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**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1004396

**101 SCHOOL OF TRUCKING,
TIMOTHY JOHNSON, OWNER
3897 Market Street
Ventura, CA 93003**

DEFAULT DECISION AND ORDER

Approval to Operate No. 44971494

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about December 11, 2020, Dr. Michael Marion, Jr., in his former official capacity as the Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs (Complainant), filed Accusation No. 1004396 against 101 School of Trucking, Timothy Johnson (Respondent) before the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about March 14, 2016, the Bureau for Private Postsecondary Education (Bureau) issued Approval to Operate No. 44971494 to Respondent, which will expire on March 14, 2021, unless renewed.

1 3. On or about December 14, 2020, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 1004396, Statement to Respondent, Notice of Defense,
3 Request for Discovery, Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7), and Notice of Hearing at Respondent's address of record which, pursuant to California
5 Education Code section 94894, is required to be reported and maintained with the Bureau.
6 Respondent's address of record was and is: 3897 Market Street, Ventura, CA 93003.

7 4. On or about January 19, 2021, Respondent was served by Certified and First Class
8 Mail copies of the Accusation No. 1004396, Statement to Respondent, Notice of Defense,
9 Request for Discovery, Discovery Statutes (Government Code sections 11507.5, 11507.6, and
10 11507.7), and Notice of Hearing at Respondent's agent of process address located at: 565 West
11 Loop Drive, Camarillo, CA 93010.

12 5. Service of the Accusation was effective as a matter of law under the provisions of
13 Government Code section 11505(c) and/or Business and Professions Code section 124.

14 6. Government Code section 11506(c) states, in pertinent part:

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent
16 files a notice of defense . . . and the notice shall be deemed a specific denial of all parts
17 of the accusation . . . not expressly admitted. Failure to file a notice of defense
18 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
19 discretion may nevertheless grant a hearing.

20 7. The Bureau takes official notice of its records and the fact that Respondent failed to
21 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
22 waived his right to a hearing on the merits of Accusation No. 1004396.

23 8. California Government Code section 11520(a) states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense . . . or to appear at the
25 hearing, the agency may take action based upon the respondent's express admissions or
26 upon other evidence and affidavits may be used as evidence without any notice to
27 respondent

28 9. Pursuant to its authority under Government Code section 11520, the Director finds
Respondent is in default. The Director will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
as well as taking official notice of all the investigatory reports, exhibits and statements contained

1 therein on file at the Director's offices regarding the allegations contained in Accusation No.
2 1004396, finds that the charges and allegations in Accusation No. 1004396, are separately and
3 severally, found to be true and correct by clear and convincing evidence.

4 10. The Director finds that the actual costs for Investigation and Enforcement are 5
\$4,828.75 as of January 15, 2021.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent 101 School of Trucking,
8 Timothy Johnson has subjected his Approval to Operate No. 44971494 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Director of the Department of Consumer Affairs is authorized to revoke
11 Respondent's Approval to Operate based upon the following violations alleged in the Accusation
12 which are supported by the evidence contained in the Default Decision Investigatory Evidence
13 Packet in this case: Cause for Discipline, Violation of California Code of Regulations, title 5,
14 section 75050, subdivision (b) – Failure to Abate Violation pursuant to Citation 1819170 issued
15 by the Bureau on April 11, 2019.

16 **ORDER**

17 IT IS SO ORDERED that Approval to Operate No. 44971494, issued to Respondent 101
18 School of Trucking, Timothy Johnson, is revoked.

19 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
20 written motion requesting that the Decision be vacated and stating the grounds relied on within

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1 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
2 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

3 This Decision shall become effective on “May 28, 2021”.

4 It is so ORDERED “April 25, 2021”

5

6 “Original signature on file”

7 RYAN MARCROFT
8 DEPUTY DIRECTOR
9 LEGAL AFFAIRS DIVISION
10 DEPARTMENT OF CONSUMER AFFAIRS

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12 DOJ Matter ID:LA2020603080

13 Attachment:
14 Exhibit A: Accusation

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Exhibit A

Accusation

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7 *Attorneys for Complainant*

8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:

Case No. 1004396

14 **101 SCHOOL OF TRUCKING,**
15 **TIMOTHY JOHNSON, OWNER**
16 **3897 Market Street**
17 **Ventura, CA 93003**

ACCUSATION

18 **Approval to Operate Institution Code No.**
19 **44971494**

Respondent.

20 **PARTIES**

21 1. Dr. Michael Marion, Jr. (Complainant) brings this Accusation solely in his official
22 capacity as the Chief of the Bureau for Private Postsecondary Education (Bureau), the
23 Department of Consumer Affairs.

24 2. On or about March 14, 2016, the Bureau for Private Postsecondary Education issued
25 Approval to Operate Number 44971494 to 101 School of Trucking, Timothy Johnson, Owner
26 (Respondent). Respondent was approved to offer non-degree programs in Tractor/Trailer Brush
27 Up and Tractor/Trailer Operator. The Approval to Operate was in full force and effect at all
28 times relevant to the charges brought herein and will expire on March 14, 2021, unless renewed.

1 **JURISDICTION**

2 3. This Accusation is brought before the Director of the Department of Consumer
3 Affairs (Director) for the Bureau for Private Postsecondary Education, under the authority of the
4 following laws. All section references are to the Education Code unless otherwise indicated.

5 4. Business and Professions Code, section 118, subdivision (b), provides that the
6 suspension, expiration, surrender or cancellation of a license shall not deprive the Bureau of
7 jurisdiction to proceed with a disciplinary action during the period within which the license may
8 be renewed, restored, reissued or reinstated.

9 5. Section 94875 provides that the Bureau shall regulate private postsecondary
10 educational institutions.

11 6. Section 94877 provides, in relevant part, that:

12 “(a) The bureau shall adopt and shall enforce regulations to implement this chapter pursuant
13 to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of
14 Division 3 of Title 2 of the Government Code).

15 “(b) The bureau shall develop and implement an enforcement program, pursuant to Article
16 18 (commencing with Section 94932) to implement this chapter..... ”

17 **REGULATORY PROVISION**

18 11 California Code of Regulations, title 5, section 75050, subdivision (b), provides:

19 “Failure of an applicant or institution issued an approval to operate to abate the violation or
20 to pay the fine within the time allowed is a ground for denial or discipline of an approval to
21 operate.”

22 **COST RECOVERY**

23 13. Section 94937, subdivision (d), provides that the Bureau may seek reimbursement
24 costs of investigation and enforcement pursuant to Business and Professions Code section 125.3.

25 14. Section 125.3 of the Business and Professions Code provides, in pertinent part, that
26 the Bureau may request the administrative law judge to direct a licentiate found to have
27 committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable
28 costs of the investigation and enforcement of the case, with failure of the licentiate to comply

1 subjecting the license to not being renewed or reinstated. If a case settles, recovery of
2 investigation and enforcement costs may be included in a stipulated settlement.

3 **CAUSE FOR DISCIPLINE**

4 (Failure to Abate Violations)

5 15. Respondent's Approval to Operate is subject to revocation under California Code of
6 Regulations, title 5, section 75050, subdivision (b), in that Respondent failed to comply with
7 orders of abatement by the due date of May 11, 2019 and extended to August 1, 2019, pursuant to
8 Citation 1819170, issued by the Bureau on April 11, 2019, as follows:

- 9 (a) Submit the institution's Student Tuition Recovery Fund (STRF) assessment forms to
10 the Bureau for the 2nd, 3rd and 4th Quarters of 2017 and all four quarters in 2018;
11 (b) Pay the annual and delinquency fees for 2017, 2018, and 2019.

12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Director of the Department of Consumer Affairs issue a
15 decision:

- 16 1. Revoking or suspending Approval to Operate Institution Code 44971494, issued to
17 101 School of Trucking, Timothy Johnson, Owner;
18 2. Ordering Timothy Johnson, Owner, to pay the Bureau for Private Postsecondary
19 Education the reasonable costs of the investigation and enforcement of this case, pursuant to
20 Business and Professions Code section 125.3; and,
21 3. Taking such other and further action as deemed necessary and proper.
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23 DATED:
24 "12/11/2020"

"Original signature on file"

25 _____
26 DR. MICHAEL MARION, JR.
27 Chief
28 Bureau for Private Postsecondary
Education
Department of Consumer Affairs
State of California
Complainant

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