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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:
13 **CAMINO REAL CAREER SCHOOLS;**
14 **DAVID CHIN, OWNER**
15 Respondent.

Case No. BPPE21-719

STATEMENT TO RESPONDENT

[Gov. Code, §§ 11504 & 11505 subd. (b).]

16
17 TO RESPONDENT CAMINO REAL CAREER SCHOOLS and DAVID CHIN, OWNER:

18 Enclosed is a copy of the Accusation that has been filed with the Director of the
19 Department of Consumer Affairs, Bureau for Private Postsecondary Education (Bureau), and
20 which is hereby served on you.

21 Unless a written request for a hearing signed by you or on your behalf is delivered or
22 mailed to the Bureau, represented by Deputy Attorney General Blaine A. Noblett, within fifteen
23 (15) days after a copy of the Accusation was personally served on you or mailed to you, you will
24 be deemed to have waived your right to a hearing in this matter and the Bureau may proceed upon
25 the Accusation without a hearing and may take action thereon as provided by law.

26 The request for hearing may be made by delivering or mailing one of the enclosed forms
27 entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided in
28 section 11506 of the Government Code, to:

1
2 **Blaine A. Noblett**
3 **Deputy Attorney General**
4 **300 South Spring Street, Suite 1702**
5 **Los Angeles, CA 90013**

6 You may, but need not, be represented by counsel at any or all stages of these proceedings.

7 The enclosed Notice of Defense, if signed and filed with the Bureau, shall be deemed a
8 specific denial of all parts of the Accusation, but you will not be permitted to raise any objection
9 to the form of the Accusation unless you file a further Notice of Defense as provided in section
10 11506 of the Government Code within fifteen (15) days after service of the Accusation on you.

11 If you file any Notice of Defense within the time permitted, a hearing will be held on the
12 charges made in the Accusation.

13 The hearing may be postponed for good cause. If you have good cause, you are obliged to
14 notify the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles,
15 CA 90013, within ten (10) working days after you discover the good cause. Failure to notify the
16 Office of Administrative Hearings within ten (10) days will deprive you of a postponement.

17 Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are enclosed.

18 If you desire the names and addresses of witnesses or an opportunity to inspect and copy
19 the items mentioned in section 11507.6 of the Government Code in the possession, custody or
20 control of the Bureau you may send a Request for Discovery to the above designated Deputy
21 Attorney General.

22 **NOTICE REGARDING STIPULATED SETTLEMENTS**

23 It may be possible to avoid the time, expense and uncertainties involved in an
24 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated
25 settlement is a binding written agreement between you and the government regarding the matters
26 charged and the discipline to be imposed. Such a stipulation would have to be approved by the
27 Director of the Department of Consumer Affairs, Bureau for Private Postsecondary Education
28 but, once approved, it would be incorporated into a final order.

Any stipulation must be consistent with the Bureau's established disciplinary guidelines;
however, all matters in mitigation or aggravation will be considered A copy of the Bureau's

1 Disciplinary Guidelines will be provided to you on your written request to the state agency
2 bringing this action.

3 If you are interested in pursuing this alternative to a formal administrative hearing, or if you
4 have any questions, you or your attorney should contact Deputy Attorney General Blaine A.
5 Noblett at the earliest opportunity.

6 Dated: November 5, 2024

7 ROB BONTA
8 Attorney General of California
9 SHAWN P. COOK
10 Supervising Deputy Attorney General

11 *Blaine A. Noblett*

12 BLAINE A. NOBLETT
13 Deputy Attorney General
14 *Attorneys for Complainant*

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9 **BEFORE THE**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:
14 **CAMINO REAL CAREER SCHOOLS;**
15 **DAVID CHIN, OWNER**
16 **13674 East Valley Boulevard**
La Puente, CA 91746

Case No. BPPE21-719

ACCUSATION

17 **INSTITUTION CODE: 70800849**

18 Respondent.

19
20
21 Complainant alleges:

22 **PARTIES**

23 1. Deborah Cochrane (Complainant) brings this Accusation solely in her official
24 capacity as the Chief of the Bureau for Private Postsecondary Education (Bureau), Department of
25 Consumer Affairs.

26 2. On or about January 5, 2016, the Bureau issued an Approval to Operate an
27 Institution Non-Accredited, Institution Code Number 70800849, to Camino Real Career Schools
28 (Respondent), owned by David Chin. The Approval to Operate an Institution

1 Non-Accredited expired on January 4, 2021, and has not been renewed.

2 3. On January 8, 2021, Respondent applied to renew its Approval to Operate an
3 Institution Non-Accredited. On September 19, 2024, the Bureau denied Respondent's
4 application. Respondent appealed the Bureau's denial of its application to renew its Approval to
5 Operate an Institution Non-Accredited on or about September 27, 2024.

6 **JURISDICTION**

7 4. This Accusation is brought before the Director of the Department of Consumer
8 Affairs (Director) for the Bureau, under the authority of the following laws. All section
9 references are to the Education Code (Code) unless otherwise indicated.

10 5. Code section 94932 states:

11 The Bureau shall determine an institution's compliance with the requirements of
12 this chapter. The Bureau shall have the power to require reports that institutions
13 shall file with the Bureau in addition to the annual report, to send staff to an
14 institution's sites, and to require documents and responses from an institution to
15 monitor compliance. When the Bureau has reason to believe that an institution
16 may be out of compliance, it shall conduct an investigation of the institution. If
17 the Bureau determines, after completing an investigation, that an institution has
18 violated any applicable law or regulation, the Bureau shall take appropriate action
19 pursuant to this article.

16 6. Code section 94933 states:

17 The Bureau shall provide an institution with the opportunity to remedy
18 noncompliance, impose fines, place the institution on probation, or suspend or
19 revoke the institution's approval to operate, in accordance with this article, as it
20 deems appropriate based on the severity of an institution's violations of this
21 chapter, and the harm that results or may result to students.

20 7. Code section 94937 states in pertinent part:

21 (a) As a consequence of an investigation, which may incorporate any materials
22 obtained or produced in connection with a compliance inspection, and upon a
23 finding that an institution has committed a violation, the Bureau may place an
24 institution on probation or may suspend or revoke an institution's approval to
25 operate for:

24 . . .

25 (2) A material violation or repeated violations of this chapter or regulations
26 adopted pursuant to this chapter that have resulted, or may result, in harm to
27 students. For purposes of this paragraph, "material violation" includes, but is not
28 limited to, misrepresentation, fraud in the inducement of a contract, and false or
misleading claims or advertising, upon which a student reasonably relied in
executing an enrollment agreement and that resulted, or may result, in harm to the
student.

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(c) The Bureau may seek reimbursement pursuant to Section 125.3 of the Business and Professions Code.

(d) An institution shall not be required to pay the cost of investigation to more than one agency.

8. Business and Professions Code section 118, subdivision (b) provides that the expiration, surrender, or cancellation of a license shall not deprive the Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued, or reinstated.

STATUTORY PROVISIONS

Substantive Changes to an Approval to Operate

9. Code section 94893 states:

If an institution intends to make a substantive change to its approval to operate, the institution shall receive prior authorization from the Bureau. Except as provided in subdivision (a) of Section 94896, if the institution makes the substantive change without prior Bureau authorization, the institution’s approval to operate may be suspended or revoked.

10. Code section 94894 defines “substantive changes” requiring prior authorization in pertinent part as follows:

(a) A change in educational objectives, including an addition of a new diploma or a degree educational program unrelated to the approved educational programs offered by the institution.

...

(g) A significant change in the method of instructional delivery.

Prohibited Business Practices

11. Code section 94897 states in pertinent part:

An institution shall not do any of the following:

...

(j) In any manner make an untrue or misleading change in, or untrue or misleading statement related to, a test score, grade or record of grades, attendance record, record indicating student completion, placement, employment, salaries, or financial information, including any of the following:

...

1 (3) Any other record or document required by this chapter or by the Bureau.

2 . . .

3 (u) Fail to maintain policies related to compliance with this chapter or adhere to
4 the institution's stated policies.

5 **Recordkeeping**

6 12. Code section 94900 states:

7 (a) An institution shall maintain records of the name, address, e-mail address, and
8 telephone number of each student who is enrolled in an educational program in
that institution.

9 (b) An institution shall maintain, for each student granted a degree or certificate by
10 that institution, permanent records of all of the following:

11 (1) The degree or certificate granted and the date on which that degree or
certificate was granted.

12 (2) The courses and units on which the certificate or degree was based.

13 (3) The grades earned by the student in each of those courses.

14 13. Code section 94900.5 states:

15 An institution shall maintain, for a period of not less than five years, at its principal
16 place of business in this state, complete and accurate records of all of the following
information:

17 (a) The educational programs offered by the institution and the curriculum for
18 each.

19 (b) The names and addresses of the members of the institution's faculty and
records of the educational qualifications of each member of the faculty.

20 (c) Any other records required to be maintained by this chapter, including,
21 but not limited to, records maintained pursuant to Article 16 (commencing
with Section 94928).

22 **Enrollment Agreements and Disclosures**

23 14. Code section 94902 states:

24 (a) A student shall enroll solely by means of executing an enrollment agreement.
25 The enrollment agreement shall be signed by the student and by an authorized
employee of the institution.

26 (b) An enrollment agreement is not enforceable unless all of the following
27 requirements are met:

28 (1) The student has received the institution's catalog and School Performance
Fact Sheet prior to signing the enrollment agreement.

1 (2) At the time of the execution of the enrollment agreement, the institution held a valid approval to operate.

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

8 (c) A student shall receive a copy of the signed enrollment agreement, in writing or
9 electronically, regardless of whether total charges are paid by the student.

10 15. Code section 94905, subdivision (a) states:

11 During the enrollment process, an institution offering educational programs
12 designed to lead to positions in a profession, occupation, trade, or career field
13 requiring licensure in this state shall exercise reasonable care to determine if the
14 student will not be eligible to obtain licensure in the profession, occupation, trade,
15 or career field at the time of the student's graduation and shall provide all students
16 enrolled in those programs with a written copy of the requirements for licensure
17 established by the state, including any applicable course requirements established
18 by the state.

19 16. Code section 94910 states:

20 Except as provided in subdivision (d) of Section 94909 and Section 94910.5, prior
21 to enrollment, an institution shall provide a prospective student with a School
22 Performance Fact Sheet containing, at a minimum, the following information, as it
23 relates to the educational program:

24 (a) Completion rates, as calculated pursuant to Article 16 (commencing with
25 Section 94928).

26 (b) Placement rates for each educational program, as calculated pursuant to
27 Article 16 (commencing with Section 94928), if the educational program is
28 designed to lead to, or the institution makes any express or implied claim
related to preparing students for, a recognized career, occupation, vocation,
job, or job title.

(c) License examination passage rates for programs leading to employment
for which passage of a state licensing examination is required, as calculated
pursuant to Article 16 (commencing with Section 94928).

(d) Salary or wage information, as calculated pursuant to Article 16
(commencing with Section 94928).

(e) If a program is too new to provide data for any of the categories listed in
this subdivision, the institution shall state on its fact sheet: "This program is
new. Therefore, the number of students who graduate, the number of
students who are placed, or the starting salary you can earn after finishing the
educational program are unknown at this time. Information regarding general
salary and placement statistics may be available from government sources or
from the institution, but is not equivalent to actual performance data."

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(f) All of the following:

(1) A description of the manner in which the figures described in subdivisions (a) to (d), inclusive, are calculated or a statement informing the reader of where they may obtain a description of the manner in which the figures described in subdivisions (a) to (d), inclusive, are calculated.

(2) A statement informing the reader of where they may obtain from the institution a list of the employment positions determined to be within the field for which a student received education and training for the calculation of job placement rates as required by subdivision (b).

(3) A statement informing the reader of where they may obtain from the institution a list of the objective sources of information used to substantiate the salary disclosure as required by subdivision (d).

(g) The following statements:

(1) "This fact sheet is filed with the Bureau for Private Postsecondary Education. Regardless of any information you may have relating to completion rates, placement rates, starting salaries, or license exam passage rates, this fact sheet contains the information as calculated pursuant to state law."

(2) "Any questions a student may have regarding this fact sheet that have not been satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary Education at (address), Sacramento, CA (ZIP Code), (internet website), (telephone and fax numbers)."

...

(i) Data and information disclosed pursuant to subdivisions (a) to (d), inclusive, is not required to include students who satisfy the qualifications specified in subdivision (d) of Section 94909, but an institution shall disclose whether the data, information, or both provided in its fact sheet excludes students pursuant to this subdivision. An institution shall not actively use data specific to the fact sheet in its recruitment materials or other recruitment efforts of students who are not California residents and do not reside in California at the time of their enrollment.

17. Code section 94911 states in pertinent part:

An enrollment agreement shall include, at a minimum, all of the following:

...

(c) In underlined capital letters on the same page of the enrollment agreement in which the student's signature is required, "THE TOTAL CHARGES FOR THE CURRENT PERIOD OF ATTENDANCE," "THE ESTIMATED TOTAL CHARGES FOR THE ENTIRE EDUCATIONAL PROGRAM," and "THE TOTAL CHARGES THE STUDENT IS OBLIGATED TO PAY UPON ENROLLMENT," followed by the relevant amounts of charges in bold, underlined type.

18. Code section 94912 states:

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

5 19. Code section 94929.5 states in pertinent part:

6 (a) An institution shall annually report to the Bureau, as part of the annual report,
7 and shall publish in its School Performance Fact Sheet, all of the following:

8 (1) The job placement rate, calculated by dividing the number of graduates
9 employed in the field by the number of graduates available for employment
10 for each program that is either (1) designed, or advertised, to lead to a
11 particular career, or (2) advertised or promoted with any claim regarding job
12 placement.

13 (2) The license examination passage rates for the immediately preceding two
14 years for programs leading to employment for which passage of a state
15 licensing examination is required, calculated by dividing the number of
16 graduates who pass the examination by the number of graduates who take the
17 licensing examination the first time that the examination is available after
18 completion of the educational program. The institution shall use state agency
19 licensing data to calculate license examination passage rates. If those data are
20 unavailable, the institution shall calculate the license examination passage
21 rate in a manner consistent with regulations adopted by the Bureau.

22 (3) Salary and wage information, consisting of the total number of graduates
23 employed in the field and the annual wages or salaries of those graduates
24 stated in increments of five thousand dollars (\$5,000).

25 REGULATORY PROVISIONS

26 **Definitions**

27 20. California Code of Regulations, title 5, section 70000 states in pertinent part:

28 (b) "Act" means The California Private Postsecondary Education Act of 2009.

...

(r) "Objectives" are the goals and methods by which the institution fulfills its
mission and transforms it into measurable student learning outcomes for each
educational program.

29 **Admissions and Academic Achievement Standards**

30 21. California Code of Regulations, title 5, section 71800 states in pertinent part:

31 In addition to the requirements of section 94911 of the Code, an institution shall
32 provide to each student an enrollment agreement that contains at the least the
33 following information:

34 ...

1 (b) Period covered by the enrollment agreement.

2 (c) Program start date and scheduled completion date.

3 ...

4 (e) Itemization of all institutional charges and fees including, as applicable:

5 ...

6 (11) Student Tuition Recovery Fund fee (non-refundable)[.]

7 **Maintenance and Production of Records**

8 22. California Code of Regulations, title 5, section 71720 states in pertinent part:

9 (b) Instructors in an Educational Program Not Leading to a Degree.

10 (1) An institution shall employ instructors who possess the academic,
11 experiential and professional qualifications to teach, including a minimum of
12 three years of experience, education and training in current practices of the
13 subject area they are teaching. If an instructor does not possess the required
14 three years of experience, education, and training in the subject area they are
15 teaching, the institution shall document the qualifications the instructor
16 possesses that are equivalent to the minimum qualifications.

17 23. California Code of Regulations, title 5, section 71920 states:

18 (a) The institution shall maintain a file for each student who enrolls in the
19 institution whether or not the student completes the educational service.

20 (b) In addition to the requirements of section 94900, the file shall contain all of the
21 following pertinent student records:

22 (1) Written records and transcripts of any formal education or training,
23 testing, or experience that are relevant to the student's qualifications for
24 admission to the institution or the institution's award of credit or acceptance
25 of transfer credits including the following:

26 (A) Verification of high school completion or equivalency or other
27 documentation establishing the student's ability to do college level work
28 such as successful completion of an ability-to-benefit test if required by the
institution. For the purposes of this section an "ability-to-benefit test"
means an independently administered examination from the list of
examinations prescribed by the United States Department of Education
pursuant to Section 484(d) of the federal Higher Education Act of 1965 (20
U.S.C. Sec. 1070a et seq.) as it is, from time to time, amended, that is
designed to help identify students who possess the basic skills necessary to
succeed in a post-secondary education program, but who lack a high school
diploma;

(B) Records documenting units of credit earned at other institutions that have

been accepted and applied by the institution as transfer credits toward the
student's completion of an educational program;

1 (C) Grades or findings from any examination of academic ability or
educational achievement used for admission or college placement purposes;

2 (D) All of the documents evidencing a student's prior experiential learning
upon which the institution and the faculty base the award of any credit;

3
4 (2) Personal information regarding a student's age, gender, and ethnicity if
that information has been voluntarily supplied by the student;

5 (3) Copies of all documents signed by the student, including contracts,
instruments of indebtedness, and documents relating to financial aid;

6
7 (4) Records of the dates of enrollment and, if applicable, withdrawal from the
institution, leaves of absence, and graduation; and

8 (5) In addition to the requirements of section 94900(b) of the Code, a
transcript showing all of the following:

9
10 (A) The courses or other educational programs that were completed, or were
attempted but not completed, and the dates of completion or withdrawal;

11 (B) Credit awarded for prior experiential learning, including the course title
for which credit was awarded and the amount of credit;

12 (C) Credit for courses earned at other institutions;

13 (D) Credit based on any examination of academic ability or educational
achievement used for admission or college placement purposes;

14 (E) The name, address, website address, and telephone number of the
institution.

15
16 (6) For independent study courses, course outlines or learning contracts
signed by the faculty and administrators who approved the course;

17 (7) The dissertations, theses, and other student projects submitted by graduate
students;

18 (8) A copy of documents relating to student financial aid that are required to
be maintained by law or by a loan guarantee agency;

19 (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;

20 (10) A document specifying the amount of a refund, including the amount
refunded for tuition and the amount for other itemized charges, the method of
calculating the refund, the date the refund was made, and the name and
address of the person or entity to which the refund was sent;

21 (11) Copies of any official advisory notices or warnings regarding the
student's progress; and

22 (12) Complaints received from the student.

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28 24. California Code of Regulations, title 5, section 71930, subdivision (d) states:

1 The institution shall maintain a second set of all academic and financial records
2 required by the Act and this chapter at a different location unless the original
3 records, including records stored pursuant to subdivision (b) of this section, are
4 maintained in a manner secure from damage or loss. An acceptable manner of
5 storage under this subsection would include fire resistant cabinets.

6 **Admissions and Academic Achievement Standards**

7 25. California Code of Regulations, title 5, section 71800, states:

8 In addition to the requirements of section 94911 of the Code, an institution shall
9 provide to each student an enrollment agreement that contains at the least the
10 following information:

11 ...

12 (b) Period covered by the enrollment agreement.

13 (c) Program start date and scheduled completion date.

14 (d) Date by which the student must exercise his or her right to cancel or
15 withdraw, and the refund policy, including any alternative method of
16 calculation if approved by the Bureau pursuant to section 94921 of the Code.

17 (e) Itemization of all institutional charges and fees including, as applicable:

18 (1) Tuition;

19 (2) Registration fee (non-refundable);

20 (3) Equipment;

21 (4) Lab supplies or kits;

22 (5) Textbooks, or other learning media;

23 (6) Uniforms or other special protective clothing;

24 (7) In-Resident housing;

25 (8) Tutoring;

26 (9) Assessment fees for transfer of credits;

27 (10) Fees to transfer credits;

28 (11) Student Tuition Recovery Fund fee (non-refundable);

(12) Any other institutional charge or fee.

(f) Charges paid to an entity other than an institution that is specifically
required for participation in the educational program.

26. California Code of Regulations, title 5, section 74112 provides in pertinent part:

1 (a) Format. The format for the Performance Fact Sheet shall be in at least 12 pt.
2 type, in an easily readable font, with 1.15 line spacing and all titles and column
3 headings shall be in bold 14 pt. type, which shall also identify the program for
4 which the Performance Fact Sheet pertains. The Performance Fact Sheet shall
5 contain all and only the information required or specifically permitted by sections
6 94910 and 94929.5 of the Code or this chapter. A separate Performance Fact
7 Sheet shall be prepared for each program.

8 (b) An institution offering educational programs that are too new to provide the
9 required two years of data shall include the date the program began as well as the
10 statement required by section 94910(e) of the Code. The Performance Fact Sheet
11 shall also disclose the estimated date of availability for two full years of data for
12 those programs.

13 (c) Institutions approved under section 94874.8 of the Code, which do not include
14 all required information per section 94874.8(a)(4), shall include on the
15 Performance Fact Sheet the date of approval to operate and when the required data
16 will be available.

17 (d) In addition to the definitions contained in section 94928 of the Code:

18 (1) "Number of Students Who Began the Program" means the number of
19 students who began a program who were scheduled to complete the program
20 within 100% of the published program length within the reporting calendar
21 year, and excludes all students who cancelled during the cancellation period.

22 (2) "Number of On-time Graduates" means the number of students who
23 completed the program within 100% of the published program length within
24 the reporting calendar year.

25 (3) "Gainfully Employed" means:

26 (A)(i) The graduate is employed in a job classification under the United
27 States Department of Labor's Standard Occupational Classification codes,
28 using the Detailed Occupation (six-digit) level, for which the institution has
identified in its catalog and in its employment positions list required by
section 94910(f)(2) of the Code that the program prepares its graduates; and

(ii) The graduate is employed in a single position or concurrent aggregated
positions totaling at least 30 hours per week for 5 weeks (35 calendar days),
or totaling at least 20 hours per week for 5 weeks (35 calendar days) with a
statement signed by the graduate stating that he or she chose to seek part-
time employment rather than fulltime employment after graduation; or

(B) The graduate is employed by the same employer that employed the
graduate before enrollment, and any of the following conditions are met:

(i) The graduate is employed in an occupation with a different Detailed
Occupation (six-digit) level Standard Occupational Classification code than
applies to the position in which the graduate was employed before
enrollment; or

(ii) The employer or the graduate provides a statement to the effect that the

1 employment after graduation was the result of a promotion with increased
2 pay, due at least in part to graduation from the program; or

3 (iii) The employer or the graduate provides a statement to the effect that the
4 degree or the completed program was required as a condition of continued
5 employment; or

6 (C) The graduate is self-employed or working freelance as reasonably
7 evidenced by, but not limited to, a business license, fictitious business name
8 statement, advertising (other than business cards), website, or business
9 receipts or other evidence of income from business; or an attestation signed
10 by the graduate of self-employment or freelance work and dated after
11 graduation.

12 (e) Reporting periods:

13 (1) An Annual Report shall include data for all educational programs as
14 defined in section 94837 of the Code for the previous one calendar year.

15 (2) A Performance Fact Sheet shall be current and available not later than
16 December 1st and shall report data for the previous two calendar years based
17 upon the “number of students who began the program,” as defined in
18 subdivision (d)(1) of this section and were scheduled to graduate in the
19 reported year(s).

20 (f) Total Charges. The institution’s Annual Report and Performance Fact Sheet
21 shall include the total charges for a student to complete the program within 100%
22 of the program length. The institution must include the disclosure that there may
23 be additional charges if the program is not completed on-time[.]

24 **Student Tuition Recovery Fund**

25 27. California Code of Regulations, title 5, section 76120, subdivision (a) states:

26 Each qualifying institution shall collect an assessment of zero dollars (\$0.00) per
27 one thousand dollars (\$1,000) of institutional charges, rounded to the nearest
28 thousand dollars, from each student in an educational program who is a California
resident or is enrolled in a residency program. For institutional charges of one
thousand dollars (\$1,000) or less, the assessment is zero dollars (\$0).

29 **COST RECOVERY**

30 28. Business and Professions Code section 125.3 provides, in pertinent part, that the
31 Bureau may request the administrative law judge to direct a licensee found to have committed a
32 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
33 investigation and enforcement of the case, with failure of the licensee to comply subjecting the
34 license to not being renewed or reinstated. If a case settles, recovery of investigation and
35 enforcement costs may be included in a stipulated settlement.

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1 **FACTUAL BACKGROUND**

2 29. On or about December 9, 2021, the Bureau received a complaint from an
3 anonymous complainant alleging Respondent had committed violations of the Act and
4 Regulations. The Bureau subsequently referred the complaint to the California Department of
5 Insurance on December 23, 2021, and the California Department of Industrial Relations on
6 December 28, 2021.

7 30. On or about December 12, 2022, the Bureau initiated an investigation into the
8 complaint.

9 31. On or about February 21, 2023, the Bureau received an additional complaint from
10 K.J. alleging that Respondent had committed violations of the Act and Regulations, and the
11 Bureau subsequently initiated its investigation into the second complaint on or about
12 March 1, 2023.

13 32. On or about April 18, 2023, Bureau staff conducted an unannounced onsite visit
14 and field investigation of Respondent at which time students and staff were interviewed and
15 documents collected.

16 33. On or about September 20, 2023, Bureau staff conducted a second unannounced
17 onsite visit, at which time staff were interviewed and documents collected. In addition,
18 documents were requested from Respondent before and after the second onsite visit and field
19 investigation. The Bureau completed its investigation or about December 21, 2023.

20 34. While Bureau staff were unable to substantiate the complainants' allegations,
21 Bureau staff determined that Respondent had violated provisions of the Code and related
22 Regulations.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Prohibited Business Practices)**

25 35. Respondent is subject to disciplinary action under Code sections 94937,
26 subdivision (a)(2) and 94897, subdivisions (j)(3) and (u), in that Respondent engaged in
27 prohibited business practices. The circumstances of this conduct are as follows:

28 a. Respondents' student-signed enrollment agreements included an

1 itemization of charges inconsistent with Respondent's schedule of charges contained in its course
2 catalogs in violation of Section 94897, subdivision (j)(3), as follows:

3 (1) Student R.P. signed an enrollment agreement containing an
4 itemization of charges inconsistent with Respondent's schedule of charges contained in its 2020
5 catalog.

6 (2) Student J.S.C. signed an enrollment agreement containing an
7 itemization of charges inconsistent with Respondent's schedule of charges contained in its 2021
8 catalog.

9 (3) Students R.M., C.E., J.G., M.C., A.A., and R.M. signed enrollment
10 agreements containing itemizations of charges inconsistent with Respondent's schedule of
11 charges contained in its 2022 catalog.

12 (4) Student J.C. signed an enrollment agreement containing an
13 itemization of charges inconsistent with Respondent's schedule of charges contained in its 2023
14 catalog.

15 b. Respondent's enrollment agreements contained a program start date that
16 failed to align with the period covered by the enrollment agreement in violation of Code section
17 94897, subdivision (j)(3) as follows:

18 (1) Students A.A., J.S.C., J.F., R.I.M., and R.M. signed enrollment
19 agreements that failed to align with the period covered by the enrollment agreement.

20 (2) Students C.E. and J.C. signed enrollment agreements in which
21 Respondent failed to provide the period covered by the enrollment agreement.

22 c. Respondent failed to adhere to its admissions policies stated in its 2023
23 catalog when it admitted the following students without documenting the students' eligibility for
24 admission in violation of Section 94897, subdivision (u), as follows:

25 (1) Respondent enrolled student J.C. without obtaining J.C.'s high
26 school diploma or equivalent.

27 (2) Respondent enrolled student C.E. without obtaining C.E.'s high
28 school diploma or equivalent and drug testing results.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Changes in Educational Objectives Without Prior Bureau Authorization)**

3 36. Respondent is subject to disciplinary action under Code sections 94937,
4 subdivision (a)(2), 94893, 94894, subdivisions (a) and (g) in that Respondent made substantive
5 changes to its approval or changed its educational objectives without obtaining prior Bureau
6 authorization. The circumstances of this conduct are as follows:

7 a. Respondent maintained student brochures promoting and advertising
8 programs offered in Spanish, Chinese, and Vietnamese. But the Bureau only approved
9 Respondent to offer instruction in English.

10 b. Respondent's student brochures and signage represented that Respondent
11 offered a course in Forklift training, but the Bureau has not approved Respondent to offer a
12 Forklift training program.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Failure to Meet Minimum Requirements for Enrollment Agreements)**

15 37. Respondent is subject to disciplinary action under Code sections 94937,
16 subdivision (a)(2), 94902, 94910, 94911, 94912, 94929.5, and California Code of Regulations,
17 title 5, sections 71800 and 74112, in that Respondent did not meet the minimum requirements
18 under the Act and Regulations for its enrollment agreements. The circumstances of this conduct
19 are as follows:

20 a. Respondent failed to provide the School Performance Fact Sheet (SPFS)
21 for the program of enrollment prior to the student's execution of the enrollment agreement for
22 students R.M., M.C., and A.A. A review of the student files disclosed that the students' files
23 failed to contain SPFSs in violation of Code section 94902, subdivision (b)(1).

24 b. Respondent failed to provide students with the correct SPFS as
25 documented by the student signed SPFS in the students' files in violation of Code sections 94902,
26 subdivisions (b)(1) and (3), 94910, 94912, 94929.5, and California Code of Regulations, title 5,
27 section 74112, as follows:
28

1 (1) Student C.E. signed an incomplete 2020-21 Class A Tractor-Trailer
2 180-hour program SPFS, but had enrolled in the Class A&B 240-hour program on
3 September 20, 2022.

4 (2) Student J.S.C. signed a 2018-19 Class A Tractor-Trailer 180-hour
5 program SPFS, but had enrolled in the Class A&B 240-hour program on May 10, 2021.

6 (3) Student R.P. signed a 2016-17 Class A Tractor-Trailer 180-hour
7 program SPFS, but had enrolled in the Class A Tractor-Trailer 180-hour program on
8 February 17, 2020, and should have signed a 2017-18 SPFS.

9 (4) Student R.M. signed a 2019-20 Class A Tractor-Trailer 180-hour
10 program SPFS, but had enrolled in the Class A&B 240-hour program on April 22, 2022.

11 (5) Further, Respondent's representative failed to sign the SPFS for the
12 following students: J.C., C.E., J.S.C., J.G., R.P., and R.M. as documented in the students' files.

13 c. Respondent maintained student files for students R.M., J.C., C.E., J.S.C.,
14 J.G., M.C., R.P., A.A., and R.M., which failed to contain an enrollment agreement specifying the
15 amount of "total charges the student is obligated to pay upon enrollment" in violation of Code
16 section 94911, subdivision (c).

17 d. Respondent maintained student files with signed enrollment agreements,
18 which failed to specify the period covered by the enrollment agreements for students J.C. and
19 C.E. in violation of California Code of Regulations, title 5, section 71800, subdivision (b).

20 e. Respondent maintained student files with signed enrollment agreements,
21 which failed to specify the scheduled completion date for students J.C. and C.E. in violation of
22 California Code of Regulations, title 5, section 71800, subdivision (c).

23 f. Respondent maintained a student file for J.G. with a signed enrollment
24 agreement that failed to contain the Student Tuition Recovery Fund (STRF) assessment fee in the
25 itemization of charges in violation of California Code of Regulations, title 5, section 71800,
26 subdivision (e)(11).

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Professions Requiring Licensure, Internships)**

3 38. Respondent is subject to disciplinary action under Code sections 94937,
4 subdivision (a)(2) and 94905, subdivision (a) in that Respondent did not exercise reasonable care
5 to determine whether student J.G. was eligible to obtain a commercial driver’s license. J.G.’s
6 driving record showed a history of violations, which may have rendered him ineligible to obtain a
7 commercial driver’s license.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(Failure to Maintain Required Institutional Records)**

10 39. Respondent is subject to disciplinary action under Code sections 94937,
11 subdivision (a)(2), 94900, 94900.5, and California Code of Regulations, title 5, sections 71720,
12 71920, and 71930, in that Respondent failed to maintain the records required under the Act and
13 Regulations. The circumstances of this conduct are as follows:

14 a. Respondent maintained faculty files that failed to document at least three
15 years’ worth of experience, education, and training in current practices of the subject area of
16 instruction for the following faculty members: D.C., G.F., R.F., W.N., V.O., and F.P. in violation
17 of Code section 94900.5, subdivision (b) and California Code of Regulations, title 5, section
18 71720, subdivision (b)(1).

19 b. Respondent failed to maintain student files that contained written records
20 of testing relevant to the student’s qualifications for admission in violation of California Code of
21 Regulations, title 5, section 71920, subdivision (b)(1) as follows:

22 (1) Respondent failed to maintain written records of the students’
23 medical physical examination results for students: R.M., M.C., and A.A.

24 (2) A review of the student files for students J.S.C., R.P., and R.M.
25 showed that the students completed their medical physical examinations after the execution of
26 their enrollment agreements.

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1 (3) Respondent failed to maintain written records of drug tests results
2 for the following students: R.M., C.E., M.C., R.P., and A.A. Students J.S.C. and R.M. completed
3 their drug tests after executing their enrollment agreements.

4 (4) Respondent failed to maintain a written record of student J.S.C.'s
5 experience relevant to J.S.C.'s qualification for admission as evidenced by a valid driver's license
6 prior to enrollment. J.S.C. only held a California identification card, and not a valid California
7 driver's license.

8 (5) Respondent failed to maintain DMV records, evidencing the
9 students' qualifications for admission, for the following students: R.M., C.E., J.S.C., M.C., R.P.,
10 and A.A.

11 c. Respondent failed to maintain student files that contained evidence of a
12 student's high school diploma, GED, or equivalent for students: R.M., J.C., C.E., J.S.C., J.G.,
13 M.C., R.P., A.A., and R.M. in violation of California Code of Regulations, title 5, section 71920,
14 subdivision (b)(1)(A).

15 d. Respondent failed to maintain student signed SPFS forms for students:
16 R.M., M.C., and A.A. in violation of Code sections 94902, subdivision (b)(2), 94912, and
17 California Code of Regulations, title 5, section 71920, subdivision (b)(3).

18 e. Respondent failed to maintain student files that contained records of the
19 dates of enrollment, withdrawal from the institution, leaves of absence, and graduation for the
20 following students: J.S.C. (no evidence of date of withdrawal); M.C.; and R.M. (no evidence of
21 date of withdrawal) in violation of California Code of Regulations, title 5, section 71920,
22 subdivision (b)(4).

23 f. Respondent maintained student files that failed to contain a transcript
24 showing the courses or other educational programs that were completed or were attempted but not
25 completed, and the date of completion or withdrawal in violation of California Code of
26 Regulations, title 5, section 71920, subdivisions (b)(5)(A)-(E) as follows:

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1 (1) Students J.C. and R.M. stated that they withdrew from the
2 institution, but their student files failed to contain a document specifying the courses they
3 attempted but had not completed and their dates of withdrawal.

4 (2) The student files for students J.G. and R.P. contained a Training
5 Closing Report that had all of the necessary elements for a transcript but failed to include
6 Respondent's website address. (Cal. Code. Regs., tit. 5, § 71920, subd. (b)(5)(E).)

7 (3) The student file for student A.A. failed to contain evidence of a
8 transcript.

9 g. Respondent failed to maintain student files in a manner to secure them
10 from damage or loss. Student files were found in metal filing cabinets and piled throughout
11 Respondent's office. When specific student files were requested, Respondent was unable to
12 provide the student files in response to the Bureau's staff member's request in violation of
13 California Code of Regulations, title 5, section 71930, subdivision (d).

14 **SIXTH CAUSE FOR DISCIPLINE**

15 **(Failure to Comply with Student Tuition Recovery Fund Requirements)**

16 40. Respondent is subject to disciplinary action under Code sections 94937,
17 subdivision (a)(2) and California Code of Regulations, title 5, section 76120, subdivision (a) in
18 that Respondent did not comply with the Act's requirements for the STRF. The circumstances of
19 this conduct are as follows:

20 a. Respondent collected \$13.75 in STRF assessment fees from student R.M.
21 when he signed the enrollment agreement on November 29, 2022. Respondent charged a total of
22 \$5,500 in institutional fees, and, therefore, Respondent should have collected \$15.00 in STRF
23 assessment fees from the student.

24 b. Respondent collected \$12.00 in STRF assessment fees from student C.E.
25 when he signed the enrollment agreement on September 20, 2022. Respondent charged a total of
26 \$4,500 in institutional fees, and, therefore, Respondent should have collected \$12.50 in STRF
27 assessment fees from the student.

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1 c. Respondent collected \$2.00 in STRF assessment fees from student J.S.C.
2 when he signed the enrollment agreement on May 10, 2021. Respondent charged a total of
3 \$5,500 in institutional fees, and, therefore, Respondent should have collected \$3.00 in STRF
4 assessment fees from the student.

5 d. Respondent failed to identify the STRF assessment fees on student J.G.'s
6 enrollment agreement, which he signed on April 18, 2022. Respondent charged a total of \$3,800
7 in institutional fees, and, therefore, Respondent should have collected \$10.00 in STRF assessment
8 fees from the student.

9 e. Respondent collected \$2.00 in STRF assessment fees from student M.C.
10 when he signed the enrollment agreement on January 12, 2022. Respondent charged a total of
11 \$4,500 in institutional fees, and, therefore, Respondent should have collected \$2.50 in STRF
12 assessment fees from the student.

13 f. Respondent collected \$2.00 in STRF assessment fees from student A.A.
14 when he signed the enrollment agreement on March 28, 2022. Respondent charged a total of
15 \$4,500 in institutional fees, and, therefore, Respondent should have collected \$2.50 in STRF
16 assessment fees from the student.

17 g. Respondent collected \$2.00 in STRF assessment fees from student R.M.
18 when she signed the enrollment agreement on April 22, 2022. Respondent charged a total of
19 \$4,900 in institutional fees, and, therefore, Respondent should have collected \$12.50 in STRF
20 assessment fees from the student.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Director of the Department of Consumer Affairs issue a
24 decision:

25 1. Revoking or suspending the Approval to Operate an Institution Non-Accredited,
26 Institution Code Number 70800849, issued to Camino Real Career Schools;

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2. Ordering Camino Real Career Schools to pay the Bureau for Private Postsecondary Education the reasonable costs of the investigation and enforcement of this case, under Business and Professions Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 11/5/2024

"Original Signature on File"

DEBORAH COCHRANE
Chief
Bureau for Private Postsecondary Education
Department of Consumer Affairs
State of California
Complainant

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