

BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

EDISON TRUCK AND BUS DRIVING SCHOOL, INC.,

EDISON D. FREIRE,

TONNIE P. FREIRE,

MIRELLA C. FREIRE,

Respondents.

Case No. 1002304

OAH No. 2019011190

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Director of the Department of Consumer Affairs as the Decision in the above entitled matter.

The Decision shall become effective _____.

DATED: _____

RYAN MARCROFT

Deputy Director, Legal Affairs

Department of Consumer Affairs

1 XAVIER BECERRA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
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Deputy Attorney General
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7

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

12
13 In the Matter of the Accusation Against:

14 **EDISON TRUCK AND BUS DRIVING**
15 **SCHOOL, INC., EDISON D. FREIRE,**
16 **TONNIE P. FREIRE, MIRELLA C.**
17 **FREIRE**
18 **2024 North Durfee Ave**
19 **South El Monte, CA 91733**

Institution No. 1937251

Respondent.

Case No. 1002304

OAH No. 2019011190

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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21
22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
23 entitled proceedings that the following matters are true:

24 **PARTIES**

25 1. Dr. Michael Marion, Jr. (“Complainant”) is the Chief of the Bureau for Private
26 Postsecondary Education (“Bureau”). He brought this action solely in his official capacity and is
27 represented in this matter by Xavier Becerra, Attorney General of the State of California, by
28 Elyse M. Davidson, Deputy Attorney General.

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that the Approval to Operate a Private Postsecondary Non-
3 Accredited Institution (Institution Code 1937251) issued to Respondent Edison Truck and Bus
4 Driving School, Inc., Edison D. Freire, Tonnie P. Freire, Mirella C. Freire is revoked. However,
5 the revocation is stayed and Respondent is placed on probation for one (1) year on the following
6 terms and conditions.

7 **Severability Clause.** Each condition of probation contained herein is a separate and
8 distinct condition. If any condition of this Order, or any application thereof, is declared
9 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
10 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
11 and enforceable to the fullest extent permitted by law.

12 **1. Obey All Laws**

13 Respondent shall obey all federal, state and local laws and regulations governing the
14 operation of a private postsecondary educational institution in California. Respondent shall
15 submit, in writing, a full detailed account of any and all violations of the law to the Bureau within
16 five (5) days of discovery.

17 **CRIMINAL COURT ORDERS:** If respondent is under criminal court orders, including
18 probation or parole, and the order is violated, this shall be deemed a violation of these probation
19 conditions, and may result in the filing of an Accusation and/or Petition to Revoke Probation.

20 **2. Compliance with Probation and Quarterly Reporting**

21 Respondent shall fully comply with the terms and conditions of probation established by
22 the Bureau and shall cooperate with representatives of the Bureau in its monitoring and
23 investigation of the respondent's compliance with probation. Respondent, within ten (10) days of
24 completion of the quarter, shall submit quarterly written reports to the Bureau on a Quarterly
25 Report of Compliance form obtained from the Bureau.

26 **3. Personal Appearances**

27 Upon reasonable notice by the Bureau, Respondent shall report to and make personal
28 appearances at times and locations as the Bureau may direct.

1 **4. Notification of Address and Telephone Number Change(s)**

2 Respondent shall notify the Bureau, in writing, within five (5) days of a change of name,
3 title, physical home address, email address, or telephone number of each person, as defined in
4 section 94855 of the Code, who owns or controls 25% or more of the stock or an interest in of the
5 institution and, to the extent applicable, each general partner, officer, corporate director, corporate
6 member or any other person who exercises substantial control over the institution’s management
7 or policies.

8 **5. Notification to Prospective Students**

9 When currently soliciting or enrolling (or re-enrolling) a student for any program,
10 Respondent shall provide notification of this action to each current or prospective student prior to
11 accepting their enrollment, and to those students who were enrolled at the time of the conduct that
12 is the subject of this action as directed by the Bureau. This notification shall include a copy of the
13 Accusation, Statement of Issues, Stipulated Settlement, or Disciplinary Decision (whichever
14 applies).

15 **6. Student Roster**

16 Within 15 days of the effective date of this Decision, and with the Quarterly Reports
17 thereafter, provide to the Bureau the names, addresses, phone numbers, email addresses, and the
18 programs in which they are or were enrolled, of all persons who are currently or were students of
19 the institution within 60 days prior to the effective date of the Decision, and those students who
20 were enrolled at the time of the conduct that is the subject of this action.

21 **7. Instruction Requirements and Limitations**

22 During probation, Respondent shall provide approved instruction in the State of California.
23 If Respondent is not providing instruction, the period of probation shall be tolled during that time.

24 **8. Record Storage**

25 Within 5 days of the effective date of this Decision, provide the Bureau with the location of
26 the repository for all records as they are required to be maintained pursuant to Title 5, California
27 Code of Regulations, section 71930.

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1 **9. Maintenance of Current and Active Approval to Operate**

2 Respondent shall, at all times while on probation, maintain a current and active approval to
3 operate with the Bureau including any period during which approval is suspended or probation is
4 tolled.

5 **10. Comply With Citations**

6 Respondent shall comply with all final orders resulting from citations issued by the Bureau.

7 **11. Cost Recovery Requirements**

8 Respondent shall pay to the Bureau its costs of investigation and enforcement in the amount
9 of \$8,022.98 no later than 30 days after the effective date of the Decision and Order. Such costs
10 shall be payable to the Bureau and are to be paid regardless of whether the probation is tolled.
11 Failure to pay such costs shall be considered a violation of probation.

12 Except as provided above, the Bureau shall not renew the Approval to Operate of any
13 respondent who has failed to pay all the costs as directed in a Decision.

14 **12. Violation of Probation**

15 If Respondent violates probation in any respect, the Bureau, after giving respondent notice
16 and opportunity to be heard, may revoke probation and carry out the disciplinary order which was
17 stayed. If an Accusation or a Petition to Revoke Probation is filed against respondent during
18 probation, the Bureau shall have continuing jurisdiction until the matter is final, and the period of
19 probation shall be extended, and respondent shall comply with all probation conditions, until the
20 matter is final.

21 **13. Future Approvals to Operate**

22 If Respondent subsequently obtains other approvals to operate during the course of this
23 probationary order, this Decision shall remain in full force and effect until the probationary period
24 is successfully terminated. Future approvals shall not be granted, however, unless Respondent is
25 currently in compliance with all of the terms and conditions of probation.

26 **14. Comply with All Accreditation Standards**

27 As applicable, Respondent shall comply with all standards set by its accreditor in order to
28 maintain its accreditation. Respondent shall submit to the Bureau, in writing, a full detailed

1 account of any and all actions taken by any accrediting agency against Respondent regarding any
2 institution operated by Respondent, including an order to show cause, or conditions or restrictions
3 placed on accreditation, within five (5) days of occurrence.

4 **15. Completion of Probation**

5 Upon successful completion of probation, Respondent's approval to operate will be fully
6 restored.

7 **16. Operations Auditor/Billing Auditor**

8 Within 45 days of the effective date of this Decision, respondent shall submit to the Bureau
9 for prior approval, the name and qualifications of an auditor who is experienced in operations or
10 accounting practices for educational institutions, who has agreed to serve as an operations auditor
11 /billing auditor. The auditor shall (1) be a California-licensed certified public accountant or public
12 accountant with a clear and current license; and (2) have no prior or current business,
13 professional, personal or other relationship with respondent, or any former owner, director, or
14 officer of respondent institution.

15 Once approved, the auditor shall submit to the Bureau or its designee a plan by which
16 respondent's operations shall be audited. Auditing shall consist of at least one hour per month of
17 face to face meetings with respondent and shall continue during the entire probationary period.
18 While such face to face meetings may include a director or employee of the institution not listed
19 as having ownership or control, at least one person listed as having ownership or control shall
20 participate in each such meeting. The respondent shall provide the auditor with a copy of this
21 Decision and access to respondent's fiscal and/or student records. Respondent shall obtain any
22 necessary student releases to enable the auditor to review records and to make direct contact with
23 students. Respondent shall execute a release authorizing the auditor to divulge any information
24 that the Bureau may request. It shall be respondent's responsibility to assure that the auditor
25 submits written reports to the Bureau on a quarterly basis verifying that auditing has taken place
26 and providing an evaluation of respondent's performance.

27 Respondent shall notify all current and potential students of any term or condition of
28 probation that will affect the confidentiality of their records (such as this condition, which

1 requires an operations auditor /billing auditor). Such notifications shall be signed by each student
2 prior to continuing or beginning enrollment.

3 If the auditor quits or is otherwise no longer available, respondent shall notify the Bureau
4 within 10 days and get approval from the Bureau for a new auditor within 30 days. If no new
5 auditor is approved within 30 days, respondent shall not operate until a new auditor has been
6 approved by the Bureau. During this period of non-operation, probation will be tolled and will not
7 commence again until the period of non-operation is completed. Respondent shall pay all costs
8 associated with this auditing requirement. Failure to pay these costs shall be considered a
9 violation of probation.

10 **ACCEPTANCE**

11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
12 discussed it with my attorney, Mr. Gregory Paul Benton. I understand the stipulation and the
13 effect it will have on my Approval to Operate a Non-Accredited Institution. I enter into this
14 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
15 to be bound by the Decision and Order of the Director of the Department of Consumer Affairs.

16
17 DATED: 11-8-19 ARTHUR SONATINO
18 EDISON TRUCK AND BUS DRIVING SCHOOL,
19 INC., EDISON D. FREIRE, TONNIE P. FREIRE,
20 MIRELLA C. FREIRE
21 Respondent

22 I have read and fully discussed with Respondent Edison Truck and Bus Driving School,
23 Inc., Edison D. Freire, Tonnie P. Freire, Mirella C. Freire the terms and conditions and other
24 matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form
25 and content.

26 DATED: 11-8-2019 [Signature]
27 GREGORY PAUL BENTON
28 Attorney for Respondent

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28 ///


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2 prior to continuing or beginning enrollment.

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15 to be bound by the Decision and Order of the Director of the Department of Consumer Affairs.

16
17 DATED: 11-08-19


18 EDISON TRUCK AND BUS DRIVING SCHOOL,
19 INC., EDISON D. FREIRE, TONNIE P. FREIRE,
20 MIRELLA C. FREIRE
21 Respondent

22 I have read and fully discussed with Respondent Edison Truck and Bus Driving School,
23 Inc., Edison D. Freire, Tonnie P. Freire, Mirella C. Freire the terms and conditions and other
24 matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form
25 and content.

26 DATED: _____

27 _____
28 GREGORY PAUL BENTON
Attorney for Respondent

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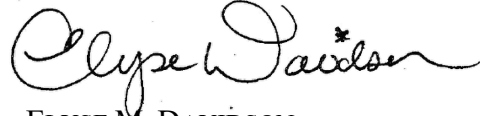
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of the Department of Consumer Affairs.

DATED: 11/08/2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



ELYSE M. DAVIDSON
Deputy Attorney General
Attorneys for Complainant

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