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8  
9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**  
**STATE OF CALIFORNIA**  
11

12 In the Matter of the Statement of Issues  
Against:

Case No. 1000952

13 **AB TRUCK DRIVING SCHOOL;**  
14 **MOHAN SINGH, 50% OWNER; NANJIT**  
15 **SINGH, 50% OWNER**

**STATEMENT OF ISSUES**

16 **Application for Renewal of Approval to**  
17 **Operate an Institution Non-Accredited**

Respondent.

18 **School Code 4307141**  
19

20 Complainant alleges:

21 PARTIES

22 1. Joanne Wenzel (Complainant) brings this Statement of Issues solely in her official  
23 capacity as the Chief of the Bureau for Private Postsecondary Education, Department of  
24 Consumer Affairs.

25 2. On or about August 31, 2010, the Bureau for Private Postsecondary Education  
26 ("Bureau") received an Application for Renewal of Approval to Operate an Institution Non-  
27 Accredited (application number 22868) from Respondent AB Truck Driving School; Mohan  
28 Singh, 50% Owner; and Manjit Singh, 50% Owner ("Respondent"). Between July 30, 2011 and

1 March 21, 2014, the Bureau and Respondent exchanged correspondence regarding Respondent's  
2 application.

3 3. On or about July 23, 2015, the Bureau issued Respondent a Notice of Denial of  
4 Application for Renewal of Approval to Operate. On or about August 18, 2015, the Bureau  
5 received a request from Respondent for an administrative hearing regarding the denial of its  
6 application.

### 7 JURISDICTION

8 4. This Statement of Issues is brought before the Director of Department of Consumer  
9 Affairs (Director) for the Bureau, under the authority of the following laws. All section  
10 references are to the Education Code unless otherwise indicated.

11 5. California Business and Professions Code Section 118, subdivision (b) provides, in  
12 part:

13 “(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a  
14 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by  
15 order of a court of law, or its surrender without the written consent of the board, shall not, during  
16 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its  
17 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
18 provided by law or to enter an order suspending or revoking the license or otherwise taking  
19 disciplinary action against the licensee on any such ground.

20 6. Section 94886 provides:

21 “Except as exempted in Article 4 (commencing with Section 94874) or in compliance with  
22 the transition provisions in Article 2 (commencing with Section 94802), a person shall not open,  
23 conduct, or do business as a private postsecondary educational institution in this state without  
24 obtaining an approval to operate under this chapter.”

25 7. Section 94887 provides:

26 “An approval to operate shall be granted only after an applicant has presented sufficient  
27 evidence to the bureau, and the bureau has independently verified the information provided by the  
28 applicant through site visits or other methods deemed appropriate by the bureau, that the

1 applicant has the capacity to satisfy the minimum operating standards. The bureau shall deny an  
2 application for an approval to operate if the application does not satisfy those standards.”

3 8. Section 94891 provides, in part:

4 “(b) To be granted a renewal of an approval to operate, the institution shall demonstrate its  
5 continued capacity to meet the minimum operating standards.”

6 STATUTORY AND REGULATORY PROVISIONS<sup>1</sup>

7 9. Section 94902 provides, in part:

8 ...

9 “(b) An enrollment agreement is not enforceable unless all of the following requirements  
10 are met:

11 ...

12 “(3) Prior to the execution of the enrollment agreement, the student and the institution have  
13 signed and dated the information required to be disclosed in the Student Performance Fact Sheet  
14 pursuant to subdivisions (a) to (d), inclusive, of Section 94910. Each of these items in the Student  
15 Performance Fact Sheet shall include a line for the student to initial and shall be initialed and  
16 dated by the student.

17 ....”

18 10. Section 94906 provides, in part:

19 ...

20 “(b) If the recruitment leading to enrollment was conducted in a language other than  
21 English, the enrollment agreement, disclosures, and statements shall be in that language.”

22 ////

23 ////

24 ////

25 ////

26 \_\_\_\_\_  
27 <sup>1</sup> The California Private Postsecondary Education Act of 2009 was recently amended, effective  
28 January 1, 2015. See Senate Bill No. 1247. This Statement of Issues is based on the pre-  
amendment version of the Act.

1           11. Section 94910 provides, in part:

2           “Prior to enrollment, an institution shall provide a prospective student with a School  
3 Performance Fact Sheet containing, at a minimum, the following information, as it relates to the  
4 educational program:

5           “(a) Completion rates, as calculated pursuant to Article 16 (commencing with Section  
6 94928).

7           “(b) Placement rates for each educational program, as calculated pursuant to Article 16  
8 (commencing with Section 94928), if the educational program is designed to lead to, or the  
9 institution makes any express or implied claim related to preparing students for, a recognized  
10 career, occupation, vocation, job, or job title.

11           “(c) License examination passage rates for programs leading to employment for which  
12 passage of a state licensing examination is required, as calculated pursuant to Article 16  
13 (commencing with Section 94928).

14           “(d) Salary or wage information, as calculated pursuant to Article 16 (commencing with  
15 Section 94928).

16           ....”

17           12. Section 94929 provides, in part:

18           “(a) An institution shall annually report to the bureau, as part of the annual report, and  
19 publish in its School Performance Fact Sheet, the completion rate for each program. Except as  
20 provided in subdivision (b), the completion rate shall be calculated by dividing the number of  
21 graduates by the number of students available for graduation.

22           ....”

23           13. Section 94929.5 provides, in part:

24           “(a) An institution shall annually report to the bureau, as part of the annual report, and shall  
25 publish in its School Performance Fact Sheet, all of the following:

26           “(1) The job placement rate, calculated by dividing the number of graduates employed in  
27 the field by the number of graduates available for employment for each program that is either (1)

28

1 designed, or advertised, to lead to a particular career, or (2) advertised or promoted with any  
2 claim regarding job placement.

3 “(2) The license examination passage rates for the immediately preceding two years for  
4 programs leading to employment for which passage of a state licensing examination is required,  
5 calculated by dividing the number of graduates who pass the examination by the number of  
6 graduates who take the licensing examination the first time that the examination is available after  
7 completion of the educational program. The institution shall use state agency licensing data to  
8 calculate license examination passage rates. If those data are unavailable, the institution shall  
9 calculate the license examination passage rate in a manner consistent with regulations adopted by  
10 the bureau.

11 “(3) Salary and wage information, consisting of the total number of graduates employed in  
12 the field and the annual wages or salaries of those graduates stated in increments of five thousand  
13 dollars (\$5,000).

14 . . . .”

15 14. California Code of Regulations, title 5, section 70000 provides, in part:

16 . . .

17 “(q) ‘Mission’ means an institution's stated educational reasons to exist. A mission  
18 statement contains all of the following characteristics:

19 “(1) The mission includes the institution's broad expectations concerning the education that  
20 students will receive, including the acquisition of the body of knowledge presented in the  
21 educational program, the development of intellectual, analytical, and critical abilities, and the  
22 fostering of values such as a commitment to pursue lifelong learning; and

23 “(2) The mission relates to the educational expectations of the institution's students, faculty  
24 and community that the institution serves.

25 “(r) ‘Objectives’ are the goals and methods by which the institution fulfills its mission and  
26 transforms it into measurable student learning outcomes for each educational program.

27 . . . .”

28 ////

1 15. California Code of Regulations, title 5, section 71475 provides, in part:

2 ...

3 “(e) The institution shall submit at the time it applies for renewal current financial  
4 statements that meet the requirements of section 74115 as follows: (1) for an institution with  
5 annual gross revenues of \$500,000 and over, statements shall be audited; (2) for an institution  
6 with annual gross revenues less than \$500,000, statements shall be reviewed.

7 ...

8 “(n) The institution shall describe in the application, in detail its mission and objectives. If  
9 there have been no substantive changes since the last submission, the institution may so state and  
10 is not required to submit documentation.

11 ...

12 “(w)(1) The application shall contain a statement that the institution has and can maintain  
13 the financial resources required pursuant to section 71745.

14 ...

15 (y)(1) For each program offered, the application shall contain a description of the facilities  
16 and the equipment which is available for use by students at the main, branch, and satellite  
17 locations of the institution unless there have been no substantive changes since the last  
18 submission. If there have been no substantive changes made the institution may so state and is not  
19 required to provide documentation.

20 (2) For facilities that are leased or rented, the application shall contain the name and  
21 address of the lessor or landlord, together with a copy of any use, lease, or rental agreements for  
22 the facilities unless there have been no substantive changes since the last submission. If there  
23 have been no substantive changes made the institution may so state and is not required to provide  
24 documentation.

25 ...

26 (4) The description in the application shall include specifications of significant equipment  
27 that demonstrate that the equipment meets the standards prescribed by the Code and this chapter  
28 and is sufficient to enable students to achieve the educational objectives of each education

1 program unless there have been no substantive changes since the last submission. If there have  
2 been no substantive changes made the institution may so state and is not required to provide  
3 documentation.

4 ...

5 “(bb) The application shall include a copy of the institution's catalog, in published or  
6 proposed-to-be-published form. The catalog shall meet the requirements of the Act and of section  
7 71810.

8 ....”

9 16. California Code of Regulations, title 5, section 71710 provides, in part:

10 “In order to meet its mission and objectives, the educational program defined in section  
11 94837 of the Code shall be comprised of a curriculum that includes:

12 “(a) those subject areas that are necessary for a student to achieve the educational  
13 objectives of the educational program in which the student is enrolled;

14 ....

15 17. California Code of Regulations, title 5, section 71735 provides, in part:

16 “(a) An institution shall have sufficient facilities and necessary equipment to support the  
17 achievement of the educational objectives of all of the courses and educational programs in which  
18 students are enrolled. If an institution represents that the educational service will fit or prepare a  
19 student for employment in a particular occupation or as described in particular job titles, either of  
20 the following conditions shall be met:

21 “(1) The equipment used for instruction or provided to the student shall be comparable in  
22 model type or features to equipment generally used in those occupations or job titles at the time  
23 the instruction is offered.

24 “(2) The institution shall establish that the equipment used for instruction or provided to a  
25 student is not obsolete and is sufficient for instructional purposes to reasonably assure that a  
26 student acquires the necessary level of education, training, skill, and experience to obtain  
27 employment in the field of training and to perform the tasks associated with the occupation or job  
28 title to which the educational program was represented to lead.

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....”

18. California Code of Regulations, title 5, section 71745 provides, in part:

“(a) The institution shall document that it has at all times sufficient assets and financial resources to do all of the following:

“(1) Provide all of the educational programs that the institution represented it would provide.

“(2) Ensure that all students admitted to its educational programs have a reasonable opportunity to complete the programs and obtain their degrees or diplomas.

“(3) Maintain the minimum standards required by the Act and this chapter.

“(4) Pay timely refunds as required by Article 13 of the Act.

“(5) Pay all operating expenses due within 30 days.

“(6) Maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or greater at the end of the most recent fiscal year when using generally accepted accounting principles, or for an institution participating in Title IV of the federal Higher Education Act of 1965, meet the composite score requirements of the U.S. Department of Education. For the purposes of this section, current assets does not include: intangible assets, including goodwill, going concern value, organization expense, startup costs, long-term prepayment of deferred charges, and non-returnable deposits, or state or federal grant or loan funds that are not the property of the institution but are held for future disbursement for the benefit of students. Unearned tuition shall be accounted for in accordance with general accepted accounting principles.

....”

19. California Code of Regulations, title 5, section 71810 provides, in part:

...

(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:

...

(2) A statement of the institution's missions and purposes and the objectives underlying each of its educational programs;



1           ...

2           (4) Language proficiency information, including: (A) the level of English language  
3 proficiency required of students and the kind of documentation of proficiency, such as the Test of  
4 English as a Foreign Language (TOEFL), that will be accepted; and (B) whether English  
5 language services, including instruction such as ESL, are provided and, if so, the nature of the  
6 service and its cost;

7           ....”

8           20. California Code of Regulations, title 5, section 71865 provides, in part:

9           “(a) A Master's degree may only be awarded to a student who demonstrates at least the  
10 achievement of learning in a designated major field that is equivalent in depth to that normally  
11 acquired in a minimum of 30 semester credits or its equivalent or one year of study beyond the  
12 Bachelor's degree.

13           ....”

14           21. California Code of Regulations, title 5, section 74112 provides, in part:

15           ...

16           “(d) Completion Rates. Reporting of completion rates for an institution’s Annual Report  
17 and Performance Fact Sheet shall include, for each educational program, the number of students  
18 who began program as defined in subdivision (b), the number of students available for  
19 graduation, number of graduates, and completion rate(s). An optional column may be added to  
20 include completion rate data for students completing within 101-150% of the published program  
21 length. For an institution reporting completion data pursuant to section 94929(b) of the Code,  
22 completion data shall be separately reported for each program. The Performance Fact Sheet shall  
23 disclose, if true, that the completion data is being reported for students completing within 150%  
24 of the published program length, and that data is not being separately reported for students  
25 completing the program within 100% of the published program length.

26           “Completion rates shall be included in the Performance Fact Sheet in a format substantially  
27 similar to the chart below, including the footnoted information below (dates, numbers, and other  
28 data shown are for example only):

1 "Completion Rates (includes data for the two calendar years prior to reporting)

2 "Name of Educational Program (Program Length)

3 <i>Calendar Year</i>	4 <i>Number of Students Who Began Program(1)</i>	5 <i>Students Available for Graduation(2)</i>	6 <i>Graduates(3)</i>	7 <i>Completion Rate(4)</i>
8 20XX	9 100	10 98	11 70	12 71%
13 20XY	14 80	15 80	16 55	17 69%

8 "Students Completing After Published Program Length - 150% Completion Rate

9 "Name of Educational Program (Program Length)

10 <i>Calendar Year</i>	11 <i>Number of Students Who Began Program(1)</i>	12 <i>Students Available for Graduation(2)</i>	13 <i>150% Graduates(5)</i>	14 <i>150% Completion Rate(6)</i>
15 20XX	16 100	17 98	18 25	19 26%
20 20XY	21 80	22 80	23 23	24 29%

14 "1 'Number of Students Who Began Program' is the number of students who began the  
15 program who are scheduled to complete the program within the reporting calendar year.

16 "2 'Students available for graduation' is the number of students who began program  
17 minus the number of 'Students unavailable for graduation,' which means those students who have  
18 died, been incarcerated, or called to active military duty.

19 "3 'Graduates' is the number of students who completed the program within 100% of the  
20 published program length.

21 "4 'Completion Rate' is the number of Graduates divided by the Number of Students  
22 Available for Graduation.

23 "5 '150% Graduates' is the number of students who completed the program within 101-  
24 150% of the published program length.

25 "6 '150% Completion Rate' is the number of students who completed the program in the  
26 reported calendar year within 101-150% of the published program length divided by the Number  
27 of Students Available for Graduation in the published program length period.

28 ////

1 “(e) Placement Rates.

2 “(1) Any placement data required by sections 94910(b) and 94929.5(a) of the Code shall  
3 be reported for the number of students who began the program as defined in subdivision (b) for  
4 each reported calendar year.

5 “(2) Placement is measured six months from the graduation date of each student.  
6 Reporting of placement rates shall include for each educational program: the number of students  
7 who began the program, the number of graduates as defined in subdivision (b), graduates  
8 available for employment, graduates employed in the field and placement rate(s).

9 “(3) Placement rate shall be calculated as follows: the number of graduates employed in  
10 the field as defined in subsection 74112(b)(3) divided by the number of graduates available for  
11 employment as defined in section 94928(d) of the Code.

12 “(4) Graduates employed in the field shall be reported for those graduates employed in the  
13 field in a single position that averages under 32 hours per week and those employed in the field in  
14 a single position that averages at least 32 hours per week.

15 “References to the Code are to the California Education Code where the California Private  
16 Postsecondary Education Act of 2009 is located.

17 “Placement rates shall be included in the Performance Fact Sheet in a format substantially  
18 similar to the chart below, including the footnoted information below (dates, numbers, and other  
19 data shown are for example only):

20 “Placement Rates (includes data for the two calendar years prior to reporting)

21 “Name of Educational Program (Program Length)

22	23	24	25	26	27	28		
<i>Calend</i>	<i>Number of</i>	<i>Number of</i>	<i>Graduates</i>	<i>Graduat</i>	<i>Placeme</i>	<i>Graduat</i>	<i>Graduat</i>	
<i>ar Year</i>	<i>Students</i>	<i>Graduates(</i>	<i>Available for</i>	<i>es</i>	<i>nt Rate</i>	<i>es</i>	<i>es</i>	
	<i>Who</i>	<i>2)</i>	<i>Employment(</i>	<i>Employe</i>	<i>%</i>	<i>Employe</i>	<i>Employe</i>	
	<i>Began</i>		<i>3)</i>	<i>d in the</i>	<i>Employe</i>	<i>d in the</i>	<i>d in the</i>	
	<i>Program(</i>			<i>Field(4)</i>	<i>d in the</i>	<i>Field(5)</i>	<i>Field an</i>	
	<i>1)</i>				<i>average</i>	<i>of less</i>	<i>least 32</i>	
					<i>hours</i>	<i>than 32</i>	<i>hours</i>	
					<i>per week</i>		<i>per week</i>	
20XX	100	70	70	55	79%	5	50	

1 20XY 80 55 55 20 36% 9 11

2 "1 'Number of Students Who Began Program' means the number of students who began the  
3 program who are scheduled to complete the program within the reporting calendar year.

4 "2 'Number of Graduates' is the number of students who have completed the program  
5 within 100% of the published program length.

6 "3 'Graduates available for employment' means the number of graduates minus the number  
7 of graduates unavailable for employment. 'Graduates unavailable for employment' means  
8 graduates who, after graduation, die, become incarcerated, are called to active military duty, are  
9 international students that leave the United States or do not have a visa allowing employment in  
10 the United States, or are continuing their education in an accredited or bureau-approved  
11 postsecondary institution.

12 "4 'Graduates employed in the field' means graduates who report that they are gainfully  
13 employed within six months of graduation in a position for which the skills obtained through the  
14 education and training provided by the institution are required or provided a significant advantage  
15 to the graduate in obtaining the position.

16 "5 Placement Rate is calculated by dividing the number of graduates gainfully employed in  
17 the field by the number of graduates available for employment."

18 "(f) License Examination Passage Rates. If license examination passage rates are not  
19 available from the appropriate state agency, an institution shall collect the information directly  
20 from its graduates. If an institution demonstrates that, after reasonable efforts, it is unable to  
21 obtain the examination passage information from its graduates, the institution shall report the  
22 number of students it could not contact and note in a font the same size as the majority of the data  
23 on the Performance Fact Sheet, 'License examination passage data is not available from the state  
24 agency administering the examination. We were unable to collect data from [enter the number]  
25 graduates.'

26 "Reporting of license examination passage rates for the Annual Report and the Performance  
27 Fact Sheet shall include, for each educational program: the number of students completing the  
28 program within 150% of published program length in the reported year, the number of

1 documented graduates who passed the first examination, number of documented graduates who  
 2 failed the first examination, the number of graduates for whom data is not available. An optional  
 3 column may be added to separately report licensing examination data for students who take and  
 4 pass the exam after failing initially. The Annual Report shall also include a description of the  
 5 processes for attempting to contact those students.

6 “For licensing examinations that are not continuously administered, license examination  
 7 passage rates shall be included in the Performance Fact Sheet in a format substantially similar to  
 8 the chart below, including the footnoted information below (dates, numbers, and other data  
 9 shown are for example only):

10 “Examination Passage Rates (includes data for the two calendar years prior to reporting)

11 “Name of Educational Program (Program Length)

12 <i>Number of Students Taking Exam(1)</i>	<i>Exam Date(2)</i>	<i>Number Who Passed Exam</i>	<i>Number Who Failed Exam</i>	<i>Passage Rate(3)</i>
14 80	2/1/20XX	40	40	50%
15 100	6/1/20XX	75	25	75%
16 82	10/1/20XX	68	14	76%
17 80	2/1/20XY	40	40	50%
18 100	6/1/20XY	70	30	70%
19 92	10/1/20XY	62	30	67%

20 “License examination passage data is not available from the state agency administering the  
 21 examination. We were unable to collect data from 32 graduates.

22 “1 Number of Students Taking Exam is the number of students who completed the program  
 23 within 150% of published program length and for whom the reported exam is the first exam that  
 24 was available after their completion of the program.

25 “2 Exam Date is the date for the first available exam after the students completed the  
 26 program.

27 “3 Passage Rate is calculated by dividing the number of students who pass the exam by the  
 28 number of graduates who take the reported licensing exam.

1 “For licensing examinations that are continuously administered, license examination  
 2 passage rates shall be included in the Performance Fact Sheet in a format substantially similar to  
 3 the chart below, including the footnoted information below (dates, numbers, and other data  
 4 shown are for example only):

5 “Examination Passage Rates (includes data for the two calendar years prior to reporting)

6 “Name of Educational Program (Program Length)

7 <i>Calendar Year</i>	8 <i>Number of Students Taking Exam(1)</i>	9 <i>Number Who Passed First Exam Taken(2)</i>	10 <i>Number Who Failed First Exam Taken(3)</i>	11 <i>Passage Rate(3)</i>
12 20XX	80	40	40	50%
13 20XY	100	75	25	75%

14 “License examination passage data is not available from the state agency administering the  
 15 examination. We were unable to collect data from 10 graduates.

16 “1 Number of Students Taking Exam is the number of students who completed the program  
 17 within 150% of the published program length and who took the exam in the reported calendar  
 18 year for the first time.

19 “2 Number Who Passed First Exam Taken is the number of students who took and passed  
 20 the licensing exam in the reported calendar year on the first attempt.

21 “3 Passage Rate is calculated by dividing the number of graduates who pass the exam the  
 22 first time that they take it by the number of graduates who took the licensing exam for the first  
 23 time after completion of the program.”

24 “(g) Salary and Wage Information.

25 “All Salary and Wage Information shall be reported to the Bureau pursuant to section  
 26 94929.5(c) of the Code and, if required by section 94910(d) of the Code, shall be included in the  
 27 Performance Fact Sheet, for each educational program, in a format substantially similar to the  
 28 chart below, including the footnoted information (dates, numbers, salaries, and other data shown  
 are for example only).

“Salary and Wage Information (includes data for the two calendar years prior to reporting)

//////

"Name of Educational Program (Program Length)							
			Annual Salary and Wages Reported by Graduates Employed in the Field(3)				
Calendar Year	Graduates Available for Employment(1)	Graduates Employed in the Field(2)	\$15,000.0 - 20,000.0	\$20,001.0 - 25,000.0	\$25,001.0 - 30,000.0	\$30,001.0 - 35,000.0	Students Not Reporting Salary
20XX	100	70	5	40	6	3	16
20XY	80	55	5	7	3	5	35

"1 '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.

"2 'Graduates employed in the field' means graduates who 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 to the graduate in obtaining the position.

"3 Salary is as reported by the student. Not all graduates reported salary.  
 ...."

**FIRST CAUSE FOR DENIAL OF APPLICATION**  
 (Mission and Objectives)  
 (Cal. Code Regs., title 5, §§ 70000, subd. (r) and 71475, subd. (n))

22. Respondent's application is subject to denial because the objectives stated in the application do not meet the definitions set forth in California Code of Regulations, title 5, section 70000, subdivision (r). (Cal. Code Regs., title 5, §§ 70000, subd. (r) and 71475, subd. (n)). In particular, the objectives do not provide the goals and methods by which Respondent's institution will fulfill its mission and transform it into measurable student learning outcomes for each educational program.





1           b. Respondent provided a letter purporting to confirm the rental agreement for the  
2 use of a property, but that letter is not a copy of the agreement and does not describe the terms of  
3 the agreement. (Cal. Code Regs., title 5, § 71475, subd. (y)(2)).

4           c. Respondent did not indicate whether significant equipment was owned, leased,  
5 rented, or licensed for short or long-term use or owned by another and loaned to be used without  
6 charge. (Cal. Code Regs., title 5, § 71475, subd. (y)(4)).

7   FIFTH CAUSE FOR DENIAL OF APPLICATION

8   (Catalog)

8           (Educ. Code §§ 94902, subd. (b)(3); 94910, subs. (a), (b), (c), and (d); 94929, subd. (a); and  
9 94929.5(a)(1), (a)(2), and (a)(3); and Cal. Code Regs., title 5, §§ 70000, subd. (q); 71475, subd.  
9           (bb); 71810, subs. (b)(2) and (b)(4); 74112, subs. (d), (e), (f), and (g))

10           26. Respondent's application is subject to denial because Respondent's proposed catalog  
11 does not comply with the law. (Educ. Code §§ 94902, subd. (b)(3); 94910, subs. (a), (b), (c),  
12 and (d); 94929, subd. (a); and 94929.5(a)(1), (a)(2), and (a)(3); and Cal. Code Regs., title 5, §§  
13 70000, subd. (q); 71475, subd. (bb); 71810, subs. (b)(2) and (b)(4); 74112, subs. (d), (e), (f),  
14 and (g)). In particular:

15           a. Respondent's proposed catalog does not indicate the language proficiency  
16 information, including the level of English language proficiency required and the type of  
17 documentation accepted. (Cal. Code Regs., title 5, §§ 71475, subd. (bb), and 71810, subd.  
18 (b)(4)).

19           b. The mission and objectives stated in Respondent's proposed catalog do not  
20 meet the definitions set forth in California Code of Regulations, title 5, section 70000,  
21 subdivision (r). Furthermore, the objectives do not provide the goals and methods by which  
22 Respondent's institution will fulfill its mission and transform it into measurable student learning  
23 outcomes for each educational program. (Cal. Code Regs., title 5, §§ 70000, subd. (q) and 71810,  
24 subd. (b)(2)).

25           c. Respondent's Performance Fact Sheet for calendar years 2011 and 2012 does  
26 not include completion rates for the Comprehensive Class A License Training Program. No  
27 students were enrolled in either year, and Respondent indicated "N/A" for completion rates in  
28

1 both years. (Educ. Code §§ 94910, subd. (a) and 94929, subd. (a); and Cal. Code Regs., title 5, §  
2 74112, subd. (d)).

3 d. Respondent's Performance Fact Sheet for calendar years 2011 and 2012 does  
4 not include placement rates for the Comprehensive Class A License Training Program. No  
5 students were enrolled in either year, and Respondent indicated "N/A" for completion rates in  
6 both years. (Educ. Code §§ 94910, subd. (b) and 94929.5, subd. (a)(1); and Cal. Code Regs., title  
7 5, § 74112, subd. (e)).

8 e. Respondent's Performance Fact Sheet for calendar years 2011 and 2012 does  
9 not report the average hours graduates worked in the field for any program. Rather, Respondent  
10 indicated "Not Reported." (Cal. Code Regs., title 5, § 74112, subd. (d)).

11 f. Respondent's Performance Fact Sheet for calendar years 2011 and 2012 does  
12 not report license examination passage rates for any program. (Educ. Code §§ 94910, subd. (c)  
13 and 94929.5, subd. (a)(2); and Cal. Code Regs., title 5, § 74112, subd. (f)).

14 g. Respondent's Performance Fact Sheet for calendar years 2011 and 2012 does  
15 not include a salary and wage data for the Comprehensive Class A License Training Program.  
16 No students were enrolled in either year, and Respondent indicated "N/A" for all wage data in  
17 both years. (Educ. Code §§ 94910, subd. (d) and 94929.5, subd. (a)(3); and Cal. Code Regs., title  
18 5, § 74112, subd. (g)).

19 h. Respondent's Performance Fact Sheet for calendar years 2011 and 2012 does  
20 not include a line for the student to initial the information required pursuant to Education Code  
21 section 94910, subdivisions (a) and (d). (Educ. Code § 94902, subd. (b)(3)).

22 **SIXTH CAUSE FOR DENIAL OF APPLICATION**

23 (Declaration Under Penalty of Perjury)

24 (Cal. Code Regs., title 5, §§ 71865, subd. (a) and 71710, subd. (a))

25 27. Respondent's application is subject to denial because it is not complete as  
26 Respondent submitted it without original signatures from both owners. (Cal. Code Regs., title 5,  
27 §§ 71865, subd. (a) and 71710, subd. (a)).

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of the Department of Consumer Affairs issue a decision:

1. Denying Respondent's Application for Renewal of Approval to Operate an Institution Non-Accredited; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 11/16/15

  
\_\_\_\_\_  
JOANNE WENZEL  
Chief  
Bureau for Private Postsecondary Education  
Department of Consumer Affairs  
State of California  
*Complainant*

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