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: Ed Ibarra, Owner
Master Truck School
110 Broadway
Chula Vista, CA 91910

INSTITUTION CODE: 27726172
CITATION NUMBER: 1718032
CITATION ISSUANCE/SERVICE DATE: April 30, 2018
DUE DATE: May 30, 2018
FINE AMOUNT: $ 5000.00
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 Ed Ibarra, Owner of Master Truck School located at 110 Broadway, Chula Vista, CA 91910 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

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 April 30, 2018, the Bureau has not received an annual report for the 2016 calendar year from Master Truck School (Institution), Institution Code 27726172.

Pursuant to CEC Section 94930.5 (d)(1)(A). An annual fee for each campus designated by the institution as a main campus location in California, in an amount equal to 0.45 percent of the campus' total gross revenue derived from students in California, but not to be less than two thousand five hundred dollars ($2,500) and not to exceed sixty thousand dollars ($60,000). (B) An annual campus fee for each branch of the institution in an amount equal to 0.45 percent of the branch's total gross revenue derived from students in California, but not to be less than two thousand five hundred dollars ($2,500) and not to exceed sixty thousand dollars ($60,000).

All institutions are required to pay the annual fee within 30 days of the date on which the Institution originally receives its approval to operate and each year thereafter on the anniversary of

the date of the original approval. An institution shall pay its annual fee in addition to any other applicable fees. As of April 30, 2018, the Bureau has not received the annual fee for the 2018 calendar year from the Institution.

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.	**Violation:** **5, CCR Section 74110 (a-d) – Annual Report** *"(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".* **CEC 94934(a)(1-9) - Annual Report** *"(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 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".* As of April 30, 2018, the Bureau has not received an annual report for the year 2016 from the Institution. The Institution failed to electronically file its 2016 annual report. **Order of Abatement:** The Bureau orders the Institution to submit its annual report in accordance with 5, CCR section74110 (a-d) and CEC section 94934(a)(1-9). The Institution shall submit the annual report

	via the Bureau website at www.bppe.ca.gov **<u>Assessment of Fine</u>** The fine for this violation is <u>$5,000.00</u>
2.	**<u>Violation:</u>** **5, CCR Section 74006(a) and (b) - Annual Fee** *"(a) An institution's annual fee is due within 30 days of the date on which the institution originally receives its approval to operate and each year thereafter on the anniversary of the date of the original approval. (b) An institution shall pay its annual fee in addition to any other applicable fees.* **CEC 94930.5 (d)(1)(A) and/or(B) if applicable - Fee Schedule** *(d) (1) In addition to any fees paid to the bureau pursuant to subdivisions (a) to (c), inclusive, each institution that is approved to operate pursuant to this chapter shall remit both of the following:* *(A)An annual fee for each campus designated by the institution as a main campus location in California, in an amount equal to 0.45 percent of the campus' total gross revenue derived from students in California, but not to be less than two thousand five hundred dollars ($2,500) and not to exceed sixty thousand dollars ($60,000).* *(B) An annual campus fee for each branch of the institution in an amount equal to 0.45 percent of the branch's total gross revenue derived from students in California, but not to be less than two thousand five hundred dollars ($2,500) and not to exceed sixty thousand dollars ($60,000)."* CEC 94931(a) or (b) – Late Payment *"(a) A fee that is not paid on or before the 30th calendar day after the due date for the payment of the fee shall be subject to 25 percent late payment penalty fee."* *"(b) A fee that is not paid on or before the 90th calendar day after the due date for payment of the fee shall be subject to a 35 percent late payment penalty fee."* On January 2, 2018 the Institution was notified (invoice #900331042), via mail at 110 Broadway, Chula Vista, CA 91910 that the annual fee for calendar year 2018 was due on February 1, 2018. As of April 30, 2018, the Bureau has not received the annual fee from the Institution. On March 15, 2018 the Institution was mailed a delinquency notification (invoice #900331826) via mail at 110 Broadway, Chula Vista, CA 91910, that the annual fee for calendar year 2018 was due on February 1, 2018. As of April 30, 2018, 2018, the Bureau has not received the annual fee from the Institution. The Institution failed to pay its annual Fee for calendar year 2018. **<u>Order of Abatement:</u>** The Bureau orders the Institution to submit its annual Fees for calendar year 2018 in accordance with 5, CCR section 74006(a)(b) and CEC section 94930.5(d)(1)(A). In addition, the Institution must pay all late payment penalty fees. **<u>Assessment of Fine</u>** The fine for this violation is <u>$00.00</u>
	TOTAL ADMINISTRATIVE FINE DUE: $5000.00

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 **$5000.00** 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 **May 30, 2018**, 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 **April 30, 2018.** Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **May 30, 2018** 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.

CV

Christina Villanueva
Discipline Manager

4/30/18

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