

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

In the Matter of the First Amended Statement
of Issues Against:

ANAT BANIEL, Owner
THE ANAT BANIEL METHOD
4330 Redwood Highway, Suite 340
San Rafael, CA 94903

School Code No. 2101521

Respondent.

Case No. 998998


OAH No. 204060450

DECISION AND ORDER

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

This Decision shall become effective on FEB 26 2015.

DATED: JAN 26 2015


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
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Deputy Attorney General
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Statement
of Issues Against:

Case No. 998998

OAH No. 2014060450

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

**STIPULATED SURRENDER OF
APPROVAL TO OPERATE**

16 Respondent.

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19 **PARTIES**

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

24 2. Respondent The Anat Baniel Method, Anat Baniel, Owner (Respondent) is
25 represented in this proceeding by attorney David A. Sauers, whose address is: 77 Van Ness Ave.,
26 Suite 201, San Francisco, CA 94102-6042.

27 3. On or about May 16, 2011, the Bureau received from Respondent an Application for
28 Renewal of Approval to Operate and Offer Educational Programs for Non-Accredited

1 Institutions. On or about May 10, 2011, Anat Baniel certified under penalty of perjury to the
2 truthfulness of all statements, answers, and representations in the application. The Bureau denied
3 the application on or about May 29, 2013.

4 JURISDICTION

5 4. First Amended Statement of Issues No. 998998 was filed before the Director of
6 Consumer Affairs (Director) for the Bureau and is currently pending against Respondent. The
7 First Amended Statement of Issues and all other statutorily required documents were properly
8 served on Respondent on October 23, 2014.

9 5. A copy of First Amended Statement of Issues No. 998998 is attached as exhibit A and
10 incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 6. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in First Amended Statement of Issues No. 998998. Respondent also has
14 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
15 Surrender of Approval to Operate.

16 7. Respondent is fully aware of its legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the First Amended Statement of Issues; the right to be
18 represented by counsel at its own expense; the right to confront and cross-examine the witnesses
19 against it; the right to present evidence and to testify on its own behalf; the right to the issuance of
20 subpoenas to compel the attendance of witnesses and the production of documents; the right to
21 reconsideration and court review of an adverse decision; and all other rights accorded by the
22 California Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 CULPABILITY

26 9. Respondent admits the truth of each and every charge and allegation in First
27 Amended Statement of Issues No. 998998 and agrees that cause exists for discipline.

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1 10. Respondent understands that by signing this stipulation, Respondent enables the
2 Director to issue an order accepting the surrender of Respondent's approval to operate pursuant to
3 the terms set forth below.

4 **CONTINGENCY**

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

15 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
16 copies of this Stipulated Surrender of Approval to Operate, including Portable Document Format
17 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

24 14. In consideration of the foregoing admissions and stipulations, the parties hereby
25 stipulate as follows:

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STIPULATION

15. Respondent agrees to withdraw its Request for Administrative Hearing filed on June 27, 2013. Respondent will not seek to appeal the Bureau's May 29, 2013 denial of Respondent's Application for Renewal of Approval to Operate and Offer Educational Programs for Non-Accredited Institutions.

16. The Bureau will allow Respondent to complete its current *Basic Professional Training Program*, which is scheduled to end on June 21, 2015. To allow for make-up sessions and to complete processing of student evaluations for the current *Basic Professional Training Program*, the date of closure for that *Program* will be August 31, 2015.

17. Respondent agrees to voluntarily surrender its approval to operate to the Bureau on August 31, 2015. Respondent shall lose all rights and privileges as a private postsecondary institution in California as of that date.

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

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

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

21. Respondent agrees that it has provided the Bureau with a roster of all students currently enrolled in Respondent's educational programs. That student roster is attached as exhibit B and incorporated herein by reference.

1 22. Respondent agrees not to enroll any students that are not currently enrolled in
2 Respondent's approved educational programs, including Respondent's current *Basic Professional*
3 *Training Program*.

4 23. Except for Respondent's current *Basic Professional Training Program*, which will
5 close on August 31, 2015, Respondent will no longer operate educational programs in California
6 for which an approval to operate is required under the Private Postsecondary Education Act of
7 2009. This prohibition will take effect on the date the parties sign this Stipulated Surrender of
8 Approval to Operate.

9 24. No later than July 31, 2015, Respondent will submit to the Bureau a completed
10 School Closure Plan Form, including all required documentation specified in that Form, pursuant
11 to Education Code section 94926.

12 25. Respondent may, at any time, submit an Application for Approval to Operate to the
13 Bureau. If Respondent ever submits an Application for Approval to Operate to the Bureau, the
14 Bureau shall treat it as a new Application for Approval to Operate. Respondent must comply
15 with all the laws, regulations, and procedures for issuance of an approval to operate in effect at
16 the time the application is filed, and all of the charges and allegations contained in First Amended
17 Statement of Issues No. 998998 shall be deemed to be true, correct, and admitted by Respondent
18 when the Bureau determines whether to grant or deny the application.

19 26. Each party will bear its own attorney's fees, costs, and expenses (including, but not
20 limited to, fees charged by expert witnesses, accountants, and consultants) incurred in connection
21 with First Amended Statement of Issues No. 998998.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of Approval to Operate and have fully discussed it with my attorney, David A. Sauers. I understand the stipulation and the effect it will have on my approval to operate. I enter into this Stipulated Surrender of Approval to Operate voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 10-27-2014

Anat Baniel

ANAT Baniel, Owner
THE ANAT Baniel METHOD
Respondent

I have read and fully discussed with Respondent The Anat Baniel Method, Anat Baniel, Owner, the terms and conditions and other matters contained in the above Stipulated Surrender of Approval to Operate. I approve its form and content.

DATED: 27-Oct-2014

David A. Sauers

DAVID A. SAUERS
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of Approval to Operate is hereby respectfully submitted
for consideration by the Director of Consumer Affairs

Dated: *October 27, 2014*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General



NICHOLAS TSUKAMAKI
Deputy Attorney General
Attorneys for Complainant

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