



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION AFFIRMED

6/11/2014

Rafael Gonzalez, Owner
 Truck Nation School
 6801 McComber Street
 Sacramento, CA 95828

Date of Issuance	Citation Number	Institution Code
6/11/2014	1314006	Unapproved

On May 12, 2014 an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1314006 (Citation) against Rafael Gonzalez, owner of Truck Nation School. In attendance were Joanne Wenzel, Bureau Chief; Kurt Heppler, DCA Legal; Rafael Gonzalez, Owner; Michael Donovan, Attorney for respondent; and John Schwartz.

Pursuant to Business and Professions Code, §148; California Education Code (CEC), §94944; and Title 5 of California Code of Regulations (5 CCR), §75020 and §75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1314006.

It is the decision of the Bureau Chief that on June 5, 2015 Citation No. 13614006 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

VIOLATION CODE SECTIONS

#	The California Education Code (CEC) and the California Code of Regulations (CCR). Below you will find the section(s) you are charged with violating.
1.	<p>Affirmed Violation: CEC Section 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>

The institution is operating as a private postsecondary educational institution in the state of California without an approval to operate granted by the Bureau. The institution operated as a private postsecondary institution, without an approval to operate granted by the Bureau, in 2011 and 2012 offering educational programs over \$2,500.00, which resulted in student harm. The institution currently offers educational programs under \$2,500.00. However, the institution is not exempt under CEC §94874(f) as the institution advertises that they will accept students who are eligible for tuition assistance from state or federal funding. The institution continues to operate as a private postsecondary institution without an approval to operate granted by the Bureau.

Order of Abatement:

The Bureau orders that the institution cease operation as a private postsecondary educational institution at all locations throughout the State of California. Please also discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media (including Internet websites), until such time as approval from the Bureau to operate is obtained. In addition, refund all monies (tuition and fees) to all students that were enrolled at the institution after January 1, 2010, which includes, but is not limited to the following students:

- J.P., refund: \$500.00
- J.E., refund: \$2800.00

The fine for this violation is \$50,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$50,000.00

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within 30 days from the date of this decision.

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

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

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this affirmed Citation. You *do*, however, have the right to appeal this affirmed Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

If you do not wish to appeal this affirmed Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal - Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This affirmed Citation is effective on June 11, 2014. The order of abatement and payment are due by July 11, 2014.

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Affirmed 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 decision or desire further information, please contact Renee Campos, Enforcement Analyst, at (916) 431-6940 or at Renee.Campos@dca.ca.gov .


[JOANNE WENZEL]
[BUREAU CHIEF]

June 11, 2014
[Date]

Enclosures

- Payment of Fine - Waiver of Appeal Rights
- Withdrawal - Request for Administrative Hearing
- Notice of Appeal
- Statement of Rights
- Copy of Citation Order Number 1314006