



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

September 24, 2021

Frank Velasco, Owner
Empire Truck Driving School
7435 Schaefer Ave.
Ontario, CA 91762

Date of Issuance	Citation Number	Institution Code
September 24, 2021	2021242	Unapproved

On August 25, 2021, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2021242 (Citation) against Frank Velasco, Owner of Empire Truck Driving School (Institution). In attendance were Yvette Johnson, Administrative Chief, Frank Velasco, Owner and Eric Henry, Business Consultant.

Pursuant to Business and Professions Code, section 148; California Education Code (CEC), section 94944; and Title 5 of California Code of Regulations (5, CCR), section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 2021242.

It is the decision of the Administrative Chief that on September 13, 2021, Citation No. 2021242 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><u>Violation:</u> CEC Section 94886. Approval to Operate Required <i>“Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter.”</i></p> <p>CEC Section 94817.5. Approved to Operate or Approved <i>“Approved to operate” or “approved” means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs.”</i></p> <p>CEC Section 94868. To Offer to the Public <i>“To offer to the public” means to advertise, publicize, solicit, or recruit.”</i></p> <p>CEC Section 94869. To Operate <i>“To operate” means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided.”</i></p>

On March 2, 2021, the Bureau received an anonymous tip alleging that the Institution was operating without Bureau approval.

On March 5, 2021, Bureau staff reviewed the Institution's website and found that the Institution was offering a five weeks course for the Class (A) California Driver's License class.

On March 8, 2021, Bureau staff called and emailed the Institution and requested the following information regarding the five weeks course for the Class (A) California Driver's License class:

- The total cost of the tuition for the course;
- If there is documentation verifying the total tuition amount;
- A copy of the enrollment agreement or documentation that a student signs upon enrolling with the school
- If there is an additional charge if a student goes over the five weeks, if so how much?;
- Are students charged extra for truck rentals for the Department of Motor Vehicles (DMV) test or is it included in the total tuition cost for five weeks course?
- Once a student completes the course is the student awarded a diploma or certificate of completion?

On March 9, 2021, the Institution's Administrative Assistant responded to the email stating that the Institution is not accredited and provided the following:

- The total cost of the tuition is \$2,600.00;
- Students are entitled access to training for six to eight weeks and a manual to help the student prepare for the Class (A) written exam;
- The tuition includes the training and for the appointment with DMV for the behind the wheel test. If the student cancels the test last minute or does not show up for the appointment, the student will pay an additional \$500.00 for the ongoing training;
- There is an \$800.00 truck rental fee for one day, the truck is used during the DMV driving test.

On the same day, Bureau staff emailed the Institution requesting clarification regarding the total cost of the tuition and inquired as to who the owner of the Institution was. The Institution's Administrative Assistant responded to the email stating the owner's name is Frank Velasco and that the total cost of the tuition is \$2600.00, which includes the truck rental and for the appointment with DMV for the behind the wheel test.

As of April 22, 2021, the Institution charges \$2,600.00 for the Class (A) California Driver's License class and is operating without Bureau approval or a valid exemption.

Order of Abatement:

The Bureau orders that the Institution cease to operate as a private postsecondary educational institution, unless the Institution qualifies for an exemption under CEC section 94874. The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including <https://empiretruckingschool.com/>, and any other websites not identified here that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers including, but not limited to, (562) 325-5643, that are associated with the

	<p>Institution until such time as an approval to operate is obtained from the Bureau. To comply with the Order of Abatement the Institution must submit a school closure plan to the Bureau pursuant to California Education Code section 94926. The Institution must provide a roster of each student currently enrolled at the Institution. The roster must include the names of the students, their contact information (including phone number, email address, and physical address), the programs in which they are enrolled, the amount paid for the programs.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$25,000.00</u></p> <p><u>Reason for modification:</u> New substantive facts were presented at the conference.</p> <p>The administrative fine for this violation has been modified from \$25,000.00 to \$10,000.00.</p>
<p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$10,000.00</u></p>	

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:

Cheryl Lardizabal, 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 **September 24, 2021**. The Order of Abatement and payment are due by **October 24, 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 Cheryl Lardizabal, Citation Analyst, at (916) 574-8968 or at Cheryl.Lardizabal@dca.ca.gov.

“Original signature on file”

“9/24/2021”

Christina Villanueva
Discipline Manager

Date

Enclosures

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