



AFFIRMED CITATION ORDER

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| Citation Issued To: A-1 Truck Driving School Inc. 2977 Baumberg Avenue Hayward, CA 94545 Institution Code: 0106221 | Citation Number: 2223141 |
| | Total Fine Amount: \$11,003.00 |
| | Order of Abatement Included: Yes |

Elizabeth Elias issues this affirmed citation in her official capacity as Enforcement Chief of the Bureau for Private Postsecondary Education, California Department of Consumer Affairs (hereinafter referred to as the "Bureau").

LICENSING HISTORY

- On or about March 13, 2019, the Bureau renewed an Approval to Operate a Private Postsecondary Institution to A-1 Truck Driving School Inc. (hereinafter referred to as the "Institution"). This Approval to Operate will expire on or about March 12, 2024, unless renewed.

DISCIPLINE HISTORY

- The Institution has the following discipline history:
 - [Third Amended Statement of Issues filed October 17, 2018](#)
 - [Notice of Withdrawal of Statement of Issue filed March 11, 2019](#)
 - [Modified Citation No. 1920249 issued January 14, 2021](#)
 - Evidence of compliance; citation satisfied September 22, 2021
 - [Modified Citation No. 1920277 issued June 17, 2020](#)
 - Evidence of compliance; citation satisfied December 15, 2020
 - [Citation No. 2021197 issued February 25, 2021](#)
 - Evidence of compliance; citation satisfied March 29, 2021

CITATION JURISDICTION

- This administrative citation is issued to the Institution pursuant to the statutory provisions of California Education Code (CEC) section 94936;

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and Title 5 of the California Code of Regulations (5 CCR) section 75020 et seq. for the violation(s) described below.

CITATION HISTORY

4. On or about June 5, 2023 the Bureau issued Citation No. 2223141. On or about June 29, 2023, the Bureau received an appeal with a request for an informal conference. The informal conference was held on September 1, 2023. No new substantive facts were presented during the informal conference; therefore, the Bureau affirms Citation No. 2223141.

CAUSE FOR CITATION & ASSESMENT OF FINE AND/OR ORDER OF ABATEMENT

5. The Institution is in violation of the following Bureau laws and regulations:

Violation #1:

5 CCR section 76140 (a)(1-13),(b) – Record-Keeping Requirements and 5 CCR section 71930 (e) – Maintenance Records

Cause for Citation: On or about April 20, 2022, the Bureau conducted an unannounced compliance inspection pursuant to CEC 94932.5 (a). Bureau staff requested a copy of the substantiating data for the Student Tuition Recovery Fund (STRF) for the 3rd and 4th reporting periods of 2021; however, the Institution's Owner stated that they did not have the required substantiating data for STRF, as the data is not kept onsite, and that the Institution's bookkeeper maintained the data.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a "Class B" violation. The Institution is issued a fine of \$1,001.00.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to correct the violation and submit an electronic copy of the STRF substantiating data for 1st reporting period of 2023 that includes all the required data pursuant to 5 CCR section 76140 to the Bureau. In addition, the Institution must submit a statement of attestation they have corrected the violation and will ensure that the substantiating data for STRF is maintained in an electronic format and readily available to a Bureau

representative upon request per 5 CCR 76140 (b). The statement of attestation must be dated and signed by an authorized representative of the Institution.

Violation #2:

5 CCR section 74112 (m)(1-9) – Uniform Data – Annual Report, Performance Fact Sheet and 5 CCR section 71930 (e) – Maintenance Records

Cause for Citation: On or about April 20, 2022, the Bureau conducted an unannounced compliance inspection pursuant to CEC 94932.5 (a). Bureau staff requested a copy of the substantiating data for the 2019-2020 School Performance Fact Sheet (SPFS) for review; however, the Institution's Owner stated that they did not have the required substantiating data for SPFS, as the data is not kept onsite, and that the Institution's bookkeeper maintained the data.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a "Class A" violation. The Institution is issued a fine of \$2,501.00.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to correct the violation and submit a copy of the substantiating data for the 2020-2021 SPFS that includes all the required data pursuant to 5 CCR section 74112. In addition, the Institution must submit a statement of attestation they have corrected the violation and will ensure that the substantiating data for SPFS is maintained and immediately available during an inspection. The statement of attestation must be dated and signed by an authorized representative of the Institution.

Violation #3:

5 CCR section 71745 (a)(c) – Financial Resources, in conjunction with CEC section 94885 (a)(6)(9) – Minimum Operating Standards

Cause for Citation: On or about April 20, 2022, the Bureau conducted an unannounced compliance inspection pursuant to CEC 94932.5 (a). During the inspection, Bureau staff requested a copy of the Institution's current financial

statements for review; however, the Institution failed to provide a copy upon request.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a "A" violation. The Institution is issued a fine of \$2,501.00.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:
The Bureau orders the Institution to submit the following:

1. Current financial statements for year-end 2022 which demonstrates compliance with 5 CCR section 71745 (a)(c).
2. In an electronic format, a roster of all currently enrolled students that includes the student: (1) names, (2) addresses, (3) telephone numbers, (4) email addresses, (5) program in which they are enrolled, (6) date of enrollment, (7) total cost of the program and (8) the total amount the student has paid.

Violation #4:

5 CCR section 74110 – Annual Report in conjunction with CEC section 94934 – Annual Report

Cause for Citation: A review of the Bureau's records confirm the Institution failed to submit all components of the 2021 Annual Report which was due to the Bureau by December 1, 2022. A reminder notice was sent to the Institution on or about the following dates: June 28, 2022, July 14, 2022, and July 26, 2022.

Administrative Fine: Pursuant to 5 CCR section 75030, the Bureau has determined this to be a "Class A" violation. The Institution is issued a fine of \$5,000.00.

Order of Abatement: Pursuant to 5 CCR section 75020, the Bureau issues the following order of abatement:

The Bureau orders the Institution to submit the 2021 Annual Report pursuant to 5 CCR section 74110 and CEC section 94934.

COMPLIANCE WITH ORDER OF ABATEMENT

6. In accordance with the provisions of CEC section 94936 and 5 CCR sections 75020 and 75040, the Bureau 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 issuance of this affirmed citation. Evidence of compliance with the order of abatement may sent by mail or email to:
- Mail: Bureau for Private Postsecondary Education
Attn: Discipline Unit – Cheryl Lardizabal
1747 North Market, Blvd., Suite 225
Sacramento, CA 95834
 - Email: bppe.discipline@dca.ca.gov
 - In the subject line, please include the Institution name and citation number.

COMPLIANCE WITH ASSESSMENT OF FINE

7. In accordance with the provisions of CEC section 94936, and 5 CCR section 75020 et seq., the Bureau hereby orders this assessment of fines in the total amount of \$ 11,003.00 for the violations described above. Payment of the fines must be made to the Bureau within 30 days from the date of issuance of this affirmed citation. To assist the Bureau in processing the payment of fines, please submit the enclosed *Payment of Fine – Waiver of Appeal* form.

Payment must be sent to the Bureau by mail at:

- Bureau for Private Postsecondary Education
Attn: Discipline Unit – Cheryl Lardizabal
1747 North Market, Blvd., Suite 225
Sacramento, CA 95834

NOTICE OF APPEAL RIGHTS

8. Pursuant to 5 CCR section 75040(d), the affirmed decision is considered final, unless a request for a hearing was filed timely.

If the Institution requested a hearing and no longer chooses to proceed with the hearing, the Institution may request to withdraw the request for a

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hearing. If the Institution has not requested to withdraw the hearing, a hearing will be set to hear the matter.

COMPLIANCE WITH FINE AND/OR ORDER OR ABATEMENT DISCLOSURE

9. Pursuant to 5 CCR section 75050, payment of fine and/or compliance with any order of abatement does not constitute an admission of the violation charged and shall be represented as satisfactory resolution of the matter for the purposes of public disclosure.

Pursuant to 5 CCR section 75050, failure to comply with this citation order, its order of abatement, and/or administrative fine by the required due date is grounds for denial or discipline of an approval to operate. Where a citation is not contested and fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the approval to operate. An approval to operate shall not be renewed without payment of the renewal fee and fine. The Bureau may also enforce the administrative fine as if it were a money judgment pursuant to CEC section 94936.

BUREAU CONTACT INFORMATION

10. If you have any questions regarding this Citation, please contact Cheryl Lardizabal, Citation Analyst by email at Cheryl.Lardizabal@dca.ca.gov or by phone at (916) 574-7427.

"Original Signature on File"

9/29/2023

Elizabeth Elias
Enforcement Chief

Citation Date of Issuance

Enclosures:

- Payment of Fine
- Withdrawal of Request for Administration Hearing
- Declaration of Service by Certified and First-Class Mail