



**APPEAL OF CITATION INFORMAL CONFERENCE**  
**DECISION: CITATION AFFIRMED**

February 26, 2019

Magnum Range, Inc., Owner  
 Magnum Security Academy  
 766 South Lugo Ave.  
 San Bernardino, CA 92408

| Date of Issuance  | Citation Number | Institution Code |
|-------------------|-----------------|------------------|
| February 26, 2019 | 1819035         | Unapproved       |

On October 20, 2018, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819035 (Citation) against Magnum Range, Inc., Owner of Magnum Security Academy. In attendance were Yvette Johnson, Enforcement Chief and Richard Moore.

Pursuant to Business and Professions Code, §148; California Education Code (CEC), section 94944; and Title 5 of California Code of Regulations (5, CCR), section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1819035.

It is the decision of the Enforcement Chief that on February 21, 2019, Citation No. 1819035 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

VIOLATION CODE SECTIONS

|    |  |
|----|--|
| #  | 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><b><u>AFFIRMED</u></b></p> <p><b><u>Violation:</u></b></p> <p><b>CEC Section 94886. Approval to Operate Required</b><br/> <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> <p><b>CEC Section 94817.5. Approved to Operate or Approved</b><br/> <i>“Approved to operate” or “approved” means that an institution has received authorization pursuant to</i></p> |

*this chapter to offer to the public and to provide postsecondary educational programs.”*

**CEC Section 94868. To Offer to the Public**

*“To offer to the public” means to advertise, publicize, solicit, or recruit.”*

**CEC Section 94869. To Operate**

*“To operate” means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided.”*

On April 15, 2016, the Bureau received a complaint alleging that Institution was operating without approval in violation of CEC section 94886.

On June 7, 2017, Bureau staff found that the Institution submitted an Application for Verification of Exempt Status to the Bureau on August 12, 2013. On November 21, 2013, the Institutions Application for Verification of Exempt Status was denied by the Bureau.

On July 25, 2017, Bureau staff interviewed California’s Department of Rehabilitation (DOR) Training Coordinator, LS., who stated that DOR refers students to the Institution. LS also stated that DOR reimburses the Institution for the training it provides to those students.

On August 3, 2017, Bureau staff interviewed the Institution’s Director of Marketing and Student Admission, C.F. During that interview, C.F. confirmed that DOR refers students to the Institution and that DOR pays the Institution for the training it provides to those students. As such, the Institution does not qualify as an exempt institution per CEC section 94874. Additionally, the Institution does not have an Application for Approval to Operate pending with the Bureau.

Therefore, the Bureau has determined that the Institution is operating as an unapproved institution, in violation of CEC 94886.

**Order of Abatement:**

The Bureau Orders that Institution cease operating as a Private Postsecondary Educational Institution. Institution must cease recruiting or enrolling students, cease all instructional services, and advertising those services in any form or media, including its website at [www.davesmagnumrange.com](http://www.davesmagnumrange.com), and any other websites not identified here that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers including but not limited to, (909) 388-1350, that are associated with the Institution until such time as an approval to operate is obtained from the Bureau. To comply with the Order of Abatement the Institution must submit a school closure plan to the Bureau pursuant to California Education Code section 94926. The institution must provide a roster of each student currently enrolled at the Institution. The roster must include the names of the students, their contact information (including phone number, email address, and physical address), the programs in which they are enrolled, the amount paid for the programs.

**Assessment of Fine**

The fine for this violation is \$100,000.00

**TOTAL AFFIRMED ADMINISTRATIVE FINE DUE: \$100,000.00**



### 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:

Gurinder Sandhu, 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 **February 26, 2019**. The order of abatement and payment are due by **March 28, 2019**.

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 Gurinder Sandhu, Citation Analyst, at (916) 431-6940 or at [Gurinder.Sandhu@dca.ca.gov](mailto:Gurinder.Sandhu@dca.ca.gov).

  
\_\_\_\_\_  
Christina Villanueva  
Discipline Manager

  
\_\_\_\_\_  
Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Declaration of Service by Certified and First-Class Mail