



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

June 9, 2015

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

Date of Issuance	Citation Number	Institution Code
April 2, 2015	1415004	Unapproved

On May 8, 2015, an informal conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1415004 (Citation) against Hector Barraza, owner of TNT Agency. In attendance were Alyson Cooney, Deputy Bureau Chief; Mina Hamilton, DCA Legal and Hector Barraza, owner.

Pursuant to Business and Professions Code, §148; California Education Code (CEC), §94944; and Title 5 of California Code of Regulations (5 CCR), §75020 and §75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1415004.

It is the decision of the Deputy Bureau Chief that on June 9, 2015 Citation No. 1415004 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the section(s) you are charged with violating.
1.	<p>MODIFIED</p> <p>Violation of 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</p>

obtaining an approval to operate under this chapter.”

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 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.

Reason for modification: Mr. Barraza provided the Bureau with requested documentation to substantiate his claim that there are no courses offered by TNT Agency at this time. The institution is no longer advertising courses on its website.

The administrative fine for this violation has been modified from \$50,000 to \$1,000.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$1,000.00

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:

Jody Wright, 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.

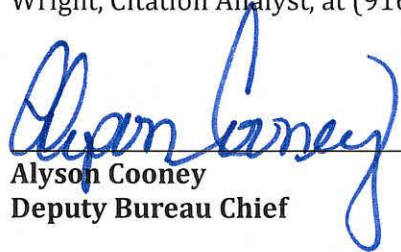
EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on June 9, 2015. The payment is due by **July 8, 2015**

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 Jody Wright, Citation Analyst, at (916) 431-6940 or at Jody.Wright@dca.ca.gov.


Alyson Cooney
Deputy Bureau Chief

06-09-15
June 9, 2015

Enclosures

- Payment of Fine - Waiver of Appeal Rights
- Copy of Citation Order Number