

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
Deputy Attorney General
4 State Bar No. 196882
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-3465
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

Case No. 1000954

12 **EMS TRAINING INSTITUTE, INC.**

13 **45 West Easy St. #2**
14 **Simi Valley , CA 93065**

ACCUSATION

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Joanne Wenzel (Complainant) brings this Accusation solely in her official capacity as
20 the Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs.

21 2. On or about September 28, 2006, the Bureau for Private Postsecondary Education
22 issued Approval to Operate Institution Number 41500904 to EMS Training Institute, Inc.

23 (“Respondent”). On or about September 21, 2012, Respondent submitted its renewal Application.

24 On or about January 23, 2013 the approval to operate expired and Respondent’s renewal
25 application was denied.
26
27
28

1 **JURISDICTION**

2 3. This Accusation is brought before the Director of the Department of Consumer
3 Affairs (Director) for the Bureau for Private Postsecondary Education, under the authority of the
4 following laws.

5 4. Title 5 of the California Code of Regulations, section 71745 provides:

6 “(a) The institution shall document that it has at all times sufficient assets and financial
7 resources to do all of the following:

8 “... ”

9 “(6) Maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or greater at the
10 end of the most recent fiscal year when using generally accepted accounting principles, or for an
11 institution participating in Title IV of the federal Higher Education Act of 1965, meet the
12 composite score requirements of the U.S. Department of Education. For the purposes of this
13 section, current assets does not include: intangible assets, including goodwill, going concern
14 value, organization expense, startup costs, long-term prepayment of deferred charges, and non-
15 returnable deposits, or state or federal grant or loan funds that are not the property of the
16 institution but are held for future disbursement for the benefit of students. Unearned tuition shall
17 be accounted for in accordance with general accepted accounting principles.

18 “... ”

19 5. Title 5 of the California Code of Regulations, section 74112 provides:

20 “(e) Placement Rates.

21 “(1) Any placement data required by sections 94910(b) and 94929.5(a) of the Code
22 shall be reported for the number of students who began the program as defined in subdivision (b)
23 for each reported calendar year.

24 “(2) Placement is measured six months from the graduation date of each student.
25 Reporting of placement rates shall include for each educational program: the number of students
26 who began the program, the number of graduates as defined in subdivision (b), graduates
27 available for employment, graduates employed in the field and placement rate(s).

28

1 “(3) Placement rate shall be calculated as follows: the number of graduates employed
2 in the field as defined in subsection 74112(b)(3) divided by the number of graduates available for
3 employment as defined in section 94928(d) of the Code.

4 “(4) Graduates employed in the field shall be reported for those graduates employed
5 in the field in a single position that averages under 32 hours per week and those employed in the
6 field in a single position that averages at least 32 hours per week.

7 “References to the Code are to the California Education Code where the California Private
8 Postsecondary Education Act of 2009 is located.

9 “Placement rates shall be included in the Performance Fact Sheet in a format substantially
10 similar to the chart below, including the footnoted information below (dates, numbers, and other
11 data shown are for example only):

12 “Placement Rates (includes data for the two calendar years prior to reporting)

13 “...

14 “1 "Number of Students Who Began Program" means the number of students who began
15 the program who are scheduled to complete the program within the reporting calendar year.

16 “2 "Number of Graduates" is the number of students who have completed the program
17 within 100% of the published program length.

18 “3 "Graduates available for employment" means the number of graduates minus the number
19 of graduates unavailable for employment. "Graduates unavailable for employment" means
20 graduates who, after graduation, die, become incarcerated, are called to active military duty, are
21 international students that leave the United States or do not have a visa allowing employment in
22 the United States, or are continuing their education in an accredited or bureau-approved
23 postsecondary institution.

24 “4 "Graduates employed in the field" means graduates who report that they are gainfully
25 employed within six months of graduation in a position for which the skills obtained through the
26 education and training provided by the institution are required or provided a significant advantage
27 to the graduate in obtaining the position.

28 “...

1 **FACTUAL BACKGROUND**

2 8. On or about June 29, 2015, the Bureau for Private Postsecondary Education (Bureau)
3 received an Enforcement Referral from a Bureau Compliance Investigator as a result of an
4 announced compliance inspection conducted on June 24, 2015 at Respondent's site. The
5 inspection revealed that Respondent was in violation of numerous Bureau laws and regulations.
6 Between September 10, 2015, and December 2, 2015, a Bureau representative performed an
7 ongoing investigation of the violations. As of December 2, 2015, the following violations
8 remained: Title 5 of the California Code of Regulations, sections 71745, subdivision (a)(6), and
9 74112, subdivisions (e) and (h); and California Education Code section 94929.5, subdivision
10 (a)(3).

11 **FIRST CAUSE FOR DISCIPLINE**

12 (Failure to Maintain Proper Ratio of Assets to Liabilities)

13 9. Respondent is subject to disciplinary action under section Title 5 of the California
14 Code of Regulations, section 71745 subdivision (a)(6), which requires the institution to maintain
15 a ratio of current assets to current liabilities of 1.25 to 1.00 or greater at the end of the most recent
16 fiscal year. The circumstances surrounding these allegations are set forth above in paragraph 8,
17 and are incorporated herein as though set forth in full.

18 10. In addition, as of December 2, 2015, Respondent had total assets in the amount of
19 \$41,612.00 and total current liabilities in the amount of \$59,294.00 making its ratio of current
20 assets to current liabilities .70 to 1.0, which is below the required ratio of 1.25 to 1.0 or greater, in
21 violation of section 71745, subdivision (a)(6).

22 **SECOND CAUSE FOR DISCIPLINE**

23 (Failure to Document and Report Placement Data)

24 11. Respondent is subject to disciplinary action under Title 5 of the California Code of
25 Regulations, section 74112 Subdivision (e), which requires the institution to include student
26 placement data in its School Performance Fact Sheet and in the Annual Report. The
27 circumstances surrounding these allegations are set forth above in paragraph 8, and are
28 incorporated herein as though set forth in full.


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER

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

1. Revoking or suspending Approval to Operate Institution Number 41500904, issued to EMS Training Institute, Inc.;
2. Ordering Respondent to pay the Bureau for Private Postsecondary Education the reasonable costs of the investigation and enforcement of this case, pursuant to Section 125.3 of the Business and Professions Code; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 11/17/16


JOANNE WENZEL
Chief
Bureau for Private Postsecondary Education
Department of Consumer Affairs
State of California
Complainant

LA2016601830
52282596.doc