



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Shane Wilmoth, Owner
American Truck School
1315 Main Street
Oakley, CA 94561

INSTITUTION CODE: 0702651
CITATION NUMBER: 1819151
CITATION ISSUANCE/SERVICE DATE: March 21, 2019
DUE DATE: April 20, 2019

FINE AMOUNT: \$ 7,550.00

ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine (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 Shane Wilmoth, Owner, Owner of American Truck School (Institution), located at 1315 Main Street, Oakley, CA 94561, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94926 and 94927.5; and Title 5 of the California Code of Regulations (5, CCR) section 76240 for the violations described below.

BACKGROUND

On June 1, 2016, the Bureau’s Complaint Investigations Unit received a complaint from a former student of the Institution alleging that the Institution closed permanently without prior notice. In accordance with CEC Section 94926 and 5, CCR Section 76240(a), an institution shall notify the Bureau in writing of its intention to close, at least 30 days prior to closing.

The Bureau initiated an investigation and verified that the Institution had ceased operating at its address of record without notifying the Bureau of its planned closure. The Bureau’s Closed School’s Unit verified that the Owner did not submit a proper school closure form to the Bureau and failed to provide the required 30-day advanced notice of school closure.

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.	<p><u>Violation:</u> CEC Section 94926(a), (b), and (d)- Procedures Prior to Closing, Teach-outs <i>At least 30 days prior to closing, the institution shall notify the bureau in writing of its intention to close. The notice shall be accompanied by a closure plan, which shall include, but not necessarily be limited to, all of the following:</i></p> <p><i>(a) A plan for providing teach-outs of educational programs, including any agreements with any other postsecondary educational institutions to provide teach-outs.</i></p> <p><i>(b) If no teach-out plan is contemplated, or for students who do not wish to participate in a teach-out, arrangements for making refunds within 45 days from the date of closure, or for institutions that participate in federal student financial aid programs arrangements for making refunds and returning federal student financial aid program funds.</i></p> <p><i>(d) A plan for the disposition of student records.</i></p> <p>5, CCR Section 76240 (a)(1), (2), (3), (4), (A), (B), (5), (6), (b), (2): Required Notices and Teach-Out Plan. <i>All institutions, including those exempt from Bureau regulation pursuant to the Code, shall do the following prior to closing:</i></p> <p><i>(a) At least 30 days prior to closing, the institution shall notify the Bureau in writing of its intention to close and provide a closure plan. The closure plan shall include:</i></p> <p><i>(1) The exact date and reason for the closure.</i></p> <p><i>(2) The last date of instruction for each educational service or program.</i></p> <p><i>(3) A list of students who were enrolled at any time during the 60 days prior to closure.</i></p> <p><i>(4) If any student will not be provided complete educational services or the educational program, the institution shall provide:</i></p> <p><i>(A) A plan for providing teach-outs or transfers, including the details of any agreements with other institutions.</i></p> <p><i>(B) If no teach-out is contemplated, or for students who do not wish to participate in a teach-out, arrangements for making refunds within 45 days from the date of closure, or for institutions that participate in federal student financial aid programs arrangements for making refunds and returning federal student financial aid program funds</i></p> <p><i>(5) A plan for the disposition of student records.</i></p> <p><i>(6) A plan to notify students of their rights and options under the Act and this chapter.</i></p> <p><i>(b) The institution shall notify the students of the following: (2) If any student will not be provided complete educational services or the educational program, information regarding the Student Tuition Recovery Fund and the Bureau's physical and Internet addresses</i></p> <p>Bureau staff found that the Institution closed on, or before, May 31, 2017. The Institution did not leave a notice on their website regarding the closure, did not provide teach-outs of educational programs, did not make refund arrangements, or provide contact information for students. The Bureau was unable to contact anyone from the Institution using the contact information on record. The Bureau's Closed School Unit confirmed that the Institution did not submit a school closure plan and did not provide the required 30-day advanced notice of school closure.</p> <p><u>Order of Abatement</u> The Bureau orders the Institution to submit to the Bureau a school closure plan as required by CEC</p>

	<p>Section 94926(a), (b), and (d) and 5, CCR Section 76240 (a)(1), (2), (3), (4), (A), (B), (5), (6), (b), (2).</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$2,550.00</u></p>
2.	<p><u>Violation:</u> CEC Section 94927.5 (a)(1) Provision of Records to Bureau Prior to Closing <i>(a) Prior to closing, an institution shall provide the bureau with the following:</i> <i>(1) Pertinent student records, including transcripts, as determined by the bureau, pursuant to regulations adopted by the bureau.</i></p> <p>The Institution failed to notify the Bureau of its intention to close and failed to provide the Bureau with pertinent student records prior to closing.</p> <p><u>Order of Abatement</u> The Bureau orders the Institution to provide pertinent student records and plan for the disposition of student records as required by CEC section 94927.5(a)(1).</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$5,000.00</u></p>
<p>TOTAL ADMINISTRATIVE FINE DUE: \$7,550.00</p>	

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 **\$7,550.00** 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 20, 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 21, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **April 20, 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