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7

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:

Case No. BPPE22-169

13 **HIGH DESERT EMT**
14 12241 Industrial Blvd., #208
Victorville, CA 92395

ACCUSATION

15 **mailing address**
16 P.O. Box 2117
Apple Valley, CA 92395

17 **Approval to Operate Institution Code No.**
18 **71435217**

19 Respondent.

20
21
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, Department of
25 Consumer Affairs.

26 2. On or about November 10, 2020, the Bureau for Private Postsecondary Education
27 issued Approval to Operate Institution Code No. 71435217 to High Desert EMT, owned by Kalli
28

1 Tice (Respondent). The Approval to Operate was in full force and effect at all times relevant to
2 the charges brought herein and will expire on November 10, 2025, unless renewed.

3 **JURISDICTION**

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

8 4. Business and Professions Code section 118(b) states:

9 The suspension, expiration, or forfeiture by operation of law of a license issued
10 by a board in the department, or its suspension, forfeiture, or cancellation by order of
11 the board or by order of a court of law, or its surrender without the written consent of
12 the board, shall not, during any period in which it may be renewed, restored, reissued,
13 or reinstated, deprive the board of its authority to institute or continue a disciplinary
proceeding against the licensee upon any ground provided by law or to enter an order
suspending or revoking the license or otherwise taking disciplinary action against the
licensee on any such ground.

14 5. Section 94875 of the Code states, in pertinent part:

15 The bureau shall regulate private postsecondary educational institutions through
16 the powers granted, and duties imposed, by this chapter. In exercising its powers, and
17 performing its duties, the protection of the public shall be the bureau's highest
priority. If protection of the public is inconsistent with other interests sought to be
promoted, the protection of the public shall be paramount.

18 6. Section 94932 of the Code states:

19 The bureau shall determine an institution's compliance with the requirements of
20 this chapter. The bureau shall have the power to require reports that institutions shall
21 file with the bureau in addition to the annual report, to send staff to an institution's
22 sites, and to require documents and responses from an institution to monitor
23 compliance. When the bureau has reason to believe that an institution may be out of
24 compliance, it shall conduct an investigation of the institution. If the bureau
determines, after completing a compliance inspection or investigation, that an
institution has violated any applicable law or regulation, the bureau shall take
appropriate action pursuant to this article.

24 **STATUTORY PROVISIONS**

25 7. Section 94926 of the Code states:

26 At least 30 days prior to closing, the institution shall notify the bureau in
27 writing of its intention to close. The notice shall be accompanied by a closure plan,
which shall include, but not necessarily be limited to, all of the following:

28 (a) A plan for providing teach-outs of educational programs, including any

1 agreements with any other postsecondary educational institutions to provide teach-
2 outs.

3 (b) If no teach-out plan is contemplated, or for students who do not wish to
4 participate in a teach-out, arrangements for making refunds within 45 days from the
5 date of closure, or for institutions that participate in federal student financial aid
6 programs arrangements for making refunds and returning federal student financial aid
7 program funds.

8 (c) If the institution is a participant in federal student financial aid programs, it
9 shall provide students information concerning these programs and institutional
10 closures.

11 (d) A plan for the disposition of student records.

12 8. Section 94927.5 of the Code states:

13 (a) Prior to closing, an institution shall provide the bureau with the following:

14 (1) Copies of pertinent student records, including transcripts, in hardcopy or
15 electronic form, as determined by the bureau, pursuant to regulations adopted by the
16 bureau.

17 (2) If the institution is an accredited institution, a plan for the retention of
18 records and transcripts, approved by the institution's accrediting agency, that
19 provides information as to how a student may obtain a transcript or any other
20 information about the student's coursework and degrees completed.

21 (b) Subdivision (a) applies to all private postsecondary institutions, including
22 institutions that are otherwise exempt from this chapter pursuant to Article 4
23 (commencing with Section 94874).

24 9. Section 94936 of the Code states:

25 (a) As a consequence of an investigation, which may incorporate any materials
26 obtained or produced in connection with a compliance inspection, and upon a finding
27 that the institution has committed a violation of this chapter or that the institution has
28 failed to comply with a notice to comply pursuant to Section 94935, the bureau shall
issue a citation to an institution for violation of this chapter, or regulations adopted
pursuant to this chapter.

(b) The citation may contain any of the following:

(1) An order of abatement that may require an institution to demonstrate
how future compliance with this chapter or regulations adopted pursuant to this
chapter will be accomplished.

(2) Notwithstanding Section 125.9 of the Business and Professions Code,
an administrative fine not to exceed five thousand dollars (\$5,000) for each
violation. . . .

(c)(1) The citation shall be in writing and describe the nature of the violation
and the specific provision of law or regulation that is alleged to have been violated.

(2) The citation shall inform the institution of its right to request a hearing

in writing within 30 days from service of the citation.

...

(4) If a hearing is not requested, payment of the administrative fine is due 30 days from the date of service, and shall not constitute an admission of the violation charged.

...

REGULATORY PROVISIONS

10. California Code of Regulations, title 5, section 74000 subdivision (e)(1) states that “[i]f an institution fails to pay any fee and any penalty fees timely, the Bureau may initiate proceedings to revoke the institution’s approval to operate for failure to pay fees.”

11. California Code of Regulations, title 5, section 75020 states:

(a) The Bureau Chief, or his or her designee, or the Director’s designee, is authorized to issue citations containing orders of abatement and/or administrative fines pursuant to section 94936 of the Code against approved private, postsecondary institutions that have committed any acts or omissions that are in violation of the Act or any regulation adopted pursuant thereto.

(b) The Bureau Chief, or his or her designee, or the Director’s designee, is authorized to issue citations containing orders of abatement and administrative fines not to exceed \$100,000 pursuant to section 94944 of the Code against persons who are without proper approval to operate a private, postsecondary institution. In addition, the citation may contain an order of abatement pursuant to section 149 of the Business and Professions Code that requires the unapproved person to cease any unlawful advertising and to notify the telephone company furnishing services to the cited person: (1) to disconnect the telephone services furnished to any telephone number contained in the unlawful advertising, and (2) that subsequent calls to that number shall not be referred by the telephone company to any new number obtained by that person. The provisions of section 75040 shall apply to this subsection.

(c) In addition to the requirements of section 94936 of the Code, each citation shall inform the cited institution or person that:

(1) if a hearing pursuant to the Administrative Procedure Act (APA) is not requested, payment of the administrative fine is due 30 days from the date of service, and shall not constitute an admission of the violation charged.

(2) if a hearing pursuant to the APA is conducted and payment of an administrative fine is ordered, the administrative fine is due 30 days from when the order is effective;

(3) if the cited institution or person desires an informal conference to contest the finding of a violation prior to an APA hearing, the informal conference shall be requested by written notice to the Bureau within 30 days from service of the citation;

(4) failure to comply with any order of abatement within the time set forth in the citation, unless the citation is being appealed, may result in disciplinary action being

taken by the Bureau; and

(5) the Bureau may enforce the administrative fine as if it were a money judgment pursuant to the California Code of Civil Procedure (beginning with section 680.010).

(d) Each citation shall be served on the cited institution or person, in person, or by certified and regular mail at the address of record on file with the Bureau. Citations served by certified and regular mail shall be deemed “served” on the date of mailing.

(e) The sanction authorized under this section shall be separate from, and in addition to, any civil, criminal, or other administrative remedies.

12. California Code of Regulations, title 5, section 75030 states:

Where citations pursuant to section 94936 of the Code and section 75020, subsection (a) include an assessment of an administrative fine, the fine shall be not less than \$50 or exceed \$5,000 for each violation. Each violation shall be classified according to the nature of the violation and shall indicate the classification on the face thereof as follows:

(a) A “Class A” violation shall not be less than \$2,501 nor more than \$5,000. A Class A violation is one that the Bureau has, in its discretion, determined to be more serious in nature, deserving the maximum fine. A Class A violation may, in the Bureau’s discretion, be issued to an institution that has committed one or more prior separate Class B violations.

(b) A “Class B” violation shall not be less than \$1,001 nor more than \$2,500. A Class B violation is one that the Bureau has, in its discretion, determined to be less serious in nature and may include, but is not limited to, a violation that could have resulted in student harm. Typically some degree of mitigation will exist. A Class B violation may be issued to an institution that has committed one or more prior separate Class C violations.

(c) A “Class C” violation shall not be less than \$501 nor more than \$1,000. A Class C violation is one that the Bureau has, in its discretion, determined to be a minor or technical violation, which may be directly or potentially detrimental to students or potentially impacts their education.

(d) A “Class D” violation shall not be less than \$50 nor more than \$500. A Class D violation is one that the Bureau has, in its discretion, determined to be a minor or technical violation, which is neither directly or potentially detrimental to students nor potentially impacts their education.

13. California Code of Regulations, title 5, section 75040 states in relevant part:

(a) Pursuant to section 94936(c)(2) of the Code, a cited institution or person may, within 30 days of service of the citation, request a hearing in writing to the Bureau, or it is waived. In addition to contesting a citation by requesting a hearing, the cited institution or person may, within the same 30 days, submit a written request to the Bureau for an informal conference.

(b) The Bureau Chief, or his or her designee, or the Director, or his or her designee, shall within 30 days from the Bureau’s receipt of a written request for an informal conference, hold an informal conference with the cited institution or person. The 30-day

1 period may be extended by the Bureau Chief or the Director for good cause. The informal
2 conference may be, by telephone.

3 (c) Following the informal conference, the Bureau Chief, or his or her designee, or
4 the Director, or his or her designee, will affirm, modify, or dismiss the citation, including
5 any fine assessed and/or order of abatement issued. A written order affirming, modifying,
6 or dismissing the original citation shall be served on the cited institution or person within 30
7 days from the informal conference. If the order affirms or modifies the original citation,
8 said order shall fix a reasonable period of time for abatement of the violation and/or
9 payment of the fine of not more than 30 days.

10 (d) If the informal conference results in the modification of the findings of
11 violation(s), the amount of the fine and/or the order of abatement, the citation shall be
12 considered modified, but not withdrawn. Unless waived, a cited institution or person is
13 entitled to a hearing to contest the modified citation if the institution or person filed a timely
14 request, but is not entitled to an informal conference to contest an affirmed or modified
15 citation. If a timely request for a hearing was not filed, the decision on the affirmed or
16 modified citation shall be considered final.

17 ...

18 (g) If a written request for a hearing pursuant to section 94936(c)(2) of the Code, or
19 for an informal conference as provided in subsection (a), or both, is not submitted to the
20 Bureau within 30 days from service of the citation, the cited institution or person is deemed
21 to have waived the right to an informal conference and/or administrative hearing.

22 14. California Code of Regulations, title 5, section 75050 states in relevant part:

23 ...

24 (b) Failure of an applicant or institution issued an approval to operate to abate the
25 violation or to pay the fine within the time allowed is a ground for denial or discipline of an
26 approval to operate.

27 ...

28 15. California Code of Regulations, title 5, section 75100 provides that the Bureau may
suspend, revoke or place on probation with terms and conditions an approval to operate.

16. California Code of Regulations, title 5, section 76130 subdivision states in pertinent
part:

(b) A qualifying institution shall complete the STRF Assessment report and
remit it with the STRF assessments collected from students to be received by the
Bureau no later than the last day of the month following the close of the quarter as
follows:

- (1) April 30 for the first quarter,
- (2) July 31 for the second quarter,
- (3) October 31 for the third quarter, and

(4) January 31 for the fourth quarter.

If the due date falls on a Saturday, Sunday, or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.

17. California Code of Regulations, title 5, section 76240 states:

All institutions, including those exempt from Bureau regulation pursuant to the Code, shall do the following prior to closing:

(a) At least 30 days prior to closing, the institution shall notify the Bureau in writing of its intention to close and provide a closure plan. The closure plan shall include:

(1) The exact date and reason for the closure.

(2) The last date of instruction for each educational service or program.

(3) A list of students who were enrolled at any time during the 60 days prior to closure.

(4) If any student will not be provided complete educational services or the educational program, the institution shall provide:

(A) A plan for providing teach-outs or transfers, including the details of any agreements with other institutions.

(B) If no teach-out is contemplated, or for students who do not wish to participate in a teach-out, arrangements for making refunds within 45 days from the date of closure, or for institutions that participate in federal student financial aid programs arrangements for making refunds and returning federal student financial aid program funds.

(5) A plan for the disposition of student records.

(6) A plan to notify students of their rights and options under the Act and this chapter.

(b) The institution shall notify the students of the following:

(1) If the institution is a participant in federal student financial aid programs, it shall provide students information concerning those programs and institutional closures.

(2) If any student will not be provided complete educational services or the educational program, information regarding the Student Tuition Recovery Fund and the Bureau's physical and Internet addresses.

COST RECOVERY

18. Business and Professions Code section 125.3 and Section 94937, subdivision (c) provide, in part, that the Bureau may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed

1 the reasonable costs of the investigation and enforcement of the case, with failure of the licensee
2 to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of
3 investigation and enforcement costs may be included in a stipulated settlement.

4 5 **FACTUAL ALLEGATIONS**

6 *Citation No. 2122134*

7 19. On March 28, 2022, the Bureau issued Citation No. 2122134 to the Respondent for
8 failure to submit Student Tuition Recovery Fund (STRF) Assessment Reporting Forms for the
9 first, second and third quarters of 2021 and failure to pay its 2021 Annual Fee.

10 20. The Citation ordered Respondent to submit the delinquent first, second and third
11 quarters of 2021 STRF and 2021 Annual Fee and all late payment penalty fees. An administrative
12 fine of \$100.00 was issued for this Citation. The Citation was not appealed.

13 21. Respondent failed to submit payment of the Administrative Fine of \$100.00 and
14 comply with the Order of Abatement to submit the delinquent first, second, and third quarter 2021
15 STRF Assessment Reporting Forms and 2021 Annual Fee and late payment penalty fees for
16 Citation No. 2122134.

17 *Citation No. 2021238*

18 22. On April 22, 2021, the Bureau issued Citation No. 2021238 to the Respondent for
19 failure to submit STRF Assessment Reporting Forms for the fourth quarter of 2020 and failure to
20 pay its 2020 Annual Fee. Accordingly, a 90 day late payment penalty was also assessed.

21 23. On January 4, 2022, the Bureau informed Respondent that it had received the fourth
22 quarter 2020 STRF Assessment Reporting Form but had not received the 2020 Annual Fees and
23 90 day late payment penalty fee and that both were due by January 18, 2022.

24 24. On January 20, 2022, Respondent represented that the 2020 Annual Fee and 90 day
25 late payment penalty would be delivered to the Bureau by “overnight” mail.

26 25. On February 17, 2022, the Bureau informed Respondent that the 2020 Annual Fees
27 and late payment penalty fees were still outstanding and had not been delivered overnight, as
28

1 represented. The Bureau extended one last extension for Respondent to submit the payments, “by
2 Friday, February 25, 2022.”

3 26. Respondent failed to submit the remaining Order of Abatement of the 2020 Annual
4 Fee and late payment penalty fees for Citation No. 2021238

5 *Consumer Complaints*

6 27. On July 30, 2022, the Bureau received a complaint from A.Q. who stated that on July
7 6, 2021, he enrolled in Respondent’s Emergency Medical Technician – Basic (EMT-B)
8 Certification class.¹

9 28. Prior to enrolling, Respondent informed A.Q. that he would have 12 months to
10 complete the course, which included completing 32 chapters of online material, calling to set up
11 in-class instruction and final testing in order to receive certification.

12 29. At the end of June 2022, after completing the online portion of the course, A.Q.
13 called Respondent to set up in-class instruction but only reached Respondent’s voicemail.

14 30. A.Q. subsequently made numerous but unsuccessful attempts to reach Respondent,
15 including sending text messages, emails, calling repeatedly and driving to the physical campus,
16 but received no response. As a result, A.Q. has not received EMT-B Certification.

17 31. A.Q. paid \$795 for the course and \$94.00 for the course materials for a total of
18 \$889.99.

19 32. On August 19, 2022, the Bureau received a complaint from A.F. who stated that on
20 September 8, 2021, he enrolled in Respondent’s EMT-B Certification class.

21 33. Prior to enrolling, Respondent informed A.F. that he would have 12 months to
22 complete the course, which included completing 32 chapters of online material, calling to set up
23 in-class instruction and final testing in order to receive certification.

24 34. On or around August 9, 2022, after completing the online portion of the course, A.F.
25 called Respondent to set up in-class instruction but only reached Respondent’s voicemail.

26 ///

27 ///

28 ¹ Initials are used here and throughout to protect consumer confidentiality.

1 35. A.F. subsequently made numerous but unsuccessful attempts to reach Respondent,
2 including sending text messages, emails, calling repeatedly and driving to the physical campus,
3 but received no response. As a result, A.F. has not received EMT-B Certification.

4 36. A.F. paid \$795 for the course and \$94.00 for the course materials for a total of
5 \$889.99.

6 37. On August 29, 2022, the Bureau received a complaint from Inland Counties
7 Emergency Medical Agency (ICEMA) reporting that Respondent's EMT training program
8 approval was revoked and that "the school is no longer active."

9 38. On August 29, 2022, ICEMA notified Respondent that the EMT training program
10 was revoked and informed Respondent of student complaints filed with ICEMA on June 22, 2022
11 and July 6, 2022, respectively, regarding school closure after students paid tuition for online
12 classes.

13 39. ICEMA has not been able to contact Respondent after "several attempts by phone, in
14 person and via email."

15 **FIRST CAUSE FOR DISCIPLINE**

16 (Failure to Comply with Citation)

17 40. Respondent has subjected its Approval to Operate to disciplinary action under Code
18 section 94936 and California Code of Regulations, title 5, section 75050, subdivision (b), in that
19 Respondent failed to comply with the Orders of Abatement to submit the delinquent first, second
20 and third quarters of 2021 STRF and pay its 2021 Annual Fee and late payment penalty fees, as
21 well as the Administrative Fine of \$100.00 in Citation 2122134. Complainant hereby incorporates
22 paragraphs 19 –21 above as though set forth in full herein.

23 **SECOND CAUSE FOR DISCIPLINE**

24 (Failure to Comply with Citation)

25 41. Respondent has subjected its Approval to Operate to disciplinary action under Code
26 section 94936 and California Code of Regulations, title 5, section 75050, subdivision (b), in that
27 Respondent failed to comply with the Order of Abatement to submit the outstanding 2020 Annual
28

1 Fee and late payment penalty fees for Citation No. 2021238. Complainant hereby incorporates
2 paragraphs 22 and 23 above as though set forth in full herein.

3 **THIRD CAUSE FOR DISCIPLINE**

4 (Failure to Complete STRF Assessment Report and Remit Assessments)

5 42. Respondent has subjected its Approval to Operate to disciplinary action under Code
6 section 94936 and California Code of Regulations, title 5, sections 74000, subdivision (e)(1) and
7 76130, subdivision (b), in that Respondent failed complete the STRF Assessment Reporting
8 Forms and remit with the STRF assessments collected from students as required for the following
9 quarters: 4th Quarter 2021, 1st Quarter 2022, 2nd Quarter 2022, 3rd Quarter 2022 and 4th Quarter
10 2022.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 (Failure to Comply with Procedures Prior Closing)

13 43. Respondent has subjected its Approval to Operate to disciplinary action under Code
14 section 94926 and California Code of Regulations, title 5, section 76240, in that Respondent
15 failed to comply with required procedures prior to closing, which includes but is not limited to
16 providing the required notices and teach out plans. Complainant incorporates paragraphs 24 – 36
17 by reference as if fully set forth herein.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 (Failure to Provide Records to the Bureau Prior to Closing)

20 44. Respondent has subjected its Approval to Operate to disciplinary action under Code
21 section 94927.5, in that Respondent failed provide the Bureau with pertinent student records,
22 including transcripts and a plan for the retention of records and transcripts, prior to closing.
23 Complainant incorporates paragraphs 27 – 39 by reference as if fully set forth herein.

24 **SIXTH CAUSE FOR DISCIPLINE**

25 (Failure to Pay Annual Fee)

26 45. Respondent subjected its approval to operate to disciplinary action pursuant to
27 California Code of Regulations, title 5, section 74000(e), for failing to pay its annual fees for the
28 year 2022.

1 **PRAYER**

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

5 1. Revoking or suspending Approval to Operate Institution Code Number 71435217,
6 issued to High Desert EMT, Kalli Tice;

7 2. Ordering High Desert EMT, owned by Kallie Tice, to pay the Bureau for Private
8 Postsecondary Education the reasonable costs of the investigation and enforcement of this case,
9 pursuant to Business and Professions Code section 125.3; and,

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

11
12 DATED: 2/2/2023

13 “Original Signature on File”
14 DEBORAH COCHRANE
15 Chief
16 Bureau for Private Postsecondary
17 Education
18 Department of Consumer Affairs
19 State of California
20 *Complainant*

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