



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Cruz Monge, Owner
El Monte Truck Driving School
15545 Arrow Hwy
Irwindale, CA 91706

INSTITUTION CODE: 1938491
CITATION NUMBER: 1819216
CITATION ISSUANCE/SERVICE DATE: June 6, 2019
DUE DATE: July 6, 2019
FINE AMOUNT: \$6,750.00
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 Cruz Monge, Owner of El Monte Truck Driving School (Institution) located at 15545 Arrow Hwy, Irwindale, CA 91706, 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 April 25, 2018, the Institution was issued Notice to Comply #CA 1938491 0418 (NTC) as minor violations were detected during the Compliance review and Compliance inspection. The Institution was given 30 days from the date of the inspection to either remedy the violations or submit a written notice of disagreement. The Institution failed to submit evidence of compliance for the NTC within the 30-day timeframe. A Notice of Disagreement was not submitted to the Bureau within the 30-day timeframe.

In accordance with CEC section 94934 and 5, CCR section 74110 (c) and (d) an Institution shall file its Annual Report by December 1st of every year. As of May 28, 2019, the Institution has not submitted the 2016 Annual Report.

On December 20, 2018, the Bureau's Annual Report Unit (ARU) notified institutions by mail, to the addresses on records, informing them that the online portal to submit the 2017 Annual Report would open with an April 20, 2019 due date. On or about February 14, 2019, the Bureau notified the institutions by mail, sent to the addresses on records, that the online portal was open. On or about April 22, 2019, ARU mailed reminder letters to the institutions, sent to the addresses on records, that

the online portal opened January 16, 2019 and that submission deadlines were extended to May 16, 2019. As of May 28, 2019, the Institution has not submitted the Annual Report for the 2017 calendar year.

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:</p> <p>5, CCR Section 74110 (a-d) - Annual Report</p> <p><i>"(a) The annual report required by section 94934 of the Code shall include the information required by section 94929.5 and 94934 for all educational programs offered in the prior calendar year. (b) In addition to the information required by section 94934 and this section provided under penalty of perjury, the institution shall have annual financial statements prepared for the institution's prior fiscal year and signed under penalty of perjury and shall submit a hard copy under separate cover of such statements in conjunction with its annual report. The form, content and mode of preparation of financial statements shall comply with Section 74115 of this Division. The Bureau may request that the institution immediately make available for inspection to a representative of the Bureau, these financial statements at the offices of the institution. (c) An institution shall file its annual report by December 1st. The Bureau may extend the period for filing if the institution demonstrates evidence of substantial need but in no case longer than 60 days. The institution shall not change the date of its filing its annual report because of a change in the fiscal year without the Bureau's approval. (d) The annual report shall be electronically filed by submitting the information required by section 94934 of the Code and this section via the online form provided on the Bureau's website, electronically attaching, as directed, the School Performance Fact Sheet, the enrollment agreement, and the school catalog".</i></p> <p>CEC Section 94934(a)(1-9) - Annual Report</p> <p><i>"(a) As part of the compliance program, an institution shall submit an annual report to the bureau, under penalty of perjury, signed by a responsible corporate officer, by July 1 of each year, or another date designated by the bureau, and it shall include the following information for educational programs offered in the reporting period:</i></p> <ul style="list-style-type: none"> <i>(1) The total number of students enrolled by level of degree or for a diploma.</i> <i>(2) The number of degrees, by level, and diplomas awarded.</i> <i>(3) The degree levels and diplomas offered.</i> <i>(4) The Student Performance Fact Sheet, as required pursuant to Section 94910.</i> <i>(5) The school catalog, as required pursuant to Section 94909.</i> <i>(6) The total charges for each educational program by period of attendance.</i> <i>(7) A statement indicating whether the institution is, or is not, current in remitting Student Tuition Recovery Fund assessments.</i> <i>(8) A statement indicating whether an accrediting agency has taken any final disciplinary action against the institution.</i> <i>(9) Additional information deemed by the bureau to be reasonably required to ascertain compliance with this chapter".</i> <p>As of May 28, 2019, the Bureau has not received an Annual Report for years 2016 and 2017 from the Institution.</p> <p>Order of Abatement:</p>

The Bureau orders the Institution to submit its Annual Report in accordance with 5, CCR section 74110 (a-d) and CEC section 94934(a)(1-9). The Institution shall submit the following:

2016 Annual Report:

- Complete the 2016 Annual Report template located on the Bureau's website at https://bppe.ca.gov/annual_report/2016_annual_report.shtml.
- Save the following documents to a cd or flash drive:
 - 2016 Annual Report
 - School Performance Fact Sheets
 - Catalog, and
 - Enrollment Agreement

The cd or flash drive and a hard copy of the financial statements for year-end 2016 must be submitted via regular mail to the Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95833.

2017 Annual Report

- Complete and submit the 2017 Annual Report via the Bureau's Online Annual Report Submission Portal website at https://bppe.ca.gov/annual_report/.

A hard copy of the financial statements for year-end 2017 must be submitted via regular mail to the Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95833.

Assessment of Fine

The fine for this violation is \$5,000.00

CEC Section 94897(l) - Prohibited Business Practices

(l) Use the terms "approval," "approved," "approval to operate," or "approved to operate" without stating clearly and conspicuously that approval to operate means compliance with state standards as set forth in this chapter. If the bureau has granted an institution approval to operate, the institution may indicate that the institution is "licensed" or "licensed to operate," but may not state or imply either of the following:

The Institution included the required statement on page 1 of its catalog under "BPPE Approval." However, the school cited "Chapter 8, Part 59, Division 10, Title 3" Instead of "California Education Act of 2009, California Code of Regulations Division 7.5."

Order of Abatement:

The Bureau orders the Institution to correct the required statement to state "California Education Act of 2009, California Code of Regulations Division 7.5." The Institution shall submit proof of compliance to the Bureau.

Assessment of Fine

The fine for this violation is \$500.00

CEC Section 94909 (a)(8)(A); (a)(9) - Minimum Requirements for School Catalog

(a) Except as provided in subdivision (d), prior to 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:

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

	<p><i>(A) Admissions policies, including the institution's policies regarding the acceptance of credits earned at other institutions or through challenge examinations and achievement tests, admissions requirements for ability-to-benefit students, and a list describing any transfer or articulation agreements between the institution and any other college or university that provides for the transfer of credits earned in the program of instruction. If the institution has not entered into an articulation or transfer agreement with any other college or university, the institution shall disclose that fact.</i></p> <p><i>(9) The schedule of total charges for a period of attendance and an estimated schedule of total charges for the entire educational program.</i></p>
	<p>The Institution failed to identify which Ability to Benefit Test and what passing scores it will accept in place of a high school diploma or GED, in violation of CEC section 94909 (a)(8)(A).</p> <p>The Institution's catalog failed to include current total charges for the program and includes costs that are outdated, in violation of CEC section 94909 (a)(9)</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to update its admission policy in the catalog to include an Ability to Benefit Test and its passing scores. In addition, the Bureau orders the Institution to update the total charges in the catalog to reflect accurate tuition charges, book fees, registration fees and other fees associated with the program.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$150.00</u></p>
	<p><u>Violation:</u> CEC Section 94906(a) – Language of Enrollment Agreement <i>(a) An enrollment agreement shall be written in language that is easily understood. If English is not the student's primary language, and the student is unable to understand the terms and conditions of the enrollment agreement, the student shall have the right to obtain a clear explanation of the terms and conditions and all cancellation and refund policies in his or her primary language.</i></p> <p>The Institution failed to provide a statement indicating how they will provide the enrollment agreement, disclosures and statements to students whose primary language is not English, so they may understand the terms of the enrollment agreement.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to provide a statement indicating how they shall provide the enrollment agreement, disclosures and statements to students whose primary language is not English.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$500.00</u></p>
	<p><u>Violation:</u> 5, CCR Section 76140(a)(1-13) – Record-Keeping Requirements. <i>“(a) A qualifying institution shall collect and maintain records of student information to substantiate the data reported on the STRF Assessment Reporting Form and records of the students' eligibility under the Fund. Such records shall include the following for each student:</i></p> <ul style="list-style-type: none"> <i>(1) Student identification number,</i> <i>(2) First and last names,</i> <i>(3) Email address,</i>

- (4) Local or mailing address,
- (5) Address at the time of enrollment,
- (6) Home address,
- (7) Date enrollment agreement signed,
- (8) Courses and course costs,
- (9) Amount of STRF assessment collected,
- (10) Quarter in which the STRF assessment was remitted to the Bureau,
- (11) Third-party payer identifying information,
- (12) Total institutional charges charged, and
- (13) Total institutional charges paid."

The substantiating data submitted by the Institution had the correct headings for the data points; however, the information contained under the headings did not match the required data points.

Order of Abatement:

The Bureau orders the Institution to submit the substantiating data to verify the information reported on the 3rd and 4th quarter STRF Assessment Reporting Forms. Furthermore, the information reported for each data point should correspond with the appropriate heading.

Assessment of Fine

The fine for this violation is \$500.00

Violation:

5, CCR 71810(b)(5) - Catalog.

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

(5) Whether any instruction will occur in a language other than English and, if so, the level of proficiency required and the kind of documentation of proficiency, such as the United States Foreign Service Language Rating System, that will be accepted;"

The Institution's catalog failed to indicate that courses are taught in English only.

Order of Abatement:

The Bureau order the Institution to update the catalog to state course instruction is provided in English only. The Institution shall submit proof of compliance to the Bureau.

Assessment of Fine

The fine for this violation is \$100.00

TOTAL ADMINISTRATIVE FINE DUE: \$6,750.00

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 **\$6,750.00** 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 **July 6, 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 **June 6, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **July 6, 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:

Ray Delaney, 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 Ray Delaney, Citation Analyst, at (916) 431-6946 or Ray.Delaney@dca.ca.gov.

CAS

Christina Villanueva
Discipline Manager

6/6/19

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