



CAMTC Board of Directors Meeting

May 9, 2013

Radisson Hotel at Los Angeles Airport

6225 W. Century Blvd.

Los Angeles, CA

OPEN SESSION MINUTES

In attendance

Directors: William Armour, Michael Callagy, Judi Calvert, Nayada Dhanaphatana, Mark Dixon, Ben Drillings, Guy Fuson, Keith Grant, Elna Leonardo, Michael Marylander, Christian Pezza, Jean Robinson, Roberta Rolnick, Marcy Schaubeck, Paul Schwinghamer, Michael Sinel, Joe Bob Smith, Caroline Tseng, Deb Tuck, Dixie Wall

Directors Absent: None

Staff: Ahmos Netanel, CEO; Sheryl LaFlamme, Operations Manager; Beverly May, Director of Governmental Affairs; Rick McElroy, Director of PSD

General Counsel: Jill England

Guests: Ed Meyer, Matt Gray, Steve Kim, William Jones, Tiffany Li

1. Call to Order

Chairman Dixon called the meeting to order at 10:00am and established a quorum.

Chairman Dixon presented past Chair Dixie Wall with an award for Recognition of Service for her time as Chair.

2. Seating of New Board appointees

Mr. Netanel welcomes Marcy Schaubeck and Caroline Tseng as official members of the Board.

3. Re-appointment of expiring board-appointed director position

Motion (1): Rolnick/Callagy – Move to re-appoint Bill Armour for a three year term to the Board.

ROLL CALL VOTE

Armour – Abstain

Callagy - Yes

Calvert - Yes

Dhanaphatana - Yes
Drillings - Yes
Fuson - Yes
Grant - Yes
Leonardo - Yes
Marylander - Yes
Pezza - Yes
Robinson - Yes
Rolnick - Yes
Schaubeck - Yes
Schwinghamer - Abstain
Sinel – Not Present for Vote
Smith – Yes
Tseng - Yes
Tuck - Yes
Wall – Yes
Dixon - Yes

17-0, 2 Abstain (Armour, Schwinghamer)
MOTION PASSES

Motion (2): Smith/Wall – Move that the Board of Directors will receive advanced notification, at least one meeting in advance, regarding directors whose terms are expiring and are up for re-appointment.

Armour – Friendly Amendment – directors who are being considered will not be present in the room during re-appointment discussion and vote.

Smith/Wall accept Friendly Amendment

19-0
MOTION PASSES

4. Approval of Minutes

Motion (3): Grant/Smith – Move to approve the February 13, 2013 open session minutes with the changes noted during discussion.

16 – 0, 3 Abstain (Fuson, Schaubeck, Tseng)
MOTION PASSES

Motion (4): Smith/Tuck – Move to approve the April 5, 2013 open session minutes.

16 – 0, 3 Abstain (Armour, Schwinghamer, Wall)
MOTION PASSES

5. Award

The Board awarded Senator Curren Price with the CAMTC Legislator of the year award. Mr. Dixon thanked Senator Price for his hard work in protecting the public by authoring senate bill 1238.

6. CEO Report

Mr. Netanel stated that although we will always experience challenges, CAMTC has achieved unprecedented internal stability. Mr. Netanel stated he is satisfied with the level of performance of the management company but also noted that there is always room to grow and improve.

Mr. Netanel stated that in an effort to ensure the legitimacy of certificate holders, staff had conducted a review of an adult internet site. After review, it became clear however that the large majority of massage establishments listed on the site were not placed on the site by the owners, but rather by the website users themselves (i.e. user reviews). Mr. Netanel stated the plan to propose revocation of persons working at those establishments was abandoned for lack of a proper basis, but that a new protocol is being implemented which will focus on actual paid advertising placed by establishments.

Mr. Netanel stated that staff is planning to contact every law enforcement agency in California in order to work together in a cooperative manner with regard to massage establishments. Mr. Netanel is also pursuing an opportunity to address the California Police Chiefs Association at their annual convention.

Mr. Netanel informed the Board that staff is currently implementing a plan to reduce the backlog of denials and revocations. A monthly audit protocol was implemented to assure that no pending cases will ‘fall through the cracks’.

Mr. Netanel stated that the number of initial applications year-to-date exceeded the budgeted expectation by 10% and that re-certifications have remained at 65% as projected.

7. Public Comment

Matt Gray, representing Hamilton College, addressed the Board during the public comment portion of the meeting.

8. Treasurer’s Report

Mr. Marylander stated that through April of this year, 3,647 new applications were received, which is an average of 912 per month. Mr. Marylander stated that the renewals are down from both budgeted and 2012 levels so far this year and recommends reviewing existing marketing

strategies to ensure that those currently certified understand both the importance and benefits of renewing their certification.

9. Auditor's Report

Ms. Leonardo stated an audit was conducted and there was only one carry-over item from last year's report with respect to how deferred revenue is recognized. Ms. Leonardo stated the auditors found everything to be in order except for one small payroll issue that was already being handled.

Motion (5): Grant/Smith – Move to approve the financial statement and independent auditor's report for the year ending December 31, 2012.

18-0, 1 Abstain (Robinson)
MOTION PASSES

10. Director of Governmental Affairs and Special Projects' Report

Ms. May stated there are currently 73 cities or counties that require certification, four of which are in policy only. Ms. May stated that with the trend of cities and counties requiring certification, she continues to be actively involved in most revisions of local ordinances pertaining to massage.

11. Director of PSD's Report

Mr. McElroy updated the Board on the implementation of PSD's new monthly audit report.

12. Update and Approval of CAMTC-Recommended 2013 Legislation

Motion (6): Grant/Tuck – Move to adopt the following guiding principle for CAMTC-supported legislation: To assure safe, respectable and non-discriminatory public access to therapeutic massage when performed by certified massage professionals.

11-6, 3 abstain (Leonardo, Schaubeck, SineI)
MOTION PASSES

Motion (7): Marylander/Callagy - Move to authorize CAMTC staff to pursue the implementation of amendments in AB 1147 according to the letter sent by the CEO to the author's Chief of Staff, dated May 5, 2013 and to give the CEO authority to take a position of the bill as long as the Chair and Vice Chair approve of such position, if the Board is unavailable for a full vote.

19 – 0, 1 Abstain (Robinson)
MOTION PASSES

Motion (8): Marylander/Armour – CAMTC's Board finds that the League of California Cities' ("The League") proposed amendments to AB 1147 are too significant and substantive to resolve

without extensive input from a broad-based spectrum of stakeholders and therefore better suited to be evaluated as part of the sunset process. CAMTC will oppose AB 1147 if The League's amendments are to be added to the bill. The Board authorizes the CEO to negotiate in good faith with The League and to seek a compromise as long as such compromise is consistent with CAMTC legislative principles and approved by the Chair and Vice Chair, if the Board is unavailable for full vote.

19 – 0, 1 Abstain (Robinson)

MOTION PASSES

Motion (9): Grant/Rolnick – Move to instruct staff to pursue state legislation that will establish mandatory registration of massage establishments.

Schwinghamer - Friendly Amendment – Direct staff to investigate CAMTC's possible role and potential process in requiring mandatory registration of massage establishments and return to the Board with proposal including pros and cons.

Grant/Rolnick accepts Friendly Amendment.

14-4, 2 Abstain (Callagy, Tseng)

MOTION PASSES

13. Adoption of Schedule of Authority

Motion (10): Wall/Tseng – Move to accept the Schedule of Authority with the following changes:

Wall – Under Personnel Issues – Change “Changes to staff benefits” to “Changes to staff benefits *within budget*”

Wall – Under Personnel Issues – Change “Establishing new employee position” to “Establishing new employee position *within budget*”

Wall – Under CEO Compensation and Responsibility, Evaluation of performance - change BOD from “C” to “A” and change Executive Committee from “A” to “C” within budget”

Wall – Under CEO Compensation and Responsibility, Establishing CEO compensation – remove Executive Committee and add “B” under Chair

Netanel – Under Budget and Fiscal Control, Check signing authority under \$10,000 – add “A” under Treasurer

England – Under Personnel Issues – change “Salary ranges of staff, hiring decisions, adding staff within budget” to “Salary ranges of staff, hiring and *firing* decisions, adding staff within budget”

Marylander – Under Budget and Fiscal Control, Check signing authority over 10,000 – add “G” under Chair.

Marylander – Under Budget and Fiscal Control – Change “Check signing authority over

10,000” to “Check signing authority over 10,000, *two must co-sign*”

Smith – Under Organizational Issues, Engagement of consultants, attorneys & vendors –
Add “A” under BOD

Grant - Under CEO Compensation and Responsibility – Change “Hiring CEO” to Hiring
and firing CEO”

England – If “A” in two columns, either can make decision

16 – 0, 1 Abstain (Schaubeck)

MOTION PASSES

14. School’s Procedures

Ms. England would like the Board to approve the amendments including one change that was not noted in the amended procedure. Under 1(f), Ms. England would like to change “Approved Provider Code” to “Assigned School Code”.

Motion (11): Rolnick/Wall – Move to adopt the proposed changes to CAMTC procedures for the un-approval of schools as presented by counsel and with the addition of changing the last three words in Section 1(f) to “assigned school code”.

15-0, 2 abstain (Pezza, Schwinghamer)

MOTION PASSES

15. Distance Learning

Ms. May stated that the BPPE has a policy of distance learning and is currently considering whether any distance learning is appropriate for entry level massage. Currently, there are some schools that the CAMTC is aware of that are offering education that is take-home, internet based, or some form of distance learning, and have not obtained BPPE approval for the programs or are not complying with the rigid requirements imposed by BPPE. Ms. May states it is staff recommendation that CAMTC should require that schools must provide the entire 250 hours for CMP or the entire 500 hours for CMT to be under the direct supervision of a live instructor.

Motion (12): Pezza/Rolnick – Move that CAMTC will not accept online or distance learning hours for the first 250 hours of education, unless the school has been approved for distance learning by an agency recognized by the U.S. Department of Education. After 250 hours of education, CAMTC may accept distance learning or online hours if the school has been approved to teach distance learning by one of the agencies listed in Business and Professions Code section 4600 (A) or is an NCBTMB approved provider for distance learning.

10 – 2, 5 Abstain (Pezza, Robinson, Smith, Tseng, Wall)

MOTION PASSES

The Board went into Closed Session with CAMTC Legal Counsel Pursuant to California Government Code Section 11126(e) at 3:50pm and returned to open session at 4:45pm.

16. Scheduling of Next Meeting

Next Proposed 2-day Board Meeting – September 17, 2013 and September 18, 2013

Chairman Dixon adjourned the meeting at 5:00pm

Minutes Approved: September 19, 2013

Roberta Rolnick, Secretary