



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

To: James Martinez, Owner  
Southwestern Vocational College  
15776 Main Street Suite 23  
Hesperia, CA 92340

**INSTITUTION CODE: Unapproved**

**CITATION NUMBER: 1819123**

**CITATION ISSUANCE/SERVICE DATE: February 21, 2019**

**DUE DATE: March 23, 2019**

**FINE AMOUNT: \$ 100,000.00**

**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 for the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

### CITATION

A Citation is hereby issued to James Martinez, Owner of Southwestern Vocational College (Institution) located at 15776 Main Street Suite 23, Hesperia, CA 92340 pursuant to Business and Professions Code section 125.9 and 149; California Education Code (CEC) section 94944; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violation(s) described below.

### BACKGROUND

On January 3, 2011, the Bureau received an Application for Verification of Exemption from James Martinez, Owner of record for Community Protective Services & Public Safety (CPS) located at 9852 Crescent Center Drive, Suite 803 Rancho Cucamonga, CA 91730. CPS advertised in the application they will offer security guard training to prospective students leading to licensure with the Department of Consumer Affairs, Bureau of Security and Investigative Services.

On January 27, 2012, the Bureau issued an exemption to the Institution, CPS Public Safety Training, for meeting the minimum requirements for a nonprofit public benefit corporation that satisfies all of the requirements of CEC section 94874(h).

On March 9, 2018, the Bureau received a complaint alleging, the Institution was operating without Bureau approval. Through the course of the investigation and the evidence obtained, the allegation is substantiated that the Institution is operating as an unapproved private postsecondary institution outside of the previously verified exemption.

VIOLATION(S)

#	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></p> <p><b>CEC Section 94886. Approval to Operate Required</b> <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><b>CEC Section 94817.5. Approved to Operate or Approved</b> “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.”</p> <p><b>CEC Section 94868. To Offer to the Public</b> “To offer to the public” means to advertise, publicize, solicit, or recruit.”</p> <p><b>CEC Section 94869. To Operate</b> “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.”</p> <p>On April 9, 2018, the Emergency Medical Service Administrator for the County of San Bernardino, issued an approval to the Institution as an EMT Training and EMS Continuing Education (CE) provider in accordance with California Code of Regulation, Title 22, Division 9, Chapter 11. The notice stated, the Institution must meet and maintain all EMT Training Program and CE provider requirements required by State regulations</p> <p>On November 7, 2018, the Bureau mailed an official notice via certified and regular mail to the owner of the Institution indicating the verification of exempt status for the Institution has been cancelled effective November 7, 2018.</p> <p>On November 8, 2018, California Department of Rehabilitation (DOR) informed the owner of the Institution that their request for vendorization was declined by DOR.</p> <p>On November 30, 2018, the EMS Administrator for the County of San Bernardino issued an official notice to the owner and the Institution for non-compliance with the criteria required for EMT training program approval. The Institution is ineligible to be an approved EMT training program under CEC section 100065. The notice grants 15 days for the Institution to provide evidence of correction. If no response is received, approval for the Institution will be revoked and State EMS Agency will be notified. As of February 21, 2019, the Institution has not submitted evidence of correction to the EMS Administrator for the County of San Bernardino.</p> <p>As of February 21, 2019, the Bureau determined the owner is acting as the Chief Operating Officer and Chief Instructor for the Institution and is operating outside the scope of the exemption as verified on January 12, 2012 by the Bureau.</p>

**Order of Abatement:**

The Bureau orders the Institution cease to operate as a private postsecondary educational institution. The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including the www.svc.edu.org 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 (909)972-4957 that are associated with the 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.

**Assessment of Fine**

The fine for this violation is \$100,000.00

**TOTAL ADMINISTRATIVE FINE DUE: \$100,000.00**

ASSESSMENT OF A FINE

In accordance with CEC section 94944; and 5, CCR section 75020(b), the Bureau hereby orders this assessment of a fine in the amount of **\$100,000.00** 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 5, CCR section 75020 (b) the Bureau hereby issues the order(s) of abatement described above. In accordance with Business and Professions Code Section 149, the Bureau may disconnect any telephone service numbers used by an unapproved Institution. **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 **March 23, 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 **February 21, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **March 23, 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:**

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

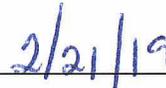
Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate 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 Gurinder Sandhu, Citation Analyst, at 916-431-6940 or [Gurinder.Sandhu@dca.ca.gov](mailto:Gurinder.Sandhu@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