



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

March 4, 2019

United Truck & Car Driving School, Inc., Owner
 United Truck & Car Driving School, Inc.
 2425 Camino Del Rio South, Suite 250
 San Diego, CA 92108

Date of Issuance	Citation Number	Institution Code
March 4, 2019	1819069	3707641

On February 14, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819069 (Citation) against United Truck & Car Driving School, Inc, Owner of United Truck & Car Driving School, Inc. In attendance were Beth Scott, Enforcement Chief; and Cindy Stulich, Administrative 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. 1819069.

It is the decision of the Enforcement Chief that on February 14, 2019, Citation No. 1819069 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>MODIFIED</p> <p>Violation:</p> <p>5, CCR section 71770(a)(1) Admissions Standards and Transferred Credits Policy</p> <p><i>(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:</i></p> <p><i>(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.</i></p> <p>On March 16, 2018, an announced compliance inspection was conducted at the Institution. Bureau staff conducted a review of a student file. The student file contained transcripts indicating the student had only attended high school through the eleventh grade with failing grades. There was not a verification of high school completion or equivalency, or evidence of an ability-to-benefit test</p>

	<p>located in the file.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution implement procedures for administering an approved ATB test to prospective students in compliance with 5, CCR 71770(a)(1) and submit written evidence of compliance to the Bureau. The Institution shall maintain evidence of properly administered ABT's in student files as required by 71920(b)(1)(A).</p> <p><u>Reason for modification:</u> New substantive facts were presented at the conference.</p> <p>The administrative fine for this violation has been modified from \$100.00 to <u>\$50.00</u>.</p>
2.	<p><u>MODIFIED</u> <u>Violation:</u> CEC Section 94897. Prohibited Business Practices <i>An institution shall not do any of the following:</i> <i>(j) In any manner make an untrue or misleading change in, or untrue or misleading statement related to, a test score, grade or record of grades, attendance record, record indicating student completion, placement, employment, salaries, or financial information, including any of the following:</i> <i>(3) Any other record or document required by this chapter or by the bureau.</i></p> <p>On March 16, 2018, an announced compliance inspection was conducted at the Institution. Bureau staff conducted a review of a student file. The Enrollment Agreement was altered to change the start and end date of the program. The Institution issued a completion certificate for the student indicating that student successfully completed 186 hours of class A/P truck driving. The Institution stated that the certificate was issued at the request of San Diego Workforce partnership (SDWP) and submitted to them via email. The Institution admitted that student did not successfully complete the program.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution cease issuing a Certificate of Completion to students before they finish the program. The Institution shall submit a policy on how certificates of completion will be issued that includes how the Institution will verify the completion of all required program hours.</p> <p><u>Reason for modification:</u> New substantive facts were presented at the conference.</p> <p>The administrative fine for this violation has been modified from \$2,501.00 to <u>\$50.00</u>.</p>
<p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$100.00</u></p>	

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:

Gurinder Sandhu, 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 modified Citation. You *do*, however, have the right to appeal this modified Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. 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 did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

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 **March 4, 2019**. The order of abatement and payment are due by **April 3, 2019**.

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 Gurinder Sandhu, Citation Analyst, at (916) 431-6940 or at Gurinder.Sandhu@dca.ca.gov.



Christina Villanueva
Discipline Manager



Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Declaration of Service by Certified and First-Class Mail