



## **CAMTC Board of Directors Meeting**

November 15, 2018

Hyatt Regency Los Angeles International Airport  
6225 West Century Blvd.  
Los Angeles, CA. 90045

### **OPEN SESSION MINUTES**

Directors Present: *Ron Bates, Allison Budlong, Shana Faber, Jeff Forman, Heather Forshey, Minouche Kandel, Mike Marylander, Stephany Powell, Dixie Wall, Mark Dixon*

Directors Absent: *Sean Thuilliez, Mike Callagy*

Staff: *Ahmos Netanel, CEO; Jon Walters, Director of Operations; Beverly May, Director of Governmental Affairs; Rick McElroy, Director of Professional Standards Division; Roberta Rolnick, Outreach Director; Joe Bob Smith, Director of Educational Standards Division; Jennifer Schwartzel, CFO*

General Counsel: *Jill England*  
Special Counsel: *Alison Siegel*

Guests: *None self-identified*

#### **1. Call to Order**

Chairman Dixon called the meeting to order at 9:32 am on November 15, 2018 and established a quorum.

#### **2. Chair's comments**

Chairman Dixon reminded the Board of the Rules of Debate.

#### **3. Approval of Minutes**

**MOTION 11152018:1 Bates/Wall Motion to approve minutes of open session September 26-27, 2018**

MOTION PASSES 9-0-1

ROLL CALL VOTE: 9 Yes; 0 No; 1 Abstain

Ron Bates – Yes

Allison Budlong - Yes

Shana Faber - Yes

Heather Forshey - Abstain

Jeff Forman – Yes

Minouche Kandel - Yes

Michael Marylander – Yes

Stephany Powell – Yes

Dixie Wall – Yes

Mark Dixon – Yes

The Board went into two closed sessions at 9:38 am

**4. Closed session with CAMTC legal counsel pursuant to California Government Code Section 11126(e) – schools; lawsuits**

**5. Closed Session regarding the appointment, employment, evaluation of performance, or dismissal of an employee pursuant to California Government Code Section 11126(a)**

The Board came out of closed session at 10:50 am. Open session resumed at 10:57 am.

**6. Return to open session and announce action taken in closed session, if any, under item 5**

General Counsel Jill England reported that no action was taken in the item 5 closed session.

**7. Chief Executive Officer's report**

**Finance** – the budget will be discussed later in the meeting.

**Outreach** – Ahmos Netanel asked Chairman Dixon to report on the meeting with the President, Vice President and attorney of the California Association of Code Enforcement Officers (CACEO). Staff of both organizations will explore a formal relationship.

Mr. Netanel discussed activities in San Jose to address the hundreds of unregulated illicit massage establishments. One code enforcement officer conducted these inspections.

**Media** – Mr. Netanel noted that as important as the published articles are is the articles not published.

## 8. Treasurer's report

Michael Marylander reported:

- Applications received – 5,000 fewer new applications this year compared to last. 90% of revenue is due to recertifications.
- Conclusions - Expenses are down and revenue is up.
- Joe Bob Smith reported that school enrollment is generally down. Mr. Netanel reported a historical pattern of reduced enrollment during low unemployment.

## 9. Preliminary Budget

Mr. Netanel requested that the Board approve the proposed preliminary budget. It is based on an estimated 300 new applications per month. Current year is averaging 250/month but with waiver of exam for the next two years it is expected to increase. Jennifer Schwartzel stated that some items regarding PSD hearing and field officers have been re-categorized but the total remains the same. The expense side is relatively the same as in the 2018 budget.

The next Board meeting will have a comparison of final revenue and expenses with actual figures.

**MOTION 11152018:2 Bates/Forman Move to approve the proposed Preliminary 2019 budget.**

MOTION PASSES 10-0-0

ROLL CALL VOTE: 10 Yes; 0 No; 0 abstain

Ron Bates – Yes

Allison Budlong – Yes

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey - Yes

Minouche Kandel - Yes

Michael Marylander – Yes

Stephany Powell – Yes

Dixie Wall – Yes

Mark Dixon - Yes

**10. CEO contract and Compensation Committee recommendation on a compensation consultant**

Mark Dixon reported on the findings of the committee, which consisted of himself and Ron Bates with Jill England advising.

Mr. Dixon reached out to four CEO compensation consultants and has one firm (CBiz) that he recommends. He has checked their references.

Mr. Bates contacted ten firms and used the same job description that Mark had prepared. He came up with two other firms but supports the recommendation of the Chair. CBiz charges \$15,000 which is within budget.

**MOTION 11152018:3 Forman/Bates Motion to appoint the Chair to engage the firm of CBiz to conduct a CEO compensation study and then to act as point person with the firm during the compensation study process. The Chairman will work with General Counsel on any contract with the compensation study firm.**

MOTION PASSES 10-0-0

ROLL CALL VOTE: 10 Yes; 0 No; 0 abstain

Ron Bates – Yes

Allison Budlong – Yes

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey - Yes

Minouche Kandel - Yes

Michael Marylander – Yes

Stephany Powell – Yes

Dixie Wall – Yes

Mark Dixon – Yes

**MOTION 11152018:4 Forman/Marylander Motion to authorize the Chair and General Counsel to commence discussion with the CEO regarding future employment and to come back to the Board in February with recommendations.**

MOTION PASSES 8-2-0

ROLL CALL VOTE: 8 Yes; 2 No; 0 abstain

Ron Bates –Yes

Allison Budlong – Yes

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey - No

Minouche Kandel - Yes

Michael Marylander – Yes

Stephany Powell – Yes

Dixie Wall – No

Mark Dixon – Yes

## **11. Amendments to the Policies and Procedures for Approval of Schools**

Joe Bob Smith summarized the proposed changes.

- A. Eliminate binders of applications and make it all electronic as pdfs.
- B. To align with the waiving of an exam for the next 2 years, to change the date for passage rate of exams for consideration of schools (Section 5H of Draft Policies) to align with the two year waiver of the exam requirement.
- C. Grace Period – to end the acceptance of education from schools whose applications for approval is received on or after January 1, 2019. There will no longer be a grace period for applicants from these schools that are denied to request a hearing.
- D. Grace period – adds a grace period from January 1 – March 31, 2019 for applicants from currently denied schools to have a hearing – to address students who previously could not sit for the exam and thus could not come to hearing as their applications were deemed incomplete.
- E. Allows applicants from schools whose applications that have been pending for one and a half years or more to choose an education hearing in lieu of waiting for a decision on the schools. If the school is later approved and they have failed a hearing, they must wait for two years to re-apply.

### **MOTION 11152018:5 Minouche/Bates – Motion to approve the proposed amendments to the Policies and Procedures for Approval of Schools**

**Motion 11152018:6 Friendly Amendment Bates – to extend the grace period under bullet point D from 3 months to 6 months – Jan 1, 2019 – June 30, 2019 Accepted by maker of the motion**

Alison Siegel clarified that this applies to seven schools and doubles the grace period only for them, a significant difference in how other students from denied schools are treated.

MOTION FAILS (on amendment) 4-5-1

ROLL CALL VOTE (on amendment): 4 Yes; 5 No; 1 Abstain

Ron Bates – Yes

Allison Budlong – Abstain

Shana Faber – Yes

Jeff Forman – No

Heather Forshey - No

Minouche Kandel - Yes

Michael Marylander – Yes

Stephany Powell – No

Dixie Wall – No

Mark Dixon – No

**Original MOTION 11152018:5**

MOTION PASSES 9-0-1

ROLL CALL VOTE: 9 Yes; 0 No; 1 Abstain

Ron Bates – Yes

Allison Budlong – Abstain

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey - Yes

Minouche Kandel - Yes

Michael Marylander – Yes

Stephany Powell – Yes

Dixie Wall – Yes

Mark Dixon – Yes

## **12. Audit Committee update**

Ahmos Netanel provided the report since Mike Callagy was not present. There is an outstanding issue to be resolved due to this being a new auditor and a very complex audit due to the unique nature of CAMTC. The final report will be reviewed by the committee and presented to the Board at the next meeting

The 990 tax return was signed and submitted yesterday.

A lunch break was taken from 12:30 – 1:15 pm.

## **13. Reducing re-application wait times for individuals denied based solely on education from two years to one year**

**MOTION 11152018:7 Bates/Forman – Motion to approve the following policy:**

- 1. For applications denied on education only, the wait time for re-applying for certification be shortened from two-years to one-year, with the following conditions.**
- 2. The CEO will implement this policy at a time that, in his discretion, it can be verified that such a change could be smoothly implemented from an operational standpoint, but at no time before July 1, 2019.**
- 3. The CEO will determine, in his discretion, how this new policy will be implemented, including whether or not it is applied retroactively.**

MOTION PASSES 10-0-0

ROLL CALL VOTE: 10 Yes; 0 No; 0 Abstain

Ron Bates –Yes

Allison Budlong – Yes

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey - Yes

Minouche Kandel - Yes

Michael Marylander – Yes

Stephany Powell – Yes

Dixie Wall – Yes

Mark Dixon – Yes

**14. Publicly posting all denials on CAMTC's website - tabled**

**15. Replacement of an outgoing Board member**

Ahmos Netanel discussed the seat being vacated by Mike Callagy which is an open seat for someone with skills and experience helpful to CAMTC.

**MOTION 11152018:8 Budlong/Bates Motion to publicly announce this vacancy and invite applicants. Have our Chair and Vice Chair review submissions and come to the next meeting with their recommendation.**

MOTION PASSES 9-0-1

ROLL CALL VOTE: 9 Yes; 0 No; 1 Abstain

Ron Bates – Yes

Allison Budlong – Yes

Shana Faber – Abstain

Jeff Forman – Yes

Heather Forshey - Yes

Minouche Kandel - Yes

Michael Marylander – Yes

Stephany Powell – Yes

Dixie Wall – Yes

Mark Dixon – Yes

**16. Continuation of Schools Advisory Committee**

**Motion 11152018:9 Forman/Marylander Move to continue the Schools Advisory Committee**

MOTION PASSES 10-0-0

ROLL CALL VOTE: 10 Yes; 0 No; 0 Abstain

Ron Bates – Yes

Allison Budlong – Yes



Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey - Yes

Minouche Kandel - Yes

Michael Marylander – Yes

Stephany Powell – Yes

Dixie Wall – Yes

Mark Dixon - Yes

**Motion 11152018:10 Forman/Marylander to change the name to the Schools and Education Advisory Committee**

Discussion of whether this new title reflects the original purpose of the committee.

Motion withdrawn and tabled to next meeting.

**17. Sunset review - Process for Board's recommendations for legislative amendments**

Ahmos Netanel briefed the Board on the process of sunset. Staff will receive the Sunset questionnaire around March 2019. Staff will bring a draft of the Sunset Review Report to the Board in May 2019 incorporating the 2019 Priorities. This is when the Board will discuss substantive changes to CAMTC's law. A final draft will be presented to the Board in September and submitted to the Business and Professions Committee in November or December 2019. Committee staff prepares their report which is available in early 2020. The first hearing is expected in March 2020. Committee staff requests that CAMTC address 4-5 issues during the hearing. A placeholder bill is introduced with language added after the Sunset hearing, and often amended further as it goes through the legislative process.

**18. Outreach to certified massage providers on how to report sexual misconduct**

**Motion 11152018:11 Kandel/Forshey Motion that staff develop materials on the various options of how massage providers can report sexual misconduct.**

MOTION PASSES 10-0-0

ROLL CALL VOTE: 10 Yes; 0 No; 0 Abstain

Ron Bates – Yes

Allison Budlong – Yes

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey - Yes

Minouche Kandel - Yes

Michael Marylander – Yes

Stephany Powell – Yes

Dixie Wall – Yes

Mark Dixon - Yes

### **19. Director of Governmental Affairs and Special Projects' Report**

Local government update – Beverly May reported that four additional cities have passed ordinances that require certification, and one new moratorium on new or expanded establishments.

Ms. May discussed her participation in the quarterly legislative meetings to the Department of Consumer Affairs (DCA). She provided an overview of AB 2138 (Chui) which will have profound effects on a licensing board or bureau's ability to deny or even offer a conditional approval to an applicant based on prior convictions. The new law does not apply to CAMTC.

Ms. May provided a summary of the various conferences she has attended and/or presented at since the last Board meeting, including Human Trafficking taskforces and coalitions.

Ms. May provided an update on the Certification and Application Management System (CAMS). We have chosen a Database Administration firm and are close to engaging them. One of their tasks will be to move our backups to Amazon Web Services and monitor and tune it 24/7. They will also assess and stabilize the system.

### **20. Director of Operations' report**

Jon Walters reported on status of operations, and that the data loss did not significantly affect time for processing new and recertifications.

### **21. Director of ESD's report**

Joe Bob Smith reported that two new applications have been approval and two schools have been re-approved.

A Quarterly Schools Update Newsletter has been going out shortly after the Board meetings. Last week was the first monthly call regarding school issues. There about 30 schools on the

call as well as a representative of FSMTB. Callers do not need to identify. Meetings are at 2:00 pm the first Wednesday of each month. The calls are open to anyone who wishes to join. Approximately 75 school applications have been purged due to incomplete applications.

## **22. Director of PSD's report**

Rick McElroy summarized his activities and plans, emphasizing the importance of our relationship with the California Association of Code Enforcement Officers (CACEO). He highlighted the recent training in Vacaville which had a large turn-out with broad representation.

## **23. Outreach Director's report**

Roberta Rolnick summarized recent activities including CACEO and the response to our booth. She made all the plans for our attendance at the Women in Law Enforcement Conference and is already working on 2019 events. Ms. Rolnick supported Ms. May in her preparations for her presentations at the annual conferences of the Federation of State Massage Therapy Boards (FSMTB) and the California Municipal Revenue and Tax Association (CMRTA).

Upcoming projects include the newsletter to schools to come out soon, follow-up outreach to CACEO, and continued support of Governmental Affairs outreach.

## **24. Presentation from American Massage Therapy Association - declined**

## **25. Presentation by Federation of State Massage Therapy Boards - declined**

## **26. Board meeting schedule for 2019**

The previously posted February 28 date will not work for the next meeting. Mr. Netanel will send emails to the Board to choose another date for the first 2019 meeting.

After the first meeting, the next Board meeting will probably be May 29, with a Schools Advisory Committee meeting the day before.

The first two meetings in 2019 will most likely be in Northern California.

Other meeting dates:

September 11-12, 2019, probably in Southern California. It will begin at noon on the 11th.

November 21, 2019

**27. Public comments regarding issues not in this agenda/suggested agenda items for future meetings**

None

**28. Items/suggestions from Board members for future meeting agendas**

None

**29. Adjournment**

The Chair adjourned the meeting at 2:34 pm.

Minutes Approved: April 4, 2019

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Allison Budlong, Secretary