



## **CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT**

To: California Truck Driving Academy, LLC., Owner  
California Truck Driving Academy, LLC  
921 North Poinsettia Street, Unit A  
Santa Ana, CA 92701

**INSTITUTION CODE: 27687973**

**CITATION NUMBER: 2021051**

**CITATION ISSUANCE/SERVICE DATE: August 19, 2020**

**DUE DATE: September 18, 2020**

**FINE AMOUNT: \$ 8,550.00**

**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 California Truck Driving Academy, LLC., Owner of California Truck Driving Academy, LLC (Institution) located at 921 North Poinsettia Street, Unit A, Santa Ana, CA 92701 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.

### BACKGROUND

On October 29, 2019, Bureau staff conducted a Compliance inspection at the Institution. During the inspection Bureau staff reviewed student files and found material violations related to enrollment agreements, School Performance Fact Sheets (SPFS), and supporting documentation.

In addition, all institutions are required to submit a Student Tuition Recovery Fund (STRF) Assessment Reporting Form to the Bureau no later than the last day of the month following the close of the quarter.

Pursuant to CEC section 94923(a) The Student Tuition Recovery Fund relieves or mitigates economic loss suffered by a student while enrolled in an institution not exempt from this article pursuant to Article 4 (commencing with section 94874), who, at the time of his or her enrollment, was a California resident or was enrolled in a California residency program, prepaid tuition, and suffered economic loss.

The Bureau sends notifications/reminders to all approved institutions 30 days prior to close of each quarter.

As of August 19, 2020, the Institution has not submitted the STRF Assessment Reporting Forms for the 2<sup>nd</sup> quarter of 2016, 3<sup>rd</sup> quarter of 2018, and 2<sup>nd</sup> quarter of 2020.

VIOLATION(S)

#	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><b><u>Violation:</u></b>  <b>CEC Section 94897 (j) – Prohibited Business Practices</b>  <i>“An institution shall not do any of the following:  (j) In any manner make an untrue or misleading change in, or untrue or misleading statement related to, a test score, grade or record of grades, attendance record, record indicating student completion, placement, employment, salaries, or financial information, including any of the following:”</i></p> <p style="color: red;">During the site visit, Bureau staff reviewed supporting documentation to substantiate the statement regarding the 90%+ pass rate and found that the percentage reported was incorrect. The supporting documentation stated that the Institution enrolled 90 students in 2018, however, only 80 students graduated in 2018, therefore the pass rate should have been reported as 80%.</p> <p><b><u>Order of Abatement:</u></b>  The Bureau orders the Institution to submit to the Bureau a written policy, or procedure, of how the Institution will maintain future compliance with CEC Section 94897(j).</p> <p><b><u>Assessment of Fine</u></b>  The fine for this violation is <u>\$1,000.00</u></p>
2.	<p><b><u>Violation:</u></b>  <b>CEC Section 94902 (a) – General Enrollment Requirements</b>  <i>“(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.”</i></p> <p><b>CEC Section 94912 – Signature, Initials Required</b>  <i>“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.”</i></p> <p style="color: red;">Bureau staff reviewed student files and found that the enrollment agreements were not signed by an authorized employee of the Institution. In addition, Bureau staff reviewed student files and found that files contained SPFS that were missing a school official’s signature.</p> <p><b><u>Order of Abatement:</u></b>  The Bureau orders the Institution to submit to the Bureau a written policy, or procedure, of how the Institution will maintain future compliance with CEC sections 94902 and 94912.</p> <p><b><u>Assessment of Fine</u></b>  The fine for this violation is <u>\$1,000.00</u></p>
3.	<p><b><u>Violation:</u></b>  <b>5, CCR Section 71920 (a)(b)(1)(A) – Student Records</b>  <i>“(a) The institution shall maintain a file for each student who enrolls in the institution whether or not</i></p>

*the student completes the educational service.*

*(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:*

*(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:*

*(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;"*

**Bureau staff reviewed student files and found that Institution staff failed to verify that students possess a high school diploma or its equivalent, or other documentation establishing the students' ability to do college level work.**

**Order of Abatement:**

The Bureau orders the Institution to submit to the Bureau a written policy, or procedure, of how the Institution will maintain future compliance with 5, CCR Section 71920.

**Assessment of Fine**

The fine for this violation is \$1,500.00

4.

**Violation:**

**5, CCR Section 74112(m)(1)(3)(4)(5)(6)(7)(8)(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;*

*(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.”*

**Bureau staff reviewed the SPFS supporting documentation and found that the documentation did not contain any of the requirements as outlined in sections (m)(1)(4)(5)(6)(7)(8)(9). In addition, Bureau staff found that the SPFS supporting documentation contained “graduate's place of**

employment”, however, the remaining requirements outlined in section (m)(3) were missing.

**Order of Abatement:**

The Bureau orders the Institution to submit to the Bureau a written policy, or procedure, of how the Institution will maintain future compliance with 5, CCR Section 71920.

**Assessment of Fine**

The fine for this violation is \$5,000.00

5.

**Violation:**

**5, CCR Section 76130 (a-e)- Collection and Submission of Assessments**

*“(a) A qualifying institution shall collect the assessment from each student in an educational program at the time it collects the first payment from or on behalf of the student at or after enrollment. The assessment shall be collected for the entire period of enrollment, regardless of whether the student pays the institutional charges in increments.*

*(b) A qualifying institution shall complete the STRF Assessment Reporting Form (Rev. 2/10) and remit it with the STRF assessments collected from students to be received by the Bureau no later than the last day of the month following the close of the quarter as follows:*

*(1) April 30 for the first quarter,*

*(2) July 31 for the second quarter,*

*(3) October 31 for the third quarter, and*

*(4) January 31 for the fourth quarter. If the due date falls on a Saturday, Sunday or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.*

*If the due date falls on a Saturday, Sunday, or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.*

*(c) The STRF Assessment Reporting Form shall contain the following information:*

*(1) Total number of students who signed enrollment agreements for educational programs during the reporting period; and*

*(2) Total number of students eligible for STRF who signed enrollment agreements for educational programs during the reporting period; and*

*(3) The total number of students who signed their enrollment agreement during the reporting period, were eligible for STRF, and who made their first payment during the reporting period; and*

*(4) The total number of students who signed their enrollment agreement in a previous reporting period, were eligible for STRF, and who made their first payment during the current reporting period; and*

*and*

*(5) Total amount of institutional charges after rounding each student's institutional charges to the nearest \$1,000, for all eligible STRF students whose STRF assessment was collected in the reporting period; and*

*(6) Current contact telephone number of the person preparing the form; and*

*(7) A declaration dated and signed under penalty of perjury by the person preparing the form that the form and any attachments are true and correct.*

*(d) In the event of a school closure, any collected assessments shall be remitted to the Bureau within seven days following the cessation of instruction.*

*(e) Submission of all prior reports and assessments required by this section is a condition of renewal.”*

**The Institution has failed to submit STRF Assessment Reporting Forms for the following quarters:**

- **Second Quarter of 2016;**
- **Third Quarter of 2018; and**
- **Second Quarter of 2020.**

On July 31, 2016, the Institution was notified via mail at 921 North Poinsettia street, Unit A, Santa Ana, CA 92701, that the STRF Assessment Reporting Form for the 2<sup>nd</sup> quarter of 2016 was due. As of August 19, 2020, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On September 18, 2018, the Institution was notified via mail at 921 North Poinsettia street, Unit A, Santa Ana, CA 92701, that the STRF Assessment Reporting Form for the 3<sup>rd</sup> quarter of 2018 was due. As of August 19, 2020, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On June 18, 2020, the Institution was notified via mail at 921 North Poinsettia street, Unit A, Santa Ana, CA 92701, that the STRF Assessment Reporting Form for the 2<sup>nd</sup> quarter of 2020 was due. As of August 19, 2020, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

**Order of Abatement:**

The Bureau orders that the Institution submit the delinquent STRF Assessment Reporting Forms with the STRF Assessments collected from students for the quarters listed above. The information provided shall comply with "Record Keeping Requirements" Pursuant to 5, CCR section 76140.

**Assessment of Fine**

The fine for this violation is \$50.00

**TOTAL ADMINISTRATIVE FINE DUE: \$8,550.00**

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 **\$8,550.00** 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 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 **September 18, 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 **August 19, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **September 18, 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:**

Gabriella Perez, 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 Gabriella Perez, Citation Analyst, at (916) 574-8969 or Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“8/19/2020”

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**Christina Villanueva**  
**Discipline Manager**

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**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