

1 ROB BONTA
Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 MICHELLE PERZ
Deputy Attorney General
4 State Bar No. 297168
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6049
6 Facsimile: (916) 731-2126
E-mail: Michelle.Nijm@doj.ca.gov
7 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 1006582

14 **DOLPHIN TRUCKING SCHOOL,**
15 **DOLPHIN TRUCKING SCHOOL, INC.,**
16 **CARLA GALVEZ, OWNER**
17 **3668 S. Soto St.**
18 **Vernon, CA 90058**

ACCUSATION

19 **Approval to Operate Institution Code No.**
20 **36348745**

Respondent.

21 **PARTIES**

22 1. Deborah Cochrane (Complainant) brings this Accusation 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 October 29, 2004, the Bureau for Private Postsecondary Education
26 (Bureau) issued a temporary Approval to Operate Institution Code Number 36348745 to Dolphin
27 Trucking School, Dolphin Trucking School, Inc., Carla Galvez (respondent). On or about May
28 16, 2006, the Bureau issued a full Approval to Operate Institution Code Number 36348745 to
respondent. The Approval to Operate Institution Code Number 36348745 was in full force and

1 effect at all times relevant to the charges brought herein and will expire on October 13, 2022,
2 unless renewed.

3 **JURISDICTION**

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

8 4. Code section 94937 provides, in pertinent part:

9 (a) As a consequence of an investigation, which may incorporate any
10 materials obtained or produced in connection with a compliance inspection, and
11 upon a finding that an institution has committed a violation, the bureau may place
12 an institution on probation or may suspend or revoke an institution's approval to
13 operate for:

14 ...

15 (2) A material violation or repeated violation of this chapter or regulations
16 adopted pursuant to this chapter that have resulted in harm to students. For
17 purposes of this paragraph, "material violation" includes, but is not limited to,
18 misrepresentation, fraud in the inducement of a contract, and false or misleading
19 claims or advertising, upon which a student reasonably relied in executing an
20 enrollment agreement and that resulted in harm to the student.

21 5. Section 118, subdivision (b), of the Code provides that the
22 suspension/expiration/surrender/cancellation of a license shall not deprive the
23 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
24 within which the license may be renewed, restored, reissued or reinstated.

25 **STATUTORY PROVISIONS**

26 6. Code section 94897 states, in pertinent part:
27 An institution shall not do any of the following:

28 ...

(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:

(1) A financial report filed with the bureau.

(2) Information or records relating to the student's eligibility for student financial aid at the
institution.

(3) Any other record or document required by this chapter or by the bureau.

...

7. Code section 94898, subdivision (a), states:

(a) An institution shall not merge classes unless all of the students have received the same amount of instruction. This subdivision does not prevent the placement of students, who are enrolled in different educational programs, in the same class if that class is part of each of the educational programs and the placement in a merged class will not impair the students' learning of the subject matter of the class.

8. Code section 94900 states, in pertinent part:

...

(b) An institution shall maintain, for each student granted a degree or certificate by that institution, permanent records of all of the following:

(1) The degree or certificate granted and the date on which that degree or certificate was granted.

(2) The courses and units on which the certificate or degree was based.

(3) The grades earned by the student in each of those courses.

9. Code section 94900.5 states, in pertinent part:

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:

...

(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.

...

10. Code section 94909 states, in pertinent part:

(a) Except as provided in subdivision (d), before enrollment, an institution shall provide a prospective student, either in writing or electronically, with a school catalog containing, at a minimum, all of the following:

...

(4) The address or addresses where class sessions will be held.

...

(8) A detailed description of institutional policies in the following areas:

(C) Probation and dismissal policies.

...

(9) The schedule of total charges for a period of attendance and an estimated schedule of total charges for the entire educational program.

REGULATORY PROVISIONS

11. Title 5, California Code of Regulations, section 71660 provides:

An institution shall notify the Bureau of a non-substantive change including: change of location of less than 10 miles; addition of a program related to the approved programs offered by the institution; addition of a new branch five miles or less from the main or branch campus; addition of a satellite; and change of mailing address. All such notifications shall be made within 30 days of the change and sent to the Bureau, in writing, to the address listed in section 70020.

12. Title 5, California Code of Regulations, section 71710 provides, in pertinent part:

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

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

1 (b) subject areas and courses or modules that are presented in a logically organized manner
or sequence to students;

2 (c) course or module materials that are designed or organized by duly qualified faculty. For
each course or module, each student shall be provided with a syllabus or course outline that
contains:

- 3 (1) a short, descriptive title of the educational program;
4 (2) a statement of educational objectives;
5 (3) length of the educational program;
6 (4) sequence and frequency of lessons or class sessions;
7 (5) complete citations of textbooks and other required written materials;
8 (6) sequential and detailed outline of subject matter to be addressed or a list of skills to be
learned and how those skills are to be measured;
9 (7) instructional mode or methods.

10 ...
11 (f) evaluation by duly qualified faculty of those learning outcomes.

12 13. Title 5, California Code of Regulations, section 71715, subdivision (b), provides:
13 The institution shall document that the instruction offered leads to the achievement of the
learning objectives of each course.

14 14. Title 5, California Code of Regulations, section 71720, subdivision (b)(1), provides:

15 ...
16 (b) Instructors in an Educational Program Not Leading to a Degree.
17 (1) An institution shall employ instructors who possess the academic, experiential and
professional qualifications to teach, including a minimum of three years of experience, education
and training in current practices of the subject area they are teaching. If an instructor does not
possess the required three years of experience, education and training in the subject area they are
teaching, the institution shall document the qualifications the instructor possesses that are
equivalent to the minimum qualifications.

18 ...
19 15. Title 5, California Code of Regulations, section 71735 provides, in pertinent part:
20 (a) An institution shall have sufficient facilities and necessary equipment to support the
achievement of the educational objectives of all of the courses and educational programs in which
students are enrolled. If an institution represents that the educational service will fit or prepare a
student for employment in a particular occupation or as described in particular job titles, either of
the following conditions shall be met:

21 ...
22 (2) The institution shall establish that the equipment used for instruction or provided to a
student is not obsolete and is sufficient for instructional purposes to reasonably assure that a
student acquires the necessary level of education, training, skill, and experience to obtain
employment in the field of training and to perform the tasks associated with the occupation or job
title to which the educational program was represented to lead.

23 (b) An institution's facilities, including heating and cooling, ventilation, lighting,
classrooms, laboratories, and campus environs, shall be well-maintained. The institution shall
maintain all valid permits required by any public agencies relating to the health and safety of the
institution's facilities and equipment on file, and such permits shall be available to the Bureau
upon request.

24 16. Title 5, California Code of Regulations, section 71745 subdivision (c), provides:

25 An institution shall provide to the Bureau its most current financial statements upon
26 request.

27 ///
28

17. Title 5, California Code of Regulations, section 71750 provides, in pertinent part:
...

(c) A pro rata refund pursuant to section 94919(c) or 94920(d) or 94927 of the Code shall be no less than the total amount owed by the student for the portion of the educational program provided subtracted from the amount paid by the student, calculated as follows:

(3) Except as provided herein, all amounts that the student has paid shall be subject to refund unless the enrollment agreement and the refund policy outlined in the catalog specify amounts paid for an application fee or deposit not more than \$250.00, books, supplies, or equipment, and specify whether and under what circumstances those amounts are non-refundable. Except when an institution provides a 100% refund pursuant to section 94919(d) or section 94920(b) of the Code, any assessment paid pursuant to section 94923 of the Code is non-refundable.

18. Title 5, California Code of Regulations, section 71770 provides, in pertinent part:
...

(c) If credit for prior experiential learning is to be granted, the policy for granting such credit shall be included in the institution's catalog.

(1) An institution may grant credit to a student for prior experiential learning only if:

(A) The prior learning is equivalent to a college or university level of learning;

(B) The learning experience demonstrates a balance between theory and practice and;

(C) The credit awarded for the prior learning experience directly relates to the student's degree program and is applied in satisfaction of some of the degree requirements.

(2) Each college or university level learning experience for which credit is sought shall be documented by the student in writing.

(3) Each college or university level learning experience shall be evaluated by faculty qualified in that specific subject area who shall ascertain (1) to what college or university level learning the student's prior experience is equivalent and (2) how many credits toward a degree may be granted for that experience.

(4) The faculty evaluating the prior learning shall prepare a written report indicating all of the following:

(A) The documents in the student's record on which the faculty member relied in determining the nature of the student's prior experience;

(B) The bases for determining that the prior experience (i) is equivalent to college or university level learning and (ii) demonstrates a balance between theory and practice; and

(C) The bases for determining (i) to what college or university level the experience is equivalent and (ii) the proper number of credits to be awarded toward the degree for that experience.

(5)(A) The institution shall designate at least one administrator to be responsible for the review of faculty determinations regarding the award of credit for prior experiential learning.

(B) The administrator shall document the institution's periodic review of faculty evaluations to assure that the faculty written evaluations and awards of credit comply with this section and the institution's policies and are consistent.

(6) The amount of credit awarded for prior experiential learning shall not be related to the amount charged the student for the assessment process.

(7)(A) Of the first 60 semester credits awarded a student in an undergraduate program, no more than 15 semester credits may be awarded for prior experiential learning.

(B) Of the second 60 semester units (i.e., credits 61 to 120) awarded a student in an undergraduate program, no more than 15 semester credits may be awarded for prior experiential learning.

(C) Of the first 30 semester credits awarded a student in a graduate program, no more than 6 semester credits may be awarded for prior experiential learning.

1 (D) Of the second 30 semester credits (i.e., credits 31 to 60) awarded a student in a graduate program, no more than 3 semester credits may be awarded for prior experiential learning.

2 (E) No credit for experiential learning may be awarded after a student has obtained 60 semester credits in a graduate program.

3 19. Title 5, California Code of Regulations, section 71800 provides, in pertinent part:

4 In addition to the requirements of section 94911 of the Code, an institution shall provide to each student an enrollment agreement that contains at the least the following information:

5 ...
6 (e) Itemization of all institutional charges and fees including, as applicable:

7 ...
8 (6) uniforms or other special protective clothing;

9 ...
10 (8) tutoring;

11 ...
12 (12) any other institutional charge or fee.

13 (f) Charges paid to an entity other than an institution that is specifically required for participation in the educational program.

14 20. Title 5, California Code of Regulations, section 71810 provides, in pertinent part:

15 (a) Each institution shall provide a catalog pursuant to section 94909 of the Code, which shall be updated annually. Annual updates may be made by the use of supplements or inserts accompanying the catalog. If changes in educational programs, educational services, procedures, or policies required to be included in the catalog by statute or regulation are implemented before the issuance of the annually updated catalog, those changes shall be reflected at the time they are made in supplements or inserts accompanying the catalog.

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

17 ...
18 (3) If the institution admits students from other countries, whether visa services are provided or whether the institution will vouch for student status, and any associated charges;

19 ...
20 (6) The institution's policies and practices regarding any form of financial aid, including all consumer information which the institution is required to disclose to the student under any state or federal financial aid program;

21 (7) The institution's policies and procedures for the award of credit for prior experiential learning, including assessment policies and procedures, provisions for appeal, and all charges that a student may be required to pay;

22 ...
23 (12) A description of all student services

24 ...

25 21. Title 5, California Code of Regulations, section 71920 provides, in pertinent part:

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

27 (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:

28 (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;

...

1 (5) In addition to the requirements of section 94900(b) of the Code, a transcript showing all
of the following:

- 2 (A) The courses or other educational programs that were completed, or were attempted but
not completed, and the dates of completion or withdrawal;
- 3 (B) Credit awarded for prior experiential learning, including the course title for which credit
was awarded and the amount of credit;
- 4 (C) Credit for courses earned at other institutions;
- 5 (D) Credit based on any examination of academic ability or educational achievement used
for admission or college placement purposes;
- 6 (E) The name, address, website address, and telephone number of the institution.

...

7 (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

....

8 22. Title 5, California Code of Regulations, section 71930 provides, in pertinent part:

9 (a) An institution shall maintain all records required by the Act and this chapter. The
records shall be maintained in this state.

10 (b)(1) In addition to permanently retaining a transcript as required by section 94900(b) of the
Code, the institution shall maintain for a period of 5 years the pertinent student records
11 described in Section 71920 from the student's date of completion or withdrawal.

...

12 23. Title 5, California Code of Regulations, section 74112 provides, in pertinent part:

13 (m) Documentation supporting all data reported shall be maintained electronically by the
14 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; the data for
15 each program shall include at a minimum:

- 16 (1) the list of job classifications determined to be considered gainful employment for the
educational program;
- 17 (2) student name(s), address, phone number, email address, program completed, program
start date, scheduled completion date, and actual completion date;
- 18 (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;
- 19 (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
20 contact's phone number and email address, and all written communication with employer
verifying student's employment or salary;
- 21 (5) for students who become self-employed, all documentation necessary to demonstrate
self-employment;
- 22 (6) a description of all attempts to contact each student or employer;
- 23 (7) any and all documentation used to provide data regarding license examinations and
examination results;
- 24 (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
- 25 (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,
26 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.

27 ///

28 ///

- c. The 2020 School Catalog states that there is no Student Tuition Recovery Fund (STRF) fee for six of the seven courses the school offers, which does not reflect the STRF fee of \$0.50 per \$1,000.
- d. The 2020 School Catalog does not include a statement regarding where class sessions will be held for each program offered.
- e. The 2020 School Catalog does not include a statement regarding the policy for prior experiential learning and all required information regarding the policy.
- f. The 2020 School Catalog does not include a statement regarding whether the school accepts students from other countries or if visa services are offered and any costs associated.
- g. The 2020 School Catalog does not include the total charges for a period of attendance.
- h. The 2020 School Catalog does not include the required disclosures and policies regarding the acceptance of state financial aid.
- i. The 2020 School Catalog does not include a description of all student services offered by the school.
- j. The 2020 School Catalog states that all instructors have at least five years of experience in the industry. However, the resume provided for instructor J.R. demonstrates that he does not have five years of experience in the industry.
- k. The 2020 School Catalog states that respondent does not participate in state financial aid programs. However, respondent provided statements indicating that respondent accepts workforce funds from Employment Development Department (EDD), which are a form of state financial aid.

29. The investigator requested and reviewed respondent's Student Orientation Packet. The Student Orientation Packet includes student conduct and dismissal policies not contained in the 2020 School Catalog. The Student Orientation Packet includes disclosures regarding fees a student may incur in the course of their attendance at the school that are not disclosed in the 2020

///

1 School Catalog or in the enrollment agreement, including costs for protective clothing, tutoring,
2 other charges, fees, and charges payable to other entities.

3 30. The Student Orientation Packet also contains information regarding a refresher course
4 that is not listed on the Bureau's approved programs list. Respondent did not notify the Bureau of
5 the addition of a program related to the programs the institution is approved to offer.

6 31. The investigator requested and reviewed selected student files. The student file of
7 D.G. contained timecards reflecting D.G.'s attendance. The timecards in D.G.'s file did not
8 include any timestamps of when D.G. arrived or left the instructional site, and D.G. stated that the
9 timecards did not accurately reflect his actual attendance. A review of the timecards revealed that
10 D.G. did not receive instruction in all of the subject areas listed in the 2020 School Catalog. A
11 handwritten note on a timecard dated on or about April 22, 2021 stated that D.G. had completed
12 his training. However, on that date, D.G. had only logged approximately 144 hours of his 168-
13 hour course. D.G.'s file did not contain any evidence that he received the skills performance test
14 listed in the School Catalog as the final exam for his educational program. D.G. stated that he
15 never received that exam.

16 32. In addition, D.G.'s student file did not contain a copy of the certificate granted, the
17 date on which it was granted, the courses on which the certificate was based, and the grades in
18 those courses. D.G.'s student file also lacked proof of a high school diploma, GED, or ability to
19 benefit test demonstrating that he was qualified for admission to the program. D.G.'s student file
20 did not contain a transcript showing the courses that he completed or attempted and did not
21 complete. D.G.'s file also did not contain a document showing the total amount of money
22 received from him or on his behalf.

23 33. The investigator discovered that the school was not providing the educational
24 program in a logically organized manner or sequence. The school offered rolling enrollment but
25 did not track the delivery of educational modules or components of the educational program. The
26 school combined all courses no matter the length of enrollment or the course in which the student
27 was enrolled. The instructors did not know which students were enrolled in which course. The
28 school merged classes such that students taking the same class had not received the same amount

1 of instruction. The school also did not accurately document the actual hours that each student
2 attended. During the investigation, the investigator observed students coming and going and saw
3 that the sign-in sheet only listed the start time of the class but did not track actual times of
4 attendance.

5 34. The school did not provide a course syllabus to each student and did not provide the
6 full educational program to all of its students. Students did not receive training or testing by duly
7 qualified faculty in all of the modules listed within the 2020 School Catalog. The 2020 School
8 Catalog also stated that students would receive a final exam in the form of a skills test. However,
9 the school failed to administer a final exam to its students to determine if the educational
10 objectives were achieved. The school further failed to provide certificates of completion to all
11 students who completed the courses.

12 35. The school failed to have equipment that is sufficient for instructional purposes and
13 failed to properly maintain the campus environs. The investigator observed that the majority of
14 the trucks in the yard had problems with their tires and did not appear to be road worthy. The
15 investigator also observed puddles of leaking fluid under a truck that was apparently the only
16 truck available for alley docking training. The investigator further observed that the yard was
17 covered in pieces of cable from tires that were driven throughout the yard with bare cables
18 exposed.

19 36. The records provided by the school showed that the school employed J.R. as an
20 instructor when J.R. did not possess the minimum three years of education, experience, and/or
21 training in order to provide instruction. In addition, the school failed to maintain records of the
22 names, addresses, and educational qualifications of all members of its faculty. For instance,
23 D.G.'s student file contained the names Richard, Alexander, and Javier listed as instructors, but
24 the school did not provide their complete names or educational qualifications. In addition, the
25 faculty list included I.P., and O.V., but the school did not provide any educational qualifications
26 for those individuals.

27 37. On or about October 13, 2021, the Bureau's Compliance Unit conducted an on-site
28 Unannounced Compliance Inspection. During the inspection, the Bureau's inspector requested a

1 copy of respondent’s current year School Performance Fact Sheet (SPFS) substantiating data for
2 two of its approved programs. The inspector later reviewed the documents provided and found
3 that respondent was not tracking all of the required substantiating data. At least the following
4 items were missing from the substantiating data: 1) student information and addresses; 2)
5 employment information including addresses, contact persons, contact emails, and documentation
6 for students “unavailable for graduation or employment;” and 3) school personnel who were
7 primarily responsible for collecting the data. As a result, the inspector could not validate the
8 “Gainfully Employed” categories listed on respondent’s 2018-2019 SPFS.

9 38. During the October 13, 2021 inspection, the Bureau’s inspector requested
10 respondent’s current financial statement. The inspector received respondent’s 2018 financial
11 statement. The inspector asked for current year audited or unaudited financial reporting data, but
12 respondent’s Compliance Officer stated that the school did not have a current year financial
13 statement to provide to the Bureau.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Untrue or Misleading Statements)**

16 39. Respondent has subjected its Approval to Operate to disciplinary action under Code
17 sections 94937 and 94897, subdivision (j), in that respondent made multiple untrue or misleading
18 statements. The 2020 School Catalog states that all instructors have at least five years of
19 experience in the industry, but instructor J.R. was teaching at the school and did not have at least
20 five years of experience in the industry. The 2020 School Catalog also states that the school does
21 not participate in state financial aid programs, but the school accepted workforce funds from
22 EDD. In addition, the school failed to accurately document the hours students attended. The
23 attendance record for D.G. stated that he had completed the program at a time when he had not
24 yet completed the required number of hours, had not received all of the listed course modules,
25 and had not taken a final exam. Complainant realleges paragraphs 26 through 38 as though fully
26 set forth herein.

27 ///

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Failure to Notify the Bureau of a Non-Substantive Change)**

3 40. Respondent has subjected its Approval to Operate to disciplinary action under Code
4 section 94937, in conjunction with California Code of Regulations, title 5, section 71660, in that
5 respondent failed to notify the Bureau of an addition of a refresher course related to the programs
6 respondent was approved to offer. Complainant realleges paragraphs 26 through 38 as though
7 fully set forth herein.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Failure to Comply with Educational Program Requirements)**

10 41. Respondent has subjected its Approval to Operate to disciplinary action under Code
11 section 94937 in that respondent failed to comply with the following regulations:

- 12 a. Section 71710, subdivision (a): Respondent failed to provide instruction in all of the
13 subject areas necessary for a student to achieve the stated educational objectives.
- 14 b. Section 71710, subdivision (b): Respondent failed to provide the educational program in
15 a logically organized manner or sequence. The school offered rolling enrollment
16 without tracking delivery of educational modules or components of the educational
17 program. The school combines all courses no matter the course in which the student is
18 enrolled or the length of the enrollment.
- 19 c. Section 71710, subdivision (c): Respondent failed to provide a course syllabus to each
20 student.
- 21 d. Section 71710, subdivision (f): Respondent failed to provide an educational program
22 that included evaluation by duly qualified faculty of the learning outcomes.
- 23 e. Section 71715, subdivision (b): Respondent failed to document that the instruction
24 offered leads to the achievement of the learning objectives of each course. The school
25 failed to provide the entire educational program to all students and does not administer
26 their final exam to determine if students had achieved the educational objectives. The
27 school also failed to provide certificates of completion to students who completed the
28 course.

1 Complainant realleges paragraphs 26 through 38 as though fully set forth herein.

2 **FOURTH CAUSE FOR DISCIPLINE**

3 **(Merger of Classes)**

4 42. Respondent has subjected its Approval to Operate to disciplinary action under Code
5 sections 94937 and 94898, subdivision (a), in that respondent merged classes in which not all of
6 the students had received the same amount of instruction. Respondent's merger of its classes
7 impaired the students' learning of the subject matter. Complainant realleges paragraphs 26
8 through 38 as though fully set forth herein.

9 **FIFTH CAUSE FOR DISCIPLINE**

10 **(Equipment and Campus Environs)**

11 43. Respondent has subjected its Approval to Operate to disciplinary action under Code
12 section 94937, in conjunction with California Code of Regulations, title 5, section 71735,
13 subdivisions (a)(2) and (b), in that respondent failed to have and maintain equipment sufficient
14 for instructional purposes. Respondent also failed to properly maintain its campus environs,
15 including the yard on which students were receiving instruction. Complainant realleges
16 paragraphs 26 through 38 as though fully set forth herein.

17 **SIXTH CAUSE FOR DISCIPLINE**

18 **(Faculty)**

19 44. Respondent has subjected its Approval to Operate to disciplinary action under Code
20 section 94937, in conjunction with California Code of Regulations, title 5, section 71720,
21 subdivision (b)(1), in that respondent employed J.R., an instructor who did not possess the
22 minimum three years of education, experience, and/or training required in order to provide
23 instruction. Complainant realleges paragraphs 26 through 38 as though fully set forth herein.

24 **SEVENTH CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with School Catalog Requirements)**

26 45. Respondent has subjected its Approval to Operate to disciplinary action under Code
27 section 94937 in that respondent failed to comply with the following requirements for its school
28 catalog:

- 1 a. Code section 94909, subdivision (a)(8)(C): The 2020 School Catalog did not contain
2 conduct and dismissal policies that were included in the Student Orientation Packet.
- 3 b. Code section 94909, subdivision (a)(9) and title 5, California Code of Regulations
4 section 71800, subdivisions (e)(6), (e)(8), (e)(12), and (f): The Student Orientation
5 Packet includes disclosures regarding fees a student may incur that are not disclosed in
6 the 2020 School Catalog or enrollment agreement, including costs for protective
7 clothing, tutoring, other charges, fees, and charges paid to another entity that are
8 required for participation in the educational program.
- 9 c. Title 5, California Code of Regulations section 71810, subdivision (a): Respondent
10 provided a school catalog that was not updated annually.
- 11 d. Title 5, California Code of Regulations section 71750, subdivision (c)(3): The 2020
12 School Catalog lists supplies and materials as a non-refundable charge without
13 specifying whether and under what circumstances they are non-refundable.
- 14 e. Title 5, California Code of Regulations section 71620, subdivision (a): The 2020 School
15 Catalog states that there is no STRF fee for six of the seven courses offered, which did
16 not reflect the then-current STRF fee of \$0.50 per \$1000.
- 17 f. Code section 94909, subdivision (a)(4): The 2020 School Catalog does not include a
18 statement regarding where class sessions will be held for each program offered.
- 19 g. Title 5, California Code of Regulations, sections 71810, subdivision (b)(7), and 71770,
20 subdivision (c): The 2020 School Catalog does not include a statement regarding the
21 policy for prior experiential learning and all required information regarding the policy.
- 22 h. Title 5, California Code of Regulations, section 71810, subdivision (b)(3): The 2020
23 School Catalog does not include a statement regarding whether the school accepts
24 students from other countries or if visa services are offered and any costs associated.
- 25 i. Code section 94909, subdivision (a)(9): The 2020 School Catalog does not include the
26 total charges for a period of attendance.

27 ///

28 ///

1 j. Title 5, California Code of Regulations, section 71810, subdivision (b)(6): The 2020
2 School Catalog does not include the required disclosures and policies regarding the
3 acceptance of state financial aid.

4 k. Title 5, California Code of Regulations, section 71810, subdivision (b)(12): The 2020
5 School Catalog does not include a description of all student services offered by the
6 school.

7 Complainant realleges paragraphs 26 through 38 as though fully set forth herein.

8 **EIGHTH CAUSE FOR DISCIPLINE**

9 **(Failure to Maintain Required Institutional Records)**

10 46. Respondent has subjected its Approval to Operate to disciplinary action under Code
11 sections 94937 and 94900.5, subdivision (b), and title 5, California Code of Regulations section
12 71930, subdivision (a), in that respondent failed to maintain records of the names, addresses, and
13 educational qualifications of all members of its faculty. In addition to maintaining these records,
14 respondent also failed to provide these records for two instructors listed on their faculty list.

15 Complainant realleges paragraphs 26 through 38 as though fully set forth herein.

16 **NINTH CAUSE FOR DISCIPLINE**

17 **(Failure to Maintain Required Student Records)**

18 47. Respondent has subjected its Approval to Operate to disciplinary action under Code
19 sections 94937 in that respondent failed to comply with the following requirements for the
20 maintenance of student records:

21 a. Code section 94900, subdivisions (b)(1), (b)(2), and (b)(3): D.G.'s student file did not
22 contain a copy of the certificate granted, the date on which it was granted, the courses
23 on which the certificate was based, and the grades in those courses.

24 b. Title 5, California Code of Regulations section 71920, subdivision (b)(1)(A): D.G.'s
25 student file did not contain proof of a high school diploma, GED, or ability to benefit
26 test demonstrating that D.G. was qualified for admission to the program. 27

27 ///

28 ///

- 1 c. Title 5, California Code of Regulations section 71920, subdivision (b)(9): D.G.’s
2 student file did not contain a document showing the total amount of money received
3 from or on behalf of D.G.
- 4 d. Code section 94900, subdivisions (b)(1), (b)(2), and (b)(3), and title 5, California Code
5 of Regulations sections 71920, subdivisions (b)(5)(A-E) and 71930, subdivision (b)(1):
6 D.G.’s student file did not contain a transcript showing the courses D.G. completed or
7 attempted and did not complete.

8 Complainant realleges paragraphs 26 through 38 as though fully set forth herein.

9 **TENTH CAUSE FOR DISCIPLINE**

10 (School Performance Fact Sheet Substantiating Data)

11 48. Respondent has subjected its Approval to Operate to disciplinary action under Code
12 section 94937, in conjunction with California Code of Regulations, title 5, section 74112,
13 subdivision (m), in that respondent failed to track all of the required substantiating data.
14 Respondent failed to track at least the following required information: 1) student information and
15 addresses; 2) employment information including addresses, contact persons, contact emails, and
16 documentation for students “unavailable for graduation or employment;” and 3) school personnel
17 who were primarily responsible for collecting the data. Respondent’s failure to track the required
18 substantiating data rendered the Bureau’s inspector unable to validate the “Gainfully Employed”
19 categories listed on respondent’s 2018-2019 SPFS. Complainant realleges paragraphs 26 through
20 38 as though fully set forth herein.

21 **ELEVENTH CAUSE FOR DISCIPLINE**

22 (Financial Statements)

23 49. Respondent has subjected its Approval to Operate to disciplinary action under Code
24 section 94937, in conjunction with California Code of Regulations, title 5, section 71745,
25 subdivision (c) in that respondent failed to provide to the Bureau its most current financial
26 statements upon request. Complainant realleges paragraphs 26 through 38 as though fully set
27 forth herein.

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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. Revoking Approval to Operate Institution Code Number 36348745, issued to Dolphin Trucking School, Dolphin Trucking School, Inc., Carla Galvez, owner;
2. Ordering Dolphin Trucking School, Inc. to pay the Bureau for Private Postsecondary Education the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: “5/24/2022”

“Original signature on file”
 DEBORAH COCHRANE
 Chief
 Bureau for Private Postsecondary
 Education
 Department of Consumer Affairs
 State of California
Complainant

LA2022600220
Jz(5/19/22)