



Bureau for Private Postsecondary Education
 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
 P.O. Box 980818, West Sacramento, CA 95798-0818
 P (916) 431-6959 F (916) 263-1897 www.bppe.ca.gov



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: United Truck & Car Driving School, Inc., Owner
 United Truck & Car Driving School, Inc.
 2425 Camino Del Rio South, Suite 250
 San Diego, CA 92108

INSTITUTION CODE: 3707641
CITATION NUMBER: 1819069
CITATION ISSUANCE/SERVICE DATE: December 12, 2018
DUE DATE: January 11, 2019
FINE AMOUNT: \$ 2,601.00
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 United Truck & Car Driving School, Inc., Owner of United Truck & Car Driving School, Inc (Institution) located at 2425 Camino Del Rio South, Suite 250, San Diego, CA 92108 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 10, 2018, the Bureau received an Enforcement Referral from the Bureau's Compliance Unit (Compliance). The Enforcement Referral was issued due to material violations found during an announced compliance inspection conducted by the Bureau at the Institution on March 6, 2018, at 2425 Camino Del Rio South, Suite 250, San Diego, CA 92108. The Enforcement Referral found material violations of 5, CCR section 71770(a)(1) Admissions Standards and Transferred Credits Policy, and CEC section 94897(j)(3) Prohibited Business Practices.

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: 5, CCR section 71770(a)(1) Admissions Standards and Transferred Credits Policy <i>(a) The institution shall establish specific written standards for student admissions for each educational program. These standards shall be related to the particular educational program. An institution shall not admit any student who is obviously unqualified or who does not appear to have a</i></p>

reasonable prospect of completing the program. In addition to any specific standards for an educational program, the admissions standards must specify as applicable that:
(1) Each student admitted to an undergraduate degree program, or a diploma program, shall possess a high school diploma or its equivalent, or otherwise successfully take and pass the relevant examination as required by section 94904 of the Code.

On March 16, 2018, an announced compliance inspection was conducted at the Institution. Bureau staff conducted a review of a student file. The student file contained transcripts indicating the student had only attended high school through the eleventh grade with failing grades. There was not a verification of high school completion or equivalency, or evidence of an ability-to-benefit test located in the file.

Order of Abatement:

The Bureau orders the Institution implement procedures for administering an approved ATB test to prospective students in compliance with 5, CCR 71770(a)(1) and submit written evidence of compliance to the Bureau. The Institution shall maintain evidence of properly administered ABT's in student files as required by 71920(b)(1)(A).

Assessment of Fine

The fine for this violation is \$100.00

2. **Violation:**
CEC Section 94897. Prohibited Business Practices

An institution shall not do any of the following:

(j) In any manner make an untrue or misleading change in, or untrue or misleading statement related to, a test score, grade or record of grades, attendance record, record indicating student completion, placement, employment, salaries, or financial information, including any of the following:

(3) Any other record or document required by this chapter or by the bureau.

On March 16, 2018, an announced compliance inspection was conducted at the Institution. Bureau staff conducted a review of a student file. The Enrollment Agreement was altered to change the start and end date of the program. The Institution issued a completion certificate for the student indicating that student successfully completed 186 hours of class A/P truck driving. The Institution stated that the certificate was issued at the request of San Diego Workforce partnership (SDWP) and submitted to them via email. The Institution admitted that student did not successfully complete the program.

Order of Abatement:

The Bureau orders the Institution cease issuing a Certificate of Completion to students before they finish the program. The Institution shall submit a policy on how certificates of completion will be issued that includes how the Institution will verify the completion of all required program hours.

Assessment of Fine

The fine for this violation is \$2,501.00

TOTAL ADMINISTRATIVE FINE DUE: \$2,601.00

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 **\$2,601.00** 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(s) 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 **January 11, 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 **December 12, 2018**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **January 11, 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:

Gurinder Sandhu, 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 Gurinder Sandhu, Citation Analyst, at 916-431-6940 or Gurinder.Sandhu@dca.ca.gov.



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