



Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 574-8900 F (916) 263-1897 www.bppe.ca.gov



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Alex Williams, Owner
Aki Williams, Owner
Defib This
1543 Pacific Ave
Santa Cruz, CA 95060

INSTITUTION CODE: Unapproved
CITATION NUMBER: 2122086
CITATION ISSUANCE/SERVICE DATE: December 2, 2021
DUE DATE: January 1, 2022
FINE AMOUNT: \$ 25,000.00
ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager for the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Alex Williams and Aki Williams, Owners of Defib This, (Institution) located at 1543 Pacific Ave, Santa Cruz, CA 95060 pursuant to Business and Professions Code section 125.9 and 149; California Education Code (CEC) section 94944; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violation(s) described below.

BACKGROUND

On July 13, 2021, the Bureau received an internal tip alleging that the Institution operates as a private postsecondary institution without Bureau approval. Through the course of the investigation and evidence obtained, it was determined that the Institution is operating without Bureau approval or a valid exemption.

VIOLATION

| | |
|----|--|
| # | Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating. |
| 1. | <p><u>Violation:</u> CEC Section 94886. Approval to Operate Required <i>“Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter.”</i></p> <p>CEC Section 94817.5. Approved to Operate or Approved <i>“Approved to operate” or “approved” means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs.”</i></p> |

CEC Section 94868. To Offer to the Public

"To offer to the public" means to advertise, publicize, solicit, or recruit."

CEC Section 94869. To Operate

"To operate" means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided."

On July 13, 2021, the Bureau received an internal tip that the Institution was operating without Bureau approval. The tip included correspondence from July 1, 2021 - July 6, 2021, between the Bureau and the Institution, in which the Institution stated that they would submit a second application for exemption as they did not meet the requirements in their initial application that was submitted and reviewed by the Bureau. The Institution was advised to obtain Bureau approval as the 5 and 10-week EMT programs offered requires Bureau approval.

On July 15, 2021, Bureau staff reviewed the Institution's website and found the following courses offered:

- 5-week EMT course for Fall 2021 for \$2,250.00
- 10-week EMT course for Fall 2021 for \$1, 850.00
- The homepage included a link to a second website at defibacademy.com, that advertised the same EMT programs at the Institution.

On July 27, 2021, Bureau staff reviewed Yelp and found a profile for the Institution:

- The "about" section stated that the Institution helps students prepare for the National Registry EMT (NREMT) exam through 5-week and 10-week courses.
- The Institution has been in business since 2010
- The owners are Alex Williams and Aki Williams
- The first yelp review was made on January 19, 2011
- On December 19, 2017, a student posted that she took the 10-week EMT and was able to pass the NREMT exam.

On July 28, 2021, Bureau staff reviewed the Emergency Medical Services Authority (EMSA) and found laws and regulations related to the approval of EMT programs in California. Per California Code of Regulations, Title 22, Section 100065(b):

- EMT training may be offered only by approved training programs. Eligibility for program approval shall be limited to:
 - (1) Accredited universities and colleges including junior and community colleges, school districts, and private post-secondary schools as approved by the State of California, Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education.

On August 12, 2021, Bureau staff contacted the Santa Cruz Local Emergency Medical Services Authority (LEMSA) via email.

On August 13, 2021, Bureau staff received email correspondence from LESMA in response to the Bureau's correspondence and stated the following:

- LEMSA was the approving agency for the Institution
- The programs have been approved since 2015 to offer EMT training
- Institutions are not required to provide proof of necessary approvals; however, it is expected they have proof.

As of December 2, 2021, the Institution is continuing to operate without Bureau approval or a valid exemption.

Order of Abatement:

The Bureau orders that the Institution cease to operate as a private postsecondary educational institution, unless the Institution qualifies for an exemption under CEC section 94874. The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including <http://www.defibthis.com>, and any other websites not identified here that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers including, but not limited to, (831) 426-9111, that are associated with the Institution until such time as an approval to operate is obtained from the Bureau. To comply with the Order of Abatement the Institution must submit a school closure plan to the Bureau pursuant to California Education Code section 94926. The Institution must provide a roster of each student currently enrolled at the Institution. The roster must include the names of the students, their contact information (including phone number, email address, and physical address), the programs in which they are enrolled, the amount paid for the programs.

Assessment of Fine

The fine for this violation is \$25,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$25,000.00

ASSESSMENT OF A FINE

In accordance with CEC section 94944; and 5, CCR section 75020(b), the Bureau hereby orders this assessment of a fine in the amount of **\$25,000.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of 5, CCR section 75020 (b) the Bureau hereby issues the order(s) of abatement described above. In accordance with Business and Professions Code Section 149, the Bureau may disconnect any telephone service numbers used by an unapproved Institution. **Evidence of compliance with the order(s) of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; and/or through an administrative hearing in accordance with Chapter 5 (Commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this Citation, you must submit the 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by **January 1, 2022**, you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **December 2, 2021**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **January 1, 2022**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

Payment of the administrative fine and/or written request for appeal must be mailed to:

Cheryl Lardizabal, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this Citation, or desire further information, please contact Cheryl Lardizabal, Citation Analyst, at (916) 574-7427 or Cheryl.Lardizabal@dca.ca.gov.

“Original Signature on File”

“12/2/2021”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First-Class Mail