



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

May 13, 2020

Manuel Sequieira., Owner
Charles Grant, Owner
Truck Driving Academy
1250 Market Street, Suite A
Yuba City, CA, 95991

Date of Issuance	Citation Number	Institution Code
May 13, 2020	1920236	3402821

On April 17, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920236 (Citation) against Manuel Sequieira and Charles Grant, Owners of Truck Driving Academy (Institution). In attendance were Leeza Rifredi, Deputy Bureau Chief and Katie Huber, Director.

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. 1920236.

It is the decision of the Deputy Bureau Chief that on April 20, 2020, Citation No. 1920236 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>Violation: 5, CCR Section 71920 (b)(1)(A) – 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>(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:</i> <i>(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;</i></p> <p>The Institution was issued a Notice to Comply #CA 3402821 0714 at the announced Compliance inspection on July 21, 2014 for failing to comply with 5, CCR Section 71920. On May 29, 2019, during the unannounced Compliance inspection, student files still failed to include verification of high school completion or equivalency, or documentation of a student’s successful completion of the approved ATB test.</p>

Order of Abatement:

The Bureau orders the Institution to submit a policy, or procedure, of how the Institution will maintain future compliance with 5, CCR sections and 71920.

Reason for modification: New substantive facts were presented at the conference. The Order of Abatement has been satisfied.

Assessment of Fine

The fine for this violation is \$1501.00

The administrative fine for this violation has been modified from \$1501.00 to \$500.00.

2.

Violation:

5, CCR Section 74112(h)(i)(4)(k) – Uniform Data – Annual Report, Performance Fact Sheet

(h) Completion Rates. Reporting of completion rates for an institution's Annual Report and Performance Fact Sheet shall include, for each educational program, the number of students who began the program as defined in subdivision (d)(1) of this section, the number of students available for graduation, number of on-time graduates, and completion rate(s). An optional table may be added to include completion rate data for students completing within 150% of the published program length. For an institution reporting completion data pursuant to section 94929(b) of the Code, completion data shall be separately reported for each program and the Performance Fact Sheet shall disclose, if true, that the completion data is being reported for students completing within 150% of the published program length, and that data is not being separately reported for students completing the program within 100% of the published program length. Programs that are more than one year in length which are reporting 150% Completion Rate will provide four calendar years of data. Completion rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below (dates, numbers, and other data shown are for example only):

On-time Completion Rates (Graduation Rates) (includes data for the two calendar years prior to reporting)

Name of Educational Program (Program Length)

Calendar Year	Number of Students Who Began the Program	Students Available for Graduation	Number of On-time Graduates	On-time Completion Rate
20XX	100	98	70	71%
20XY	80	80	55	69%

Students Completing Within 150% of the Published Program Length Name of Educational Program (Program Length)

Number of Students	Students	150%

Calendar Year	Who Began the Program	Available for Graduation	150% Graduates	Completion Rate
20XX	100	98	95	97%
20XY	80	80	78	98%
*20XZ	90	90	87	97%
*20YA	87	85	74	87%

Student's Initials: _____ Date: _____
 Initial only after you have had sufficient time to read and understand the information.

(i) Job Placement Rates.

(4) Placement rate shall be calculated as follows: the number of graduates employed in the field as defined in section 94928(e)(1) of the Code in conjunction with section 74112(d)(3) divided by the number of graduates available for employment as defined in section 94928(d) of the Code.

Job Placement rates and related disclosures shall be included in the Performance Fact Sheet in a format substantially similar to the charts below, (dates, numbers, and other data shown are for example only):

Job Placement Rates (includes data for the two calendar years prior to reporting)
 Name of Educational Program (Program Length)

Calendar Year	Number of Students Who Began the Program	Number of Graduates	Graduates Available for Employment	Graduates Employed in the Field	Placement Rate % Employed in the Field
20XX	100	70	70	55	79%
20XY	80	55	55	20	36%

Student's Initials: _____ Date: _____
 Initial only after you have had sufficient time to read and understand the information.

Gainful Employment Categories (includes data for the two calendar years prior to reporting)
 Name of Educational Program (Program Length)
 Part time vs. Full Time Employment

	Graduates Employed in the field 20 to 29 hours per week	Graduates Employed in the field at least 30 hours per week	Total Graduates Employed in the Field
20XX	15	40	55
20XY	5	15	20

Single Position vs. Concurrent Aggregated Positions

	Graduates Employed in the field in a single position	Graduates Employed in the field in concurrent aggregated positions	Total Graduates Employed in the Field
20XX	52	3	55
20XY	19	1	20

Self-Employed/Freelance Positions

	Graduates Employed who are self-employed or working freelance	Total Graduates Employed in the Field
20XX	3	55
20XY	5	20

Institutional Employment

	Graduates Employed in the field who are employed by the institution, an employer owned by the institution, or an employer who shares ownership with the institution	Total Graduates Employed in the Field
20XX	15	55
20XY	5	20

Student's Initials: _____ Date: _____
 Initial only after you have had sufficient time to read and understand the information.
 (k) Salary and Wage Information

All Salary and Wage Information shall be reported to the Bureau pursuant to sections 94910(d) and 94929.5(a)(3) of the Code and shall be included in the Performance Fact Sheet, for each educational program, in a format substantially similar to the chart below (dates, numbers, salaries, and other data shown are for example only).

Salary and Wage Information (includes data for the two calendar years prior to reporting)

Name of Educational Program (Program Length)

Annual Salary and Wages Reported for Graduates Employed in the Field

Calendar Year	Graduates Available for Employment	Graduates Employed in the Field	Annual Salary and Wages Reported for Graduates Employed in the Field				No Salary Information Reported
			\$15,000 - \$20,000	\$20,001 - \$25,000	\$25,001 - \$30,000	\$30,001 - \$35,000	
20XX	100	70	5	40	6	3	16
20XY	80	55	5	7	3	5	35

A list of sources used to substantiate salary disclosures is available from the school. (Insert how student can obtain this information.)

Student's Initials: _____ Date: _____

Initial only after you have had sufficient time to read and understand the information."

CEC Section 94929 (a) -Reporting of Completion Rate

(a) An institution shall annually report to the bureau, as part of the annual report, and publish in its School Performance Fact Sheet, the completion rate for each program. Except as provided in subdivision (b), the completion rate shall be calculated by dividing the number of on-time graduates by the number of students available for graduation

CEC Section 94929.5 (a)(1)(3)-Reporting of Student Performance Data

(a) An institution shall annually report to the bureau, as part of the annual report, and shall publish in its School Performance Fact Sheet, all of the following:

(1) The job placement rate, calculated by dividing the number of graduates employed in the field by the number of graduates available for employment for each program that is either (1) designed, or advertised, to lead to a particular career, or (2) advertised or promoted with any claim regarding job placement.

(3) Salary and wage information, consisting of the total number of graduates employed in the field and the annual wages or salaries of those graduates stated in increments of five thousand dollars (\$5,000).

CEC Section 94934 (a)(1)(2)(6) Annual Report

(a) As part of the compliance program, an institution shall submit an annual report to the bureau, under penalty of perjury, signed by a responsible corporate officer, by July 1 of each year, or another date designated by the bureau, and it shall include the following information for educational programs offered in the reporting period:

(1) The total number of students enrolled by level of degree or for a diploma.

(2) The number of degrees, by level, and diplomas awarded.

(6) The total charges for each educational program by period of attendance.

SPFS & Annual Report Violations:

Violations: 5, CCR Section 74112 (h) & CEC Section 94929 (a): The On-time Completion Rates data reported in the 2017 Annual Report and 2016-2017 SPFS for the Rancho Cordova and Fontana locations is not substantiated by the supporting document. In addition, the 2016-2017 SPFS for the Yuba City location reported 47 students completed on-time in 2017, however, the supporting documentation reported 2 students completed on-time in 2017.

Violations: 5, CCR Section 74112 (i)(4) & CEC Section 94929.5 (a)(1): The Job Placement Rates data reported in the 2017 Annual Report and 2016-2017 SPFS for the Rancho Cordova and Fontana locations is not substantiated by the supporting document. The 2016-2017 SPFS for the Yuba City location reported 38 Graduates Employed in the field, however, the supporting documentation reported 42 Graduates Employed in the field in 2017.

Violations: 5, CCR Section 74112 (k) & CEC Section 94929.5 (a)(3): The Salary and Wage Information data reported in the 2017 Annual Report and 2016-2017 SPFS for the Rancho Cordova and Fontana locations is not substantiated by the supporting document. The 2016-2017 SPFS reported annual wages/salary, however, the supporting documentation reported hourly and/or mileage wages.

Annual Report Violations:

CEC Section 94934(a)(1): The 2017 Annual Report stated 84 students began the Program. The 2017 data reported in the 2016-2017 SPFS states 84 students began the Program at the Rancho Cordova location, 49 students began the Program at the Yuba City location, and 675 students began the Program at the Fontana location. Overall, 808 students began the program in 2017 as opposed to the 84 students reported.

CEC Section 94934(a)(2): The 2017 Annual Report states there were 75 On-Time Graduates. The 2017 data reported in the 2016-2017 SPFS states there were 75 On-Time Graduates at the Rancho Cordova location, 39 On-Time Graduates at the Yuba City location, and 650 On-Time Graduates at the Fontana location. Overall, 764 students graduated from the program in 2017, as opposed to the 75 reported.

CEC Section 94934(a)(6): The total charges reported in the 2017 Annual Report did not match the total charges reported in the Institution's 2017 Catalog and 2016-2017 SPFS.

Order of Abatement:

The Bureau orders the Institution to submit a written policy, or procedure, of how future compliance with 5, CCR section 74112, and CEC Sections 94929, 94929.5, and 94934 will be maintained.

Reason for modification: New substantive facts were presented at the conference. The Order of Abatement has been satisfied.

Assessment of Fine

The fine for this violation is \$5,000.00

	The administrative fine for this violation has been modified from \$5,000.00 to <u>\$2,500.00</u> .
3.	<p><u>Violation:</u> 5, CCR Section 71930(e) – Maintenance of Records <i>“(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.”</i></p> <p>The Institution failed to make all records available to the Bureau during the unannounced Compliance inspection. The Institution’s administrator stated all records were at the corporate office and did not have electronic access to them on May 29, 2019.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit a written policy, or procedure, of how compliance with 5, CCR section 71930 (e) will be maintained.</p> <p><u>Reason for modification:</u> New substantive facts were presented at the conference. The Order of Abatement has been satisfied.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$500.00</u></p>
TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$3,500.00</u>	

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:

Cheryl Lardizabal, 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 **May 13, 2020**. The payment is due by **June 12, 2020**.

Failure 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 Cheryl Lardizabal, Citation Analyst, at (916) 574-8968 or at Cheryl.Lardizabal@dca.ca.gov.

“Original signature on file”

“5/13/2020”

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