



MODIFIED CITATION:
ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Magnum Range, Inc., Owner
 Magnum Security Academy
 766 South Lugo Ave.
 San Bernardino, CA 92408

INSTITUTION CODE: Unapproved
CITATION NUMBER: 1819035
MODIFIED CITATION ISSUANCE/SERVICE DATE: November 19, 2019
MODIFIED DUE DATE: December 19, 2019
FINE AMOUNT: \$ 10,000.00
ORDER OF ABATEMENT INCLUDED: YES

Christina Villanueva issues this Modified 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 Modified Citation is hereby issued to Magnum Range, Inc., Owner of Magnum Security Academy (Institution) located at 766 South Lugo Ave., San Bernardino, CA 92408, 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

The Bureau previously issued Citation: Assessment of Fine and Order of Abatement No. 1819035 to the Owner of the Institution on September 7, 2018, which was appealed by the Institution and subsequently withdrawn without prejudice on November 18, 2019.

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><u>Violation:</u> CEC 94886. Approval to Operate Required <i>“Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter.”</i></p> <p>CEC 94817.5. Approved to Operate or Approved <i>“Approved to operate” or “approved” means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs.”</i></p> <p>CEC 94868. To Offer to the Public</p>

“To offer to the public” means to advertise, publicize, solicit, or recruit.”

CEC 94869. To Operate

“To operate” means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided.”

On April 15, 2016, the Bureau received a complaint alleging that Institution was operating without approval in violation of CEC section 94886.

On June 7, 2017, Bureau staff found that the Institution submitted an Application for Verification of Exempt Status to the Bureau on August 12, 2013. On November 21, 2013, the Institutions Application for Verification of Exempt Status was denied by the Bureau.

On July 25, 2017, Bureau staff interviewed DOR Training Coordinator, LS., who stated that DOR refers students to the Institution. LS also stated that DOR reimburses the Institution for the training it provides to those students.

On August 3, 2017, Bureau staff interviewed the Institution’s Director of Marketing and Student Admission, C.F. During that interview, C.F. confirmed that DOR refers students to the Institution and that DOR pays the Institution for the training it provides to those students. As such, the Institution does not qualify as an exempt institution per CEC section 94874. Additionally, the Institution does not have an Application for Approval to Operate pending with the Bureau.

Therefore, the Bureau has determined that the Institution is operating as an unapproved institution, in violation of CEC 94886.

Order of Abatement:

The Bureau Orders that Institution cease operating as a Private Postsecondary Educational Institution. Institution must cease recruiting or enrolling students, cease all instructional services, and advertising those services in any form or media, including its website at www.davesmagnumrange.com, and any other websites not identified here that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers including but not limited to, (909) 388-1350, that are associated with the Institution until such time as an approval to operate is obtained from the Bureau. To comply with the Order of Abatement the Institution must submit a school closure plan to the Bureau pursuant to California Education Code section 94926. The institution must provide a roster of each student currently enrolled at the Institution. The roster must include the names of the students, their contact information (including phone number, email address, and physical address), the programs in which they are enrolled, the amount paid for the programs.

Assessment of Fine:

The fine for this violation is \$100,000.00

The modified administrative fine for this violation is \$10,000.00

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$10,000.00

COMPLIANCE WITH ORDER OF ABATEMENT

Page 2 of 4

Modified Citation: Assessment of Fine and Order of Abatement
Magnum Range, Inc., Owner of Magnum Security Academy
Institution Code: Unapproved

In accordance with the provisions of CEC section 94936 and 5, CCR section 75020 the Bureau hereby issues the order of abatement described above. The Institution shall not operate as a private postsecondary educational institution at all locations throughout the State of California and agrees to discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media (including Internet sites), until such time as approval to operate is obtained from the Bureau. **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.**

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 **\$10,000.00** for the violations described above. **Payment must be made to the Bureau by December 19, 2019.**

PAYMENT OF ADMINISTRATIVE FINE

The Institution shall pay the civil penalty in the amount of \$10,000.00 by way of cashiers' check or money order. The payment shall be mailed to:

Cheryl Lardizabal, Discipline Citation Program
Bureau for Private Postsecondary Education
P.O. Box 980818
West Sacramento, CA 95798-0818

The civil penalty must be paid to the Bureau by December 19, 2019. Payment of an administrative citation is not an admission of guilt or liability.

The Institution gives up the right to an administrative hearing and all other rights accorded by the California Administrative Procedure Act and other applicable laws. The Institution's failure to pay the modified citation civil penalty pursuant to the terms of this settlement will result in this matter being referred to collection and will result in the full original penalty being imposed and due in full. The Bureau for Private Postsecondary Education may file an Amended Modified Citation for the failure of conditions required of the Institution.

CONTACT INFORMATION

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

Christina Villanueva
Discipline Manager

Date

Enclosure

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