



**Bureau for Private Postsecondary Education**  
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**APPEAL OF CITATION INFORMAL CONFERENCE**  
**DECISION: CITATION MODIFIED**

January 28, 2021

Woodrow Lucas, Owner  
Advance Bus & Truck Driving School  
1401 S. Fresno Avenue  
Stockton, CA 95206

Date of Issuance	Citation Number	Institution Code
January 28, 2021	2021099	16191308

On December 10, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2021099 (Citation) against Woodrow Lucas, Owner of Advance Bus & Truck Driving School (Institution). In attendance were Beth Scott, Enforcement Chief, and Woodrow Lucas, Director.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 2021099.

It is the decision of the Enforcement Chief that on December 24, 2020, Citation No. 2021099 is modified and makes the following change(s):

**VIOLATION CODE SECTIONS**

#	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><b><u>Violation:</u></b>  <b>CEC Section 94897 (j)(3) – Prohibited Business Practices</b>  <i>“An institution shall not do any of the following:</i>  <i>(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:</i>  <i>(3) Any other record or document required by this chapter or by the bureau.”</i></p> <p><b>Bureau staff reviewed student records and found that the Institution issued Certificates of Completion to students who had not completed the program. The certificates indicate that students completed “up to 196 hours” of training. According to documentation provided by Institution staff, the students were enrolled in Super Session Commercial Drivers Class A with Passenger Endorsement, which is a 196-hour program approved by the Bureau. However, documentation provided by Institution staff stated that students completed 152 hours of study, at 4 hours per day,</b></p>

which included self/at-home study hours. Without the self/at-home study hours being included, students completed only 42 hours of on-campus instruction. The amount of hours that the Institution calculated is below the Bureau approved amount of 196 hours as required for this educational program. As a result, certificates issued to students contain misleading or untrue information.

**Order of Abatement:**

The Bureau orders the Institution to submit a policy, or procedure, of how future compliance will be maintained with CEC Section 94897(j)(3).

**Assessment of Fine**

The fine for this violation is \$5,000.00

**The administrative fine for this violation has been modified from \$5,000.00 to \$500.00.**

2.

**Violation:**

**5, CCR Section 71600 (a) – Application for Significant Change in Method of Instructional Delivery**

*“(a) An institution seeking to make a significant change in its method of instructional delivery shall complete the “Significant Change in Method of Instructional Delivery” form (INS rev. 2/10) to obtain prior authorization. For the purposes of this section a “significant change in instructional delivery” is any change that alters the way students interact with faculty or access significant equipment. The form shall be submitted to the Bureau along with the appropriate fee as provided in Section 94930.5(c) of the Code. For an institution approved under section 94885 of the Code, it shall be signed and dated by the signatory(ies) required by section 71380, and for an institution approved under section 94890 of the Code, it shall be signed and dated by the signatory(ies) required by section 71390, and each fact stated therein and each attachment thereto shall be declared to be true under penalty of perjury, in the following form:*

*“I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.*

\_\_\_\_\_  
*(Date) (Signature)*

**CEC Section 94893 (g) – Authorization Required for Substantive Change**

*“If an institution intends to make a substantive change to its approval to operate, the institution shall receive prior authorization from the bureau. Except as provided in subdivision (a) of Section 94896, if the institution makes the substantive change without prior bureau authorization, the institution’s approval to operate may be suspended or revoked.”*

**CEC Section 94894 – Substantive Change Defined**

*“The following changes to an approval to operate are considered substantive changes and require prior authorization:*

*(g) A significant change in the method of instructional delivery.”*

**Bureau staff found that the Institution was offering distance education in the form of self/homestudy without Bureau approval.**

**Order of Abatement:**

The Bureau orders the Institution to submit an Application for a Change in Method of Instructional Delivery the Institution wishes to offer distance education. The Institution shall not offer distance

	<p>education without first obtaining Bureau approval. The Institution shall submit evidence of compliance to the Bureau.</p> <p><b>Modified Order of Abatement:</b> The Institution shall not offer distance education without obtaining Bureau approval.</p> <p><b>Reason for modification:</b> New substantive facts were presented at the conference.</p> <p><b>Assessment of Fine</b> The fine for this violation is \$500.00</p> <p><b>The administrative fine for this violation has been modified from \$500.00 to \$100.00.</b></p>
3.	<p><b>Violation:</b> <b>CEC Section 94902 (a) – General Enrollment Requirements</b> <i>“(a) A student shall enroll solely by means of executing an enrollment agreement. The enrollment agreement shall be signed by the student and by an authorized employee of the institution.”</i></p> <p><b>Bureau staff reviewed student files and found that enrollment agreements were missing the signature of an authorized employee of the Institution.</b></p> <p><b>Order of Abatement:</b> The Bureau orders the Institution to submit a policy, or procedure, of how future compliance will be maintained with CEC Section 94902(a).</p> <p><b>Reason for modification:</b> New substantive facts were presented at the conference. The Order of Abatement has been satisfied.</p> <p><b>Assessment of Fine</b> The fine for this violation is \$1,000.00</p> <p><b>The administrative fine for this violation has been modified from \$1,000.00 to \$100.00.</b></p>
4.	<p><b>Violation:</b> <b>5, CCR Section 76130 (a-e)– Collection and Submission of Assessments</b> <i>“(a) A qualifying institution shall collect the assessment from each student in an educational program at the time it collects the first payment from or on behalf of the student at or after enrollment. The assessment shall be collected for the entire period of enrollment, regardless of whether the student pays the institutional charges in increments. (b) A qualifying institution shall complete the STRF Assessment Reporting Form (Rev. 2/10) and remit it with the STRF assessments collected from students to be received by the Bureau no later than the last day of the month following the close of the quarter as follows: (1) April 30 for the first quarter, (2) July 31 for the second quarter, (3) October 31 for the third quarter, and (4) January 31 for the fourth quarter. If the due date falls on a Saturday, Sunday or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau. If the due date falls on a Saturday, Sunday, or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau. (c) The STRF Assessment Reporting Form shall contain the following information: (1) Total number of students who signed enrollment agreements for educational programs during the</i></p>

- reporting period; and
- (2) Total number of students eligible for STRF who signed enrollment agreements for educational programs during the reporting period; and
- (3) The total number of students who signed their enrollment agreement during the reporting period, were eligible for STRF, and who made their first payment during the reporting period; and
- (4) The total number of students who signed their enrollment agreement in a previous reporting period, were eligible for STRF, and who made their first payment during the current reporting period; and
- (5) Total amount of institutional charges after rounding each student's institutional charges to the nearest \$1,000, for all eligible STRF students whose STRF assessment was collected in the reporting period; and
- (6) Current contact telephone number of the person preparing the form; and
- (7) A declaration dated and signed under penalty of perjury by the person preparing the form that the form and any attachments are true and correct.
- (d) In the event of a school closure, any collected assessments shall be remitted to the Bureau within seven days following the cessation of instruction.
- (e) Submission of all prior reports and assessments required by this section is a condition of renewal.”

The Institution has failed to submit STRF Assessment Reporting Form for the following quarters:

- Third and Fourth Quarters of 2019

On September 18, 2019, the Institution was notified via mail at 1401 S. Fresno Avenue, Stockton, CA 95206, that the STRF Assessment Reporting Form for the 3rd quarter of 2019 was due. As of October 1, 2020, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On December 17, 2019, the Institution was notified via mail at 1401 S. Fresno Avenue, Stockton, CA 95206, that the STRF Assessment Reporting Form for the 4th quarter of 2019 was due. As of October 1, 2020, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

**Order of Abatement:**

The Bureau orders that the Institution submit the delinquent STRF Assessment Reporting Form with the STRF Assessments collected from students for the quarter listed above. The information provided shall comply with “Record Keeping Requirements” Pursuant to 5, CCR section 76140.

**Reason for modification:** New substantive facts were presented at the conference. The Order of Abatement has been satisfied.

**Assessment of Fine**

The fine for this violation is \$50.00

The administrative fine for this violation has been modified from \$50.00 to \$00.00.

**TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$700.00**

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within 30 days from the date of this decision.

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

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

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. You *do*, however, have the right to appeal this affirmed or modified Citation through an Administrative Hearing. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you do not wish to appeal this modified Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within 30 Days of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on January 28, 2021, The Order of Abatement and payment are due by **February 27, 2021**.

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified 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 decision or desire further information, please contact Nicole Mitchell, Citation Analyst, at [Nicole.Mitchell@dca.ca.gov](mailto:Nicole.Mitchell@dca.ca.gov).

“Original Signature on File”

“1/28/2021”

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**Christina Villanueva**  
**Discipline Manager**

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**Date**

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail