector Barraza  
 TNT Agency  
 15360 Fairfield Ranch Road, Suite A  
 Chino Hills, CA 91709

**INSTITUTION CODE: NA**  
**CITATION NUMBER: 1415004**  
**CITATION ISSUANCE/SERVICE DATE: April 2, 2015**  
**DUE DATE: May 1, 2015**  
**FINE AMOUNT: \$ 50,000.00**  
**ORDER OF ABATEMENT INCLUDED: YES**

Yvette Johnson issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Enforcement Chief of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Hector Barraza, Owner of TNT Agency (Institution) located at 15360 Fairfield Ranch Road, Suite A, Chino Hills, CA 91709 pursuant to Business and Professions Code section 148; California Education Code (CEC) §94944; and Title 5 of the California Code of Regulations (5 CCR) §75020 for the violation(s) described below.

VIOLATION

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the code section(s) of law you are charged with violating.
1.	<p><b><u>Violation:</u></b>          CEC 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."</p> <p>On 9/20/13, Bureau staff mailed a letter to Hector Barraza, owner, stating that TNT Agency must obtain approval from the Bureau to operate. The Bureau did not receive a response. Bureau staff called TNT Agency on 10/17/13 and left a message with Candace, who identified herself as the receptionist, for Mr. Barraza to return the call. That afternoon on 10/17/13, Mr. Barraza returned</p>

Bureau staff's phone call. Bureau staff advised Mr. Barraza of TNT Agency's unapproved status and explained the conditions under which approval to operate is required. Mr. Barraza stated that he was in New York and needed time to decide what course of action he wanted to take. Bureau staff advised him that he had until 10/31/2013 to respond to the Bureau with his decision. Immediately after speaking to Mr. Barraza, Bureau staff emailed him a link to the Bureau's application for licensure and a link to the Private Postsecondary Act. On 1/14/2015, Bureau staff called TNT Agency and found it to be operational with new classes starting 2/1/15. Mr. Barraza, owner, has failed to submit an application for approval to the Bureau. TNT Agency is operating without Bureau approval in violation of CEC 94886. TNT continues to maintain a website at tntagency.com that advertises courses ranging from \$1,100.00 to \$8,000.00.

**Order of Abatement:**

The Bureau orders that the institution cease to operate immediately until such time that an approval to operate has been obtained from the Bureau. In accordance with CEC 94926, the institution must file a school closure plan with the Bureau.

**Assessment of Fine**

The fine for this violation is \$50,000.00

**TOTAL ADMINISTRATIVE FINE DUE: \$50,000.00**

ASSESSMENT OF A FINE

In accordance with CEC section 94944; and 5 CCR section 75020(b), the Bureau hereby orders this assessment of a fine in the amount of **\$50,000.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

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.**

BACKGROUND

On 9/20/13, the Bureau mailed a letter to Hector Barraza, owner of TNT Agency stating that TNT Agency must acquire Bureau approval to continue operating. On 10/17/13, Bureau staff phoned Mr. Barraza repeating that TNT Agency needs to obtain Bureau approval or cease operation. That same day Bureau staff sent Mr. Barraza and email containing links to the Bureau's licensing application and the Private Postsecondary Act. A call to TNT Agency on 1/14/15 by Bureau staff confirmed that the institution is still operating. To date, Mr. Barraza has not submitted an application for licensure with the Bureau and is in violation of CEC 94886.

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 **May 1, 2015**, 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 **April 2, 2015**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **May 1, 2015**. 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:**

Jody Wright, 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 Jody Wright, Enforcement Analyst, at 916-431-6940 or Jody.Wright@dca.ca.gov.

  
\_\_\_\_\_  
**Yvette Johnson**  
Enforcement Chief

April 2, 2015  
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

## APPLICABLE LAWS

### **California Education Code, Title 3, Division 10, Part 59, Chapter 8 Section(s)**

#### **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.

#### **94887. Granting an Approval to Operate**

An approval to operate shall be granted only after an applicant has presented sufficient evidence to the bureau, and the bureau has independently verified the information provided by the applicant through site visits or other methods deemed appropriate by the bureau, that the applicant has the capacity to satisfy the minimum operating standards. The bureau shall deny an application for an approval to operate if the application does not satisfy those standards.

### **California Code of Regulation, Title 5, Division 7.5 Section(s)**

#### **75040. Appeal of Citations; Informal Conference.**

(a) Pursuant to section 94936(c)(2) of the Code, a cited institution or person may, within 30 days of service of the citation, request a hearing in writing to the Bureau, or it is waived. In addition to contesting a citation by requesting a hearing, the cited institution or person may, within the same 30 days, submit a written request to the Bureau for an informal conference.

(b) The Bureau Chief, or his or her designee, or the Director, or his or her designee, shall within 30 days from the Bureau's receipt of a written request for an informal conference, hold an informal conference with the cited institution or person. The 30-day period may be extended by the Bureau Chief or the Director for good cause. The informal conference may be by telephone.

(c) Following the informal conference, the Bureau Chief, or his or her designee, or the Director, or his or her designee, will affirm, modify, or dismiss the citation, including any fine assessed and/or order of abatement issued. A written order affirming, modifying, or dismissing the original citation shall be served on the cited institution or person within 30 days from the informal conference. If the order affirms or modifies the original citation, said order shall fix a reasonable period of time for abatement of the violation and/or payment of the fine of not more than 30 days.

(d) If the informal conference results in the modification of the findings of violation(s), the amount of the fine and/or the order of abatement, the citation shall be considered modified, but not withdrawn. Unless waived, a cited institution or person is entitled to a hearing to contest the modified citation if the institution or person filed a timely request, but is not entitled to an informal conference to contest an affirmed or modified citation. If a timely request for a hearing was not filed, the decision on the affirmed or modified citation shall be considered final.

(e) If the citation is dismissed after the informal conference, the request for a hearing, if any, shall be deemed withdrawn.

(f) Submission of a written request for a hearing pursuant to section 94936(c)(2) of the Code, or an informal conference as provided in subsection (a), or both, stays the time period in which to pay the fine.

(g) If a written request for a hearing pursuant to section 94936(c)(2) of the Code, or for an informal conference as provided in subsection (a), or both, is not submitted to the Bureau within 30 days from service of the citation, the cited institution or person is deemed to have waived the right to an informal conference and/or administrative hearing.

Note: Authority cited: Sections 94877 and 94936, Education Code. Reference: Sections 94936 and 94944, Education Code.

#### **75050. Compliance with Citations.**

(a) If a cited institution or person that or who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond the institution's or person's control after the exercise of reasonable diligence, the institution or person may request an extension of time within which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) Failure of an applicant or institution issued an approval to operate to abate the violation or to pay the fine within the time allowed is a ground for denial or discipline of an approval to operate.

(c) If an informal conference or hearing is not requested, payment of the fine and/or compliance with any order of abatement shall not constitute an admission of the violation charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

Note: Authority cited: Sections 94877 and 94936, Education Code. Reference: Sections 94936 and 94944, Education Code.



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## **STATEMENT OF RIGHTS:** **Appeal Process Information Sheet**

### **OVERVIEW**

The Citation Program is an alternative method by which the Bureau for Private Postsecondary Education (Bureau) can impose a sanction and take an enforcement action against an institution and its owner to be found in violation of the Bureau's laws or regulations. Citations are issued for violations of law and the amount of the fine varies depending on the severity of the offense. Payment of the fine is not an admission of guilt, but does represent resolution of the matter.

Pursuant to Business and Professions Code Sections 148; California Education Code Section 94944 and California Code of Regulations Section 75020, you are hereby served with a citation issued by the Bureau.

If you do not wish to appeal the citation, please complete and mail the enclosed Payment of Fine - Waiver of Appeal Rights form and include the amount assessed in the citation within 30 days from the date of service of the citation.

### **NOTICE OF APPEAL - INFORMAL CONFERENCE**

You have the right to appeal the citation through an informal conference. An informal conference is a forum that allows the institution owner to state his/her case. You may have counsel present with you, or may choose to be represented by counsel alone.

Any or all aspects of the citation may be contested, including: occurrence of the violation; period of time allowed for the correction; amount of the administrative fine; or any order of abatement or restitution. If you wish to contest the basis on which the citation was issued, the assessment of the administrative fine, or bring any mitigating circumstances to the attention of the Bureau, you must submit a written request to the Bureau. To do so, please complete and mail the enclosed Notice of Appeal of Citation - Request for Informal Conference and/or Administrative Hearing form within 30 days from the date of service of the citation.

The informal conference may be held in person or over the telephone, with the person cited, and/or his or her legal counsel or authorized representative. All informal conferences may be tape recorded whether conducted by telephone or in person. The informal conference is not a place for presentation of witness testimony. Documentary evidence such as sworn witness statement and other records may be presented.

The Bureau Chief or his or her designee will hold the informal conference within 30 days from receipt of the request, and make a decision (affirm, modify, or dismiss the citation) within 30 days after the informal conference.

If you fail to notify the Bureau within 30 days from the service date of the citation of your request to contest the citation, the citation will be deemed as final and your appeal rights waived.

### **NOTICE OF APPEAL - ADMINISTRATIVE HEARING**

Whether or not you request an informal conference, you may request a formal administrative hearing. An administrative hearing is a public hearing held before an Administrative Law Judge. To preserve the right of a formal administrative hearing, you must submit a written request to the Bureau. To do so, please complete and mail the enclosed Notice of Appeal of Citation - Request for Informal Conference and/or Administrative Hearing form within 30 days of the date of this citation. If you do not request an administrative hearing within the 30 days following the issuance of the citation, you will not be able to request one later.

If you request an administrative hearing, further information regarding your rights to discovery and to request postponement of the hearing for good cause will be provided to you with the Notice of Hearing.

After the informal conference decision is issued, you will have the opportunity to withdraw your request for an administrative hearing. If your request is not withdrawn, or if an administrative hearing was requested instead of an informal conference, a hearing will be arranged before an administrative law judge. The judge will prepare a proposed decision containing findings of fact, and either affirming, modifying, or dismissing the citation. Then the proposed decision will be presented to the Director of the Department of Consumer Affairs (DCA). The proceedings under this section shall be conducted in accordance with the provisions of the Administrative Procedure Act (commencing with Section 11500) of the Government Code.

If the Director of DCA, after the hearing, affirms the issuance of the citation, you will be required to comply with the citation, including payment of any fine and any orders of abatement or restitution, as well as comply with other stipulations within the citation decision.

### **PUBLIC DISCLOSURE**

Citations are not discipline, although they do constitute a public record of the action taken. Since they are considered a public record, they are posted on the Bureau's Web site. A copy of the Citation will be provided to any inquiring member of the public.



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**NOTICE OF APPEAL OF CITATION**  
**Request for Informal Conference and/or Administrative Hearing**

Date of Issuance/Service	Citation Number	Institution/ Owner or Operator	Institution Code
April 2, 2015	1415004	TNT Agency/ Hector Barraza	NA

I hereby acknowledge receipt of the above referenced citation and my right to contest all or part(s) of the citation. Check all that apply:

- I WISH TO SCHEDULE AN INFORMAL CONFERENCE.
- I WISH TO SCHEDULE AN ADMINISTRATIVE HEARING.
- I WISH TO *NOT* APPEAL THIS CITATION AND HAVE SUBMITTED TO THE BUREAU PAYMENT OF THE ADMINISTRATIVE FINE AND EVIDENCE OF COMPLIANCE WITH THE ORDER(S) OF ABATEMENT.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Daytime Telephone #: (\_\_\_\_) \_\_\_\_\_

*This Notice of Appeal must be received by the Bureau for Private Postsecondary Education within 30 days from the date of service of the citation.*







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DECLARATION OF SERVICE BY CERTIFIED AND FIRST CLASS MAIL

Table with 4 columns: Date of Issuance / Service, Citation Number, Institution/ Owner or Operator, Institution Code. Row 1: April 2, 2015, 1415004, TNT Agency/Hector Barazza, NA

I, the undersigned, declare I am employed by the Bureau for Private Postsecondary Education, Department of Consumer Affairs, at whose direction this service is made. I am 18 years of age or older and not a party to the within cause; my business address is 2535 Capitol Oaks Drive, Suite 400, Sacramento, California 95833.

I am familiar with the business practice at the Bureau for Private Postsecondary Education for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Bureau for Private Postsecondary Education is collected and deposited with the United States Postal Service that same day in the ordinary course of business.

On April 2, 2015, I served the attached:

- 1. CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT No. 1415004 ]
2. APPLICABLE LAWS
3. STATEMENT OF RIGHTS: Appeal Process Information Sheet
4. NOTICE OF APPEAL OF CITATION: Request for Informal Conference and/or Administrative Hearing
5. PAYMENT OF FINE - WAIVER OF APPEAL RIGHTS

by placing a true copy thereof enclosed in two separate sealed envelopes, as certified mail with return receipt requested and as first class mail, in the internal mail collection system at the Bureau for Private Postsecondary Education, addressed as follows:

NAME / ADDRESS

Hector Barazza
TNT Agency
15360 Fairfield Ranch Road, Suite A
Chino Hills, CA 91709

CERTIFIED MAIL NUMBER

7013 0600 0001 4984 4586

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed at Sacramento, California on April 2, 2015.

Christina Villanueva
Declarant

Signature