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

12
13 In the Matter of the Accusation Against:

Case No. 1004396

14 **101 SCHOOL OF TRUCKING,**
15 **TIMOTHY JOHNSON, OWNER**
16 **3897 Market Street**
17 **Ventura, CA 93003**

ACCUSATION

18 **Approval to Operate Institution Code No.**
19 **44971494**

Respondent.

20 **PARTIES**

21 1. Dr. Michael Marion, Jr. (Complainant) brings this Accusation solely in his official
22 capacity as the Chief of the Bureau for Private Postsecondary Education (Bureau), the
23 Department of Consumer Affairs.

24 2. On or about March 14, 2016, the Bureau for Private Postsecondary Education issued
25 Approval to Operate Number 44971494 to 101 School of Trucking, Timothy Johnson, Owner
26 (Respondent). Respondent was approved to offer non-degree programs in Tractor/Trailer Brush
27 Up and Tractor/Trailer Operator. The Approval to Operate was in full force and effect at all
28 times relevant to the charges brought herein and will expire on March 14, 2021, unless renewed.

1 **JURISDICTION**

2 3. This Accusation is brought before the Director of the Department of Consumer
3 Affairs (Director) for the Bureau for Private Postsecondary Education, under the authority of the
4 following laws. All section references are to the Education Code unless otherwise indicated.

5 4. Business and Professions Code, section 118, subdivision (b), provides that the
6 suspension, expiration, surrender or cancellation of a license shall not deprive the Bureau of
7 jurisdiction to proceed with a disciplinary action during the period within which the license may
8 be renewed, restored, reissued or reinstated.

9 5. Section 94875 provides that the Bureau shall regulate private postsecondary
10 educational institutions.

11 6. Section 94877 provides, in relevant part, that:

12 “(a) The bureau shall adopt and shall enforce regulations to implement this chapter pursuant
13 to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of
14 Division 3 of Title 2 of the Government Code).

15 “(b) The bureau shall develop and implement an enforcement program, pursuant to Article
16 18 (commencing with Section 94932) to implement this chapter..... ”

17 **REGULATORY PROVISION**

18 11 California Code of Regulations, title 5, section 75050, subdivision (b), provides:

19 “Failure of an applicant or institution issued an approval to operate to abate the violation or
20 to pay the fine within the time allowed is a ground for denial or discipline of an approval to
21 operate.”

22 **COST RECOVERY**

23 13. Section 94937, subdivision (d), provides that the Bureau may seek reimbursement
24 costs of investigation and enforcement pursuant to Business and Professions Code section 125.3.

25 14. Section 125.3 of the Business and Professions Code provides, in pertinent part, that
26 the Bureau may request the administrative law judge to direct a licentiate found to have
27 committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable
28 costs of the investigation and enforcement of the case, with failure of the licentiate to comply

1 subjecting the license to not being renewed or reinstated. If a case settles, recovery of
2 investigation and enforcement costs may be included in a stipulated settlement.

3 **CAUSE FOR DISCIPLINE**

4 (Failure to Abate Violations)

5 15. Respondent's Approval to Operate is subject to revocation under California Code of
6 Regulations, title 5, section 75050, subdivision (b), in that Respondent failed to comply with
7 orders of abatement by the due date of May 11, 2019 and extended to August 1, 2019, pursuant to
8 Citation 1819170, issued by the Bureau on April 11, 2019, as follows:

- 9 (a) Submit the institution's Student Tuition Recovery Fund (STRF) assessment forms to
10 the Bureau for the 2nd, 3rd and 4th Quarters of 2017 and all four quarters in 2018;
11 (b) Pay the annual and delinquency fees for 2017, 2018, and 2019.

12 **PRAYER**

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

- 16 1. Revoking or suspending Approval to Operate Institution Code 44971494, issued to
17 101 School of Trucking, Timothy Johnson, Owner;
18 2. Ordering Timothy Johnson, Owner, to pay the Bureau for Private Postsecondary
19 Education the reasonable costs of the investigation and enforcement of this case, pursuant to
20 Business and Professions Code section 125.3; and,
21 3. Taking such other and further action as deemed necessary and proper.
22

23 DATED: "12/11/2020"

23 "Original signature on file"
24 DR. MICHAEL MARION, JR.
25 Chief
26 Bureau for Private Postsecondary
27 Education
28 Department of Consumer Affairs
State of California
Complainant

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