



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

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**To:** Honorable Mayor and Town Council                      **Date:** August 8, 2017  
**From:** John Brown, Town Attorney                              **Item No:** 12  
**Subject:** APPEAL OF THE INTENT TO REVOKE BUSINESS LICENSE  
#00013688 ISSUED TO BRIGHT FUTURES ACADEMY, LLC.  
**Location:** 15757 SAINT TIMOTHY Road, Apple Valley, CA 92307  
**T.M. Approval:** \_\_\_\_\_                      **Budgeted Item:**  Yes  No  N/A

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### RECOMMENDED ACTION:

**Continue** the item until the February 13, 2018 meeting of the Town Council on the condition that Bright Futures Academy provides a monthly status report on its remediation efforts to the Town Manager, with a copy to the Town Attorney, beginning September 1, 2017 and continuing on the first of each month until February 1, 2018. In addition, all correspondence and reports from the State investigation shall also be forwarded to the Town Manager within a reasonable timeframe.

### SUMMARY:

On April 6, 2017, the Town Manager issued a notice of intent to revoke Bright Futures Academy's business license. Bright Futures Academy is operating out of a facility located at 15757 Saint Timothy Road since December, 2015. Almost immediately after opening, Bright Futures's operations began to have a significant impact on the Town's law enforcement services. In a 16-month period from December 29, 2015 through March 11, 2017, Bright Futures generated 132 Calls For Service (CFS) to the Sheriff's department. The 132 CFS ranged from audible alarms, AWOL/RAJ, gang activity, medical aids, riots, simple assaults, assaults with significant injuries, sexual batteries, thefts and unlawful sex with minors. Bright Futures has filed an appeal within the time allotted requesting a hearing before the Town Council.

On June 13, 2017, the Town Council continued the item to tonight's meeting and instructed Bright Futures to prepare and present a status report on its remediation efforts to date. The report is attached hereto as Attachment 5.

## **BACKGROUND:**

Bright Futures Academy has been operating as a school at a leased facility located 15757 Saint Timothy Road since December 2015. Their website describes the school as a “non-public school certified by the California Department of Education serving special education students...” Almost immediately after opening, Bright Futures’s operations began to have a significant impact on the Town’s law enforcement services. In a 16-month period from December 29, 2015 through March 11, 2017, Bright Futures generated 132 Calls For Service (CFS) to the Sheriff’s department. The 132 CFS ranged from audible alarms, AWOL/RAJ, gang activity, medical aids, riots, simple assaults, assaults with significant injuries, sexual batteries, thefts and unlawful sex with minors. The 39 audible alarms were false and many were the result of unlocked doors and gates. Multiple batteries were reported and one assault resulted in a student with a broken jaw. Staff have been repeatedly assaulted and injured. In one sexual battery (student/student), the victim claimed to be sleeping and the suspect twice fondled and unzipped the victim’s pants and propositioned the victim. A student aide engaged in sexual behavior with a student on the bus. Staff members have been sexually battered by students. Students have repeatedly rioted or engaged in multi-person fights. They have overturned tables, jumped from roofs and thrown cinder blocks. Frequently, incidents are reported after the fact. Even when incidents were reported timely, students involved were allowed to leave prior to deputies arriving. Many of these reports have required multiple follow-up investigations from deputies and detectives. This abnormally high call volume has resulted in a disproportionate allocation of resources which resulted in the recommendation to terminate Bright Futures’ business license.

The Apple Valley Municipal Code provides that a business license may be revoked under special circumstances, as provided below:

### **5.02.230 Revocation**

(a) All licenses issued under the provisions of this Chapter shall be in compliance with all applicable laws of the State of California and the United States of America. Any license granted through the provisions of this Chapter may be revoked by the Town Manager if he determines either (1) that it was fraudulently or wrongfully issued or obtained, or (2) that the information provided in the application was misleading or false in any material respect, or (3) that the business is operating in violation of any statute, ordinance or law, or (4) that the revocation is necessary to health, safety or welfare of the community, subject to the provisions of Subsection (b) below.

The Apple Valley Municipal Code also provides that prior to revocation a business owner may file an appeal as provided below in section 5.02.230 (b).

(b) Prior to any revocation of license, the Town Manager shall give the license holder fifteen days notice of intent to revoke such license. Within fifteen days of such notice, the license holder may file a written request with the Town Clerk to appear before the Town Council, and when a hearing is thereafter scheduled by the Town Clerk, the license holder may appear and show cause before the Town Council why such license should not be revoked. Upon the failure of the license holder to file a written request to appear within fifteen days, or if after the hearing of the Council, the Council finds good and sufficient cause of revocation, the license shall be revoked. No refund of any license shall be made following revocation.

On April 6, 2017, the Town of Apple Valley, by certified mail, notified Bright Futures Academy of its intent to revoke Business License Number 00013688 per the Town of Apple Valley Municipal Code section 5.02.230 (a) "All licenses issued under the provisions of this Chapter shall be in compliance with all applicable laws of the State of California and the United States of America."

On April 11, 2017, Pamela Lamberth, Chief Operating Officer for Bright Futures, filed an appeal within the time allotted requesting a hearing by the Town Council.

On June 13, 2017, the Town Council held a public hearing on the proposed revocation. Bright Futures Academy and its representatives were provided the opportunity to formally present information to the Town Council regarding this matter and stated their reasons why the business license should not be revoked. The Town Council continued the item to tonight's meeting and instructed Bright Futures to prepare and present a status report on its remediation efforts to date. The report is attached hereto as Attachment 5. In the report, Bright Futures indicates that it is currently in escrow for a property in the City of Adelanto at which it intends to establish a new campus to which it will transfer students with emotional disturbance. The new campus is expected to open on or before October 31, 2017. In addition, over the course of August 7, 8, and 9, Bright Futures will be providing additional training to its staff. Further, Bright Futures has retained the services of a campus security contractor. Finally, Bright Futures continues to maintain a general liability insurance policy of \$1,000,000.

#### **ALTERNATIVES:**

1. Option #1 - Recommended Approach: Continue the item until the February 13, 2018 meeting of the Town Council on the condition that Bright Futures Academy provides a monthly status report on its remediation efforts to the Town Manager, with a copy to the Town Attorney, beginning September 1, 2017 and continuing on the first of each month until the February 1, 2018; or

2. Option #2: Find the Facts presented within the staff report for the Council hearings of June 13 and August 8, 2017 and the record as a whole as discussed by the Council, support the recommendation to revoke Business License #000013688 and deny the appeal of Bright Futures Academy, LLC, and uphold the recommendation of the Town of Apple Valley.

**ATTACHMENTS:**

1. Letter from Frank Robinson, Town Manager, to Bright Futures Academy dated April 6, 2017.
2. Letter from Pamela Lamberth, Bright Futures, requesting an appeal dated April 11, 2017.
3. Letter from La Vonda Pearson, Town Clerk, notifying Bright Futures of the date of the appeal dated April 24, 2017.
4. Amended Memorandum from Noah Green dated June 8, 2017, Attorney for Bright Futures, opposing revocation.
5. Status Report of Bright Futures dated July 13, 2017.



## Town of Apple Valley

A Better Way of Life

April 6, 2017

Bright Futures Academy, LLC  
9994 Country Farm Rd  
Riverside, CA 92503-3518

Certified Mail No. 7014 2870 0000 3537 4333

Re: Business license No. 00013688

Located: 15757 Saint Timothy Rd.

Dear Administrator,

Please be advised that you are herewith given fifteen days notice of the Town's intent to revoke Business License No. 00013688 issued to Bright Futures Academy, LLC-Apple Valley operating from 15757 Saint Timothy Rd. in Apple Valley CA.

This action is being taken, in part, due to the following issues:

1. Failure to provide safe environment to students, aides, and curricular administration.
2. Reported incidents, ranging from simple assaults to sexual battery, including gang activity, theft and rioting.
3. High increase of calls to local emergency dispatch disproportionate allocation of resources to law enforcement agencies.

The Apple Valley Municipal Code provides that a business license may be revoked under special circumstances, in this instance see item (4) of 5.02.230.

### **5.02.230 Revocation**

- (a) All licenses issued under the provisions of this Chapter shall be in compliance with all applicable laws of the State of California and the United States of America. Any license granted through the provisions of this Chapter may be revoked by the Town Manager if he determines either (1) that it was fraudulently or wrongfully issued or obtained, or (2) that the information provided in the application was misleading or false in any material respect, or (3) that the business is operating in violation of any statute, ordinance or law, or (4) that the revocation is necessary to health, safety or welfare of the community, subject to the provisions of Subsection (b) below.

[www.AppleValley.org](http://www.AppleValley.org)

14955 Dale Evans Parkway • Apple Valley, California 92307 • 760.240.7000

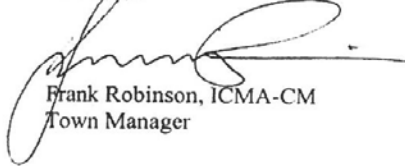
The Apple Valley Municipal Code also provides that prior to revocation a business owner may file an appeal as provided below in 5.02.230 (b).

- (b) Prior to any revocation of license, the Town Manager shall give the license holder fifteen days notice of intent to revoke such license. Within fifteen days of such notice, the license holder may file a written request with the Town Clerk to appear before the Town Council, and when a hearing is thereafter scheduled by the Town Clerk, the license holder may appear and show cause before the Town Council why such license should not be revoked. Upon the failure of the license holder to file a written request to appear within fifteen days, or if after the hearing of the Council, the Council finds good and sufficient cause of revocation, the license shall be revoked. No refund of any license shall be made following revocation.

Be further advised that you cannot conduct business in the Town of Apple Valley without a valid Business License issued by the Town.

For further questions, please contact Dawn Simmons at (760) 240-7000 ext. 7707.

Sincerely,



Frank Robinson, ICMA-CM  
Town Manager

xc: Finance Department  
Police Department  
Town Attorney  
File



BRIGHT FUTURES  
Academy

April 11, 2017

I.aVonda Pearson  
Town Clerk  
Town of Apple Valley  
14955 Dale Evans Parkway  
Apple Valley, CA 92307

Received By	
Town Clerk	
Date	4-11-17
Time	1:39 pm
Town of Apple Valley	

RE: Business License 00013688

Dear Ms. Pearson,

In reference to the letter dated April 6, 2017, advising Bright Futures Academy with the intent to revoke the Business License No. 00013688, we respectfully would like to file an appeal. It is my understanding that this written communication will suffice to start the appeal process.

We believe, Bright Futures is part of the fabric of the community and help benefit its economy. Many of our staff live in the area and we provide jobs to our students over the summer. We have a 10-year lease on our building that infuses \$1.8 million back into the Town and we utilize local vendors for supplies, gas, insurance, repairs and short-term housing for our teachers. With this being said, we also understand that tighter controls and a different staffing pattern may be required to provide a better structured program which should eliminate the strain on the Police and Sheriff department's resources.

Bright Futures wants to be a good neighbor while also providing a vital service to the community. We implore you to keep our business license active and we have formed a plan to reduce calls to the Town's police department and provide a safe, education enriched program.

Bright Futures Academy has been serving children in the High Desert for more than 25 years. As a non-public school, we provide year-round care, special education and behavioral services to children with exceptional needs that can't be met in a public school setting. We contract with Apple Valley Unified School District and others to provide these services.

Our highly trained teachers, staff and administrators nurture children from the community who have autism, developmental disabilities, and emotional and conduct disorders. We specialize in teaching children with the most challenging behaviors, many of whom have exhausted all other educational options.

9994 County Farm Road, Riverside, CA 92503  
951.785.0504



BRIGHT FUTURES  
Academy

We encourage the Town Council and its representatives to speak with the Desert Mountain SELPA (Special Education Local Plan Area) concerning our lengthy and outstanding reputation for providing services to special needs students.

Bright Futures Academy would like to work with the Town of Apple Valley and its police department to solve any outstanding issues and continue contributing to the community and its residents. We want to work with you to resolve any issues and ensure that students in the community who are most in need continue to have a place close-by where they can learn and thrive.

Please accept our request for an appeal of the Town's intent to revoke our Business License. You may contact me directly at my direct phone # 951-373-3795 or email at [p.lamberth@brightfuturesnps.com](mailto:p.lamberth@brightfuturesnps.com).

Respectfully

Pamela Lamberth  
Chief Operating Officer

9991 County Farm Road, Riverside, CA 92503  
951.785.1000





## Town of Apple Valley

A Better Way of Life

April 24, 2017

Pamela Lamberth  
Chief Operating Officer  
Bright Futures Academy, LLC  
Riverside, CA 92503-3518

RE: Business License No. 00013688

Located at: 15757 Saint Timothy Rd.

Dear Ms. Lamberth,

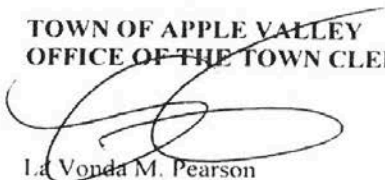
On April 11, 2017, you presented a letter to the Town of Apple Valley in response to the Town's initiation of the revocation process for Business License number 00013688 issued to Bright Futures Academy, LLC. The Apple Valley Municipal Code Section 5.02.230(b) allows the license holder fifteen (15) days to file a written request with the Town Clerk to appear before the Town Council and show cause as to why such license should not be revoked. Your letter satisfies that requirement.

Your hearing before the Town Council has been scheduled for Tuesday, June 13, 2017 at 6:30 p.m. in the Town Council Chambers located at 14955 Dale Evans Parkway, Apple Valley, CA. If after the hearing, the Town Council finds good and sufficient cause to support revocation, or if you choose not to attend the hearing as scheduled, your license shall be revoked.

If you have any questions or concerns regarding this action, please contact the undersigned at (760) 240-7000, ext. 7800.

Sincerely,

**TOWN OF APPLE VALLEY  
OFFICE OF THE TOWN CLERK**



Linda Vonda M. Pearson  
Town Clerk

Sent Registered Mail

[www.AppleValley.org](http://www.AppleValley.org)

14955 Dale Evans Parkway • Apple Valley, California 92307 • 760.240.7000

1 **LEE GREEN & STEWART**  
2 Noah Green, Esq. (State Bar No. 218643)  
3 301 E. Colorado Boulevard, Suite 705  
4 Pasadena, CA 91101  
5 (626) 395-7686  
6 [noah@lgsattorneys.com](mailto:noah@lgsattorneys.com)

Attorneys for License Holder, Bright Futures Academy, LLC

7 **BEFORE THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA**

8  
9 **In re BRIGHT FUTURES ACADEMY,**  
10 **LLC, license holder**

**License No. 0013688**

**AMENDED MEMORANDUM OF  
BRIGHT FUTURES ACADEMY, LLC,  
DEMONSTRATING GOOD CAUSE AS  
TO WHY ITS BUSINESS LICENSE  
SHOULD NOT BE REVOKED**

11  
12  
13  
14 **DATE: June 13, 2017**  
15 **TIME: 6:30 p.m.**

16  
17 **TO THE HONORABLE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY,**  
18 **CALIFORNIA:**

19  
20 Bright Futures Academy, LLC ("BFA"), who is the holder of Business License Number  
21 00013688 ("License"), hereby submits the following Memorandum demonstrating good cause as  
22 to why its License should not be revoked. As detailed below, BFA comes before the Town to  
23 openly address the security issues related to its Apple Valley Campus over the past year and  
24 discuss the nature of the problem, the steps it has taken thus far, the effects that would be felt  
25 throughout the community if BFA's license is revoked and the school is forced to shut down.  
26 BFA would also like to go on record as being ready, willing and able to adopt other  
27 recommendations from the Town or other agencies and stakeholders as to how it might address  
28

1 these issues.

2 I.

3 **BACKGROUND INFORMATION REGARDING BRIGHT FUTURES ACADEMY**

4 In 2006, Universal Health Services, Inc. purchased nonpublic schools and youth  
5 residential treatment centers across the United States from Keystone Corporation. Prior to this  
6 acquisition the California nonpublic schools and residential treatment centers were owned by  
7 several corporations beginning in 1989. In June 2012, Betti Colucci, Pamela Lamberth, and  
8 Jeffrey LeComte purchased from Universal Health Services four schools and started Bright  
9 Futures Academy. The schools were located in 1) Rancho Cucamonga; 2) Riverside;  
10 3) Twentynine Palms; and 4) Victorville. They have been successfully operating the schools  
11 ever since  
12

13  
14 Betti Colucci served as Universal's Regional Vice President and oversaw the operation of  
15 nineteen nonpublic schools across the region from 2006-2012. Pamela Lamberth served as  
16 Universal's Director of Human Resources with Colucci from 2007-2012. Jeffrey LeComte  
17 served as a teacher and eventually became the principal of the Victorville school from 2001-  
18 2012.  
19

20 In February 2016, BFA moved the Victorville campus to its current location at 15757  
21 Saint Timothy Road in Apple Valley where it rents space from St. Timothy's Episcopal Church  
22 at the site of the church's old school.  
23

24 The Apple Valley ("AV") campus employs 30 residents and has 58 students in grades K-  
25 22.<sup>2</sup> Approximately 50% of the students at the AV campus are residents of the Town of Apple  
26 Valley.  
27

28 \_\_\_\_\_  
<sup>2</sup> Grade "22" refers to post-High School education.

1 BFA operates an Intensive Instructional Support Program ("IISP") at the AV campus,  
2 which comprises about 20% of the student body. This program's mission is the education of  
3 emotionally disturbed and other at-risk students. The remainder of the student body is comprised  
4 of 40% students with autism and 40% students with emotional disturbance.

5 The staff at BFA is well-aware of the fact that they are dealing with emotionally  
6 disturbed students in the IISP program. The staff knows that there is always a risk of injury  
7 when dealing with these students, but they knowingly assume that risk and are specially trained  
8 to cope with it. These educators are amongst the most devoted and selfless and in their field.

9  
10 **II.**

11 **SPIKE IN CALLS TO SHERIFF'S DEPARTMENT**

12 From approximately October 2015 through March 2017, BFA employed a Security  
13 Officer at its Victorville and AV campus. That security officer is responsible for handling all  
14 safety issues and the school's "first responder" in emergency cases.

15 Realizing that additional safety personnel were required at the AV campus, BFA  
16 contacted the Apple Valley Unified School District ("AVUSD") approximately one year ago to  
17 inquire about hiring AVUSD police officers or AV Town police officers to serve at the AV  
18 campus. In June 2016 AVUSD declined stating they did not have jurisdiction and directed BFA  
19 to the San Bernardino County Sheriff's Office. After receiving the letter terminating the  
20 business license for the Apple Valley campus the BFA owners requested a formal meeting with  
21 Deputy Chief Lana Tomlin and Captain Frank Bell to discuss their safety concerns with the  
22 school. BFA again addressed the interest in contracting with them for a certified school police  
23 officer. Sheriff's Office, by and through Captain Frank Bell, advised BFA that the cost of  
24 stationing a full-time sheriff in a patrol car at the AV campus would be \$204,000 per year.  
25 However, Bell indicated that the Sheriff could not contract for these services directly with BFA,  
26  
27  
28

1 and that the contract would have to be negotiated and paid for through the Town of Apple Valley  
2 ("the Town") and the County of San Bernardino. BFA was unable to make arrangements with  
3 the Town or County for the additional personnel from the Sheriff's Department and hired two  
4 Security Officers as school employees for the 2016 school year.

5  
6 Over the next 13 months, i.e., from February 2016 to March 2017, BFA's security officer  
7 at the AV campus made approximately 104 calls to the Apple Valley Sheriff's station. This  
8 point must be underscored: All of these calls to the Sheriff were made by BFA itself. None of  
9 the calls were made by parents, students, or even neighbors.

10  
11 **III.**

12 **INVESTIGATION REGARDING THE SPIKE IN CALLS TO THE SHERIFF**

13 A closer examination of what appears to be a concerning number of calls reveals that the  
14 vast majority were either false alarms, or incidents that BFA is legally required to report to law  
15 enforcement as mandatory reporters. In particular, of the 132 calls, only 30 were serious enough  
16 for the Sheriff's office to generate reports. The other 102 calls were therefore relatively  
17 insignificant and did not merit the generation of a formal report by the Sheriff's Department. See  
18 Exhibit 1.  
19

20 Of the 30 calls that led to reporting by the Sheriff, all consisted entirely of fights between  
21 students or injuries suffered by staff that were caused by students. These calls led to a total of  
22 eight (8) arrests.

23  
24 Captain Bell of the AV Sheriff's station – with some justification - felt that this call  
25 volume was a burden on his department and a drain on public resources. In or about March  
26 2017, Captain Bell reported the problem to the Town and asked that the Town consider revoking  
27 BFA's License. Based on Captain Bell's report, the Town notified BFA on April 6, 2017 that it  
28 intended to revoke its License within 15 days under Apple Valley Municipal Code

1 §5.02.230(a)(4), in that it found that License revocation was necessary to protect the "health,  
2 safety or welfare of the community." See Exhibit 2. On April 11, 2017, BFA duly filed an  
3 appeal of the Town's decision and asked for an open hearing on the matter before the Town  
4 Council. See Exhibit 3.

5  
6 Captain Bell also took it upon himself to notify the California Department of Education  
7 ("CDE"). CDE temporarily suspended BFA's certification at Apple Valley pending its review,  
8 effectively preventing BFA from enrolling new students until the review is concluded in  
9 December 2017. Captain Bell also notified the media, providing call logs that served as the basis  
10 for several articles in local outlets and, ultimately, one Los Angeles television station that cast  
11 the school in a negative light. In addition, Captain Bell called BFA's funding source and  
12 provided information about the calls in what appears to be an attempt to disrupt the school's  
13 financing. Needless to say, these actions have put an additional strain on BFA's resources in the  
14 form of diminished enrollment and financial risk.

15  
16  
17 **IV.**

18 **REMEDIAL MEASURES ALREADY UNDERTAKEN BY BRIGHT FUTURES**

19 BFA strongly believes in good corporate citizenship and recognizes that it must do its  
20 part to address the issues raised by the Sheriff regarding safety at the AV campus. As a result, it  
21 has already undertaken substantial efforts to remediate the problem, as outlined below.

22 **1. Re-Training BFA Security Personnel**

23  
24 First and foremost, the BFA has reviewed its security officer's training and realized that  
25 he was making many unnecessary calls to the Sheriff. That officer's employment with BFA  
26 ended in May 2017.

27 ///  
28 ///

1                   **2. Removal of Problem Students**

2                   BFA's internal investigation revealed that virtually all of the aggressive acts that  
3 prompted the spike in calls to the Sheriff were caused by seven (7) students. Those students  
4 have now been removed from the AV campus and are no longer BFA students.

5                   **3. Tightening Admission Standards**

6                   BFA has put in place additional safeguards to make sure that students with similar  
7 behavioral profiles are not admitted to AV and its other campuses, but are referred elsewhere for  
8 placement. This further reduces the likelihood of future calls for outside assistance.  
9

10                   **4. Hiring of Additional Security Officers**

11                   BFA has now contracted and hired two additional full-time security officers from the  
12 Blue Nite Protection Agency for its AV campus at a cost of \$147,000 per year. These additional  
13 officers are providing the extra staffing believed to be necessary to fully address the security  
14 needs of the AV campus.  
15

16                   **5. Repair of Alarm System**

17                   The automated alarm system that was sending false alarms to the Sheriff has now been  
18 repaired and appears to be no longer triggering unnecessary calls.  
19

20                   V.

21                   **ANTICIPATED IMPACT ON COMMUNITY CAUSED BY LICENSE REVOCATION**

22                   If BFA's Business License is revoked, a cascade of negative effects will ripple not only  
23 through the company itself, but throughout the community as a whole.  
24

25                   First and foremost, the 58 students currently receiving their education at the AV campus  
26 will have to be transported out of the area and "down the hill" to Riverside, Rancho Cucamonga,  
27 and other areas far from their homes. This is because BFA is the only institution in the High  
28 Desert that provides educational services to special needs students.


1 As for the 30 employees of BFA at the AV campus, some will be transferred to other  
2 campuses, but many will lose their jobs. In addition, St. Timothy's will lose its tenant and its  
3 school campus will be left vacant indefinitely. In total, the economic impact to the local  
4 economy is estimated at \$2.4 million.

5  
6 VI.

7 CONCLUSION

8 In light of the foregoing, BFA respectfully requests that the Town reinstate BFA's  
9 License. In the alternative, BFA asks that the License be temporarily reinstated pending a  
10 further investigation by the Town and other agencies regarding BFA's efforts to remediate the  
11 issues related to security at the BFA's AV campus, and continue to the hearing of this matter 90  
12 to 180 days.

13  
14  
15  
16 Dated: June 8, 2017

17 By:   
18 NOAH GREEN  
19 Attorney for Bright Futures Academy, LLC  
20  
21  
22  
23  
24  
25  
26  
27  
28



# Exhibit 1



JOHN McMAHON, SHERIFF-CORONER



8, 2016 - present

May 3, 2017

Bright Futures Academy  
Attn: Roy Monge  
Via E-mail Only: [r.monge@brightfuturesnps.com](mailto:r.monge@brightfuturesnps.com)

Re: Public Records Act request – *Calls for Service*

Dear Mr. Monge:

The San Bernardino County Sheriff's Department ("Department") has concluded its review of the Public Records Act request, wherein you seek: "All CAD print outs, for all calls for service at the Bright Futures Academy from August 2016 to present date; to include nature of call, who requested the call, and what was the final disposition of each call."

The Department has located four (4) pages that may be responsive to your request. Duplication costs have been waived. Any other records associated with this request, if they exist, constitute confidential investigative records compiled for law enforcement purposes. Government Code section 6254(f) exempts from public records act disclosure "any investigatory...files compiled by any...local agency for...law enforcement purposes." These records are exempt from disclosure, whether or not the prospect of enforcement proceedings is concrete and definite (*Haynle v. Superior Court* (2001) 26 Cal. 4th 1061,1069; *Black Panther Party v. Kehoe* (1974) 42 Cal.App.3d 645,654; *Younger v. Berkeley City Council* (1st Dist. 1975) 45 Cal.App.3d 825,833; *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440), and remain protected from disclosure, even after an investigation has concluded. (*Williams v. Superior Court* (1993) 5 Cal.4th 337,355-362.) Additionally, the release of such records could violate the privacy rights of involved police officers, witnesses, victims, and other persons named and/or depicted therein. These privacy rights are protected by the California Constitution, and are a fundamental interest recognized by the Public Records Act. (Cal. Const., Art I, Section I; Gov. Code §§ 6254, Subds. (c) & (k), and 6255.) Finally, information gathered by a government agency under the assurance of confidentiality are exempt from disclosure pursuant to Government Code section 6254(k), to the extent that they may contain privileged information as defined in Evidence Code section 1040.

If you have any questions or concerns, or would like to discuss this matter further, please contact me.

Sincerely,

MILES A. KOWALSKI  
General Legal Counsel  
San Bernardino County Sheriff's Department

MAK/ct  
Encl.(4 pgs.)

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT  
665 East Third Street • San Bernardino, California 92415-0061 • Post Office Box 569 • San Bernardino, California 92402-0569





# SHERIFF'S CALL HISTORY

From 8/1/2016 To 4/12/2017

APPLE VALLEY POLICE / SHERIFF STATION  
15757 St. Timothy Road, Apple Valley, CA

CID / LEINC



Date & Time	Initial Cal	Final Cal	Call Description	Location	Apt	Disposition	Incident #	Report #
<b>Call Type: 911 FOLLOW UP</b>								
11/04/16 01:52:22PM	911FU	911FU	911 FOLLOW UP	15757 ST TIMOTHY RD,APP		Necessary action taken	AP163090085	
12/02/16 02:26:54PM	911FU	911FU	911 FOLLOW UP	15757 ST TIMOTHY RD,APP		Cancel	AP163370107	
02/19/17 09:24:28PM	911FU	911FU	911 FOLLOW UP	15757 ST TIMOTHY RD, APP		Cancel	AP170500129	
02/23/17 02:31:16AM	911FU	911FU	911 FOLLOW UP	15757 ST TIMOTHY RD, APP		Cancel	AP170540013	
02/28/17 06:23:43PM	911FU	911FU	911 FOLLOW UP	15757 ST TIMOTHY RD, APP		False Alarm	AP170590121	
03/01/17 02:21:27PM	911FU	911FU	911 FOLLOW UP	15757 ST TIMOTHY RD, APP		Cancel	AP170600116	
03/02/17 09:24:30AM	911FU	911FU	911 FOLLOW UP	15757 ST TIMOTHY RD, APP		Cancel	AP170610056	
03/02/17 11:27:32AM	911FU	911FU	911 FOLLOW UP	15757 ST TIMOTHY RD, APP		Cancel	AP170610081	
<b>911 FOLLOW UP</b>		<b>Total: 8</b>						
<b>Call Type: ABSENT W/O LEAVE</b>								
09/14/16 01:25:40PM	AWOL	AWOL	ABSENT W/O LEAVE	15757 ST TIMOTHY RD,APP		Cancel	AP162580076	
02/10/17 10:34:55AM	AWOL	AWOL	ABSENT W/O LEAVE	15757 ST TIMOTHY RD, APP		Cancel	AP170410045	
02/27/17 10:21:48AM	AWOL	AWOL	ABSENT W/O LEAVE	15757 ST TIMOTHY RD, APP		Cancel	AP170580049	
<b>ABSENT W/O LEAVE</b>		<b>Total: 3</b>						
<b>Call Type: ASSAULT J/O</b>								
10/25/16 07:35:51AM	242R	242	ASSAULT J/O	15757 ST TIMOTHY RD,APP		Report to follow	AP162990022	APR1606594
10/25/16 10:17:03AM	242	242	ASSAULT J/O	15757 ST TIMOTHY RD,APP		Report to follow	AP162990037	APR1606599
11/02/16 11:45:25AM	FU	242	ASSAULT J/O	15757 ST TIMOTHY RD,APP		Report to follow	AP163070061	APR1606772
<b>ASSAULT J/O</b>		<b>Total: 3</b>						
<b>Call Type: ASSAULT RPT</b>								
09/02/16 03:13:19PM	242	242	ASSAULT RPT	15757 ST TIMOTHY RD,APP		Necessary action taken	AP162460123	
11/02/16 11:41:07AM	242	242	ASSAULT RPT	15757 ST TIMOTHY RD,APP		Gone on Arrival	AP163070060	
01/11/17 12:10:39PM	242	242	ASSAULT RPT	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170110062	
01/12/17 11:34:59AM	242	242	ASSAULT RPT	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170120069	
<b>ASSAULT RPT</b>		<b>Total: 4</b>						
<b>Call Type: ASSAULT W/S INJS</b>								
11/14/16 03:02:39PM	242	243D	ASSAULT W/S INJS	15757 ST TIMOTHY RD,APP		Arrest	AP163190107	APR1607050
01/24/17 10:41:35AM	242R	243D	ASSAULT W/S INJS	15757 ST TIMOTHY RD, APP		Report to follow	AP170240073	APR1700469
<b>ASSAULT W/S INJS</b>		<b>Total: 2</b>						
<b>Call Type: ASSAULT W/WEAPON</b>								
09/14/16 01:30:33PM	AWOL	245	ASSAULT W/WEAPON	15757 ST TIMOTHY RD,APP		Arrest	AP162580077	APR1605722
<b>ASSAULT W/WEAPON</b>		<b>Total: 1</b>						
<b>Call Type: ASSIST OTHR DEPT</b>								
10/17/16 02:33:40PM	AOD	AOD	ASSIST OTHR DEPT	15757 ST TIMOTHY RD,APP		Other Agency Assist	AP162910066	
<b>ASSIST OTHR DEPT</b>		<b>Total: 1</b>						
<b>Call Type: AUDIBLE ALARM</b>								
08/16/16 04:09:34PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD,APP		Cancel	AP162290108	
10/15/16 01:45:00AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD,APP		False Alarm	AP162890008	

Prepared By: M. Kóly, CA Supv. - Public Use

Date & Time	Initial Cal	Final Cal	Call Description	Location	Apt	Disposition	Incident #	Report #
<b>Call Type: AUDIBLE ALARM</b>								
10/16/16 05:17:39AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD,APP		False Alarm	AP162900024	
10/17/16 12:57:38AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD,APP		Cancel	AP162910003	
10/18/16 02:52:37AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD,APP		Cancel	AP162920004	
10/21/16 01:05:46AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD,APP		Necessary action taken	AP162950004	
10/21/16 04:37:29PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD,APP		Cancel	AP162950138	
10/27/16 01:06:40AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD,APP		False Alarm	AP163010006	
10/28/16 01:04:26AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD,APP		Necessary action taken	AP163020007	
10/28/16 04:12:48PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD,APP		False Alarm	AP163020117	
10/29/16 01:05:20AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD,APP		Necessary action taken	AP163030008	
11/12/16 01:06:14AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD,APP		Necessary action taken	AP163170011	
11/15/16 01:07:34AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD,APP		Cancel	AP163200002	
11/24/16 08:28:18PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD,APP		False Alarm	AP163290139	
12/08/16 01:05:10AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		Necessary action taken	AP163430002	
12/09/16 01:04:53AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		Cancel	AP163440008	
12/10/16 01:11:06AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP163450009	
12/20/16 01:03:22AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP163550005	
01/16/17 12:06:51PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP170160068	
01/18/17 05:19:16PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP170180160	
02/14/17 03:38:36AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP170450014	
02/21/17 06:28:47PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP170520149	
02/28/17 09:29:14PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP170590143	
03/04/17 06:26:16AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		Cancel	AP170630029	
03/11/17 01:48:27PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		Cancel	AP170700079	
03/15/17 01:11:46AM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP170740013	
03/17/17 09:29:23PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP170760176	
03/18/17 02:16:14PM	459A	459A	AUDIBLE ALARM	15757 ST TIMOTHY RD, APP		False Alarm	AP170770108	
<b>AUDIBLE ALARM Total: 28</b>								
<b>Call Type: COMMERCIAL BURG JO</b>								
02/19/17 09:21:59AM	459CR	459C	COMMERCIAL BURG JO	15757 ST TIMOTHY RD, APP		Report to follow	AP170500040	APR1701003
<b>COMMERCIAL BURG JO Total: 1</b>								
<b>Call Type: CPS FOLLOW UP</b>								
10/11/16 12:08:44PM	CPSFU	CPSFU	CPS FOLLOW UP	15757 ST TIMOTHY RD,APP		Report to follow	AP162850085	APR1606353
<b>CPS FOLLOW UP Total: 1</b>								
<b>Call Type: CRUELTY TO CHILD</b>								
02/09/17 11:06:59AM	273A	273A	CRUELTY TO CHILD	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170400054	
<b>CRUELTY TO CHILD Total: 1</b>								
<b>Call Type: DISTURBANCE</b>								
03/28/17 10:32:40AM	MISPER	415	DISTURBANCE	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170870043	
<b>DISTURBANCE Total: 1</b>								
<b>Call Type: DISTURBANCE JUVIE</b>								
09/07/16 12:41:53PM	415J	415J	DISTURBANCE JUVIE	15757 ST TIMOTHY RD,APP		Necessary action taken	AP162510071	
03/24/17 11:08:33AM	415J	415J	DISTURBANCE JUVIE	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170830056	
<b>DISTURBANCE JUVIE Total: 2</b>								
<b>Call Type: FOLLOW UP</b>								
09/30/16 08:45:54AM	FU	FU	FOLLOW UP	15757 ST TIMOTHY RD,APP		Supplemental	AP162740040	
Prepared By: M. Kelly, CA Supv. - Public Use								

Date & Time	Initial Cal	Final Cal	Call Description	Location	Apt	Disposition	Incident #	Report #
<b>Call Type: FOLLOW UP</b>								
10/05/16 01:37:57PM	FU	FU	FOLLOW UP	15757 ST TIMOTHY RD,APP				
11/02/16 03:06:12PM	FU	FU	FOLLOW UP	15757 ST TIMOTHY RD,APP		Necessary action taken	PO162790108	
11/18/16 12:08:58PM	FU	FU	FOLLOW UP	15757 ST TIMOTHY RD,APP		Report to follow	AP163070092	
11/26/16 01:11:32PM	FU	FU	FOLLOW UP	15757 ST TIMOTHY RD,APP		Necessary action taken	AP163230073	
02/01/17 11:59:26AM	FU	FU	FOLLOW UP	15757 ST TIMOTHY RD, APP		Supplemental	AP163310085	
02/24/17 08:17:48AM	FU	FU	FOLLOW UP	15757 ST TIMOTHY RD, APP		Supplemental	AP170320076	
<b>FOLLOW UP</b>		<b>Total: 7</b>						
<b>Call Type: INDECENT EXPOSUR</b>								
12/08/16 11:07:47AM	314	314	INDECENT EXPOSUR	15757 ST TIMOTHY RD, APP		Report to follow	AP163430070	APR1607508
<b>INDECENT EXPOSUR</b>		<b>Total: 1</b>						
<b>Call Type: INFORMATION CALL</b>								
08/13/16 05:32:38PM	INFO	INFO	INFORMATION CALL	15757 ST TIMOTHY RD,APP		Necessary action taken	AP162260104	
09/22/16 04:19:56PM	INFO	INFO	INFORMATION CALL	15757 ST TIMOTHY RD,APP		Necessary action taken	AP162660123	
10/03/16 11:19:32AM	INFO	INFO	INFORMATION CALL	15757 ST TIMOTHY RD,APP		Necessary action taken	AP162770050	
10/31/16 11:21:38AM	INFO	INFO	INFORMATION CALL	15757 ST TIMOTHY RD,APP		Other Agency Assist	AP163050068	
01/24/17 09:50:34AM	INFO	INFO	INFORMATION CALL	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170240064	
02/03/17 02:18:44PM	INFO	INFO	INFORMATION CALL	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170340094	
03/09/17 07:18:18PM	INFO	INFO	INFORMATION CALL	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170680160	
<b>INFORMATION CALL</b>		<b>Total: 7</b>						
<b>Call Type: MISC ALARM</b>								
10/28/16 04:22:07PM	ALARM	ALARM	MISC ALARM	15757 ST TIMOTHY RD,APP		Necessary action taken	AP163020120	
<b>MISC ALARM</b>		<b>Total: 1</b>						
<b>Call Type: MISC INCIDENT</b>								
09/28/16 01:49:51PM	243.4	INC	MISC INCIDENT	15757 ST TIMOTHY RD,APP		Report to follow	AP162720089	APR1606049
12/13/16 09:09:02AM	417	INC	MISC INCIDENT	15757 ST TIMOTHY RD, APP		Report to follow	AP163480053	APR1607616
12/15/16 05:59:46PM	INC	INC	MISC INCIDENT	BRIGHT FUTURES ACADEMY		Necessary action taken	AP163500154	
12/20/16 11:27:03AM	242	INC	MISC INCIDENT	15757 ST TIMOTHY RD, APP		Report to follow	AD163550022	APR1607762
02/08/17 07:31:01PM	INC	INC	MISC INCIDENT	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170390155	
03/06/17 12:11:54PM	626	INC	MISC INCIDENT	15757 ST TIMOTHY RD, APP		Report to follow	AP170650062	APR1701282
<b>MISC INCIDENT</b>		<b>Total: 6</b>						
<b>Call Type: MISPER</b>								
09/23/16 01:33:28PM	MISPER	MISPER	MISPER	15757 ST TIMOTHY RD,APP		Cancel	AP162670091	
<b>MISPER</b>		<b>Total: 1</b>						
<b>Call Type: PSYCHE INV/EVAL</b>								
03/14/17 11:18:09AM	415J	5150	PSYCHE INV/EVAL	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170730058	
<b>PSYCHE INV/EVAL</b>		<b>Total: 1</b>						
<b>Call Type: RAJ REPORT</b>								
02/24/17 09:49:51AM	AREACK	RAJ	RAJ REPORT	15757 ST TIMOTHY RD, APP		Report to follow	AP170550056	APR1701113
<b>RAJ REPORT</b>		<b>Total: 1</b>						
<b>Call Type: SCHOOL CRIME RPT</b>								
09/29/16 01:08:29PM	626	626	SCHOOL CRIME RPT	15757 ST TIMOTHY RD,APP		Necessary action taken	AP162730078	
<b>SCHOOL CRIME RPT</b>		<b>Total: 1</b>						
<b>Call Type: SCHOOL VISIT</b>								
08/24/16 02:39:24PM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD,APP		Arrest	PO162370224	
Prepared By: M. Kelly, CA Supv. - Public Use								

Date & Time	Initial Cal	Final Cal	Call Description	Location	Apt	Disposition	Incident #	Report #
<b>Call Type: SCHOOL VISIT</b>								
09/07/16 09:41:43AM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD,APP		Necessary action taken	PO162510026	
10/05/16 11:32:04AM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD,APP		Necessary action taken	PO162790077	
10/14/16 10:44:23AM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD,APP		Necessary action taken	PO162880042	
10/18/16 10:05:11AM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD,APP		Necessary action taken	PO162920017	
10/25/16 10:43:19AM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD,APP		Necessary action taken	PO162990052	
12/08/16 01:45:30PM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD, APP		Necessary action taken	PO163430109	
01/09/17 03:30:25PM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD, APP		Arrest	PO170090103	
01/10/17 12:42:24PM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD, APP		Necessary action taken	PO170100088	
03/21/17 10:25:35AM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD, APP		Necessary action taken	PO170800056	
03/23/17 12:01:05PM	SV	SV	SCHOOL VISIT	15757 ST TIMOTHY RD, APP		Necessary action taken	PO170820068	
<b>SCHOOL VISIT</b>			<b>Total: 11</b>					
<b>Call Type: Security Check</b>								
03/27/17 06:49:09PM	SECCK	SECCK	Security Check	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170860122	
<b>Security Check</b>			<b>Total: 1</b>					
<b>Call Type: SEXUAL BATTERY</b>								
09/29/16 01:14:38PM	243.4	243.4	SEXUAL BATTERY	15757 ST TIMOTHY RD,APP		Arrest	AP162730080	APR1606075
<b>SEXUAL BATTERY</b>			<b>Total: 1</b>					
<b>Call Type: SEXUAL BATTERY RP</b>								
09/13/16 09:53:28AM	INC	243.4	SEXUAL BATTERY RP	15757 ST TIMOTHY RD,APP		Report to follow	AP162570033	APR1605693
<b>SEXUAL BATTERY RP</b>			<b>Total: 1</b>					
<b>Call Type: SUBJECT DISTURB</b>								
10/05/16 10:50:31AM	415S	415S	SUBJECT DISTURB	15757 ST TIMOTHY RD,APP		Service Rendered	AP162790067	
03/27/17 04:17:12PM	415S	415S	SUBJECT DISTURB	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170860100	
<b>SUBJECT DISTURB</b>			<b>Total: 2</b>					
<b>Call Type: SUSPECT CONTACT</b>								
11/10/16 11:29:21AM	SUSCON	SUSCON	SUSPECT CONTACT	15757 ST TIMOTHY RD,APP		Arrest	AP163150063	
<b>SUSPECT CONTACT</b>			<b>Total: 1</b>					
<b>Call Type: TERR THREATS RPT</b>								
02/15/17 10:19:28AM	422	422	TERR THREATS RPT	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170460037	
02/23/17 02:00:13PM	422	422	TERR THREATS RPT	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170540082	
<b>TERR THREATS RPT</b>			<b>Total: 2</b>					
<b>Call Type: TERRORST THREATS</b>								
12/15/16 09:35:17AM	415S	422	TERRORST THREATS	15757 ST TIMOTHY RD, APP		Arrest	AP163500050	APR1607659
02/15/17 11:31:47AM	415	422	TERRORST THREATS	15757 ST TIMOTHY RD, APP		Report to follow	AP170460048	APR1700905
<b>TERRORST THREATS</b>			<b>Total: 2</b>					
<b>Call Type: WELFARE CHECK</b>								
02/23/17 05:35:36PM	WELCK	WELCK	WELFARE CHECK	15757 ST TIMOTHY RD, APP		Necessary action taken	AP170540116	
<b>WELFARE CHECK</b>			<b>Total: 1</b>					

<b>Total Calls For Service:</b>	<b>104</b>
<b>Total Deputy Reports:</b>	<b>19</b>





## **Exhibit 2**



# Town of Apple Valley

A Better Way of Life

April 6, 2017

Bright Futures Academy, LLC  
9994 Country Farm Rd  
Riverside, CA 92503-3518

Certified Mail No. 7014 2870 0000 3537 4333

Re: Business license No. 00013688

Located: 15757 Saint Timothy Rd.

Dear Administrator,

Please be advised that you are herewith given fifteen days notice of the Town's intent to revoke Business License No. 00013688 issued to Bright Futures Academy, LLC-Apple Valley operating from 15757 Saint Timothy Rd. in Apple Valley CA.

This action is being taken, in part, due to the following issues:

1. Failure to provide safe environment to students, aides, and curricular administration.
2. Reported incidents, ranging from simple assaults to sexual battery, including gang activity, theft and rioting.
3. High increase of calls to local emergency dispatch disproportionate allocation of resources to law enforcement agencies.

The Apple Valley Municipal Code provides that a business license may be revoked under special circumstances, in this instance see item (4) of 5.02.230.

#### 5.02.230 Revocation

- (a) All licenses issued under the provisions of this Chapter shall be in compliance with all applicable laws of the State of California and the United States of America. Any license granted through the provisions of this Chapter may be revoked by the Town Manager if he determines either (1) that it was fraudulently or wrongfully issued or obtained, or (2) that the information provided in the application was misleading or false in any material respect, or (3) that the business is operating in violation of any statute, ordinance or law, or (4) that the revocation is necessary to health, safety or welfare of the community, subject to the provisions of Subsection (b) below.

[www.AppleValley.org](http://www.AppleValley.org)

14955 Dale Evans Parkway • Apple Valley, California 92307 • 760.240.7000

Page 2

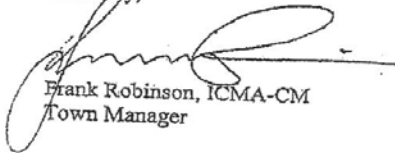
The Apple Valley Municipal Code also provides that prior to revocation a business owner may file an appeal as provided below in 5.02.230 (b).

(b) Prior to any revocation of license, the Town Manager shall give the license holder fifteen days notice of intent to revoke such license. Within fifteen days of such notice, the license holder may file a written request with the Town Clerk to appear before the Town Council, and when a hearing is thereafter scheduled by the Town Clerk, the license holder may appear and show cause before the Town Council why such license should not be revoked. Upon the failure of the license holder to file a written request to appear within fifteen days, or if after the hearing of the Council, the Council finds good and sufficient cause of revocation, the license shall be revoked. No refund of any license shall be made following revocation.

Be further advised that you cannot conduct business in the Town of Apple Valley without a valid Business License issued by the Town.

For further questions, please contact Dawn Simmons at (760) 240-7000 ext. 7707.

Sincerely,



Frank Robinson, ICMA-CM  
Town Manager

xc: Finance Department  
Police Department  
Town Attorney  
File

## **Exhibit 3**



BRIGHT FUTURES  
Academy

April 11, 2017

LaVonda Pearson  
Town Clerk  
Town of Apple Valley  
14955 Dale Evans Parkway  
Apple Valley, CA 92307

RE: Business License 00013688

Dear Ms. Pearson,

In reference to the letter dated April 6, 2017, advising Bright Futures Academy with the intent to revoke the Business License No. 00013688, we respectfully would like to file an appeal. It is my understanding that this written communication will suffice to start the appeal process.

We believe, Bright Futures is part of the fabric of the community and help benefit its economy. Many of our staff live in the area and we provide jobs to our students over the summer. We have a 10-year lease on our building that infuses \$1.8 million back into the Town and we utilize local vendors for supplies, gas, insurance, repairs and short-term housing for our teachers. With this being said, we also understand that tighter controls and a different staffing pattern may be required to provide a better structured program which should eliminate the strain on the Police and Sheriff department's resources.

Bright Futures wants to be a good neighbor while also providing a vital service to the community. We implore you to keep our business license active and we have formed a plan to reduce calls to the Town's police department and provide a safe, education enriched program.

Bright Futures Academy has been serving children in the High Desert for more than 25 years. As a non-public school, we provide year-round care, special education and behavioral services to children with exceptional needs that can't be met in a public school setting. We contract with Apple Valley Unified School District and others to provide these services.

Our highly trained teachers, staff and administrators nurture children from the community who have autism, developmental disabilities, and emotional and conduct disorders. We specialize in teaching children with the most challenging behaviors, many of whom have exhausted all other educational options.

9994 County Farm Road, Riverside, CA 92503  
951.785.0504



## BRIGHT FUTURES

Academy

We encourage the Town Council and its representatives to speak with the Desert Mountain SELPA (Special Education Local Plan Area) concerning our lengthy and outstanding reputation for providing services to special needs students.

Bright Futures Academy would like to work with the Town of Apple Valley and its police department to solve any outstanding issues and continue contributing to the community and its residents. We want to work with you to resolve any issues and ensure that students in the community who are most in need continue to have a place close-by where they can learn and thrive.

Please accept our request for an appeal of the Town's intent to revoke our Business License. You may contact me directly at my direct phone # 951-373-3795 or email at [p.lamberth@brightfuturesnps.com](mailto:p.lamberth@brightfuturesnps.com).

Respectfully

Pamela Lamberth  
Chief Operating Officer

9994 County Farm Road, Riverside, CA 92503  
951.785.0504

1 **LEE GREEN & STEWART**

2 Noah Green, Esq. (State Bar No. 218643)  
3 301 E. Colorado Boulevard, Suite 705  
4 Pasadena, CA 91101  
5 (626) 395-7686  
6 [noah@lgsattorneys.com](mailto:noah@lgsattorneys.com)

7 Attorneys for License Holder, Bright Futures Academy, LLC

8 **BEFORE THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA**

9 **In re BRIGHT FUTURES ACADEMY,**  
10 **LLC, license holder**

**License No. 0013688**

11 **STATUS REPORT OF BRIGHT**  
12 **FUTURES ACADEMY, LLC, RE**  
13 **PROGRESS OF REMEDIATION**  
14 **EFFORTS ORDERED BY TOWN**  
15 **COUNCIL**

16 **DATE: August 8, 2017**  
17 **TIME: 6:30 p.m.**

18 TO THE HONORABLE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY,  
19 CALIFORNIA:

20 Bright Futures Academy, LLC (“BFA”), who is the holder of Business License Number  
21 00013688 (“License”), hereby submits the following Status Report summarizing its progress in  
22 implementing certain remedial efforts that BFA was ordered to undertake at the Town Council’s  
23 meeting on June 13, 2017.

24 **I.**

25 **INTRODUCTION**

26 BFA operates three non-public schools in the Inland Empire and High Desert for students  
27 with emotional disturbance or have autism/intellectual disabilities. Captain Frank Bell of the  
28 Apple Valley station of the San Bernardino County Sheriff’s Department reported a substantial

1 spike in service calls to his station from BFA's Apple Valley campus from February 2016 to  
2 March 2017, stating this volume created a drain on the Sheriff's limited resources and raising  
3 concerns about whether BFA's operations presented a risk to the health, safety and welfare of the  
4 town. Considering these facts, the Town Manager's recommendation was that BFA's business  
5 license should be revoked under Apple Valley Municipal Code §5.02.230(a)(4). The matter was  
6 then set for public comment before the Town Council on June 13, 2017.

8 BFA came to that hearing and presented its case as to why its license should not be  
9 revoked. In sum, BFA acknowledged its failings, took responsibility and offer apologies to the  
10 Sheriff's Department, the Town Council, and the community at large for the volume of calls.  
11 BFA then outlined several remedial steps that it had undertaken prior the hearing, which  
12 included the following:

- 14 • Repairing a malfunctioning alarm system that was triggering false alarms and  
15 automatic calls for service to the Sheriff.
- 16 • Hiring an outside security contractor, Blue Nite Protection Agency, to serve as a  
17 buffer between school staff and the police;
- 18 • Re-training BFA security personnel on how to better handle student aggression;
- 19 • Removal of a handful of students that were the cause of most of the calls to the  
20 Sheriff;
- 21 • Initiating the purchase of a new campus in Adelanto for the purpose of segregating its  
22 population of students with emotional disturbance, who tend to be responsible for  
23 most security issues. In particular, the students with emotional disturbance would be  
24 transferred to BFA's new Adelanto campus while the students with autism and  
25 intellectual disabilities would remain at the Apple Valley campus.

28 ///



1 At that June 13, 2017 hearing, the Council ruled that it would take the question of  
2 revoking BFA's license under submission pending the completion of a six-month probationary  
3 period by BFA. During said probationary period, BFA was ordered to continue the remediation  
4 efforts outlined above. In addition, BFA was to present a report to the Council prior to its  
5 regular meeting on August 8, 2017 as to the status of those remediation efforts. That report is  
6 presented herein and described in greater detail below.  
7

8 **II.**

9 **STATUS OF REMEDIATION EFFORTS**

10 To date, BFA has undertaken the following steps to remediate security at its Apple  
11 Valley campus:

12 **1. Adelanto Campus**

13 BFA's new Adelanto campus, which currently is in escrow, is scheduled to open no  
14 later than October 31, 2017 pending an onsite visit by the California Department of  
15 Education ("CDE") to validate the new school. The school is also currently working  
16 on the zoning and business license clearance as it moves forward in the process. The  
17 portion of BFA's student body at the Apple Valley campus that are students with  
18 emotionally-disturbance will be fully transferred there by the projected date.  
19

20 **2. Re-Training of Staff**

21 The BFA classroom and transportation staff have annual staff development training  
22 on August 7, 8, and 9<sup>th</sup>. The trainings will include topics such as verbal de-escalation  
23 of students with verbal and physical aggression, classroom behavior management  
24 strategies and techniques, and Positive Behavior Intervention and Supports.  
25

26 Additionally PRO-ACT Training for staff who require a refresher course or are newly  
27 hired will occur in three separate three day trainings from July 24- August 6<sup>th</sup>.  
28

