



**Bureau for Private Postsecondary Education**  
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**CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT**

To: Green Valley Truck School, LLC, Owner  
Green Valley Truck School  
400 12th Street, Suite 16  
Modesto, CA 95354

**INSTITUTION CODE: 5001651**  
**CITATION NUMBER: 1920227**  
**CITATION ISSUANCE/SERVICE DATE: February 19, 2020**  
**DUE DATE: March 20, 2020**  
**FINE AMOUNT: \$ 6,501.00**

**ORDER OF ABATEMENT INCLUDED: YesYes**

Christina Villanueva issues this Citation: Assessment of Fine and Order of AbatementAssessment 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 Green Valley Truck School, LLC, Owner of Green Valley Truck School (Institution) located at 400 12th Street, Suite 16, Modesto, CA 95354, 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 29, 2019, Bureau staff conducted an unannounced Compliance inspection at the Institution. As a result, material violations were found related to School Performance Fact Sheet (SPFS) supporting documentation and current, graduate, and dropped/withdrawn student files.

VIOLATIONS

#	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>Violation:</b>  <b>5, CCR Section 71930(e) - Maintenance of Records</b>  <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><b>CEC Section 74112(m)(1-9) - Uniform Data-Annual Report, Performance Fact Sheet</b>  <i>(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</i></p>

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.

Bureau staff requested a complete copy of the supporting documentation to substantiate the data reported on the 2016/2017 SPFS. The Institution representatives were unable to provide Bureau staff with the documentation and the representatives acknowledged that they were aware the files were not in accordance with 5, CCR section 74112 (m)(1-9).

**Order of Abatement:**

The Bureau orders the Institution to submit the a written policy of how future compliance will be maintained per CEC section 74112 (m)(1-9).

**Assessment of Fine**

The fine for this violation is \$5,000.00

2. **Violation:**

**5, CCR Section 71770 (a)(1) – Admissions Standards and Transferred Credits Policy**

(a) The institution shall establish specific written standards for student admissions for each educational program. These standards shall be related to the particular educational program. An institution shall not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the program. In addition to any specific standards for an educational program, the admissions standards must specify as applicable that:

(1) Each student admitted to an undergraduate degree program, or a diploma program, shall possess a high school diploma or its equivalent, or otherwise successfully take and pass the relevant examination as required by section 94904 of the Code.

**5, CCR Section 71920 (a)(b)(1)(A) – Student Records**

(a) The institution shall maintain a file for each student who enrolls in the institution whether or not 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;*

**CEC Section 94904(a)– Ability to Benefit Students**

*(a) Except as provided in subdivision (c), before an ability-to-benefit student may execute an enrollment agreement, the institution shall have the student take an independently administered examination from the list of examinations prescribed by the United States Department of Education pursuant to Section 484(d) of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1070a et seq.). The student shall not enroll unless the student achieves a score, as specified by the United States Department of Education, demonstrating that the student may benefit from the education and training being offered.*

The Bureau reviewed student files and found that they failed to include verification of high school completion, equivalency, or other documentation establishing the student's ability to do college level work, such as successful completion of an Ability to Benefit (ATB) Exam. In addition, Bureau staff asked the Institution representatives why the student files did not contain high school diplomas or ATB test results. The Institution representatives stated that they used a third-party to screen all incoming students utilizing the WorkKeys test. Bureau staff informed the Institution representatives that the WorkKeys Ability-to-Benefit test is not an approved ATB test. The Institution representatives acknowledged that they were not aware that WorkKeys was not an approved ATB test and provided a written statement stating that the Institution will be switching to an approved ATB test as soon as possible.

**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 71770 (a)(1), and CEC sections 71920 (a)(b)(1)(A), and 94904(a). In addition, the Bureau orders the Institution to submit for the name of the ATB test they would like to administer to incoming students and obtain Bureau approval.

**Assessment of Fine**

The fine for this violation is \$1,501.00

**TOTAL ADMINISTRATIVE FINE DUE: \$6,501.00**

**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 **\$6,501.00** 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 **March 20, 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 **February 19, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **March 20, 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  
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 Gabriella Perez, Citation Analyst, at (916) 574-8969 or [Gabriella.Perez@dca.ca.gov](mailto:Gabriella.Perez@dca.ca.gov).

“Original signature on file”

“2/19/2020”

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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