



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

February 4, 2021

C.R. England, Inc. Owner
C.R. England, Inc. DBA Premier Truck Driving School
10691 Poplar Avenue
Fontana, CA 92337

Date of Issuance	Citation Number	Institution Code
February 4, 2021	2021127	3303871

On January 14, 2021, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2021127 (Citation) against C.R. England, Inc., Owner of C.R. England, Inc. DBA Premier Truck Driving School (Institution). In attendance were Beth Danielson, Enforcement Chief, Michael Kanotz, Department of Consumer Affairs Legal Counsel, Eric Goldberg, School Manager, and Tyler Hayes, Institution Legal Counsel.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 2021127.

It is the decision of the Enforcement Chief that on January 19, 2021, Citation No. 2021127 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

#	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>WITHDRAW</u></p> <p><u>Violation:</u> 5, CCR Section 76130 (a-e)– Collection and Submission of Assessments <i>“(a) A qualifying institution shall collect the assessment from each student in an educational program at the time it collects the first payment from or on behalf of the student at or after enrollment. The assessment shall be collected for the entire period of enrollment, regardless of whether the student pays the institutional charges in increments.</i> <i>(b) A qualifying institution shall complete the STRF Assessment Reporting Form (Rev. 2/10) and remit it with the STRF assessments collected from students to be received by the Bureau no later than the last day of the month following the close of the quarter as follows:</i> <i>(1) April 30 for the first quarter,</i> <i>(2) July 31 for the second quarter,</i></p>

(3) October 31 for the third quarter, and
 (4) January 31 for the fourth quarter. If the due date falls on a Saturday, Sunday or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.
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(c) The STRF Assessment Reporting Form shall contain the following information:
 (1) Total number of students who signed enrollment agreements for educational programs during the reporting period; and
 (2) Total number of students eligible for STRF who signed enrollment agreements for educational programs during the reporting period; and
 (3) The total number of students who signed their enrollment agreement during the reporting period, were eligible for STRF, and who made their first payment during the reporting period; and
 (4) The total number of students who signed their enrollment agreement in a previous reporting period, were eligible for STRF, and who made their first payment during the current reporting period; and
 (5) Total amount of institutional charges after rounding each student's institutional charges to the nearest \$1,000, for all eligible STRF students whose STRF assessment was collected in the reporting period; and
 (6) Current contact telephone number of the person preparing the form; and
 (7) A declaration dated and signed under penalty of perjury by the person preparing the form that the form and any attachments are true and correct.

(d) In the event of a school closure, any collected assessments shall be remitted to the Bureau within seven days following the cessation of instruction.

(e) Submission of all prior reports and assessments required by this section is a condition of renewal.”

The Institution has failed to submit STRF Assessment Reporting Form for the following quarter:

- Third Quarter of 2019.

On September 18, 2019, the Institution was notified via mail at 10691 Poplar Avenue, Fontana, CA 92337, that the STRF Assessment Reporting Form for the 3rd quarter of 2019 was due. As of October 22, 2020, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On June 18, 2020, the Institution was notified via mail at 50 Acacia Avenue, San Rafael, CA 94901, that the STRF Assessment Reporting Form for the 2nd quarter of 2020 was due. As of October 22, 2020, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

Order of Abatement:

The Bureau orders that the Institution submit the delinquent STRF Assessment Reporting Forms with the STRF Assessments collected from students for the quarters listed above. The information provided shall comply with “Record Keeping Requirements” Pursuant to 5, CCR section 76140.

Assessment of Fine

The fine for this violation is \$50.00

2. **MODIFIED**

Violation:

5, CCR Section 71770 (a)(1) - Admissions Standards and Transferred Credits Policy

“(a) The institution shall establish specific written standards for student admissions for each educational program. These standards shall be related to the particular educational program. An institution shall not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the program. In addition to any specific standards for an educational program, the admissions standards must specify as applicable that:

(1) Each student admitted to an undergraduate degree program, or a diploma program, shall possess a high school diploma or its equivalent, or otherwise successfully take and pass the relevant examination as required by section 94904 of the Code.”

5, CCR Section 71920 (a)(b)(1)(A) – Student Records

“(a) The institution shall maintain a file for each student who enrolls in the institution whether or not the student completes the educational service.

(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:

(1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following:

(A) Verification of high school completion or equivalency or other documentation establishing the student's ability to do college level work, such as successful completion of an ability-to-benefit test;”

Bureau staff reviewed student files and found that files failed to include verification of high school completion, equivalency, or other documentation establishing the student’s ability to do college level work, such as a successful completion of an Ability to Benefit (ATB) exam upon admissions. Institution staff stated that the documentation was not required during the time of enrollment.

Order of Abatement:

The Bureau orders the Institution to submit an established policy, or procedure, of how the Institution will maintain future compliance with 5, CCR sections 71770(a)(1) and 71920(b)(1)(a).

Assessment of Fine

The fine for this violation is \$1,000.00

The administrative fine for this violation has been modified from \$1,000.00 to \$500.00.

3. **AFFIRMED**

Violation:

CEC Section 94902 (a)(b)(1)(3) – General Enrollment Requirements

“(a) A student shall enroll solely by means of executing an enrollment agreement. The enrollment agreement shall be signed by the student and by an authorized employee of the institution.

(b) An enrollment agreement is not enforceable unless all of the following requirements are met:

(1) The student has received the institution’s catalog and School Performance Fact Sheet prior to signing the enrollment agreement.

(3) Prior to the execution of the enrollment agreement, the student and the institution have signed and dated the information required to be disclosed in the Student Performance Fact Sheet pursuant to subdivisions (a) to (d), inclusive, of Section 94910. Each of these items in the Student Performance Fact Sheet shall include a line for the student to initial and shall be initialed and dated by the student.”

CEC 94912 – Signature, Initials Required

“Prior to the execution of an enrollment agreement, the information required to be disclosed pursuant

	<p><i>to subdivisions (a) to (d), inclusive, of Section 94910 shall be signed and dated by the institution and the student. Each of these items shall also be initialed and dated by the student."</i></p> <p>Bureau staff reviewed student files and found that files contained signed Enrollment Agreements that had a disclosure which required the student to initial to indicate that the student received, reviewed, signed, and dated the information in the Student Performance Fact Sheet (SPFS). However, Bureau staff found that the completed SPFS that were to be signed and dated by the student and school official were not located in the files.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit a written policy, or procedure, of how future compliance with 5, CCR section 94902(b)(1)(3) and CEC Section 94912 will be maintained.</p> <p><u>Assessment of Fine</u> The fine for this violation is \$1,000.00</p>
4.	<p><u>AFFIRMED</u></p> <p><u>Violation:</u> 5, CCR Section 71920 (b)(3)(10) – Student Records <i>"(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</i> <i>(3) Copies of all documents signed by the student, including contracts, instruments of indebtedness, and documents relating to financial aid;"</i> <i>(10) A document specifying the amount of a refund, including the amount refunded for tuition and the amount for other itemized charges, the method of calculating the refund, the date the refund was made, and the name and address of the person or entity to which the refund was sent;"</i></p> <p><u>Violation 5. CCR Section 71920 (b)(3):</u> The Institution could not provide a completed Enrollment Agreement for student files that were reviewed.</p> <p><u>Violation 5. CCR Section 71920 (b)(10):</u> The Institution failed to provide documentation specifying the amount of a refund, including the amount refunded for tuition and the amount for other itemized charges, the method of calculating the refund, the date the refund was made, and the name and dress of the person or entity to which the refund was sent. Institution staff stated the they did not have these documents as the Institution pays for the student's tuition.</p> <p><u>Order of Abatement:</u> The Bureau order the Institution to submit to the Bureau a written policy, or procedure, of how future compliance with 5, CCR section 71920(b)(3)(10) will be maintained.</p> <p><u>Assessment of Fine</u> The fine for this violation is \$1,000.00</p>
5.	<p><u>AFFIRMED</u></p> <p><u>Violation:</u> 5, CCR Section 71930 (c)(2)(3)(e) – Maintenance of Records <i>"(c) A record is considered current for three years following a student's completion or withdrawal. A</i></p>

record may be stored on microfilm, microfiche, computer disk, or any other method of record storage only if all of the following apply:
(2) For a record that is current, the institution maintains functioning devices that can immediately reproduce exact, legible printed copies of stored records. The devices shall be maintained in reasonably close proximity to the stored records at the institution's primary administrative location in California. For a record that is no longer current, the institution shall be able to reproduce exact, legible printed copies within two (2) business days.
(3) The institution has personnel scheduled to be present at all times during normal business hours who know how to operate the devices and can explain the operation of the devices to any person authorized by the Act to inspect and copy records; and
(e) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations.”

The Institution failed to have personnel available to provide copies of all requested and required records. Additionally, the Institution could not provide legible copies of the documentation that was available during the Inspection.

Order of Abatement:

The Bureau orders the Institution to submit a written policy, or procedure, of how future compliance with 5, CCR section 71930(c)(2)(3)(e) will be maintained.

Assessment of Fine

The fine for this violation is \$500.00

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$3,000.00

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:

Nicole Mitchell, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

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 affirmed or modified Citation through an Administrative Hearing. 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 do not wish to appeal this modified Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on **February 4, 2021**. The Order of Abatement and payment are due by **March 6, 2021**.

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 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 Nicole Mitchell Citation Analyst, at Nicole.Mitchell@dca.ca.gov.

“Original Signature on File”

“2/4/2021”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail