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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. 1004394

**EL MONTE TRUCK DRIVING SCHOOL,
CRUZ MONGE
15545 Arrow Hwy.
Irwindale, CA 91706**

DEFAULT DECISION AND ORDER

**Mailing Address:
P.O. Box 1100
Azusa, CA 91702**

[Gov. Code, §11520]

Approval to Operate Institution Code 1938491

Respondent.

FINDINGS OF FACT

1. On or about September 28, 2020, Complainant Dr. Michael Marion, Jr., in his official capacity as the Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs, filed Accusation No. 1004394 against El Monte Truck Driving School, Cruz Monge, Owner (Respondent) before the Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about October 12, 1999, the Bureau for Private Postsecondary Education (Bureau) issued Approval to Operate Number 1938491 to Respondent. The Approval to Operate

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 1004394
2 and will expire on January 24, 2021, unless renewed.

3 3. On or about October 5, 2020 and December 3, 2020, Respondent was served by
4 Certified and First Class Mail copies of the Accusation No. 1004394, Statement to Respondent,
5 Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections
6 11507.5, 11507.6, and 11507.7) at Respondent's address of record which is required to be
7 reported and maintained with the Bureau. Respondent's address of record was and is:
8 15545 Arrow Hwy, Irwindale, CA 91706; and P.O. Box 1100, Azusa, CA 91702.

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

11 5. Government Code section 11506(c) states, in pertinent part:

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

17 6. The Bureau takes official notice of its records and the fact that Respondent failed to
18 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
19 waived his right to a hearing on the merits of Accusation No. 1004394.

20 7. California Government Code section 11520(a) states, in pertinent part:

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

25 8. Pursuant to its authority under Government Code section 11520, the Director finds
26 Respondent is in default. The Director will take action without further hearing and, based on the
27 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
28 as well as taking official notice of all the investigatory reports, exhibits and statements contained
therein on file at the Director's offices regarding the allegations contained in Accusation No.
1004394, finds that the charges and allegations in Accusation No. 1004394, are separately and
severally, found to be true and correct by clear and convincing evidence.

1 9. The Director finds that the actual costs for Investigation and Enforcement are
2 \$5,323,75 as of November 23, 2020.

3 **DETERMINATION OF ISSUES**

4 1. Based on the foregoing findings of fact, Respondent El Monte Truck Driving School,
5 Cruz Monge has subjected his Approval to Operate Institution Code 1938491 to discipline.

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

7 3. The Director of the Department of Consumer Affairs is authorized to revoke
8 Respondent's Approval to Operate Institution Code 1938491 based upon the following violation
9 alleged in the Accusation which is supported by the evidence contained in the Default Decision
10 Investigatory Evidence Packet in this case.

11 Respondent is subject to disciplinary action under California Code of Regulations,
12 title 5, section 75050, subdivision (b), in that Respondent failed to pay \$6,750.00 in fines that the
13 Bureau assessed in conjunction with the issuance of Citation No. 1819216. Respondent likewise
14 failed to comply with the Orders of Abatement set forth in the citation.

15 **ORDER**

16 IT IS SO ORDERED that Approval to Operate an Institution Non-Accredited No. 1938491,
17 issued to Respondent El Monte Truck Driving School, Cruz Monge, is revoked.

18 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
19 written motion requesting that the Decision be vacated and stating the grounds relied on within
20 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
21 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

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This Decision shall become effective on “4/10/2021”.

It is so ORDERED “3/9/2021”

“Original signature on file”

RYAN MARCROFT, DEPUTY DIRECTOR
LEGAL AFFAIRS DIVISION
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE DIRECTOR OF CONSUMER AFFAIRS
BUREAU FOR PRIVATE POSTSECONDARY
EDUCATION

63771821_4.DOCX
DOJ Matter ID:LA2020600124

Attachment:
Exhibit A: Accusation