



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

To: Bladimir Rivera
School of Trucking
4619 Coliseum Way
Oakland, CA 94601

INSTITUTION CODE: Unapproved
CITATION NUMBER: 1819031
CITATION ISSUANCE/SERVICE DATE: September 6, 2018
DUE DATE: October 6, 2018
FINE AMOUNT: \$75,000.00
ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine (Citation) in her official capacity as Discipline Manager for the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Bladimir Rivera (Rivera), Owner of School of Trucking (Institution) located at 4619 Coliseum Way, Oakland, CA 94601 pursuant to Business and Professions Code section 125.9 and 149; California Education Code (CEC) section 94944; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violation(s) described below.

BACKGROUND

On February 21, 2017, the Bureau received a complaint against the Institution. The complaint alleges that the Institution is operating without Bureau approval in violation of CEC section 94886 Approval to Operate Required.

Bureau staff investigated the complaint and learned that the Institution was previously known as Lincoln Truck and Bus Driving School (LTBDS). Bureau staff found evidence substantiating the allegation that the Institution was operating without Bureau approval in violation of CEC section 94886. The evidence includes webpages from the Institution's active website, statements from an anonymous employee of the Institution stating that the Institution is charging over \$2,500.00 in tuition, the Institution's active telephone number, photographs of the Institution's trucks, and records from the Institution's Facebook page showing that the Institution is charging \$3,500.00 in tuition. Student reviews of the Institution's truck driver training program can also be found on the Institution's Facebook page.

VIOLATION(S)

#	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 94886. Approval to Operate Required <i>“Except as exempted in Article 4 (commencing with § 94874) or in compliance with the transition provisions in Article 2 (commencing with § 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> <p>CEC 94817.5. Approved to Operate or Approved <i>“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.”</i></p> <p>CEC 94868. To Offer to the Public <i>“To offer to the public” means to advertise, publicize, solicit, or recruit.”</i></p> <p>CEC 94869. To Operate <i>“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.”</i></p> <p>On February 21, 2017, the Bureau received a complaint against Institution. The complaint alleges that the Institution is operating without Bureau approval in violation of CEC section 94886 Approval to Operate Required.</p> <p>Bureau staff investigated the complaint and learned that Institution was previously known as LTBDS. Bureau staff found evidence that the Institution is offering a truck driver training course for \$3,500.00 without Bureau approval, in violation of CEC section 94886. The evidence includes webpages from the Institution’s active website, statements from an anonymous Institution employee, the Institution’s active telephone number, photographs of the Institution’s trucks, and records from the Institution’s Facebook page. The statement from the employee of the Institution stating that the Institution is charging over \$2,500.00 in tuition. The Institution’s Facebook page showing that the Institution it is charging \$3,500.00 in tuition. Student reviews of the Institutions truck driver training program can also be found on the Institution’s Facebook page.</p> <p>Order of Abatement: The Bureau orders that the Institution cease operating as a private postsecondary educational institution. The Institution must discontinue recruiting or enrolling students and cease all instructional services, and advertising in any form or media, including its website at http://schooloftruckingcdl.com/, until such time as an approval to operate obtained from the Bureau. The Institution must disconnect all telephone service numbers for (510) 200-2607 and any</p>

other telephone numbers not identified here that are associated with the Institution until such time as an approval to operate is obtained from the Bureau. To comply with the Order of Abatement the Institution must cease operating and submit a school closure plan to the Bureau pursuant to California Education Code 94926. The Institution must provide a roster of each student currently enrolled at the Institution. The roster must include the name of the student, their contact information (including phone number, email address, and physical address), the program in which they are enrolled, the amount paid for the program, and the amount the student was refunded.

Assessment of Fine

The fine for this violation is \$ 75,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$75,000.00

ASSESSMENT OF A FINE

In accordance with CEC section 94944; and 5, CCR section 75020(b), the Bureau hereby orders this assessment of a fine in the amount of \$ for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of 5, CCR section 75020 (b) the Bureau hereby issues the order(s) of abatement described above. In accordance with Business and Professions Code § 149, the Bureau may disconnect any telephone service numbers used by an unapproved Institution. **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.**

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 § 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 6, 2018**, 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 6, 2018**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **October 6, 2018**. 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:

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



Christina Villanueva
Discipline Manager



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