



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 ORDER OF ABATEMENT

To: Bhupinder Gill
Major Express Truck School
3342 North Weber Avenue
Fresno, CA, 93722

INSTITUTION CODE: 1002771
CITATION NUMBER: 1516034
CITATION ISSUANCE/SERVICE DATE: October 9, 2015
DUE DATE: November 8, 2015
FINE AMOUNT: \$ 5,000.00
ORDER OF ABATEMENT INCLUDED: YES

Elainea Shotwell issues this Citation: Assessment of Fine and Order of Abatement (Citation) 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 Bhupinder Gill, Owner of Major Express Truck Schools (METS) located at 3342 North Weber Avenue, Fresno, CA 93722 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

Table with 2 columns: # and description of violation. Row 1: # 1, Violation: Title 5, CCR 71930(e) Maintenance of Records. Description: All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations. On November 10, 2014, a Bureau Compliance Inspector conducted an announced inspection to Major Express Truck School (METS). METS was issued a Notice to Comply (CA 1002771 1114) on that date for multiple violations including failing to maintain certificate of training or transcripts, refund documents, and copies of high school diploma or its equivalent in the student files.

A subsequent field visit was conducted by a Bureau Investigator to METS on July 14, 2015, during normal business hours. The investigator identified a file cabinet as a potential source of student records in the office of the school; a METS administrative assistant confirmed the source contained student records for 2015 only. The owner of METS, Bhupinder Gill (Gill), refused to allow the investigator to review and copy the student records at that time.

Order of Abatement:

The Bureau orders the institution to provide written notification when student records are available for examination in accordance with Title 5, CCR 71930(e).

Assessment of Fine

The fine for this violation is \$2,500.00

2. **Violation:**

CEC 94900.5 (c) 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: (c) Any other records required to be maintained by this chapter, including, but not limited to, records maintained pursuant to Article 16 (commencing with Section 94928)."

On July 14, 2015, a Bureau Investigator conducted a field visit to METS and requested to examine student records for the past five years. Gill stated that the student records were stored off-site in a warehouse and were not available on-site. The Bureau investigator requested that the Gill produce the address of the off-site facility. Gill stated that he did not know the address of the off-site warehouse that held METS prior year student records.

On July 17, 2015, the Bureau Investigator sent a request letter to Gill. The letter requested METS respond to the violations listed on the Notice to Comply (CA 1002771 1114), including the violations related to student records. Gill failed to respond to the Bureau's request to produce student records for examination to the Bureau.

Gill was provided formal notice by the Bureau on two separate occasions: the original Notice to Comply letter issued on November 10, 2014, where Gill was given 30 days to respond and the request letter sent on July 17, 2015. Gill did not respond to two written requests to produce student records for the Bureau's investigation to determine if METS was in compliance with Bureau laws and regulations.

Order of Abatement:

The Bureau orders the institution to produce student records for the last 5 years for examination. The institution shall notify the Bureau in writing when the prior year student records are available for examination.

These records shall be examined to determine if they contain the following:

- (a) The educational programs offered by the institution and the curriculum for each.
- (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.
- (c) Any other records required to be maintained by this chapter, including, but not limited to, records maintained pursuant to Article 16 (commencing with Section 94928).

In addition, the Bureau orders that the institution submit a written policy of how compliance will be

maintained with CEC 94900.5 in the future.

Assessment of Fine

The fine for this violation is \$2,500.00

TOTAL ADMINISTRATIVE FINE DUE: \$5,000.00

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 **\$5,000.00** 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

Major Express Truck School was issued a Notice to Comply (NTC) # CA 1002771 1114, on November 10, 2014, as a result of minor violations detected during the announced compliance inspection. The institution acknowledged the NTC letter by submitting a signed Declaration of Compliance Notice on December 5, 2014. This notice gave the institution 30 days from the date of the notice to either remedy the violations or submit a written notice of disagreement. The institution failed to comply or submit a written notice of disagreement within the 30 day timeframe (January 5, 2015).

A subsequent field visit was conducted by a Bureau Investigator to METS on July 14, 2015. The visit was conducted during the institution's normal business hours. The Investigator requested to review a file cabinet that contained 2015 student records; however, Gill refused to allow the records to be reviewed at that time. Additionally, Gill failed to produce prior year student records for examination by claiming the records were stored in an off-site warehouse, to which he did not know the address.

METS consistently failed to produce current and prior year student records for examination of compliance and was found to not maintain student records on-site as required by Bureau laws and regulations.

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 November 8, 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 **October 9, 2015**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **November 8, 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

October 9, 2015
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