Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 431-6959 F (916) 263-1897 www.bppe.ca.gov

CITATION: ASSESSMENT OF FINE AND/OR ORDER OF ABATEMENT

To: Scott Miller and Richard Campbell
Norcal Truck Driving School, LLC
20010 Viking Way, Suite A
Redding, CA 96003

INSTITUTION CODE: 35752380
CITATION NUMBER: 1516029
CITATION ISSUANCE/SERVICE DATE: September 1, 2015
DUE DATE: October 1, 2014
FINE AMOUNT: $22,152.00
ORDER OF ABATEMENT INCLUDED: YES

Elainea Shotwell issues this Citation: Assessment of Fine and/or Order of Abatement 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 Scott Miller and Richard Campbell, Owners of Norcal Truck Driving School, LLC located at 20010 Viking Way, Suite A, Redding, CA 96003 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.	**Violation:** CEC 94902 (a) - General Enrollment Requirements *"(a) A student shall enroll solely by means of executing an enrollment agreement. The enrollment agreement shall be signed by the student and by an authorized employee of the institution."* On 9/11/13, Bureau staff conducted a visit to Norcal Truck Driving School (NTDS) at 20010 Viking Way, Suite A, Redding, CA 96003. A review of student records found that student T.P.'s Enrollment Agreement was not signed by a school representative.

	Order of Abatement: The Bureau orders that the institution implement procedures to ensure the enrollment process is in compliance with CEC 94902 (a). **Assessment of Fine** The fine for this violation is $50.00
2.	**Violation:** CEC 94910 (f) (1,2,3); (g) (1,2) - Minimum Requirements for School Performance Fact Sheet *"Prior to enrollment, an institution shall provide a prospective student with a School Performance Fact Sheet containing, at a minimum, the following information, as it relates to the educational program:* *(f) All of the following:* *(1) A description of the manner in which the figures described in subdivisions (a) to (d), inclusive, are calculated or a statement informing the reader of where he or she may obtain a description of the manner in which the figures described in subdivisions (a) to (d), inclusive, are calculated.* *(2) A statement informing the reader of where he or she may obtain from the institution a list of the employment positions determined to be within the field for which a student received education and training for the calculation of job placement rates as required by subdivision (b).* *(3) A statement informing the reader of where he or she may obtain from the institution a list of the objective sources of information used to substantiate the salary disclosure as required by subdivision (d).* *(g) The following statements:* *(1) "This fact sheet is filed with the Bureau for Private Postsecondary Education. Regardless of any information you may have relating to completion rates, placement rates, starting salaries, or license exam passage rates, this fact sheet contains the information as calculated pursuant to state law."* *(2) "Any questions a student may have regarding this fact sheet that have not been satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary Education at (address), Sacramento, CA (ZIP Code), (Internet Web site address), (telephone and fax numbers)."* On 9/11/13, Bureau staff conducted a visit to NTDS at 20010 Viking Way, Suite A, Redding, CA 96003. A review of student records found that the student files for M.M.,L.M.,W.I., and T.D. contained copies of the School Performance Fact Sheet (SPFS) that were not in compliance with CEC 94910 (f) (1,2,3); (g) (1,2). Institution did not provide a SPFS to prospective students that contained the minimum requirements **Order of Abatement:** The Bureau orders that the institution make corrections to their SPFS according to CEC 94910 (f) (1,2,3); (g) (1,2) and submit evidence to the Bureau. **Assessment of Fine** The fine for this violation is $1,000.00
3.	**Violation:** CEC 94912 - Signature, Initials Required *"Prior to the execution of an enrollment agreement, the information required to be disclosed pursuant to subdivisions (a) to (d), inclusive, of Section 94910 shall be signed and dated by the institution and the student. Each of these items shall also be initialed and dated by the student."* On 9/11/13, Bureau staff conducted a visit to NTDS. A review of student records found that the student file for T.D. contained a SPFS that was not in compliance with CEC 94912. The SPFS was

	found in T.D.'s student file without initials and date. **Order of Abatement:** The Bureau orders that the institution provide the Bureau with a detailed plan on how the institution will be compliant with CEC 94912. Provide written evidence to the Bureau. **Assessment of Fine** The fine for this violation is $50.00
4.	**Violation:** CEC 94929.7 (a)(1)(2) - Documentation of Performance Data *"(a) The information used to substantiate the rates and information calculated pursuant to Sections 94929 and 94929.5 shall do both of the following:* *(1) Be documented and maintained by the institution for five years from the date of the publication of the rates and information.* *(2) Be retained in an electronic format and made available to the bureau upon request."* 5, CCR 74112 (h) - Uniform Data – Annual Report, Performance Fact Sheet *"(h) Documentation supporting all data reported shall be maintained by the institution for at least five years from the time included in either an Annual Report or a Performance Fact Sheet, and shall include at a minimum: student name(s), address, phone number, email address, program completed, program start and completion dates, place of employment and position, salary, hours, and a description of all attempts to contact each student. Documentation shall also include the name, email address, phone number, and position or title of the institution's representative who is primarily responsible for obtaining the students' completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered."* On 9/11/13, Bureau staff conducted a visit to NTDS. Bureau staff found that the institution did not document or maintain information used to substantiate the performance data. The institution did not maintain information in the required electronic format. **Order of Abatement:** The Bureau orders that the institution provide the Bureau with a plan or procedure for how it will maintain a School Performance Fact Sheet in accordance with CEC 94929.7 (a)(1)(2) and 5, CCR 74112 (h). Provide the procedure/plan and the supporting documentation for the School Performance Fact Sheet for 2012 and 2013. **Assessment of Fine** The fine for this violation is $5,000.00
5.	**Violation:** 5, CCR 74112 (a);(c);(d);(e);(f) - Uniform Data – Annual Report, Performance Fact Sheet *"(a) Format. The format for the Performance Fact Sheet shall be in at least 12 pt. type, in an easily readable font, with 1.15 line spacing. The Performance Fact Sheet shall contain all and only the information required or specifically permitted by section 94910 of the Code or this chapter."* On 9/11/13, Bureau staff conducted a visit to NTDS. Bureau staff found that the SPFS in student files for M.M., L.M., W.I., J.A., M.R., A.B. and T.D. did not include all of the disclosure information as required by 5, CCR 74112 (a).

"(c) Reporting periods: (1) An Annual Report shall include data for all educational programs as defined in section 94837 of the Code for the previous one calendar year. (2) A Performance Fact Sheet shall be current and available not later than August 1st, and shall report data for the previous two calendar years based upon the "number of students who began program" or the "number of graduates," as defined in subdivision (b), for each reported calendar year."

On 9/11/13, Bureau staff conducted a visit to NTDS. A review of student records found that the student files for M.M.,L.M. and T.D. contained copies of the SPFS that were not in compliance with the reporting periods as required by 5, CCR 74112 (c).

"(d) Completion Rates. Reporting of completion rates for an institution's Annual Report and Performance Fact Sheet shall include, for each educational program, the number of students who began program as defined in subdivision (b), the number of students available for graduation, number of graduates, and completion rate(s). An optional column may be added to include completion rate data for students completing within 101-150% of the published program length. For an institution reporting completion data pursuant to section 94929(b) of the Code, completion data shall be separately reported for each program. The Performance Fact Sheet shall disclose, if true, that the completion data is being reported for students completing within 150% of the published program length, and that data is not being separately reported for students completing the program within 100% of the published program length. Completion rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below, including the footnoted information below (dates, numbers, and other data shown are for example only): Completion Rates (includes data for the two calendar years prior to reporting)

Name of Educational Program *(Program Length)*

Calendar Year	Number of Students Who Began Program[1]	Students Available for Graduation[2]	Graduates[3]	Completion Rate[4]
20XX	100	98	70	71%
20XY	80	80	55	69%

Students Completing After Published Program Length - 150% Completion Rate

Name of Educational Program *(Program Length)*

Calendar Year	Number of Students Who Began Program[1]	Students Available for Graduation[2]	Graduates[5]	Completion Rate[6]
20XX	100	98	25	26%
20XY	80	80	23	29%

[1] *"Number of Students Who Began Program" is the number of students who began the program who are scheduled to complete the program within the reporting calendar year.*

[2] *"Students available for graduation" is the number of students who began program minus the number*

of "Students unavailable for graduation," which means those students who have died, been incarcerated, or called to active military duty.

[3] "Graduates" is the number of students who completed the program within 100% of the published program length.

[4] "Completion Rate" is the number of Graduates divided by the Number of Students Available for Graduation.

[5] "150% Graduates" is the number of students who completed the program within 101 - 150% of the published program length.

[6] "150% Completion Rate" is the number of students who completed the program in the reported calendar year within 101-150% of the published program length divided by the Number of Students Available for Graduation in the published program length period.

On 9/11/13, Bureau staff conducted a visit to NTDS. A review of student records found that the student files for M.M., L.M., W.I., J.A., M.R., A.B. and T.D. contained copies of the SPFS that did not have completion rates in a substantially similar format as required by 5, CCR 74112 (d).

"(e) Placement Rates. (1) Any placement data required by sections 94910(b) and 94929.5(a) of the Code shall be reported for the number of students who began the program as defined in subdivision (b) for each reported calendar year. (2) Placement is measured six months from the graduation date of each student. Reporting of placement rates shall include for each educational program: the number of students who began the program, the number of graduates as defined in subdivision (b), graduates available for employment, graduates employed in the field and placement rate(s). (3) Placement rate shall be calculated as follows: the number of graduates employed in the field as defined in subsection 74112(b)(3) divided by the number of graduates available for employment as defined in section 94928(d) of the Code. (4) Graduates employed in the field shall be reported for those graduates employed in the field in a single position that averages under 32 hours per week and those employed in the field in a single position that averages at least 32 hours per week. References to the Code are to the California Education Code where the California Private Postsecondary Education Act of 2009 is located. Placement rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below, including the footnoted information below (dates, numbers, and other data shown are for example only): Placement Rates (includes data for the two calendar years prior to reporting)

Name of Educational Program *(Program Length)*

Calendar Year	Number of Students Who Began Program[1]	Number of Graduates[2]	Graduates Available for Employment[3]	Graduates Employed in the Field[4]	Placement Rate % Employed in the Field[5]	Graduates Employed in the Field an average of less than 32 hours per week	Graduates Employed in the Field at least 32 hours per week
20XX	100	70	70	55	79%	5	50
20XY	80	55	55	20	36%	9	11

[1] "Number of Students Who Began Program" means the number of students who began the program who are scheduled to complete the program within the reporting calendar year.

[2] "Number of Graduates" is the number of students who have completed the program within 100% of

the published program length.
[3] "Graduates available for employment" means the number of graduates minus the number of graduates unavailable for employment. "Graduates unavailable for employment" means graduates who, after graduation, die, become incarcerated, are called to active military duty, are international students that leave the United States or do not have a visa allowing employment in the United States, or are continuing their education in an accredited or bureau-approved postsecondary institution.
[4] "Graduates employed in the field" means graduates who report that they are gainfully employed within six months of graduation in a position for which the skills obtained through the education and training provided by the institution are required or provided a significant advantage examination passage rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below, including the footnoted information below (dates, numbers, and other data shown are for example only to the graduate in obtaining the position.
[5] Placement Rate is calculated by dividing the number of graduates gainfully employed in the field by the number of graduates available for employment.

On 9/11/13, Bureau staff conducted a visit to NTDS. A review of student records found that the student files for M.M., L.M., W.I., J.A., M.R., A.B. and T.D. contained copies of the SPFS that did not have placement rates in a substantially similar format as required by 5, CCR 74112 (e).

(f) License Examination Passage Rates. If license examination passage rates are not available from the appropriate state agency, an institution shall collect the information directly from its graduates. If an institution demonstrates that, after reasonable efforts, it is unable to obtain the examination passage information from its graduates, the institution shall report the number of students it could not contact and note in a font the same size as the majority of the data on the Performance Fact Sheet, "License examination passage data is not available from the state agency administering the examination. We were unable to collect data from [enter the number] graduates."
*Reporting of license examination passage rates for the Annual Report and the Performance Fact Sheet shall include, for each educational program: the number of students completing the program within 150% of published program length in the reported year, the number of documented graduates who passed the first examination, number of documented graduates who failed the first examination, the number of graduates for whom data is not available. An optional column may be added to separately report licensing examination data for students who take and pass the exam after failing initially. The Annual Report shall also include a description of the processes for attempting to contact those students. For licensing examinations that are not continuously administered, license): license examination passage rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below, including the footnoted information below (dates, numbers, and other data shown are for example only): Examination Passage Rates (includes data for the two calendar years prior to reporting)**Name of Educational Program** (Program Length)*

Number of Students Taking Exam[1]	Exam Date[2]	Number Who Passed Exam	Number Who Failed Exam	Passage Rate[3]
80	2/1/20XX	40	40	50%
100	6/1/20XX	75	25	75%
82	10/1/20XX	68	14	76%
80	2/1/20XY	40	40	50%
100	6/1/20XY	70	30	70%
92	10/1/20XY	62	30	67%

License examination passage data is not available from the state agency administering the examination. We were unable to collect data from 32 graduates.
[1] Number of Students Taking Exam is the number of students who completed the program within 150% of published program length and for whom the reported exam is the first exam that was available after their completion of the program.
[2] Exam Date is the date for the first available exam after the students completed the program.
[3] Passage Rate is calculated by dividing the number of students who pass the exam by the number of graduates who take the reported licensing exam.
For licensing examinations that are continuously administered, license examination passage rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below, including the footnoted information below (dates, numbers, and other data shown are for example only):
Examination Passage Rates (includes data for the two calendar years prior to reporting)

Name of Educational Program *(Program Length)*

Calendar Year	Number of Students Taking Exam[1]	Number Who Passed First Exam Taken[2]	Number Who Failed First Exam Taken	Passage Rate[3]
20XX	80	40	40	50%
20XY	100	75	25	75%

License examination passage data is not available from the state agency administering the examination. We were unable to collect data from 10 graduates.
[1] Number of Students Taking Exam is the number of students who completed the program within 150% of the published program length and who took the exam in the reported calendar year for the first time.

[2] Number Who Passed First Exam Taken is the number of students who took and passed the licensing exam in the reported calendar year on the first attempt.
[3] Passage Rate is calculated by dividing the number of graduates who pass the exam the first time that they take it by the number of graduates who took the licensing exam for the first time after completion of the program.

On 9/11/13, Bureau staff conducted a visit to NTDS. A review of student records found that the student files for M.M., L.M., W.I., J.A., M.R., A.B. and T.D. contained copies of the SPFS that did not have license exam passage rates in a substantially similar format as required by 5, CCR 74112 (f).

Order of Abatement:
The Bureau orders that the institution provide the Bureau with a plan or procedure on how it will maintain a School Performance Fact Sheet in accordance with 5, CCR 74112 (a);(c);(d);(e);(f). The institution shall submit a current and correct School Performance Fact Sheet for 2012 and 2013.

Assessment of Fine
The fine for this violation is $5,000.00

6. **Violation:**
94897 (i)(1);(l)(1) - Prohibited Business Practices
"An institution shall not do any of the following:

	(i) Use a name in any manner improperly implying any of the following: *(1) The institution is affiliated with any government agency, public or private corporation, agency, or association if it is not, in fact, thus affiliated.* *(l) Use the terms "approval," "approved," "approval to operate," or "approved to operate" without stating clearly and conspicuously that approval to operate means compliance with state standards as set forth in this chapter. If the bureau has granted an institution approval to operate, the institution may indicate that the institution is "licensed" or "licensed to operate," but may not state or imply either of the following: (1) The institution or its educational programs are endorsed or recommended by the state or by the bureau."* On 9/11/13, Bureau staff conducted a visit to NTDS. The Bureau found that the institution issues completion certificates to students that contain misleading information indicating that NTDS is endorsed by the State of California and/or the Department of Motor Vehicles. **Order of Abatement:** The Bureau orders that the institution remove any and all misleading endorsements in compliance with CEC 94897, including removing reference to the State of California and Department of Motor Vehicles. Provide the Bureau with an updated completion certificate in compliance with CEC 94897(i)(1);(l) (1). **Assessment of Fine** The fine for this violation is $5,000.00
7.	**Violation:** CEC 94900.5 (b) – Required Institutional Records *"An institution shall maintain, for a period of not less than five years, at its principal place of business in this state, complete and accurate records of all of the following information: (b) The names and addresses of the members of the institution's faculty and records of the educational qualifications of each member of the faculty."* On 9/11/13, Bureau staff conducted a visit to NTDS. Bureau staff found that the institution did not maintain documentation of the qualifications of the Chief Academic Officer. **Order of Abatement:** The Bureau orders that the institution provide documentation of the qualifications of its Chief Academic Officer in accordance with CEC 94900.5 (b). **Assessment of Fine** The fine for this violation is $50.00
8.	**Violation:** 5, CCR 71920 (b)(1)(a) - Student Records *"(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:* *(1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following:* *(A) Verification of high school completion or equivalency or other documentation establishing the student's ability to do college level work, such as successful completion of an ability-to-benefit test;"*

	On 9/11/13, Bureau staff conducted a visit to NTDS. A review of student records found that M.R., R.P., T.D., and A.E.'s student files did not contain verification of high school completion or equivalency, in violation of 5, CCR 71920. The institution did not verify prior high school completion or equivalency. **Order of Abatement:** The Bureau orders that the institution provide a policy or procedure on how the institution will verify and document a student's high school diploma or equivalency in each student file. Submit an updated admissions policy that includes high school graduation or equivalent, or ability to benefit test, as a requirement for admission in compliance with 5, CCR 71920 (b)(1)(a). **Assessment of Fine** The fine for this violation is $501.00
9.	**Violation:** 5, CCR 76130 (a) - Collection and Submission of Assessments *"(a) A qualifying institution shall collect the assessment from each student in an educational program at the time it collects the first payment from or on behalf of the student at or after enrollment. The assessment shall be collected for the entire period of enrollment, regardless of whether the student pays the institutional charges in increments."* The institution did not report STRF assessments or collections for the reporting period for QTR 2 and QTR 4 in 2014. **Order of Abatement:** The Bureau orders that the institution collect and submit STRF fees to the Bureau according to 5, CCR 76130(a). **Assessment of Fine** The fine for this violation is $501.00
10.	**Violation:** CEC 94913 (a)(1); (a)(2); (a)(5) - Institutional Web Site Requirements *"(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following: (1) The school catalog. (2) A School Performance Fact Sheet for each educational program offered by the institution. (5) The institution's most recent annual report submitted to the bureau."* The institution's website does not provide the school catalog, a School Performance Fact Sheet for its educational program, and the most recent annual report submitted to the Bureau as required by CEC 94913 (a)(1);(a)(2);(a)(5). **Order of Abatement:** The Bureau orders that the institution update its website to include the school catalog, a School Performance Fact Sheet for its educational program and the most recent annual report submitted to the Bureau in compliance with CEC 94913 (a)(1); (a)(2); (a)(5). **Assessment of Fine** The fine for this violation is $5,000.00

TOTAL ADMINISTRATIVE FINE DUE: $22,152.00

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 **$22,152.00** 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

On July 4, 2013, the Bureau received a referral from the Compliance Unit, regarding violations found during an announced compliance inspection at Norcal Truck Driving School, LLC. An on-site compliance inspection was conducted on September 11, 2013. As a result of the inspection, the above violations were confirmed.

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 1, 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 1, 2015.** Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **October 1, 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

9/11/15
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