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8  
9 **BEFORE THE**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. BPPE21-550

14 **DEEP CREEK CONSTRUCTION**  
15 **SCHOOL**  
16 **CHRISTOPHER CASEY**, Owner  
8280 Deep Creek Road  
Apple Valley, CA 92308

**ACCUSATION**

17 **Approval to Operate Institute Code**  
18 **No. 3604681**

19 Respondent.

20  
21 **PARTIES**

22 1. Deborah Cochrane (Complainant) brings this Accusation solely in her official  
23 capacity as the Chief of the Bureau for Private Postsecondary Education, Department of  
24 Consumer Affairs.

25 2. On or about May 19, 2000, the Bureau for Private Postsecondary Education issued  
26 Approval to Operate Institute Code Number 3604681 to Deep Creek Construction School with  
27 Christopher Casey as owner (Respondent). Respondent was approved to offer non-degree  
28 programs in Heavy Equipment Operating Engineer and Master Electrician Helper. The Master

1 Electrician Helper program was discontinued on July 12, 2018. The Approval to Operate  
2 was in full force and effect at all times relevant to the charges brought herein and will  
3 expire on July 12, 2023, unless renewed.

#### 4 JURISDICTION

5 3. This Accusation is brought before the Director of the Department of Consumer  
6 Affairs (Director) for the Bureau for Private Postsecondary Education, under the authority of the  
7 following laws. All section references are to the Education Code (Code) unless otherwise  
8 indicated.

9 4. Business and Professions Code section 118, subdivision (b), provides that the  
10 suspension, expiration, surrender, or cancellation of a license shall not deprive the Director of  
11 jurisdiction to proceed with a disciplinary action during the period within which the license may  
12 be renewed, restored, reissued or reinstated.

13 5. Section 94875 states in pertinent part:

14 The bureau shall regulate private postsecondary educational institutions  
15 through the powers granted, and duties imposed, by this chapter. In  
16 exercising its powers, and performing its duties, the protection of the  
17 public shall be the bureau's highest priority. If protection of the public is  
18 inconsistent with other interests sought to be promoted, the protection of  
19 the public shall be paramount.

18 6. Section 94877 provides in pertinent part:

19 (a) The bureau shall adopt and shall enforce regulations to implement  
20 this chapter pursuant to the Administrative Procedure Act (Chapter 3.5  
21 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of  
22 the Government Code).

22 (b) The bureau shall develop and implement an enforcement program,  
23 pursuant to Article 18 (commencing with Section 94932) to implement  
24 this chapter. . . .

25 7. Section 94932 provides in pertinent part:

26 The bureau shall determine an institution's compliance with the  
27 requirements of this chapter. The bureau shall have the power to require  
28 reports that institutions shall file with the bureau in addition to the  
annual report, to send staff to an institution's sites, and to require  
documents and responses from an institution to monitor compliance.

1 When the bureau has reason to believe that an institution may be out of  
2 compliance, it shall conduct an investigation of the institution. If the  
3 bureau determines, after completing a compliance inspection  
4 or investigation, that an institution has violated any applicable law or  
5 regulation, the bureau shall take appropriate action pursuant to this  
6 article.

7  
8  
9 8. Section 94933 provides in pertinent part:

10 The bureau shall provide an institution with the opportunity to remedy  
11 noncompliance, impose fines, place the institution on probation, or  
12 suspend or revoke the institution's approval to operate, in accordance  
13 with this article, as it deems appropriate based on the severity of an  
14 institution's violations of this chapter, and the harm caused to students.

15 **REGULATORY PROVISIONS**

16 9. California Code of Regulations, title 5, section 75050 states in pertinent part:

17 ...

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

21 **COST RECOVERY**

22 10. Section 94937, subdivision (c), provides that the Bureau may seek reimbursement  
23 costs of investigation and enforcement pursuant to Business and Professions Code section 125.3.

24 11. Business and Professions Code section 125.3 provides, in pertinent part, that the Board  
25 may request the administrative law judge to direct a licensee found to have committed a violation  
26 or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
27 and enforcement of the case, with failure of the licensee to comply subjecting the license to not  
28 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may  
be included in a stipulated settlement.

**FACTUAL ALLEGATIONS**

**Citation Number 2122080**

12. On or about October 21, 2021, the Bureau issued Citation Number 2122080 to  
Respondent for failing to submit the Annual Fee and Late Payment Penalty Fee for 2021.

1 13. On or about November 24, 2021, the Bureau sent Respondent a Demand for Order of  
2 Abatement letter.

3 14. On or about January 21, 2022, the Bureau sent Respondent a second Demand for  
4 Order of Abatement letter.

5 15. On or about February 25, 2022, the Bureau sent Respondent a third Demand for  
6 Order of Abatement letter.

7 16. On or about April 20, 2022, Respondent's owner, Christopher Casey, sent an email to  
8 the Bureau stating that he did not need to comply because the Bureau removed Respondent from  
9 an eligibility list over a year ago. However, Respondent had not submitted any closure  
10 documentation and is therefore still approved to operate and subject to the annual fee.

11 17. To date, Respondent has failed to comply with the Order of Abatement in that  
12 Respondent has not paid the Annual Fee and Late Payment Penalty Fee for 2021.

13 **FIRST CAUSE FOR DISCIPLINE**

14 (Failure to Comply with Citation)

15 18. Respondent's Approval to Operate is subject to disciplinary action under California  
16 Code of Regulation, title 5, section 75050(b) in that Respondent failed to comply with the Order  
17 of Abatement in Citation Number 2122080 by failing to pay the annual fee and late payment  
18 penalty fee for 2021. Complainant refers to, and by this reference incorporates, the allegations set  
19 forth in above paragraphs 12 through 17, as though set forth in full herein.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
22 and that following the hearing, the Director of the Department of Consumer Affairs issue a  
23 decision:

24 1. Revoking or suspending Approval to Operate Institute Code Number 3604681, issued  
25 to Deep Creek Construction School with Christopher Casey as owner;

26 2. Ordering Deep Creek Construction School, Christopher Casey to pay the Bureau for  
27 Private Postsecondary Education the reasonable costs of the investigation and enforcement of this  
28 case, pursuant to Business and Professions Code section 125.3;

1           3.     Ordering Deep Creek Construction School, Christopher Casey to pay the Bureau for  
2 Private Postsecondary Education the outstanding fines ordered in Citation Number 2122080,  
3 pursuant to California Code of Regulations, title 5, section 75050; and

4           4.     Taking such other and further action as deemed necessary and proper.  
5  
6

7     DATED: “7/20/2022”

“Original Signature on file”  
DEBORAH COCHRANE  
Chief  
Bureau for Private Postsecondary  
Education  
Department of Consumer Affairs  
State of California  
*Complainant*

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