



Bureau for Private Postsecondary Education
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Manuel Sequeira, Owner
Charles Grant, Owner
Truck Driving Academy
1250 Market Street, Suite A
Yuba City, CA, 95991

INSTITUTION CODE: 3402821

CITATION NUMBER: 1920236

CITATION ISSUANCE/SERVICE DATE: February 27, 2020

DUE DATE: March 28, 2020

FINE AMOUNT: \$ 7,001.00

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 Manuel Sequeira and Charles Grant, Owners of Truck Driving Academy (Institution) located at 1250 Market Street, Suite A, Yuba City, CA, 95991, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

On May 29, 2019, Bureau staff conducted an unannounced Compliance inspection at the Institution. While onsite, Bureau staff requested a roster of current students, as well as a roster of graduated and withdrawn students from the prior two years. The Institution's Administrator did not provide the student rosters, instead Bureau staff was provided access to all student files that were available onsite. The Institution only had six student files available. The Institution's Administrator stated that older files are maintained at the corporate offices and did not have electronic access to them. The student files failed to contain a high school diploma, GED, and/or an approved ability-to-benefit (ATB) examination. The Institution is approved to offer an ATB test from the California Department of Motor Vehicles (DMV) Class A Commercial Driver's Permit, however, the ATB test was issued after the students signed their enrollment agreement.

In addition, Bureau staff identified deficiencies with the 2017 Annual Report and the supporting documentation for the 2016-2017 School Performance Fact Sheet (SPFS). Bureau staff determined that the supporting documentation did not substantiate the data reported on the 2016-2017 SPFS. The Institution did not provide the supporting documentation for the Rancho Cordova and Fontana locations. Lastly, the data reported on the 2017 Annual Report did not include the combined total number of students who began the program at all locations

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><u>Violation:</u> 5, CCR Section 71920 (b)(1)(A) – Student Records <i>(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</i> <i>(1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following:</i> <i>(A) Verification of high school completion or equivalency or other documentation establishing the student's ability to do college level work, such as successful completion of an ability-to-benefit test;</i></p> <p style="color: red;">The Institution was issued a Notice to Comply #CA 3402821 0714 at the announced Compliance inspection on July 21, 2014 for failing to comply with 5, CCR Section 71920. On May 29, 2019, during the unannounced Compliance inspection, student files still failed to include verification of high school completion or equivalency, or documentation of a student's successful completion of the approved ATB test.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit a policy, or procedure, of how the Institution will maintain future compliance with 5, CCR sections and 71920.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$1501.00</u></p>										
2.	<p><u>Violation:</u> 5, CCR Section 74112(h)(i)(4)(k) – Uniform Data – Annual Report, Performance Fact Sheet <i>(h) Completion Rates. Reporting of completion rates for an institution's Annual Report and Performance Fact Sheet shall include, for each educational program, the number of students who began the program as defined in subdivision (d)(1) of this section, the number of students available for graduation, number of on-time graduates, and completion rate(s). An optional table may be added to include completion rate data for students completing within 150% of the published program length. For an institution reporting completion data pursuant to section 94929(b) of the Code, completion data shall be separately reported for each program and the Performance Fact Sheet shall disclose, if true, that the completion data is being reported for students completing within 150% of the published program length, and that data is not being separately reported for students completing the program within 100% of the published program length. Programs that are more than one year in length which are reporting 150% Completion Rate will provide four calendar years of data. Completion rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below (dates, numbers, and other data shown are for example only):</i></p> <p><i>On-time Completion Rates (Graduation Rates) (includes data for the two calendar years prior to reporting)</i></p> <p><i>Name of Educational Program (Program Length)</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 15%;">Number of Students</th> <th style="width: 15%;">Students Available</th> <th style="width: 15%;"></th> <th style="width: 15%;"></th> </tr> </thead> <tbody> <tr> <td style="background-color: #e0e0e0;"> </td> <td style="background-color: #e0e0e0;"> </td> <td style="background-color: #e0e0e0;"> </td> <td style="background-color: #e0e0e0;"> </td> <td style="background-color: #e0e0e0;"> </td> </tr> </tbody> </table>		Number of Students	Students Available							
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Calendar Year	Who Began the Program	for Graduation	Number of On-time Graduates	On-time Completion Rate
20XX	100	98	70	71%
20XY	80	80	55	69%

Students Completing Within 150% of the Published Program Length Name of Educational Program (Program Length)

Calendar Year	Number of Students Who Began the Program	Students Available for Graduation	150% Graduates	150% Completion Rate
20XX	100	98	95	97%
20XY	80	80	78	98%
*20XZ	90	90	87	97%
*20YA	87	85	74	87%

*Student's Initials: _____ Date: _____
Initial only after you have had sufficient time to read and understand the information.*

(i) Job Placement Rates.

(4) Placement rate shall be calculated as follows: the number of graduates employed in the field as defined in section 94928(e)(1) of the Code in conjunction with section 74112(d)(3) divided by the number of graduates available for employment as defined in section 94928(d) of the Code.

Job Placement rates and related disclosures shall be included in the Performance Fact Sheet in a format substantially similar to the charts below, (dates, numbers, and other data shown are for example only):

*Job Placement Rates (includes data for the two calendar years prior to reporting)
Name of Educational Program (Program Length)*

Calendar Year	Number of Students Who Began the Program	Number of Graduates	Graduates Available for Employment	Graduates Employed in the Field	Placement Rate % Employed in the Field

20XX	100	70	70	55	79%
20XY	80	55	55	20	36%

*Student's Initials: _____ Date: _____
Initial only after you have had sufficient time
to read and understand the information.*

Gainful Employment Categories (includes data for the two calendar years prior to reporting)

Name of Educational Program (Program Length)

Part time vs. Full Time Employment

	Graduates Employed in the field 20 to 29 hours per week	Graduates Employed in the field at least 30 hours per week	Total Graduates Employed in the Field
20XX	15	40	55
20XY	5	15	20

Single Position vs. Concurrent Aggregated Positions

	Graduates Employed in the field in a single position	Graduates Employed in the field in concurrent aggregated positions	Total Graduates Employed in the Field
20XX	52	3	55
20XY	19	1	20

Self-Employed/Freelance Positions

	Graduates Employed who are self-employed or working freelance	Total Graduates Employed in the Field
20XX	3	55
20XY	5	20

Institutional Employment

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	Graduates Employed in the field who are employed by the institution, an employer owned by the institution, or an employer who shares ownership with the institution	Total Graduates Employed in the Field
20XX	15	55
20XY	5	20

Student's Initials: _____ Date: _____
Initial only after you have had sufficient time to read and understand the information.

(k) Salary and Wage Information

All Salary and Wage Information shall be reported to the Bureau pursuant to sections 94910(d) and 94929.5(a)(3) of the Code and shall be included in the Performance Fact Sheet, for each educational program, in a format substantially similar to the chart below (dates, numbers, salaries, and other data shown are for example only).

Salary and Wage Information (includes data for the two calendar years prior to reporting)

Name of Educational Program (Program Length)

Annual Salary and Wages Reported for Graduates Employed in the Field

Calendar Year	Graduates Available for Employment	Graduates Employed in the Field	\$15,000 - \$20,000	\$20,001 - \$25,000	\$25,001 - \$30,000	\$30,001 - \$35,000	No Salary Information Reported
20XX	100	70	5	40	6	3	16
20XY	80	55	5	7	3	5	35

A list of sources used to substantiate salary disclosures is available from the school. (Insert how student can obtain this information.)

Student's Initials: _____ Date: _____
Initial only after you have had sufficient time to read and understand the information."

CEC Section 94929 (a) -Reporting of Completion Rate

(a) An institution shall annually report to the bureau, as part of the annual report, and publish in its School Performance Fact Sheet, the completion rate for each program. Except as provided in subdivision (b), the completion rate shall be calculated by dividing the number of on-time graduates by the number of students available for graduation

CEC Section 94929.5 (a)(1)(3)-Reporting of Student Performance Data

(a) An institution shall annually report to the bureau, as part of the annual report, and shall publish in its School Performance Fact Sheet, all of the following:

(1) The job placement rate, calculated by dividing the number of graduates employed in the field by the number of graduates available for employment for each program that is either (1) designed, or advertised, to lead to a particular career, or (2) advertised or promoted with any claim regarding job

placement.

(3) Salary and wage information, consisting of the total number of graduates employed in the field and the annual wages or salaries of those graduates stated in increments of five thousand dollars (\$5,000).

CEC Section 94934 (a)(1)(2)(6) 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.

(6) The total charges for each educational program by period of attendance.

SPFS & Annual Report Violations:

Violations: 5, CCR Section 74112 (h) & CEC Section 94929 (a): The On-time Completion Rates data reported in the 2017 Annual Report and 2016-2017 SPFS for the Rancho Cordova and Fontana locations is not substantiated by the supporting document. In addition, the 2016-2017 SPFS for the Yuba City location reported 47 students completed on-time in 2017, however, the supporting documentation reported 2 students completed on-time in 2017.

Violations: 5, CCR Section 74112 (i)(4) & CEC Section 94929.5 (a)(1): The Job Placement Rates data reported in the 2017 Annual Report and 2016-2017 SPFS for the Rancho Cordova and Fontana locations is not substantiated by the supporting document. The 2016-2017 SPFS for the Yuba City location reported 38 Graduates Employed in the field, however, the supporting documentation reported 42 Graduates Employed in the field in 2017.

Violations: 5, CCR Section 74112 (k) & CEC Section 94929.5 (a)(3): The Salary and Wage Information data reported in the 2017 Annual Report and 2016-2017 SPFS for the Rancho Cordova and Fontana locations is not substantiated by the supporting document. The 2016-2017 SPFS reported annual wages/salary, however, the supporting documentation reported hourly and/or mileage wages.

Annual Report Violations:

CEC Section 94934(a)(1): The 2017 Annual Report stated 84 students began the Program. The 2017 data reported in the 2016-2017 SPFS states 84 students began the Program at the Rancho Cordova location, 49 students began the Program at the Yuba City location, and 675 students began the Program at the Fontana location. Overall, 808 students began the program in 2017 as opposed to the 84 students reported.

CEC Section 94934(a)(2): The 2017 Annual Report states there were 75 On-Time Graduates. The 2017 data reported in the 2016-2017 SPFS states there were 75 On-Time Graduates at the Rancho Cordova location, 39 On-Time Graduates at the Yuba City location, and 650 On-Time Graduates at the Fontana location. Overall, 764 students graduated from the program in 2017, as opposed to the 75 reported.

CEC Section 94934(a)(6): The total charges reported in the 2017 Annual Report did not match the total charges reported in the Institution's 2017 Catalog and 2016-2017 SPFS.

Order of Abatement:

	<p>The Bureau orders the Institution to submit a written policy, or procedure, of how future compliance with 5, CCR section 74112, and CEC Sections 94929, 94929.5, and 94934 will be maintained.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$5,000.00</u></p>
3.	<p><u>Violation:</u> 5, CCR Section 71930(e) – Maintenance of Records <i>“(e) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations.”</i></p> <p>The Institution failed to make all records available to the Bureau during the unannounced Compliance inspection. The Institution’s administrator stated all records were at the corporate office and did not have electronic access to them on May 29, 2019.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit a written policy, or procedure, of how compliance with 5, CCR section 71930 (e) will be maintained.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$500.00</u></p>
TOTAL ADMINISTRATIVE FINE DUE: \$7,001.00	

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 **\$7,001.00** 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 **March 28, 2020**, 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 **February 27, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **March 28, 2020**. 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:

Cheryl Lardizabal, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

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 Cheryl Lardizabal, Citation Analyst, at (916) 574-8968 or Cheryl.Lardizabal@dca.ca.gov

“Original signature on file”

“2/27/2020”

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