



Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 574-8900 F (916) 263-1897 www.bppe.ca.gov



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: A-1 Truck Driving School Inc., Owner
A-1 Truck Driving School Inc
2977 Baumberg Ave.
Hayward, CA, 94545

INSTITUTION CODE: 0106221

CITATION NUMBER: 1920249

CITATION ISSUANCE/SERVICE DATE: March 6, 2020

DUE DATE: April 5, 2020

FINE AMOUNT: \$ 14,501.00

ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to A-1 Truck Driving School Inc., Owner of A-1 Truck Driving School Inc. (Institution) located at 2977 Baumberg Ave., CA 94545, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

On May 22, 2019, Bureau staff conducted an announced Compliance inspection at the Institution. Bureau staff discovered that student files were not maintained in a manner secure from damage or loss. Bureau staff informed the Institution representative of the violation and the Institution representative stated they understood the files were not in compliance and would purchase fire proof cabinets to store the copies of records.

In addition, student files were missing the high school diploma, Ability to Benefit (ATB) exams, evidence of monies received, refund calculation sheet(s) and record of any refunds provided (if any were due), transcripts, and completed Student Performance Fact Sheets (SPFS). The Institution representative was aware student files were not in compliance and stated they would work diligently on rectifying errors within the student files.

The Institution representative also stated that the Institution was unaware of documentation requirements regarding educational qualifications of the faculty and did not maintain personnel files for the instructors. The Institution representative stated they would work on creating and maintaining personnel files moving forward. The Institution representative was unable to provide documentation of the educational qualifications of each member of the faculty.

The Institution representative also could not provide the supporting documentation for the Student Tuition Recovery Fund (STRF) and the SPFS. The Institution representative was unaware that supporting documentation for STRF and the 2015/2016 SPFS was to be maintained.

Lastly, in accordance with CEC section 94934 and 5, CCR section 74110 (c) and (d) an Institution shall file its annual report by December 1st of every year. As of November 14, 2019, the Bureau has not received an annual report for the 2017 calendar year from the Institution.

On December 20, 2018, the Bureau’s Annual Report Unit (ARU) notified institutions by mail, to the addresses on record, informing them that the online portal to submit the 2017 Annual Report would be opening with an April 20, 2019 due date. On or about February 14, 2019, institutions were notified by mail, sent to the addresses on record, that the online portal was open. On April 18, 2019, ARU mailed reminder letters to the institutions, sent to the addresses on record, that the online portal opened January 16, 2019 and that submission deadlines were extended to May 16, 2019. On or about September 18, 2019, the institutions were notified by mail, sent to the addresses on record, that the 2017 Annual Report and/or its components had not been received by the Bureau. Institutions were provided with a deadline of October 10, 2019 to submit the 2017 Annual Report. As of November 14, 2019, the Institution has not submitted the Annual Report for the 2017 calendar year.

VIOLATION

#	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>Violation: 5, CCR Section 71920 (a)(b)(1)(A)(3)(5)(A-E) (9)(10)– Student Records <i>(a) The institution shall maintain a file for each student who enrolls in the institution whether or not the student completes the educational service.</i> <i>(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</i> <i>(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:</i> <i>(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;</i> <i>(3) Copies of all documents signed by the student, including contracts, instruments of indebtedness, and documents relating to financial aid;</i> <i>(5) In addition to the requirements of section 94900(b) of the Code, a transcript showing all of the following:</i> <i>(A) The courses or other educational programs that were completed, or were attempted but not completed, and the dates of completion or withdrawal;</i> <i>(B) Credit awarded for prior experiential learning, including the course title for which credit was awarded and the amount of credit;</i> <i>(C) Credit for courses earned at other institutions;</i> <i>(D) Credit based on any examination of academic ability or educational achievement used for admission or college placement purposes;</i> <i>(E) The name, address, website address, and telephone number of the institution.</i> <i>(9) A document showing the total amount of money received from or on behalf of the student and the date or dates on which the money was received;</i> <i>(10) A document specifying the amount of a refund, including the amount refunded for tuition and the</i></p>

amount for other itemized charges, the method of calculating the refund, the date the refund was made, and the name and address of the person or entity to which the refund was sent;

Violation: 5, CCR Section 71920 (a)(b)(1)(A): Student files failed to include 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 ATB test.

Violation: 5, CCR Section 71920 (a)(b)(3): Student files failed to include a complete SPFS.

Violation: 5, CCR Section 71920 (a)(b)(5)(A-E): Student files failed to include a transcript.

Violation: 5, CCR Section 71920 (a)(b)(9): Student files failed to include a document showing the total amount of money received from, or on behalf of, the student and the date(s) the money was received.

Violation: 5, CCR Section 71920 (a)(b)(10): Withdrawn student files failed to include a document specifying the amount of a refund, including the amount refunded for tuition and the amount for other itemized charges, the method of calculating the refund the date the refund was made, and the name and address of the person or entity to which the refund was sent.

Order of Abatement:

The Bureau orders the Institution to submit an established policy and procedure of how the Institution will maintain future compliance with 5, CCR section 71920.

Assessment of Fine

The fine for this violation is \$1,501.00

2.

Violation:

CEC Section 94902 – 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.

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

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

CEC Section 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.

The Institution failed to provide a copy of the SPFS to students and does not require the student and Institution to sign and date the SPFS prior to the execution of the enrollment agreement.

Order of Abatement:

The Bureau orders the Institution to submit a written policy on how the Institution will maintain future compliance with CEC Sections 94902 and 94912.

Assessment of Fine

The fine for this violation is \$ 1,000.00

3.	<p>Violation: CEC Section 94900.5. (b) - Required Institutional Records <i>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:</i> <i>(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.</i></p> <p>Faculty files failed to include documentation of the educational qualifications of each member of the faculty.</p> <p>Order of Abatement: The Bureau orders the Institution to submit an established policy and procedure on how the Institution will maintain future compliance with CEC Section 94900.5.</p> <p>Assessment of Fine The fine for this violation is \$1,500.00</p>
4.	<p>Violation: 5, CCR Section 76140(a)(1-13) Record-Keeping Requirements <i>“(a) A qualifying institution shall collect and maintain records of student information to substantiate the data reported on the STRF Assessment Reporting Form and records of the students' eligibility under the Fund. Such records shall include the following for each student:</i> <i>(1) Student identification number,</i> <i>(2) First and last names,</i> <i>(3) Email address,</i> <i>(4) Local or mailing address,</i> <i>(5) Address at the time of enrollment,</i> <i>(6) Home address,</i> <i>(7) Date enrollment agreement signed,</i> <i>(8) Courses and course costs,</i> <i>(9) Amount of STRF assessment collected,</i> <i>(10) Quarter in which the STRF assessment was remitted to the Bureau,</i> <i>(11) Third-party payer identifying information,</i> <i>(12) Total institutional charges charged, and</i> <i>(13) Total institutional charges paid.”</i></p> <p>The Institution failed to collect and maintain the supporting documentation for STRF.</p> <p>Order of Abatement: The Bureau orders the Institution to submit a policy, or procedure, of how the Institution will maintain compliance with 5, CCR section 76140.</p> <p>Assessment of Fine The fine for this violation is \$500.00</p>
5.	<p>Violation: 5, CCR Section 74112(k)(m) (1-9) Uniform Data – Annual Report, Performance Fact Sheet <i>(k) (k) Salary and Wage Information</i> <i>All Salary and Wage Information shall be reported to the Bureau pursuant to sections 94910(d) and 94929.5(a)(3) of the Code and shall be included in the Performance Fact Sheet, for each educational program, in a format substantially similar to the chart below (dates, numbers, salaries, and other data shown are for example only).</i></p>

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 for Graduates Employed in the Field

Calendar Year	Graduates Available for Employment	Graduates Employed in the Field	\$15,000 - \$20,000	\$20,001 - \$25,000	\$25,001 - \$30,000	\$30,001 - \$35,000	No Salary Information Reported
20XX	100	70	5	40	6	3	16
20XY	80	55	5	7	3	5	35

A list of sources used to substantiate salary disclosures is available from the school. (Insert how student can obtain this information.)

*Student's Initials: _____ Date: _____
Initial only after you have had sufficient time to read and understand the information."*

"(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.*

CEC Section 94929 (a) -Reporting of Completion Rate

(a) An institution shall annually report to the bureau, as part of the annual report, and publish in its

School Performance Fact Sheet, the completion rate for each program. Except as provided in subdivision (b), the completion rate shall be calculated by dividing the number of on-time graduates by the number of students available for graduation.

CEC Section 94929.5 (a)(3)-Reporting of Student Performance Data

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

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

Violations: 5, CCR Section 74112 (k) & CEC Sections 94929 (a) & 94929.5 (a)(3): The Graduates Available for Employment data for the Commercial Driving License Program reported in the 2016 Annual Report Section 2 Programs includes 0 students, however, the data reported in the 2015-2016 SPFS includes 128 students.

In addition, the number of Graduates employed in the Field receiving the following salary or wage for the Commercial Driving License program, reported in the 2016 Annual Report Section 2 Programs for the "\$30,000-\$35,000 Salary" includes 55 students, however, the data reported in the 2015-2016 SPFS includes 128 students.

Violations: 5, CCR Section 74112 (m)(1-9): The Institution failed to collect the supporting documentation for the 2015-2016 SPFS per 5, CCR Section 74112 (m)(1-9).

Order of Abatement:

The Bureau orders the Institution to submit a written policy, or procedure, of how future compliance with 5, CCR section 74112, and CEC Sections 94929, and 94929.5 will be maintained.

Assessment of Fine

The fine for this violation is \$5,000.00

7.

Violation:

5, CCR Section 74110 (a-d) – Annual Report

"(a) The annual report required by section 94934 of the Code shall include the information required by section 94929.5 and 94934 for all educational programs offered in the prior calendar year. (b) In addition to the information required by section 94934 and this section provided under penalty of perjury, the institution shall have annual financial statements prepared for the institution's prior fiscal year and signed under penalty of perjury, and shall submit a hard copy under separate cover of such statements in conjunction with its annual report. The form, content and mode of preparation of financial statements shall comply with Section 74115 of this Division. The Bureau may request that the institution immediately make available for inspection to a representative of the Bureau, these financial statements at the offices of the institution. (c) An institution shall file its annual report by December 1st. The Bureau may extend the period for filing if the institution demonstrates evidence of substantial need but in no case longer than 60 days. The institution shall not change the date of its filing its annual report because of a change in the fiscal year without the Bureau's approval. (d) The annual report shall be electronically filed by submitting the information required by section 94934 of the Code and this section via the online form provided on the Bureau's website, electronically attaching, as directed, the School Performance Fact Sheet, the enrollment agreement, and the school catalog".

CEC Section 94934(a)(1-9) - Annual Report

“(a) As part of the compliance program, an institution shall submit an annual report to the bureau, under penalty of perjury, signed by a responsible corporate officer, by July 1 of each year, or another date designated by the bureau, and it shall include the following information for educational programs offered in the reporting period:

(1) The total number of students enrolled by level of degree or for a diploma.

(2) The number of degrees, by level, and diplomas awarded.

(3) The degree levels and diplomas offered.

(4) The Student Performance Fact Sheet, as required pursuant to Section 94910.

(5) The school catalog, as required pursuant to Section 94909.

(6) The total charges for each educational program by period of attendance.

(7) A statement indicating whether the institution is, or is not, current in remitting Student Tuition Recovery Fund assessments.

(8) A statement indicating whether an accrediting agency has taken any final disciplinary action against the institution.

(9) Additional information deemed by the bureau to be reasonably required to ascertain compliance with this chapter”.

As of November 14, 2019, the Bureau has not received an annual report for the year 2017 from the Institution.

Order of Abatement:

The Bureau orders the Institution to submit its annual report in accordance with 5, CCR section 74110 (a-d) and CEC section 94934(a)(1-9). The Institution shall submit the following:

2017 Annual Report

- Complete and submit the 2017 Annual Report via the Bureau’s Online Annual Report Submission Portal website at https://bppe.ca.gov/annual_report/.
- A hard copy of the financial statements for year-end 2017 must be submitted via regular mail to the Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95833.

Assessment of Fine

The fine for this violation is \$5,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$14,501.00

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 **\$14,501.00** for the violations described above.

Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.

COMPLIANCE WITH 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.

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 **April 5, 2020**, 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 **March 6, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **April 5, 2020**. 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:

Cheryl Lardizabal, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

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 Cheryl Lardizabal, Citation Analyst, at (916) 574-8968 or Cheryl.Lardizabal@dca.ca.gov.

“Original signature on file”

“3/6/2020”

Christina Villanueva
Discipline Manager

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