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8		RE THE CONSUMER AFFAIRS	
9	FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION STATE OF CALIFORNIA		
10			
11	In the Matter of the Accusation Against:	Case No. 1000954	
12	EMS TRAINING INSTITUTE, INC.		
13	45 West Easy St. #2 Simi Valley , CA 93065	ACCUSATION	
14	Respondent.		
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17	Complainant alleges:		
18		TIES	
19		s this Accusation solely in her official capacity as	
20			
21	 the Chief of the Bureau for Private Postsecondary Education, Department of Consumer Affairs. 2. On or about September 28, 2006, the Bureau for Private Postsecondary Education issued Approval to Operate Institution Number 41500904 to EMS Training Institute, Inc. 		
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23			
24	("Respondent"). On or about September 21, 2012, Respondent submitted its renewal Application. On or about January 23, 2013 the approval to operate expired and Respondent's renewal		
25	application was denied.	orate expired and respondent's renewar	
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	(EMS TRAINING INSTIT	UTE, INC.; MARK KOMINS, OWNER) ACCUSATION	

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.
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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).
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"(3) Placement rate shall be calculated as follows: the number of graduates employed 1 in the field as defined in subsection 74112(b)(3) divided by the number of graduates available for 2 employment as defined in section 94928(d) of the Code. 3 "(4) Graduates employed in the field shall be reported for those graduates employed 4 5 in the field in a single position that averages under 32 hours per week and those employed in the field in a single position that averages at least 32 hours per week. 6 "References to the Code are to the California Education Code where the California Private 7 Postsecondary Education Act of 2009 is located. 8 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 data shown are for example only): 11 "Placement Rates (includes data for the two calendar years prior to reporting) 12 ٠.. 13 "1 "Number of Students Who Began Program" means the number of students who began 14 the program who are scheduled to complete the program within the reporting calendar year. 15 "2 "Number of Graduates" is the number of students who have completed the program 16 17 within 100% of the published program length. "3 "Graduates available for employment" means the number of graduates minus the number 18 of graduates unavailable for employment. "Graduates unavailable for employment" means 19 graduates who, after graduation, die, become incarcerated, are called to active military duty, are 20 international students that leave the United States or do not have a visa allowing employment in 21 22 the United States, or are continuing their education in an accredited or bureau-approved postsecondary institution. 23 "4 "Graduates employed in the field" means graduates who report that they are gainfully 24 employed within six months of graduation in a position for which the skills obtained through the 25 education and training provided by the institution are required or provided a significant advantage 26 to the graduate in obtaining the position. 27•• 28

1	"(h) Documentation supporting all data reported shall be maintained by the institution for at
2	least five years from the time included in either an Annual Report or a Performance Fact Sheet,
3	and shall include at a minimum: student name(s), address, phone number, email address, program
4	completed, program start and completion dates, place of employment and position, salary, hours,
5	and a description of all attempts to contact each student. Documentation shall also include the
6	name, email address, phone number, and position or title of the institution's representative who is
7	primarily responsible for obtaining the students' completion, placement, licensing, and salary and
8	wage data, the date that the information was gathered, and copies of notes, letters or emails
9	through which the information was requested and gathered.
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11	6. California Education Code section 94929.5 provides:
12	"(a) An institution shall annually report to the bureau, as part of the annual report, and shall
13	publish in its School Performance Fact Sheet, all of the following:
14	···
15	"(3) Salary and wage information, consisting of the total number of graduates employed in
16	the field and the annual wages or salaries of those graduates stated in increments of five thousand
17	dollars (\$5,000).
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19	COST RECOVERY
20	7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
21	administrative law judge to direct a licentiate found to have committed a violation or violations of
22	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23	enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
24	renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
25	included in a stipulated settlement.
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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	ļ
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	ł
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	ł
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.	
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12. In addition, as of December 2, 2015, Respondent failed to follow up with former 1 students to document and report placement data as Respondent assumed that its students would 2 3 find employment once they completed the program. This is a violation of section 74112, subdivision (e). 4 THIRD CAUSE FOR DISCIPLINE 5 (Failure to Maintain Supporting Data from Performance Fact Sheet/Annual Report) 6 Respondent is subject to disciplinary action under section Title 5 of the California 13. 7 Code of Regulations, section 74112, subdivision (h), which requires that documentation 8 supporting all data reported to be maintained for at least five (5) years from the time included in 9 either the Annual Report or Performance Fact Sheet. The circumstances surrounding these 10 allegations are set forth above in paragraph 8, and are incorporated herein as though set forth in 11 full. 12 14. In addition, as of December 2, 2015, Respondent failed to collect and maintain 13 program start dates, places of employment, positions, salaries, hours worked, and/or descriptions 14 of attempts to contact the student for at least five (5) years from the time included in either the 15 Annual Report or Performance Fact Sheet in violation of section 74112, subdivision (h). 16 FOURTH CAUSE FOR DISCIPLINE 17 (Failure to Verify Salary and Wage Information for Student Performance Data) 18 Respondent is subject to disciplinary action under California Education Code section 19 15. 20 94929.5, subdivision (a)(3), which requires Institutions to annually report salary and wage information, consisting of the total number of graduates employed in the field and the annual 21 wages or salaries of those graduates. The circumstances surrounding these allegations are set forth 22 above in paragraph, and are incorporated herein as though set forth in full. 23 In addition, as of December 2, 2015, Respondent failed to follow up with its students 16. 24 to verify salary and wage information. Rather, salary and wage information reported by 25 Respondent in its School Performance Fact Sheet is based solely on data from the Employment 26 27 Development Department, which is a violation of Education Code section 94929.5, subdivision (a)(3).28

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 Number 41500904, issued t
6	EMS Training Institute, Inc.;
7	2. Ordering Respondent to pay the Bureau for Private Postsecondary Education the
8	reasonable costs of the investigation and enforcement of this case, pursuant to Section 125.3 of
9	the Business and Professions Code; and,
10	3. Taking such other and further action as deemed necessary and proper.
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13	DATED: 11/17/16
14	JOANNE WENZEL Chief
15	Bureau for Private Postsecondary Education Department of Consumer Affairs State of California
16	Complainant
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