



Bureau for Private Postsecondary Education
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Michael A. Nord
 Western Truck School
 4519 West Capitol Avenue
 West Sacramento, CA 95691

INSTITUTION CODE: 3401031
CITATION NUMBER: 1516030
CITATION ISSUANCE/SERVICE DATE: September 3, 2015
DUE DATE: October 2, 2015
FINE AMOUNT: \$ 7,500.00
ORDER OF ABATEMENT INCLUDED: YES

Elainea Shotwell issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Enforcement Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Michael A. Nord, Owner of Western Truck School located at 4519 West Capitol Avenue, West Sacramento, CA 95691 pursuant to Business and Professions Code section 125.9; California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5 CCR) section 75020 for the violations described below.

VIOLATION

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the code section(s) of law you are charged with violating.
1.	<p><u>Violation:</u> 5, CCR 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><i>At the conclusion of an announced compliance inspection on 8/28/2013, Bureau staff issued a Notice to Comply (NTC) (CA 34011301 0813) to Michael A. Nord (Nord), owner of Western Truck School. For failure to provide student records to Bureau staff when requested. To remedy the violation in the NTC, Nord provided a statement, dated 9/26/13 stating that “we are able to retrieve</i></p>

	<p>documents from our Iron Mountain storage facility within three hours of request.” Nord’s response does not indicate the institution is in compliance with 5, CCR 71930 (e) record maintenance requirements.</p> <p><u>Order of Abatement:</u> The Bureau orders that Western Truck School provide evidence to the Bureau on how the institution will maintain student records in compliance with 5, CCR 71930 and provide written documentation on how it will maintain compliance.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$5,000.00</u></p>
2.	<p><u>Violation:</u> CEC 94935(b) – Notice to Comply <i>“(b) An institution that receives a notice to comply shall have no more than 30 days from the date of inspection to remedy the noncompliance.”</i></p> <p>During the announced compliance inspection on 8/28/2013, Nord, signed the Notice to Comply (CA 34011301 0813) which stated that the institution had until 9/28/2013 to submit proof of compliance. The institution failed to submit evidence of compliance by the prescribed deadline in violation of CEC 94935(b). Evidence of compliance was received on 10/8/13 and failed to remedy violation 5, CCR 71930 (e).</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$2,500.00</u></p>
<p>TOTAL ADMINISTRATIVE FINE DUE: \$7,500.00</p>	

ASSESSMENT OF A FINE

In accordance with CEC section 94936; and 5 CCR Sections 75020 and 75030, the Bureau hereby orders this assessment of fine in the amount of **\$7,500.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

ORDER OF ABATEMENT

In accordance with the provisions of CEC Section 94936 and 5 CCR Section 75020 the Bureau hereby issues the order(s) of abatement described above. **Evidence of compliance with the order(s) of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

BACKGROUND

Western Truck School was issued a Notice to Comply #CA 3401031 0813 (NTC) on 8/28/2013, as a result of minor violations detected during an announced compliance inspection. The institution was provided 30 days from 8/28/2013 to either remedy the violation or submit a written notice of disagreement. The Bureau did not receive documents from the Institution to remedy the violation

listed on the NTC or a written notice of disagreement within the 30 day time frame. An outstanding violation of 5, CCR 71930(e) – Maintenance of Records remains as the institution does not maintain current records onsite that are readily available for inspection.

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; and/or through an administrative hearing in accordance with Chapter 5 (Commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this Citation, you must submit the 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by October 3, 2015 you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **September 3, 2015**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **October 2, 2015**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

Payment of the administrative fine and/or written request for appeal must be mailed to:

Jody Wright, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this 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 Citation, or desire further information, please contact Jody Wright, Enforcement Analyst, at 916-431-6940 or Jody.Wright@dca.ca.gov.



Elainea Shotwell
Enforcement Manager

September 2, 2015
Date

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine - Waiver of Appeal
- Declaration of Service by Certified and First Class Mail