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BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS

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FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

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STATE OF CALIFORNIA

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In the Matter of the Accusation Against:	Case No. 1005006
COMMERCIAL DRIVERS LEARNING CENTER, LLC	
1787 Tribute Road, Suite L	**DEFAULT DECISION AND ORDER**
Sacramento, CA 95815	
	[Gov. Code, §11520]
Respondent.	

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FINDINGS OF FACT

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1.   On or about February 25, 2021, Complainant Leeza Rifredi, in her official capacity as

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the Interim Chief of the Bureau for Private Postsecondary Education (Bureau), Department of

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Consumer Affairs, filed Accusation No. 1005006 against Commercial Drivers Learning Center,

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LLC, Commercial Drivers Learning Center (Respondent) before the Director of the Department

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of Consumer Affairs. (Accusation attached as Exhibit A.)

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2. On or about April 22, 2011, the Bureau issued Approval to Operate No. 64417859 to Commercial Drivers Learning Center, LLC, (Respondent). The approval to operate will expire on October 31, 2022, unless renewed.

3. On or about February 26, 2021, Respondent was served by Certified and First Class Mail copies of the Accusation No. 1005006, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to title 5 of the California Code of Regulations, section 71110, is required to be reported and maintained with the Bureau. Respondent's address of record was and is:

1787 Tribute Rd., Suite L

Sacramento, CA 95815.

The Accusation was delivered to/received by Respondent on March 3, 2021, according to the United States Postal Service certified tracking number.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505(c).

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

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

6. The Bureau takes official notice of its records and the fact that Respondent failed to file a Notice of Defense within 15 days after service upon them of the Accusation, and therefore waived their right to a hearing on the merits of Accusation No. 1005006.

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

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

8. Pursuant to its authority under Government Code section 11520, the Director finds Respondent is in default. The Director will take action without further hearing and, based on the

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relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, 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. 1005006, finds that the charges and allegations in Accusation No. 1005006, are separately and severally, found to be true and correct by clear and convincing evidence.

9.   The Director finds that the actual costs for Investigation and Enforcement are 7 $3,948.75 as of March 24, 2021.

DETERMINATION OF ISSUES

1.   Based on the foregoing findings of fact, Respondent Commercial Drivers Learning Center, LLC, Commercial Drivers Learning Center has subjected its Approval to Operate No. 64417859 to discipline.

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

3.   The Director of the Department of Consumer Affairs is authorized to revoke Respondent's Approval to Operate based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a.   Respondent violated title 5 of the California Code of Regulations, section 75050, subdivision (b), by and through Education Code section 94936, in that they failed to comply with Citation Nos. 2021065 and 2021177.

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ORDER

2   IT IS SO ORDERED that Approval to Operate No. 64417859, issued to Respondent

3 Commercial Drivers Learning Center, LLC, Commercial Drivers Learning Center, is revoked.

4   Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a

5 written motion requesting that the Decision be vacated and stating the grounds relied on within

6 seven (7) days after service of the Decision on Respondent. The agency in its discretion may

7 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

8   This Decision shall become effective on "August 6, 2021"   .

9   It is so ORDERED   "June 30, 2021"

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"Original signature on file"
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RYAN MARCROFT
12 DEPUTY DIRECTOR
LEGAL AFFAIRS DIVISION
13 DEPARTMENT OF CONSUMER AFFAIRS

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15 34976529.DOCX
DOJ Matter ID:SA2020305256

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Attachment:
17 Exhibit A: Accusation

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(COMMERCIAL DRIVERS LEARNING CENTER, LLC, COMMERCIAL DRIVERS LEARNING CENTER)
DEFAULT DECISION & ORDER Case No. 1005006