In the Matter of the Statement of Issues Against:

ANAT BANIEL, Owner
THE ANAT BANIEL METHOD
4330 Redwood Highway Suite 350
San Rafael, CA 94903
School Code No. 2101521

Respondent.

Complainant alleges:

PARTIES

1. Joanne Wenzel (Complainant) brings this Statement of Issues solely in her official capacity as the Chief of the Bureau for Private Postsecondary Education (Bureau), Department of Consumer Affairs.

STATEMENT OF ISSUES
2. On the following dates, the former Bureau for Private Postsecondary and Vocational Education issued an approval to operate the following programs to The Anat Baniel Method, Anat Baniel, owner (School Code No. 2101521) (Respondent):

<table>
<thead>
<tr>
<th>Approved Program Name</th>
<th>Approval Date</th>
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</thead>
<tbody>
<tr>
<td>Anat Baniel Method of Feldenkrais Training Program (Stage I)</td>
<td>06/05/2001</td>
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<tr>
<td>Anat Baniel Method of Anti-Aging Training Program (Stage II)</td>
<td>06/05/2001</td>
</tr>
<tr>
<td>Anat Baniel Method of Anti-Aging and Rejuvenation</td>
<td>07/02/2004</td>
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<tr>
<td>Anat Baniel Method of Breathing and Voice</td>
<td>07/02/2004</td>
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<tr>
<td>Anat Baniel Method for High Performers: Musicians, Athletes, and CEO's</td>
<td>07/02/2004</td>
</tr>
<tr>
<td>Anti-Aging and Rejuvenation: A Workshop for Professionals</td>
<td>07/02/2004</td>
</tr>
<tr>
<td>Anti-Aging and Rejuvenation: An advanced seminar for Anat Baniel method and Feldenkrais Method Practitioner</td>
<td>07/02/2004</td>
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<tr>
<td>Overcome Back Pain</td>
<td>07/02/2004</td>
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<tr>
<td>Overcome Joint Pain</td>
<td>07/02/2004</td>
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<tr>
<td>Overcome Neck Pain</td>
<td>07/02/2004</td>
</tr>
<tr>
<td>Working with Back Pain Sufferers</td>
<td>07/02/2004</td>
</tr>
<tr>
<td>Working with Breathing and Voice: A Workshop for Professionals</td>
<td>07/02/2004</td>
</tr>
<tr>
<td>Working with Children: Seminar for Anat Baniel Method and Feldenkrais Method Practitioner</td>
<td>07/02/2004</td>
</tr>
<tr>
<td>Working with Joint Pain Sufferers</td>
<td>07/02/2004</td>
</tr>
<tr>
<td>Working with Neck Pain Sufferers</td>
<td>07/02/2004</td>
</tr>
</tbody>
</table>

3. Respondent’s approval to operate expired on July 1, 2011, and has not been renewed.

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1 The former Bureau for Private Postsecondary and Vocational Education sunsetted on July 1, 2007. On October 11, 2009, the Private Postsecondary Education Act of 2009 (AB 48) was signed into law. The Act, which became operative on January 1, 2010, established the Bureau for Private Postsecondary Education.
4. On or about May 16, 2011, the Bureau received from Respondent an Application for Renewal of Approval to Operate and Offer Educational Programs for Non-Accredited Institutions. On or about May 10, 2011, Anat Daniel certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Bureau denied the application on or about May 29, 2013.

JURISDICTION

5. This Statement of Issues is brought before the Director of the Department of Consumer Affairs (Director) for the Bureau under the authority of the following laws.

STATUTORY PROVISIONS

7. Section 94909 of the Education Code provides in relevant part:

"(a) Prior to enrollment, an institution shall provide a prospective student, either in writing or electronically, with a school catalog containing, at a minimum, all of the following:

..."

"(3) The following statements:

"(A) Any questions a student may have regarding this catalog that have not been satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary Education at (address), Sacramento, CA (ZIP Code), (Internet Web site address), (telephone and fax numbers)."

..."

"(8) A detailed description of institutional policies in the following areas:

"(A) Admissions policies, including the institution's policies regarding the acceptance of credits earned at other institutions or through challenge examinations and achievement tests, admissions requirements for ability-to-benefit students, and a list describing any transfer or articulation agreements between the institution and any other college or university that provides..."
for the transfer of credits earned in the program of instruction. If the institution has not entered
into an articulation or transfer agreement with any other college or university, the institution shall
disclose that fact.

“(16) A statement specifying whether the institution, or any of its degree programs, are
accredited by an accrediting agency recognized by the United States Department of Education.

8. Section 94910 of the Education Code provides in relevant part:

“Prior to enrollment, an institution shall provide a prospective student with a School
Performance Fact Sheet containing, at a minimum, the following information, as it relates to the
educational program:

“(b) Placement rates for each educational program, as calculated pursuant to Article 16
(commencing with Section 94928), if the educational program is designed to lead to, or the
institution makes any express or implied claim related to preparing students for, a recognized
career, occupation, vocation, job, or job title.

“(f) All of the following:

“(2) A statement informing the reader of where he or she may obtain from the institution a
list of the employment positions determined to be within the field for which a student received
education and training for the calculation of job placement rates as required by subdivision (b).

“(3) A statement informing the reader of where he or she may obtain from the institution a
list of the objective sources of information used to substantiate the salary disclosure as required
by subdivision (d).
“(g) The following statements:

“(1) ‘This fact sheet is filed with the Bureau for Private Postsecondary Education.

Regardless of any information you may have relating to completion rates, placement rates,
starting salaries, or license exam passage rates, this fact sheet contains the information as
calculated pursuant to state law.’

“(2) ‘Any questions a student may have regarding this fact sheet that have not been
satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary
Education at (address), Sacramento, CA (ZIP Code), (Internet Web site address), (telephone and
fax numbers).’

...

9. Section 94920 of the Education Code provides in relevant part:

“An institution that does not participate in the federal student financial aid programs shall
do all of the following:

“(a) The institution shall advise each student that a notice of cancellation shall be in writing,
and that a withdrawal may be effectuated by the student’s written notice or by the student’s
conduct, including, but not necessarily limited to, a student’s lack of attendance.

“(b) Institutions shall refund 100 percent of the amount paid for institutional charges, less a
reasonable deposit or application fee not to exceed two hundred fifty dollars ($250), if notice of
cancellation is made through attendance at the first class session, or the seventh day after
enrollment, whichever is later.

...

REGULATORY PROVISIONS

10. California Code of Regulations, title 5, section 71745 provides in relevant part:

“(a) The institution shall document that it has at all times sufficient assets and financial
resources to do all of the following:

...

“(6) Maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or greater at the
end of the most recent fiscal year when using generally accepted accounting principles, or for an

STATEMENT OF ISSUES
institution participating in Title IV of the federal Higher Education Act of 1965, meet the composite score requirements of the U.S. Department of Education. For the purposes of this section, current assets does not include: intangible assets, including goodwill, going concern value, organization expense, startup costs, long-term prepayment of deferred charges, and non-returnable deposits, or state or federal grant or loan funds that are not the property of the institution but are held for future disbursement for the benefit of students. Unearned tuition shall be accounted for in accordance with general accepted accounting principles.

..."

11. California Code of Regulations, title 5, section 71810 provides in relevant part:

..."

"(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:

..."

"(15) Policies on the retention of student records."

12. California Code of Regulations, title 5, section 74115 provides in relevant part:

..."

"(b) A set of financial statements shall contain, at a minimum, a balance sheet, an income statement, and a cash flow statement, and the preparation of financial statements, shall comply with all of the following:

..."

"(3) The financial statements shall establish that the institution meets the requirements for financial resources required by Section 71745.

..."

13. California Code of Regulations, title 5, section 76215 states:

"(a) A qualifying institution shall include the following statement on both its enrollment agreement for an educational program and its current schedule of student charges:

‘You must pay the state-imposed assessment for the Student Tuition Recovery Fund (STRF) if all of the following applies to you:

STATEMENT OF ISSUES
1. You are a student in an educational program, who is a California resident, or are enrolled
in a residency program, and prepay all or part of your tuition either by cash, guaranteed student
loans, or personal loans, and

2. Your total charges are not paid by any third-party payer such as an employer,
government program or other payer unless you have a separate agreement to repay the third party.

   You are not eligible for protection from the STRF and you are not required to pay the STRF
assessment, if either of the following applies:

   1. You are not a California resident, or are not enrolled in a residency program, or

   2. Your total charges are paid by a third party, such as an employer, government program or
other payer, and you have no separate agreement to repay the third party.

"...

**FIRST CAUSE FOR DENIAL OF APPLICATION**

(Failure to Meet Requirements of Education Code – Cancellation Fee)

14. Respondent is ineligible for renewal of its approval to operate in that the enrollment
agreement Respondent submitted with its renewal application states that in the event students
seek a refund of institutional charges, they are required to pay a $250 cancellation fee in addition
to a $250 non-refundable application fee, in violation of Education Code section 94920,
subdivision (b).

**SECOND CAUSE FOR DENIAL OF APPLICATION**

(Failure to Meet Requirements of Code of Regulations – Student Tuition Recovery Fund)

15. Respondent is ineligible for renewal of its approval to operate in that the enrollment
agreement Respondent submitted with its renewal application does not contain the language
required by California Code of Regulations, title 5, section 76215, subdivision (a) regarding the
Student Tuition Recovery Fund.
THIRD CAUSE FOR DENIAL OF APPLICATION

(Failure to Meet Requirements of Code of Regulations – Insufficient Assets and Financial Resources)

16. Respondent is ineligible for renewal of its approval to operate in that Respondent failed to document that it has sufficient assets and financial resources to maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or greater at the end of the most recent fiscal year, in violation of California Code of Regulations, title 5, sections 71745, subdivision (a)(6) and 74115, subdivision (b)(3).

FOURTH CAUSE FOR DENIAL OF APPLICATION

(Failure to Meet Requirements of Education Code – School Performance Fact Sheet)

17. Respondent is ineligible for renewal of its approval to operate in that the School Performance Fact Sheet Respondent submitted with its renewal application does not contain the information required by Education Code section 94910, subdivisions (b), (f)(2), (f)(3), (g)(1), and (g)(2).

FIFTH CAUSE FOR DENIAL OF APPLICATION

(Failure to Meet Requirements of Education Code and Code of Regulations – School Catalog)

18. Respondent is ineligible for renewal of its approval to operate in that the school catalog Respondent submitted with its renewal application (1) does not contain the language required by Education Code section 94909, subdivision (a)(2)(A); (2) does not contain a detailed description of Respondent’s policy regarding admissions requirements for ability-to-benefit students as required by Education Code section 94909, subdivision (a)(8)(A); (3) states that in the event students seek a refund of institutional charges, they are required to pay a $250 cancellation fee in addition to a $250 non-refundable application fee, in violation of Education Code section 94920, subdivision (b); (4) does not contain the language required by Education Code section 94909, subdivision (a)(16); and (5) does not contain policies on the retention of student records as required by California Code of Regulations, title 5, section 71810, subdivision (b)(15).

///
PRAYER

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

1. Denying the Application for Renewal of Approval to Operate and Offer Educational Programs for Non-Accredited Institutions submitted by The Anat Daniel Method, Anat Daniel, owner;

2. Taking such other and further action as deemed necessary and proper.

DATED: __________

[Signature]

JOANNE WENZEL
Chief
Bureau for Private Postsecondary Education
Department of Consumer Affairs
State of California
Complainant

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