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Attorneys for Complainant
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8 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
9 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11 **EMS TRAINING INSTITUTE, INC.;**
12 **MARK KOMINS, 50% OWNER; RONA**
13 **KOMINS, 50% OWNER**
14 **45 W. Easy Street, Ste. #2**
Simi Valley, CA 93065
15 **Approval to Operate an Institution Non-**
Accredited
16 **Institution Code: 41500904**
17 Respondent.

Case No. 1000954
OAH No. 2016050288
STIPULATED SURRENDER OF
APPROVAL TO OPERATE AND
ORDER

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19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Joanne Wenzel (Complainant) is the Chief of the Bureau for Private Postsecondary
23 Education (Bureau). She brought this action solely in her official capacity and is represented in
24 this matter by Kamala D. Harris, Attorney General of the State of California, by Antonio Lopez,
25 Jr., Deputy Attorney General.

26 2. EMS Training Institute, Inc.; Mark Komins, 50% Owner; Rona Komins, 50% Owner
27 (Respondent) is represented in this proceeding by attorney Alexander Robertson, whose address
28 is 32121 Lindero Canyon Road, Suite 200, Westlake Village, CA 91361.

1 **JURISDICTION**

2 3. Accusation No. 1000954 was filed on November 17, 2016. The Accusation and all
3 other statutorily required documents were properly served on Respondent on November 23, 2016.
4 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
5 No. 1000954 is attached as Exhibit A and incorporated by reference.

6 **ADVISEMENT AND WAIVERS**

7 4. Respondent has carefully read, fully discussed with counsel, and understands the
8 charges and allegations in Accusation No. 1000954. Respondent also has carefully read, fully
9 discussed with counsel, and understands the effects of this Stipulated Surrender of Approval to
10 Operate and Order.

11 5. Respondent is fully aware of his legal rights in this matter, including the right to a
12 hearing on the charges and allegations in Accusation No. 1000954; the right to confront and
13 cross-examine the witnesses against him; the right to present evidence and to testify on his own
14 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
15 production of documents; the right to reconsideration and court review of an adverse decision;
16 and all other rights under the California Administrative Procedure Act and other applicable laws.

17 6. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
18 every right set forth above.

19 **CULPABILITY**

20 7. Respondent understands and agrees that the charges and allegations in Accusation
21 No. 1000954, if proven at a hearing, constitute cause for imposing discipline upon his Approval
22 to Operate Institution Non-Accredited.

23 8. For the purpose of resolving the Accusation without the expense and uncertainty of
24 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
25 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
26 those charges.

27 9. Respondent agrees that his Approval to Operate Institution Non-Accredited is subject
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1 to discipline and he agrees to be bound by the Board's terms as set forth in the Disciplinary Order
2 below.

3 10. Respondent understands that by signing this stipulation he enables the Director to
4 issue this order accepting the surrender of his Approval to Operate an Institution, Non-
5 Accredited, without further process.

6 **CONTINGENCY**

7 11. This stipulation shall be subject to approval by the Director or the Director's designee.
8 Respondent understands and agrees that counsel for Complainant and the staff of the Bureau for
9 Private Postsecondary Education may communicate directly with the Director and staff regarding
10 this stipulation and surrender, without notice to or participation by Respondent or his counsel. By
11 signing the stipulation, Respondent understands and agrees that he may not withdraw his
12 agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon
13 it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated
14 Surrender of Approval to Operate shall be of no force or effect, except for this paragraph, it shall
15 be inadmissible in any legal action between the parties, and the Director shall not be disqualified
16 from further action by having considered this matter.

17 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
18 copies of this Stipulated Surrender of License and Order, including Portable Document Format
19 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

20 13. This Stipulated Surrender of Approval to Operate and Order is intended by the parties
21 to be an integrated writing representing the complete, final, and exclusive embodiment of their
22 agreement. It supersedes any and all prior or contemporaneous agreements, understandings,
23 discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of
24 Approval to Operate and Order may not be altered, amended, modified, supplemented, or
25 otherwise changed except by a writing executed by an authorized representative of each of the
26 parties.

1 14. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Director may, without further notice or formal proceeding, issue and enter the following

3 Order:

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1 **ORDER**

2 IT IS HEREBY ORDERED that the Approval to Operate Institution Code Number
3 41500904 issued to Respondent EMS Training Institute, Inc., is surrendered and accepted by the
4 Director of the Department of Consumer Affairs.

5 1. Respondent agrees to withdraw its request for Administrative hearing filed on August
6 17, 2015.

7 2. The Bureau will allow Respondent to complete its current approved programs until
8 February 28, 2017. Respondent agrees to close all approved programs on February 28, 2017.

9 3. Respondent agrees to voluntarily surrender its approval to operate to the Bureau on
10 February 28, 2017. Respondent shall lose all rights and privileges as a private postsecondary
11 institution in California as of that date.

12 4. The surrender of Respondent's approval to operate and the acceptance of the
13 surrendered approval to operate by the Bureau shall constitute the imposition of discipline against
14 Respondent. This Stipulated Surrender of Approval to Operate constitutes a record of the
15 discipline and shall become a part of Respondent's license history with the Bureau.

16 5. Respondent agrees that the Bureau retains jurisdiction over Respondent until
17 Respondent surrenders its approval to operate to the Bureau. Respondent also agrees to abide by
18 the provisions of the Private Postsecondary Education Act of 2009 and the Bureau's regulations
19 until Respondent surrenders its approval to operate to the Bureau.

20 6. Respondent agrees that until Respondent surrenders its approval to operate to the
21 Bureau, the Bureau, pursuant to its authority under Education Code section 94932, may send staff
22 to Respondent's site and require documents and responses from Respondent in order to monitor
23 Respondent's compliance with the requirements of the Private Postsecondary Education Act of
24 2009.

25 7. Respondent agrees not to enroll any students that are not currently enrolled in
26 Respondent's approved educational programs.

27 8. Except for Respondent's current approved programs in which students are currently
28 enrolled, which will close on February 28, 2017, Respondent shall no longer operate educational

1 programs in California for which an approval to operate is required under the Private
2 Postsecondary Education Act of 2009. This prohibition will take effect on the date the parties
3 sign this Stipulated Surrender of Approval to Operate.

4 9. In the event students currently enrolled in Respondent's approved programs are
5 unable to complete the program(s) by the closure date (February 28, 2017), Respondent will issue
6 a full tuition refund to those students.

7 10. No later than January 31, 2017, Respondent shall submit to the Bureau a completed
8 School Closure Plan Form, including all required documentation specified in that Form, pursuant
9 to Education Code section 94926. Respondent agrees to comply with all of the required school
10 closure procedures.

11 11. Respondent may, at any time, submit an Application for Approval to Operate to the
12 Bureau. If Respondent ever submits an Application for Approval to Operate to the Bureau, the
13 Bureau shall treat it as a new Application for Approval to Operate. Respondent must comply
14 with all the laws, regulations, and procedures for issuance of an approval to operate in effect at
15 the time the application is filed, and all of the charges and allegations contained in Accusation
16 No. 1000954 shall be deemed to be true, correct, and admitted by Respondent when the Bureau
17 determines whether to grant or deny the application.


18 12. If Respondent is granted an Approval to Operate, it shall pay to the Bureau costs
19 associated with its investigation and enforcement pursuant to Education Code section 94937 and
20 Business and Professions Code section 125.3 in the amount of \$5,695.00.

21 13. Within fifteen days of the effective date of this decision, Respondent must provide to
22 the bureau a roster with the names, addresses, phone numbers, e-mail addresses and programs in
23 which they were or are enrolled, of all persons who are currently or were students of the
24 institution within sixty days prior to the effective date of this Decision, and those students who
25 were enrolled at the time of the conduct that is the subject of this action.

26 14. If Respondent fails to comply with the terms of this Stipulated Surrender of Approval
27 to Operate, the stipulation shall be nullified and the Bureau reserves the right to pursue
28 disciplinary action against Respondent.

1 ACCEPTANCE

2 I have carefully read the above Stipulated Surrender of Approval to Operate and Order and
3 have fully discussed it with my attorney, Alexander Robertson. I understand the stipulation and
4 the effect it will have on my Approval to Operate an Institution Non-Accredited. I enter into this
5 Stipulated Surrender of Approval to Operate and Order voluntarily, knowingly, and intelligently,
6 and agree to be bound by the Decision and Order of the Director of the Department of Consumer
7 Affairs.


8 DATED: 12/07/2016 @ 1630 
9 EMS TRAINING INSTITUTE, INC.; MARK
10 KOMINS, 50% OWNER; RONA KOMINS, 50%
11 OWNER
12 Respondent

11 I have read and fully discussed with Respondent EMS Training Institute, Inc.; Mark
12 Komins, 50% Owner; Rona Komins, 50% Owner the terms and conditions and other matters
13 contained in this Stipulated Surrender of Approval to Operate and Order. I approve its form and
14 content.

15 DATED: 12/7/16 
16 ALEXANDER ROBERTSON
17 Attorney for Respondent

18 ENDORSEMENT

19 The foregoing Stipulated Surrender of Approval to Operate and Order is hereby respectfully
20 submitted for consideration by the Director of the Department of Consumer Affairs.

21 Dated: 12/7/16
22 Respectfully submitted,
23 KAMALA D. HARRIS
24 Attorney General of California
25 LINDA L. SMITH
26 Supervising Deputy Attorney General
27 
28 ANTONIO LOPEZ, JR.
Deputy Attorney General
Attorneys for Complainant

**BEFORE THE DIRECTOR
BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**EMS TRAINING INSTITUTE, INC,;
MARK KOMINS, 50% OWNER; ROMA
KOMINS, 50% OWNER
45 W. Easy Street, Ste. #2
Simi Valley, CA 93605**

**Approval to Operate an Accredited
Institution No. 41500904**

Respondent.

Case No. 1000954

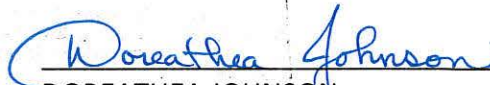
ORDER OF DECISION

DECISION

The attached Stipulated Surrender of Approval to Operate and Disciplinary Order is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above entitled matter.

The Decision shall become effective MAR 30 2017.

DATED: February 23, 2017



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs