



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION AFFIRMED

July 18, 2022

Robert Wilson, Owner
 Commercial Drivers Learning Center
 1787 Tribute Road, Suite L
 Sacramento, CA 95815

Date of Issuance	Citation Number	Institution Code
July 18, 2022	2122126	Unapproved

On July 7, 2022, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2122126 (Citation) against Robert Wilson, Owner of Commercial Drivers Learning Center (Institution). In attendance were Ebony Santee, Licensing Chief, Robert Wilson, Institution Owner, and Michelle Marquez, Office Manager.

Pursuant to Business and Professions Code, §148; California Education Code (CEC), section 94944; and Title 5 of California Code of Regulations (5, CCR), section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 2122126.

It is the decision of the Licensing Chief that on July 7, 2022, Citation No. 2122126 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

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: CEC Section 94886. Approval to Operate Required <i>“Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter.”</i></p>

CEC Section 94817.5. Approved to Operate or Approved

“Approved to operate” or “approved” means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs.”

CEC Section 94868. To Offer to the Public

“To offer to the public” means to advertise, publicize, solicit, or recruit.”

CEC Section 94869. To Operate

“To operate” means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided.”

On October 25, 2021, the Bureau received a complaint alleging that the Institution was continuing to operate after its Approval to Operate was revoked by the Bureau on August 6, 2021.

On October 29, 2021, Bureau staff reviewed the Institution’s website and found that the information listed regarding the Institution’s Owner, as well as the Institution’s address, were the same as when the Institution had an approval to operate.

That same day, Bureau staff interviewed Student T.P. who provided the following information regarding program information.

- The Institution offers the following:
 - 160-hour full-time program – offered Monday through Friday from 6:00am to 2:30pm
 - 80-hour night course – offered Monday through Friday from 4:00pm to 8:00pm
 - 80-hour weekend course – offered from 8:00am to 4:30pm
 - Classroom instruction for 1st week of Program is located at the Administration Office
 - After completion of the 1st week, students take a Permit test at the DMV that allows them to begin training located at Yard Office where students are taught vehicle safety training as well as behind-the-wheel driving
 - The Institution initially required \$4,800.00 in tuition fees, however recently lowered fees to \$4,000.00

On November 11, 2021, Bureau staff conducted an unannounced site visit at the Institution, and more specifically at the Yard Office where the behind-the-wheel training is conducted. According to Institution staff, the Institution has 8-10 students enrolled in its program.

On November 15, 2021, Bureau staff spoke to the Institution Owner over the phone and explained that they had interviewed Institution staff and students and observed the school in full operation. Furthermore, Bureau staff stated that the Institution’s Approval to Operate was revoked by the Bureau on August 6, 2021. The Institution Owner stated that they understood that the Institution’s approval had been revoked and stated they were not going to stop operating. The Bureau informed the Owner that they are required by law to cease operations.

As of February 10, 2022, the Institution is continuing to offer courses over \$2,500 and is therefore operating without Bureau approval or a valid exemption.

Order of Abatement:

The Bureau orders that the Institution cease to operate as a private postsecondary educational institution as the Institution's Approval to Operate was revoked on August 6, 2021. Furthermore, the Bureau orders that the institution provide the Bureau with written notice of school closure, in addition to a complete school closure plan in accordance with CEC section 94926(a)(b)(c)(d) and 5, CCR section 76240(a)(1)(2)(3)(4)(A)(B)(5)(6)(b)(1)(2). In addition, the Institution must discontinue recruiting or enrolling students, cease all instructional services, cease advertising in any form or type of media, including www.CDLC4U.com and any other websites not identified here, and must disconnect all telephone service numbers including, but not limited to, (916) 550-9650, that are associated with the Institution. The Institution must provide a roster of each student currently enrolled at the Institution. The roster must include the names of the students, their contact information (including phone number, email address, and physical address), the programs in which they are enrolled, the amount paid for the programs.

Assessment of Fine

The fine for this violation is \$100,000.00

TOTAL AFFIRMED ADMINISTRATIVE FINE DUE: \$100,000.00

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:

Gabriella Perez, 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 affirmed Citation. You *do*, however, have the right to appeal this affirmed 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 affirmed Citation is effective on **July 18, 2022**. The order of abatement and payment are due by **August 17, 2022**.

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 Affirmed 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 Gabriella Perez, Citation Analyst, at (916) 574-7429 or at Gabriella.Perez@dca.ca.gov.

“Original Signature on File”

“7/18/2022”

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