



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

June 14, 2019

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

Date of Issuance	Citation Number	Institution Code
June 14, 2019	1819165	36348745

On May 13, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819165 (Citation) against Dolphin Trucking School, Inc., Owner of Dolphin Trucking School (Institution). In attendance were Beth Scott, Enforcement Chief and Maria Galvez, Representative.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1819165.

It is the decision of the Enforcement Chief that on June 3, 2019, Citation No. 1819165 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

#	Below you will find the California Education Code (C.E.C.) and/or Title 5 of the California Code of Regulations (5 C.C.R. 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> <i>(1) the list of job classifications determined to be considered gainful employment for the educational program;</i> <i>(2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;</i> <i>(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;</i> <i>(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</i></p>

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 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.

Reason for modification: Order of Abatement satisfied.

Assessment of Fine:

The fine for this violation is \$5,000.00

The administrative fine for this violation has been modified from \$5,000.00 to \$250.00.

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).

Reason for modification: Order of Abatement satisfied.

Assessment of Fine:

The fine for this violation is \$5,000.00

The administrative fine for this violation has been modified from \$5,000.00 to \$250.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$500.00

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:

Cheryl Lardizabal, 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 modified Citation. You *do*, however, have the right to appeal this modified Citation through an Administrative Hearing. 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 do not wish to appeal this modified Citation you must withdraw your initial request for an Administrative Hearing. 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 modified Citation is effective on June 14, 2019. The payment is due by **July 14, 2019**.


Failure 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 Modified 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 Cheryl Lardizabal, Discipline Analyst, at (916) 621-2591 or at Cheryl.Lardizabal@dca.ca.gov.



Christina Villanueva
Discipline Manager



Date

Enclosures

- Payment of Fine - Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail