



**Bureau for Private Postsecondary Education**  
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834  
P.O. Box 980818, West Sacramento, CA 95798-0818  
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**MODIFIED CITATION: ASSESSMENT OF FINE**

To: Swift Transportation  
14392 Valley Blvd.  
Fontana, CA 92335

**INSTITUTION CODE: Unapproved**  
**CITATION NUMBER: 2021060**  
**MODIFIED CITATION ISSUANCE/SERVICE DATE: September 29, 2021**  
**MODIFIED DUE DATE: October 29, 2021**  
**FINE AMOUNT: \$ 5,000.00**  
**ORDER OF ABATEMENT INCLUDED: No**

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

CITATION

A Modified Citation: Assessment of Fine is hereby issued to Swift Transportation (Institution) located at 14392 Valley Blvd., Fontana, CA 92335, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

The Bureau previously issued Citation: Assessment of Fine and Order of Abatement No. 2021060 to the Owner of the Institution on August 27, 2020, which was appealed by the Institution and subsequently withdrawn without prejudice on September 24, 2021.

VIOLATIONS

#	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><b>Violation:</b></p> <p><b>CEC Section 94886. Approval to Operate Required</b> <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> <p><b>CEC Section 94817.5. Approved to Operate or Approved</b> <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><b>CEC Section 94868. To Offer to the Public</b></p>

*“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 August 11, 2016, the Bureau received an Application for Verification Status from the Institution.

On September 2016, the Bureau denied the Institution’s Application for Verification of Exempt Status.

On July 31, 2019, the Bureau received a complaint alleging that the Institution was charging \$6,000.00 in tuition and operating without Bureau approval.

On August 8, 2019, Bureau staff contacted the Institution and the Institution staff confirmed that the Institution charges \$6,000.00 in tuition once the student passes a Commercial Truck Driving course administered through a third-party school, Truck Driving Academy (TDA), obtains a CDL Class A License, and starts to work for the Institution. Tuition is taken from the student’s paycheck once employed by the Institution. The Institution also confirmed that students sign a Tuition Finance Agreement.

On August 22, 2019, Institution staff stated that students are given certificates created by TDA once the students have paid all the Institution’s tuition and/or housing fees.

On August 27, 2019, Bureau staff found that Institution pays TDA \$1,100.00 for every student that completes the Commercial Truck Driving course and obtains a CDL Class A License.

The Institution enters students into enrollment agreements, collects tuition in the amount \$6,000.00 or more, and pays for students to attend a third-party school. The Institution is operating as a private postsecondary educational institution and does not qualify for an exemption under CEC section 94874.

**Order of Abatement:**

The Bureau orders that the Institution cease to operate as a private postsecondary educational institution, unless the Institution qualifies for an exemption under CEC section 94874. The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including <https://careers.swiftrtrans.com>, and any other websites not identified here that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers including, but not limited to, (909) 637-9195, 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 submit a school closure plan to the Bureau pursuant to California Education Code section 94926. 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.

	<p><b><u>Modified Order of Abatement:</u></b> For the purpose of resolving the Citation without the expense and uncertainty of further proceedings, and without admitting to the violation of CEC section 94886, Swift Transportation agrees that the Bureau could establish a factual basis for the allegation that it offered a commercial truck driving course to the public, as defined by CEC section 94868.</p> <p><b><u>Reason for Modification:</u></b> New substantive facts were presented through the appeal process. The Order of Abatement has been satisfied.</p> <p><b><u>Assessment of Fine</u></b> The fine for this violation is <u>\$50,000.00</u></p> <p><b><u>The Administrative Fine has been modified from \$50,000.00 to \$5,000.00</u></b></p>
	<b>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$5,000.00</u></b>

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 **\$5,000.00** for the violations described above. **Payment must be made to the Bureau by October 29, 2021.**

PAYMENT OF ADMINISTRATIVE FINE

**The Institution shall pay the civil penalty in the amount of \$5,000.00 by way of cashiers' check or money order. The payment shall be mailed to:**

Gabriella Perez, Discipline Citation Program  
 Bureau for Private Postsecondary Education  
 1747 N. Market Blvd., Suite 225  
 Sacramento, CA 95834

**The civil penalty must be paid to the Bureau by October 29, 2021. Payment of an administrative citation is not an admission of guilt or liability.**

The Institution gives up the right to an administrative hearing and all other rights accorded by the California Administrative Procedure Act and other applicable laws. The Institution's failure to pay the Modified Citation civil penalty pursuant to the terms of this settlement will result in this matter being referred to collection and will result in the full original penalty being imposed and due in full. The Bureau for Private Postsecondary Education may file an Amended Modified Citation for the failure of conditions required of the Institution.

CONTACT INFORMATION

If you have any questions regarding this Modified Citation, or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 574-8969 or [Gabriella.Perez@dca.ca.gov](mailto:Gabriella.Perez@dca.ca.gov).

"Original Signature on File"

"9/29/2021"

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**Christina Villanueva**  
**Discipline Manager**

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**Date**

Enclosure

- Declaration of Service by Certified and First-Class Mail
- Payment of Fine