



**Bureau for Private Postsecondary Education**  
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**APPEAL OF CITATION**

**INFORMAL CONFERENCE DECISION:**

**CITATION AFFIRMED**

December 23, 2015

Bhupinder Gill  
 Major Express Truck School  
 3342 Weber Avenue  
 Fresno, CA 93722

Date of Issuance	Citation Number	Institution Code
December 23, 2015	1516034	1002771

On December 15, 2015 an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1516034 (Citation) against Bhupinder Gill, owner of Major Express Truck School. In attendance were Yvette Johnson, Enforcement Chief; Mina Hamilton, DCA Legal and Alex Gonzales, Administrator.

Pursuant to Business and Professions Code, §125.9; California Education Code, §94936; and Title 5 of the California Code of Regulations, §75020 and §75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1516034.

It is the decision of the Enforcement Chief that on December 23, 2015 Citation No. 1516034 is affirmed for the following reason(s):

- Institution continues to maintain records at an off- site location.
- No new substantive facts were presented at the conference.

**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.	<b><u>AFFIRMED</u></b>  <b><u>Violation:</u></b> 5, CCR 71930(e) <b>Maintenance of Records</b> <i>"All records that the institution is required to maintain by the Act or this chapter shall be made</i>

immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations.”

On November 10, 2014, a Bureau Compliance Inspector conducted an announced inspection to Major Express truck School (METS). METS was issued a Notice to Comply (CA10027711114) on that date for multiple violations, including failing to maintain certificate of training or transcripts, refund documents and copies of high school diploma or its equivalent in the student files. A subsequent field visit was conducted by a Bureau investigator to METS on July 14, 2015, during normal business hours. The investigator identified a file cabinet as a potential source of student records in the office of the school; a METS administrative assistant confirmed the source contained student records for 2015 only. The owner of METS, Bhupinder Gill (Gill), refused to allow the investigator to review and copy the student records at that time.

**Order of Abatement:**

The Bureau orders the institution to provide written notification when student records are available for examination in accordance with 5, CCR 71930(e).

**Assessment of Fine:**

The fine for this violation is \$2,500.00

2. **AFFIRMED**

**Violation:**

**CEC 94900.5(c) Required Institutional Records**

*“An institution shall maintain, for a period of not less than five years, at its principal place of business in this state, complete and accurate records of all of the following information: (c) Any other records required to be maintained by this chapter, including, but not limited to, records maintained pursuant to Article 16 (commencing with Section 94928).”*

On July 14, 2015, Bureau staff conducted a filed visit to METS and requested to examine student records for the past five years. Gill stated that the student records were stored off-site in a warehouse and were not available on-site. Bureau staff requested that Gill produce the address of the off-site facility. Gill stated that he did not know the address of the off-site warehouse that held METS prior year student records.

On July 17, 2015, Bureau staff sent a request letter to Gill. The letter requested METS respond to the violations listed on the Notice to Comply (CA10027711114), including the violations related to student records. Gill failed to respond to the Bureau’s request to produce student records for examination.

Gill was provided formal notice by the Bureau on two separate occasions: the original Notice to Comply letter issued on November 10, 2014, where Gill was given 30 days to respond and the request letter sent on July 17, 2015. Gill did not respond to two written requests to produce student records for the Bureau’s investigation to determine if METS was in compliance with Bureau laws and regulations.

**Order of Abatement:**

The Bureau orders the institution to produce student records for the past five years for examination. The institution shall notify the Bureau in writing when the prior year student records

are available for examination. These records shall be examined to determine if they contain the following:

- (a) The educational programs offered by the institution and the curriculum for each.
- (b) The names and addresses of the members of the institution's faculty and records of the educational qualifications of each member of the faculty.
- (c) Any other records required to be maintained by this chapter, including, but not limited to, records maintained pursuant to Article 16 (commencing with Section 94928).

In addition, the Bureau orders that the institution submit a written policy of how compliance will be maintained with CEC 94900.5 in the future.

**Assessment of Fine:**

The fine for this violation is \$2,500.00

**TOTAL ADMINISTRATIVE FINE DUE: \$5,000.00**

ORDER OF ABATEMENT

**The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within 30 days from the date of this decision.**

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 affirmed Citation. You *do*, however, have the right to appeal this affirmed Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. 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 affirmed Citation is effective on December 23, 2015. The order of abatement and payment are due by **January 22, 2016**.

Failure to abate the violation or 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 Affirmed 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](mailto:Jody.Wright@dca.ca.gov)].

  
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**YVETTE JOHNSON**  
**ENFORCEMENT CHIEF**

December 23, 2015  
**Date**

Enclosures

- Payment of Fine