



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

May 8, 2019

Commercial Driver Learning Center, LLC., Owner
 Commercial Drivers Learning Center
 1787 Tribute Road, Suite L
 Sacramento, CA 95815

Date of Issuance	Citation Number	Institution Code
May 8, 2019	1819143	64417859

On April 24, 2019, an informal in-person conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819143 (Citation) against Commercial Driver Learning Center, LLC., Owner of Commercial Drivers Learning Center. In attendance were Beth Scott, Enforcement Chief; Robby Wilson, Owner; and Stephanie Doke, Office Manager.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1819143.

It is the decision of the Enforcement Chief that on April 29, 2019 Citation No. 1819143 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	<p><u>Violation:</u> 5, CCR section 71930 (e) Maintenance of Records <i>(e) 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.</i></p> <p>The Institution failed to allow Bureau staff to make a copy of the supporting documentation for the 2015-2016 SPFS.</p> <p><u>Order of Abatement:</u> The Institution shall make all records that are required to be maintained by the Act and this Chapter readily available to the Bureau upon request during normal business hours.</p> <p><u>Reason for modification:</u> New substantive facts were presented at the conference.</p>

Assessment of Fine

The fine for this violation is \$50.00

The administrative fine for this violation has been modified from \$50.00 to \$00.00.

2. **MODIFIED**

Violation:

5, CCR section 74112 (m) (1-9) - Uniform Data - Annual Report, Performance Fact Sheet

(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum:

(1) the list of job classifications determined to be considered gainful employment for the educational program;

(2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;

(3) graduate's place of employment and position, date employment began, date employment ended, if applicable, actual salary, hours per week, and the date employment was verified;

(4) for each employer from which employment or salary information was obtained, the employer name(s) address and general phone number, the contact person at the employer and the contact's phone number and email address, and all written communication with employer verifying student's employment or salary;

(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;

(6) a description of all attempts to contact each student or employer;

(7) any and all documentation used to provide data regarding license examinations and examination results;

(8) for each student determined to be unavailable for graduation or unavailable for employment, the identity of the student, the type of unavailability, the dates of unavailability, and the documentation of the unavailability; and

(9) the name, email address, phone number, and position or title of the institution's representative who was 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.

The Institution failed to include all of the required data per 5, CCR section 74112 (m)(1-9) on the supporting documentation for the 2015-2016 SPFS.

Order of Abatement:

The Bureau orders the Institution to submit all of the required supporting documentation for the 2015-2016 SPFS, per 5, CCR section 74112 (m)(1-9)

Assessment of Fine

The fine for this violation is \$5,000.00

The administrative fine for this violation has been modified from \$5,000.00 to \$50.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$50.00

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within **30 days** from the date of this decision.

PENALTY - ASSESSMENT OF A FINE

Payment of the administrative fine is due within **30 days** from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Cheryl Lardizabal, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on May 8, 2019. The order of abatement and payment are due by **June 7, 2019**.

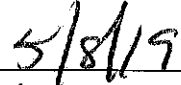
Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Cheryl Lardizabal, Discipline Analyst, at (916) 621-2591 or at Cheryl.Lardizabal@dca.ca.gov.



Christina Villanueva
Discipline Manager



Date

Enclosures

- Payment of Fine - Waiver of Appeal Rights
- Declaration of Service by Certified and First-Class Mail