



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Dolphin Trucking School, Inc., Owner
 Dolphin Trucking School
 4820 S. Eastern Ave., Unit O
 Commerce, CA 90040

INSTITUTION CODE: 36348745
CITATION NUMBER: 1819165
CITATION ISSUANCE/SERVICE DATE: April 3, 2019
DUE DATE: May 3, 2019

FINE AMOUNT: \$10,000.00

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 Dolphin Trucking School Inc., Owner of Dolphin Trucking School (Institution) located at 4820 S. Eastern Ave., Unit O, Commerce, CA 90040, 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 received an Enforcement Referral from the Bureau's Compliance Unit. as a result, of a compliance inspection conducted at the Institution on January 28, 2016.

Through the course of the investigation, Bureau staff verified the following violations of Bureau law.

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 74112 (m)(1)(2)(3)(4)(6)(7)(8)(9) – Uniform Data Annual Report, Performance Fact Sheet <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 Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum:</i></p>

- (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;*
- (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.*

On December 14, 2018, Bureau staff requested the Institution's supporting documentation for the data reported on the 2015/2016 School Performance Fact Sheet (SPFS). On January 14, 2019, the Institution provided the Bureau with an excel spreadsheet that contained a list of students that enrolled in 2015 and 2016. Bureau staff compared the 2015 and 2016 spreadsheets and determined that the the spreadsheets were not identical and were lacking the minimum required documentation as required by 5, CCR section 74112 (m)(1)(2)(3)(4)(6)(7)(8)(9).

On January 16, 2019, Bureau staff requested additional missing supporting documentation for the 2015/2016 SPFS.

On January 23, 2019, the Institution provided additional supporting documentation for their 2015/2016 SPFS. The Institution provided back-up documentation pertaining to 114 students that enrolled in 2015, however it did not include the remaining 126 students that enrolled in 2015. The Institution did not submit supporting documentation for any students enrolled in 2016. In addition, Bureau staff found that the additional documentation did not include the required information as required by 5, CCR section 74112 (m)(1)(2)(3)(4)(6)(7)(8)(9).

Order of Abatement:

The Bureau orders the Institution to provide written policy of how future compliance with this code section will be maintained.

Assessment of Fine:

The fine for this violation is \$5,000.00

2. Violation:

CEC Section 94929.7(a)(1)(2)(b) – Documentation of Performance Data

(a) The information used to substantiate the rates and information calculated pursuant to Sections 94929 and 94929.5 shall do both of the following:

(1) Be documented and maintained by the institution for five years from the date of the publication of the rates and information.

(2) Be retained in an electronic format and made available to the bureau upon request.
(b) An institution shall provide a list of employment positions used to determine the number of graduates employed in the field for purposes of calculating job placement rates pursuant to this article.

On December 14, 2018 and January 16, 2019, Bureau staff requested the Institution's 2015/2016 SPFS supporting documentation. On January 23, 2019, the Institution provided the supporting documentation for the 2015/2016 SPFS, however the Institution failed to provide a list of employment positions used to determine the number of graduates employed in the field for purposes of calculation job placement rates; therefore, the Institution is in violation of CEC section 94929.7(a)(1)(2)(b).

Order of Abatement:

The Bureau orders the Institution to maintain compliant supporting documentation for their SPFS and provide a statement to the Bureau explaining how they will maintain compliance with CEC section 94929.7(a)(1)(2)(b).

Assessment of Fine:

The fine for this violation is \$5,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$10,000.00

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 **\$10,000.00** 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 **May 3, 2019**, 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 **April 3, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **May 3, 2019**. 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:

Gurinder Sandhu, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

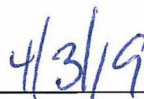
Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate 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 Gurinder Sandhu, Citation Analyst, at 916-431-6940 or Gurinder.Sandhu@dca.ca.gov.



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