



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

To: Rafael Gonzalez
c/o Jeffery Daar
Daar & Newman P.C.
Warner Center Towers
21700 Oxnard Street #350
Woodland Hills, CA 91367

INSTITUTION CODE: Unapproved
CITATION NUMBER: 1314006
CITATION ISSUANCE/SERVICE DATE: 03/24/14
AFFIRMED CITATION ISSUANCE/SERVICE DATE: 06/10/14
MODIFIED CITATION ISSUANCE/SERVICE DATE: 2/29/16
MODIFIED DUE DATE: 04/29/16
FINE AMOUNT: \$ 15,880.00
ORDER OF ABATEMENT INCLUDED: YES

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

CITATION

A Modified Citation is hereby issued to Rafael Gonzalez for allegedly operating Truck Nation School located at 6801 McComber Street, Sacramento California 95828 pursuant to Business and Professions Code Section 148; 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.

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the section(s) you are charged with violating.
1.	<p>Violation: CEC 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> <p>At the conclusion of the Bureau’s investigation, the Bureau finds that Truck Nation School, a private postsecondary institution, has been operating, providing instruction for a truck driving license, and collecting tuition from enrollees without obtaining an approval to operate, in violation of CEC</p>

Section 94886 as specified above. The Bureau alleges that Rafael Gonzalez was an operator of Truck Nation School.

Order of Abatement:

1. Rafael Gonzalez shall pay restitution to student J. E in the amount of \$2,800 and student D.S. in the amount of \$2,000.00 and to all students identified by Respondent whose enrollment agreements were for a total amount exceeding \$2,500. Respondent will refund any deposits made, but successful graduation from Truck Nation School was not completed due to the closure of a branch location or if a student had made a timely request for a refund. All payments are to be arranged directly by Respondent who shall provide proof of payment to the Bureau within 60 days (April 29, 2016) of the executed settlement agreement. Respondent has determined that the records show there were 15 enrollment agreements that were for an amount in excess of \$2,500. The records further show that the amount actually collected for these 15 enrollment agreements plus students J.E. and D. S. totaled \$9,120.00. Respondent shall make refunds to students J.E, and D.S. and to the 15 students identified by Respondent via cashier's check, official bank check or money order.
2. Respondent shall pay an administrative fine in the amount of \$15,880, to the Bureau, with payments of \$2,000 per month commencing 90 days from the date of the settlement agreement (May 29, 2016) until paid in full. The last payment is due no later than February 5, 2017. This administrative fine is separate from the repayment to students.

TOTAL ADMINISTRATIVE FINE DUE: \$15,880.00

ASSESSMENT OF FINE

In accordance with CEC 94944; and 5 CCR Section 75020(b) the Bureau hereby issues this assessment of fine in the amount of \$15,880.00 for the violation(s) described above. Monthly payments in the amount of \$2,000 are due and payable to the Bureau no later than the 5th of each month commencing 90 days from the date of the settlement agreement (May 29, 2016) until paid in full. **The first payment is due no later than June 5, 2016.** Payment will be accepted via check or money order. No personal checks or credit cards are accepted.

ORDER OF ABATEMENT

In accordance with the provisions of 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 60 days (April 29, 2016) from the date of service of the Modified Citation.

BACKGROUND

On March 24, 2014, the Bureau issued a Citation: Assessment of Fine and Order of Abatement No. 1314006 to Rafael Gonzalez for operating an unapproved institution.

On June 10, 2014, the Bureau issued an Affirmed Citation: Assessment of Fine and Order of Abatement ordering Truck Nation School to cease operating as a private Postsecondary Educational Institution.

PAYMENT OF ADMINISTRATIVE FINE

Payment of the administrative fine must be made to the Bureau for Private Postsecondary Education by check or money order. Please include the Citation number on the payment of the fine assessment. Payments shall 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.

PAYMENT OF STUDENT REFUNDS

Payment of restitution to students listed in Attachment A shall be made by cashier's check or money order in the amounts set forth in Attachment A within 60 days (April 29, 2016) of this Modified Citation. The cashier's check or money order shall be sent by certified mail to the student at the address listed for the student in Attachment A. Proofs of payment of the student refunds are due to the Bureau no later than 60 days (April 29, 2016) of this Modified Citation.

CONTACT INFORMATION

If you have any questions regarding this Modified Citation, or desire further information, please contact Jody Wright, Enforcement Analyst, at (916) 431-6940 or jody.wright@dca.ca.gov.



Yvette Johnson
Enforcement Chief

February 29, 2016
Date

Enclosure

- Declaration of Service by Certified and First Class Mail
- Payment Invoice(s)