



**CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT**

To: Jimmy Peng, Owner  
 Dynasty Trucking School  
 1810 S. Reservoir Street  
 Pomona, CA 91766

**INSTITUTION CODE: 58669630**  
**CITATION NUMBER: 1920023**  
**CITATION ISSUANCE/SERVICE DATE: August 9, 2019**  
**DUE DATE: September 8, 2019**

**FINE AMOUNT: \$4,500.00**

**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 Jimmy Peng, Owner of Dynasty Trucking School (Institution) located at 1810 S. Reservoir Street, Pomona, CA 91766 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 July 11, 2017, the Bureau conducted an announced Compliance inspection at the Institution. A review of student and Institution files determined several material violations. Bureau staff collected evidence and information related to the material violations.

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><b>Violation:</b>  <b>5, CCR Section 71930(e) - Maintenance of Records</b>  <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 was unable to provide records of graduated students to Bureau staff upon request. Institution staff stated that all records of graduated students were not available as they were being</p>

stored offsite.

Additionally, the Institution was unable to provide records of the Chief Academic Officer (CAO) to Bureau staff upon request. Institution staff stated that the (CAO) records were not available as they were being stored offsite.

**5, CCR Section 71920(b)(1)(A)(9)- Student Records**

*"(b) In addition to the requirements of Section 94900, the file shall contain all of the following pertinent student records:*

*(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:*

*(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"*

*(9) A document showing the total amount of money received from or on behalf of the student and the date or dates on which the money was received;"*

Bureau staff reviewed student records that did not contain verification of high school completion, or other documentation establishing the student's ability to do college level work, such as completion of an ability-to-benefit test.

Bureau staff also determined that the Institution did not maintain accounting ledgers in current student files and Institution staff was unable to provide this information upon request.

**Order of Abatement:**

The Bureau orders the Institution to submit a written policy of how future compliance with 5, CCR section 71930 will be maintained.

The Bureau orders the Institution to submit copies of ledgers or comparable documents for all currently enrolled students in accordance with 5, CCR section 71920(a)(b)(9).

**Assessment of Fine**

The fine for this violation is \$2,000.00

2. **5, CCR Section 71745(a)(6) - Financial Resources**

*"(a) The institution shall document that it has at all times sufficient assets and financial resources to do all of the following:*

*(6) Maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or greater at the end of the most recent fiscal year when using generally accepted accounting principles, or for an institution participating in Title /Vo/the federal Higher Education Act of 1965, meet the composite score requirements of the U.S. Department of Education. For the purposes of this section, current assets does not include: intangible assets, including goodwill, going concern value, organization expense, startup costs, long-term prepayment of deferred charges, and nonreturnable deposits, or state or federal grant or loan funds that are not the property of the institution but are held for future disbursement for the benefit of students. Unearned tuition shall be accounted for in accordance with general accepted accounting principles.*

Bureau staff reviewed the Institution's financial statement for the year ending in 2016. The Institution's financial statement indicated that the Institution maintained an asset to liabilities ratio of 0.46 which does not meet the compliance requirements of 1.25 to 1.00, or greater.

**Order of Abatement:**

The Bureau orders the Institution to:

1. Submit a detailed plan to address its financial shortfalls and to maintain a ratio of assets to liabilities of 1.25 to 1.00 or greater and any other requirements set forth by the Department of Education.
2. Provide an explanation of all measures to be taken by the Institution to ensure it meets future financial responsibilities.
3. Provide the Bureau with, in electronic format:
  - a) a roster of all currently enrolled students that includes the student (1) name, (2) addresses, (3) telephone numbers, (4) email addresses, (5) program in which they are enrolled, (7) total cost of the program, and (8) the total amount the student has paid.

**Assessment of Fine**

The fine for this violation is \$0.00

4. **CEC Section 94902(a)(3) – General Enrollment Requirements**

*“(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.*

*“(3) Prior to the execution of the enrollment agreement, the student and the institution have signed and dated the information required to be disclosed in the Student Performance Fact Sheet pursuant to subdivisions (a) to (d), inclusive, of Section 94910. Each of these items in the Student Performance Fact Sheet shall include a line for the student to initial and shall be initialed and dated by the student.”*

**CEC Section 94912 – Signature, Initials Required**

*“Prior to the execution of an enrollment agreement, the information required to be disclosed pursuant to subdivisions (a) to (d), inclusive, of Section 94910 shall be signed and dated by the institution and the student. Each of these items shall also be initialed and dated by the student.”*

Bureau staff reviewed several student files that did not contain Enrollment Agreements, in violation of CEC Section 94902(a). Institution staff informed Bureau staff that the Institution did not maintain enrollment agreements for current students.

Bureau staff also found that several student files did not contain signed Student Performance Fact Sheet (SPFS) signed by the student or an authorized institutional employee, in violation of CEC section 94902(a)(3).

**Order of Abatement:**

The Bureau orders the Institution to submit a policy of how the Enrollment Agreement and SPFS will be signed by both prospective students and the administration staff as required by CEC sections 94902 and 94912.

**Assessment of Fine**

The fine for this violation is \$1,000.00

5. **5, CCR Section 74112(a)(m) – Uniform Data - Annual Report, Performance Fact Sheet**

*“(a) Format. The format for the Performance Fact Sheet shall be in at least 12 pt. type, in an easily readable font, with 1.15 line spacing and all titles and column headings shall be in bold 14 pt. type, which shall also identify the program for which the Performance Fact Sheet pertains. The Performance Fact Sheet shall contain all and only the information required or specifically permitted by sections*

94910 and 94929.5 of the Code or this chapter. A separate Performance Fact Sheet shall be prepared for each program.

(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum:

(1) the list of job classifications determined to be considered gainful employment for the educational program;

(2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;

(3) graduate's place of employment and position, date employment began, date employment ended, if applicable, actual salary, hours per week, and the date employment was verified;

(4) for each employer from which employment or salary information was obtained, the employer name(s) address and general phone number, the contact person at the employer and the contact's phone number and email address, and all written communication with employer verifying student's employment or salary;

(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;

(6) a description of all attempts to contact each student or employer;

(7) any and all documentation used to provide data regarding license examinations and examination results;

(8) for each student determined to be unavailable for graduation or unavailable for employment, the identity of the student, the type of unavailability, the dates of unavailability, and the documentation of the unavailability; and

(9) the name, email address, phone number, and position or title of the institution's representative who was primarily responsible for obtaining the students' completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered."

Bureau staff requested the SPFS for each of the five approved educational programs they are approved to offer. Institution staff was only able to provide the SPFS for one program, the Professional Driver Class A program.

Bureau Staff requested to review the SPFS supporting documentation. Institution staff was unable to provide the SPFS supporting documentation on paper or electronic format.

**Order of Abatement:**

The Bureau orders that the Institution submit a written policy to the Bureau that state how future compliance with 5, CCR section 74112 will be maintained.

**Assessment of Fine**

The fine for this violation is \$1,500.00

**TOTAL ADMINISTRATIVE FINE DUE: \$4,500.00**

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 **\$4,500.00** 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 **September 8, 2019**, 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 **August 9, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **September 8, 2019**. 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.

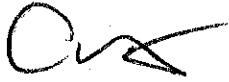
**Payment of the administrative fine and/or written request for appeal must be mailed to:**

Ray Delaney, Discipline Citation Program  
Bureau for Private Postsecondary Education  
2535 Capitol Oaks Drive, Suite 400  
Sacramento, CA 95833

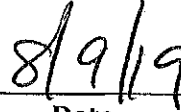
Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate 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 Ray DeJaney, Citation Analyst, at (916) 431-6946 or [Ray.Delaney@dca.ca.gov](mailto:Ray.Delaney@dca.ca.gov).



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



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**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