



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION AFFIRMED

October 12, 2022

The Anat Baniel Method
 4330 Redwood Highway, Suite 350
 San Rafael, CA 94903

Date of Issuance	Citation Number	Institution Code
October 12, 2022	2223001	Unapproved

On September 29, 2022, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 2223001 (Citation) against The Anat Baniel Method (Institution). In attendance were Elizabeth Elias, Enforcement Chief, Linh T. Nguyen, Department of Consumer Affairs Legal Counsel, Anat Baniel, Founder/CEO, Priyam Desai, Counsel to Anat Baniel Method, Dalit Broner, Director of Operations, and Katie Lee Carey, Regulatory Counsel.

Pursuant to Business and Professions Code, section 148; California Education Code (CEC), section 94944; and Title 5 of California Code of Regulations (5, CCR), section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 2223001

It is the decision of the Enforcement Chief that on September 29, 2022, Citation No. 2223001 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

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>AFFIRMED</p> <p><u>Violation:</u></p> <p>CEC Section 94886. Approval to Operate Required</p> <p><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>

CEC Section 94817.5. Approved to Operate or Approved

“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.”

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 April 15, 2022, the Bureau received a complaint alleging that the Institution was operating without Bureau approval.

On April 27, 2022, Bureau staff reviewed the Bureau’s website and noted that the Institution’s Owner agreed to surrender their approval to operate and to not operate educational programs that require Bureau Approval. The Decision and Order became effective February 26, 2015.

On May 10, 2022, Bureau staff reviewed the Institution’s website and found the following courses being offered:

- Neuromovement Practitioner Training Program: \$29,750.00; \$2,975.00 per segment
- 3 Continuing Education workshops for the Neuromovement Practitioner Training Program: \$3,499.00 per segment.

On May 16, 2022, Bureau staff conducted a search on the California Secretary of State website and found that the Institution is listed as an active non-profit corporation.

On June 7, 2022, Bureau staff reviewed the Bureau’s exemptions specific to non-profit organizations. Per CEC 94874(h), a non-profit public benefit corporation may be exempt from Bureau oversight if it satisfies all the following criteria:

- The institution is qualified under section 501(c)(3) of the United States Internal Revenue Code;
- The institution is organized specifically to provide workforce development or rehabilitation services;
- The institution is accredited by an accrediting organization for workforce development or rehabilitation services recognized by the Department of Rehabilitation (DOR)

On the same day Bureau staff conducted a search of the DOR website to verify if the Institution was an approved provider for rehabilitation services and did not find the Institution listed as an

approved provider.

Through the course of the investigation, it was determined that the Institution is operating 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 www.anatbanielmethod.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, (415) 472-6622, 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.

The fine for this violation is \$100,000.00

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$100,000.00

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within 30 days from the date of this decision.

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:

Tessa Barron, 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 affirmed Citation. You *do*, however, have the right to appeal this affirmed 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 affirmed Citation is effective on **October 12, 2022**. The order of abatement and payment are due by **November 11, 2022**.

Failure to abate the violation or 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 Affirmed 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 Tessa Barron, Citation Analyst, at (916) 574-7791 or at Tessa.Barron@dca.ca.gov.

“Original Signature on File”

“10/12/2022”

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