



Bureau for Private Postsecondary Education
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P.O. Box 980818, West Sacramento, CA 95798-0818
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Commercial Drivers Leaning Center, LLC
Commercial Drivers Learning Center
1787 Tribute Road, Suite L
Sacramento, CA 95815

INSTITUTION CODE: 64417859

CITATION NUMBER: 2021177

CITATION ISSUANCE/SERVICE DATE: January 14, 2021

DUE DATE: February 13, 2021

FINE AMOUNT: \$ 5,551.00

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 Commercial Drivers Leaning Center, LLC., Owner of Commercial Drivers Learning Center (Institution) located at 1787 Tribute Road, Suite L, Sacramento, CA 95815 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 August 27, 2020, the Bureau issued Citation 2021065 for failure to issue the required notices and teach-out plans; default of enrollment agreement; lack of administration, faculty, and facilities and equipment; failure to collect and submit assessments; and failing to submit the annual fee, as well as late payment fee. The citation is currently outstanding.

In addition, 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 January 14, 2021, the Bureau has not received an annual report for the 2018 and 2019 calendar year from the Institution.

On June 24, 2019, the Bureau's Annual Report Unit (ARU) notified institutions by mail, to the addresses on record, informing them that the online portal to submit the 2018 Annual Report would be opening with a December 1, 2019 due date. On August 1, 2019, institutions were notified by mail, sent to the addresses on record, that the online portal was open. As of March 4, 2020, the Institution has not submitted the Annual Report for the 2018 calendar year

On June 25, 2020, the Bureau’s Annual Report Unit (ARU) notified institutions by mail, to the addresses on record, informing them that the online portal to submit the 2019 Annual Report would be opening with a December 1, 2020, due date. As of December 23, 2020, the Institution has not submitted the Annual Report for the 2019 calendar year.

Furthermore, on October 13, 2020, Bureau staff conducted an unannounced site visit. During the visit, Bureau staff found violations.

Lastly, all institutions are required to submit a Student Tuition Recovery Fund (STRF) Assessment Reporting Form to the Bureau no later than the last day of the month following the close of the quarter.

Pursuant to CEC section 94923(a) The Student Tuition Recovery Fund relieves or mitigates economic loss suffered by a student while enrolled in an institution not exempt from this article pursuant to Article 4 (commencing with section 94874), who, at the time of his or her enrollment, was a California resident or was enrolled in a California residency program, prepaid tuition, and suffered economic loss.

The Bureau sends notifications/reminders to all approved institutions 30 days prior to close of each quarter.

As of January 14, 2021, the Institution has not submitted the STRF Assessment Reporting Form for 3rd quarter of 2020.

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></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</i></p>

date designated by the bureau, and it shall include the following information for educational programs offered in the reporting period:

- (1) The total number of students enrolled by level of degree or for a diploma.
- (2) The number of degrees, by level, and diplomas awarded.
- (3) The degree levels and diplomas offered.
- (4) The Student Performance Fact Sheet, as required pursuant to Section 94910.
- (5) The school catalog, as required pursuant to Section 94909.
- (6) The total charges for each educational program by period of attendance.
- (7) A statement indicating whether the institution is, or is not, current in remitting Student Tuition Recovery Fund assessments.
- (8) A statement indicating whether an accrediting agency has taken any final disciplinary action against the institution.
- (9) Additional information deemed by the bureau to be reasonably required to ascertain compliance with this chapter”.

On August 1, 2019, institutions were notified by mail, sent to the addresses on record, that the online portal was open. As of March 4, 2020, the Bureau has not received an annual report for the year 2018 from the Institution.

On October 28, 2020, Bureau staff left a voicemail with the Institution regarding the Institution’s 2019 Annual Report submission. As of December 23, 2020, the Bureau has not received an annual report for the year 2019 from the Institution.

Order of Abatement:

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

2018 Annual Report

- Complete and submit the 2018 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 2018 must be submitted via regular mail to the Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95833.

2019 Annual Report

- Complete and submit the 2019 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 2019 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

2.

Violation:

CEC Section 94900(a) – Required Student Records

“(a) An institution shall maintain records of the name, address, e-mail address, and telephone number of each student who is enrolled in an educational program in that institution.”

5, CCR Section 71930 (e) – Maintenance of Records

“(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.”

On October 13, 2020, Bureau staff conducted an unannounced site visit. The Institution failed to provide Bureau staff a current roster of students that were scheduled to start a training program on October 19, 2020 as requested.

Order of Abatement:

The Bureau orders the Institution to submit to the Bureau a policy, or procedure, of how the Institution will maintain future compliance with CEC Section 94900 (a) and 5, CCR Section 71930 (e).

Assessment of Fine

The fine for this violation is \$501.00

3. Violation:

5, CCR Section 76130 (a-e)- Collection and Submission of Assessments

“(a) A qualifying institution shall collect the assessment from each student in an educational program at the time it collects the first payment from or on behalf of the student at or after enrollment. The assessment shall be collected for the entire period of enrollment, regardless of whether the student pays the institutional charges in increments.

(b) A qualifying institution shall complete the STRF Assessment Reporting Form (Rev. 2/10) and remit it with the STRF assessments collected from students to be received by the Bureau no later than the last day of the month following the close of the quarter as follows:

(1) April 30 for the first quarter,

(2) July 31 for the second quarter,

(3) October 31 for the third quarter, and

(4) January 31 for the fourth quarter. If the due date falls on a Saturday, Sunday or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.

If the due date falls on a Saturday, Sunday, or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.

(c) The STRF Assessment Reporting Form shall contain the following information:

(1) Total number of students who signed enrollment agreements for educational programs during the reporting period; and

(2) Total number of students eligible for STRF who signed enrollment agreements for educational programs during the reporting period; and

(3) The total number of students who signed their enrollment agreement during the reporting period, were eligible for STRF, and who made their first payment during the reporting period; and

(4) The total number of students who signed their enrollment agreement in a previous reporting period, were eligible for STRF, and who made their first payment during the current reporting period; and

(5) Total amount of institutional charges after rounding each student's institutional charges to the nearest \$1,000, for all eligible STRF students whose STRF assessment was collected in the reporting period; and

(6) Current contact telephone number of the person preparing the form; and

(7) A declaration dated and signed under penalty of perjury by the person preparing the form that the form and any attachments are true and correct.

(d) In the event of a school closure, any collected assessments shall be remitted to the Bureau within seven days following the cessation of instruction.

(e) Submission of all prior reports and assessments required by this section is a condition of renewal.”

<p>The Institution has failed to submit STRF Assessment Reporting Form for the following quarter:</p> <ul style="list-style-type: none"> • Third Quarter of 2020 <p>On September 18, 2020, the Institution was notified via mail at 1787 Tribute Road, Suite L, Sacramento, CA 95815, that the STRF Assessment Reporting Form for the 3rd quarter of 2020 was due. As of January 14, 2021, the Bureau has not received the STRF Assessment Reporting Form from the Institution.</p> <p><u>Order of Abatement:</u> The Bureau orders that the Institution submit the delinquent STRF Assessment Reporting Forms with the STRF Assessments collected from students for the quarter listed above. The information provided shall comply with "Record Keeping Requirements" Pursuant to 5, CCR section 76140.</p> <p><u>Assessment of Fine</u> The fine for this violation is \$50.00</p>
TOTAL ADMINISTRATIVE FINE DUE: \$5,551.00

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 **\$5,551.00** 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 **February 13, 2021**, 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 **January 14, 2021**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **February 13, 2021**. 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:

Nicole Mitchell, 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 Nicole Mitchell, Citation Analyst, at (916) 574-8995 or Nicole.Mitchell@dca.ca.gov.

“Original Signature on File”

“1/14/2021”

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