



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

November 23, 2020

Advanced School of Massage Therapy Inc., Owner
Massage Center
171 E. Thousand Oaks Boulevard, Suite 206
Thousand Oaks, CA 91360

| Date of Issuance | Citation Number | Institution Code |
|-------------------|-----------------|------------------|
| November 23, 2020 | 2021082 | 5602121 |

On November 5, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2021082 (Citation) against Advanced School of Massage Therapy Inc., Owner of Massage Center (Institution). In attendance were Beth Danielson, Enforcement Chief, Helle Leap, Owner, and Barry Soosman, Advisor.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 2021082.

It is the decision of the Enforcement Chief that on November 13, 2020, Citation No. 2021082 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

| # | 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>Violation: 5, CCR Section 74112(m)(1)(5)(6)(9) – Uniform Data – Annual Report, Performance Fact Sheet <i>“(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum:</i> <i>(1) the list of job classifications determined to be considered gainful employment for the educational program;</i> <i>(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;</i> <i>(6) a description of all attempts to contact each student. or employer;</i> <i>(9) the name, email address, phone number, and position or title of the institution's representative who was primarily responsible for obtaining the students' completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through</i></p> |

which the information was requested and gathered.”

Bureau staff requested the supporting documentation to substantiate the data reported on the 2016-2017 SPFS and found that that the following was incomplete:

Violation: 5, CCR Section 74112(m)(1): The 2016-2017 SPFS supporting documentation provided failed to contain the list of job classifications determined to be considered gainful employment for the educational program. Furthermore, Institution staff provided a list obtained from the SPFS workshop with handwritten notes which did not meet the requirements per 74112(m)(1)

Violation: 5, CCR Section 74112(m)(5): The 2016-2017 SPFS supporting documentation provided failed to contain all documentation necessary to demonstrate self-employment. Furthermore, Institution staff provided a letter sent to students which did not show the Institution documented self-employment consistent with the requirements for 74112(m)(5).

Violation: 5, CCR Section 74112(m)(6): The 2016-2017 SPFS supporting documentation provided failed to contain a description of all attempts to contact each student or employer. Furthermore, Institution staff stated that they did not have documentation of all phone calls made to students and employees, therefore confirming the violation of section 74112 (m)(6).].

Violation: 5, CCR Section 74112(m)(9): The 2016-2017 SPFS supporting documentation provided failed to contain the date that the information was gathered by Institution’s representative.

Order of Abatement:

The Bureau orders the Institution to submit to the Bureau a policy, or procedure, of how the Institution will maintain future compliance with 5, CCR section 74112.

Reason for Modification: New substantive facts were presented at the informal conference. The Order of Abatement has been satisfied.

Assessment of Fine

The fine for this violation is \$5,000.00

The administrative fine has been modified from \$5,000.00 to \$500.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$500.00

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

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

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. You *do*, however, have the right to appeal this affirmed or modified Citation through an Administrative Hearing. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you do not wish to appeal this modified Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on **November 23, 2020**. Payment of the administrative fine is due by **December 23, 2020**.

Failure to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified 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 decision or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 574-8969 or at Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“11/23/2020”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail