



CAMTC Board of Directors Meeting

September 11-12, 2019
Hilton Garden Inn
4200 Admiralty Way
Marina del Rey, CA 90292

OPEN SESSION MINUTES

Directors Present: *Ron Bates, Allison Budlong, Mike Callagy, Shana Faber, Jeff Forman, Heather Forshey, Elna Leonardo, Mike Marylander, Bernadette Murray, Stephany Powell, Mark Dixon*

Directors Absent: *None*

Staff: *Ahmos Netanel, CEO; Jon Walters, Director of Operations; Beverly May, Director of Governmental Affairs, Anti-Human Trafficking and IT; Rick McElroy, Director of Law Enforcement Relations; Roberta Rolnick, Outreach Director; Joe Bob Smith, Director of Educational Standards Division*

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

Self-identified Guests: *Lauren McLachlan*

1. Call to Order:

Chairman Dixon called the meeting to order at 1:30 p.m. on September 11, 2019 and established a quorum. Mr. Dixon introduced and welcomed Mike Callagy and Bernadette Murray as new members of the Board.

2. Chair's comments

Chairman Dixon reminded the Board of the Rules of Debate.

3. Consideration of waiving automatic removal based on attendance for Sean Thuilliez

MOTION 09112019:1 Callagy/Budlong - Motion to waive automatic removal based on attendance for Sean Thuilliez

MOTION PASSES

ROLL CALL VOTE: 10 Yes; 0 No; 1 Abstain

Ron Bates - Yes

Allison Budlong – Yes

Mike Callagy - Yes

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey – Yes

Elna Leonardo - Yes

Michael Marylander – Yes

Bernadette Murray - Abstain

Stephany Powell – Yes

Mark Dixon – Yes

Sean Thuilliez was re-seated as a director on the Board.

4. Approval of Minutes

MOTION 09112019:2 Bates/Forshey - Motion to approve minutes of open session May 29, 2019 with correction of Elna Leonardo's last name (#7) and correct the last sentence to say that the Board discussed possible issues for the Sunset report, including continuing education requirements.

MOTION PASSES

ROLL CALL VOTE: 9 Yes; 0 No; 3 Abstain

Ron Bates - Yes

Allison Budlong – Yes

Mike Callagy - Abstain

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey – Yes

Elna Leonardo - Yes

Michael Marylander – Abstain

Bernadette Murray - Yes

Stephany Powell – Yes

Sean Thuilliez - Abstain

Mark Dixon – Yes

5. 2020 Strategic Priorities

MOTION 09112019:3 Dixon/ Forman - Motion to suspend Rules of Debate to discuss the proposed Strategic Priorities

MOTION PASSES

ROLL CALL VOTE: 12 Yes; 0 No; 0 Abstain

Ron Bates - Yes

Allison Budlong – Yes

Mike Callagy - Yes

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey – Yes

Elna Leonardo - Yes

Michael Marylander – Yes

Bernadette Murray - Yes

Stephany Powell – Yes

Sean Thuilliez -Yes

Mark Dixon – Yes

MOTION 09112019:4 Forman/Bates - Motion to approve the following 2020 Strategic Priorities:

1. In preparation for the 2020 Sunset review, prioritize all organizational functions for a successful outcome for the Sunset review. Specifically, the continuation of CAMTC as a nonprofit organization, implementing a state-wide voluntary certification program for massage professionals and approval of educational programs. Sunset review shall be the highest priority for CAMTC in 2020. Whenever Sunset review is inconsistent with other interests sought to be promoted, Sunset review shall be paramount.
2. Contact all cities and counties to offer assistance to update their ordinances to reflect current state law.

Amended Motion 09112019:5 Murray - Motion to add a priority that all schools with applications pending over one year be processed by August 1, 2020 in compliance with the requirements of AB 775.

The motion died for lack of a second.

Friendly amendment by Bates to add:

3. Prioritize protecting the public by working with anti-human organizations to address sex and labor trafficking in massage businesses.

The friendly amendment by Bates was accepted by the motion maker, Forman, and the amended motion was restated for the record as follows:

MOTION 09112019:4 Forman/Bates- Motion to approve the following 2020 Strategic Priorities:

1. In preparation for the 2020 Sunset review, prioritize all organizational functions for a successful outcome for the Sunset review. Specifically, the continuation of CAMTC as a nonprofit organization, implementing a state-wide voluntary certification program for massage professionals and approval of educational programs. Sunset review shall be the highest priority for CAMTC in 2020. Whenever Sunset review is inconsistent with other interests sought to be promoted, Sunset review shall be paramount.
2. Contact all cities and counties to offer assistance to update their ordinances to reflect current state law.
3. Prioritize protecting the public by working with anti-human trafficking organizations to address sex and labor trafficking in massage businesses.

MOTION PASSES

ROLL CALL VOTE: 11 Yes; 1 No; 0 Abstain

Ron Bates - Yes

Allison Budlong – Yes

Mike Callagy - Yes

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey – Yes

Elna Leonardo - Yes

Michael Marylander – Yes

Bernadette Murray - No

Stephany Powell – Yes

Sean Thuilliez -Yes

Mark Dixon – Yes

MOTION 09112019:6 Dixon/ Forman - Motion to Restore Rules of Order

MOTION PASSES

ROLL CALL VOTE: 11 Yes; 0 No; 0 Abstain

Ron Bates - Yes

Allison Budlong – Yes

Mike Callagy - Yes

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey – Yes

Elna Leonardo - Yes

Michael Marylander – Yes

Bernadette Murray - Yes

Stephany Powell – absent

Sean Thuilliez -Yes

Mark Dixon – Yes

5. Review of draft Sunset report

Comments included feasibility study on licensing; providing information and responding to questions in the order presented; typos; possibility of posting the draft as a google drive for all the Board members, including incoming members (which is not feasible under Bagley-Keene).

6. School Advisory Committee Report

Dr. Forman reported that attending the Committee meeting were existing members Allison Budlong, Keith Grant and Katie Mickey, as well as new members Patty Flannagan, Deborah Reuss and Kieu Vo. The Committee would like the applications for certification to be consistent between the paper and online application, and to be available on mobile devices in the future. At this point in time the Committee does not want to see the MBLEx examination brought back. The Committee would like CAMTC to investigate other psychometric exams in California or develop its own examination. The Committee recommended that the Board look into supporting a requirement for continuing education in order to protect the public and help graduates maintain core competencies after they graduate. The Committee would like these classes and providers to be nationally approved, and offered by CAMTC approved schools. The Committee discussed English proficiency, but there was no motion on that. The Committee recommends that the law be changed relative to consent for breast massage – i.e. - to strike the referral to a California health care provider. Consumers would sign an informed consent agreement.

7. Proposed Legislative Changes to Massage Therapy Act

Alison Siegel summarized some of the requested changes to the Massage Therapy Act:

1. Add that any change of legal name be reported within 30 days.
2. Allow the seat for a city attorney to be available to a retired city attorney if their last position before retirement was representing a city in California.
3. Expand Business and Professions Section 4614 that requires that CAMTC share information upon request with local government to include state and federal agencies that enforce state, federal or local law and those that license a profession.

MOTION 09112019:7 Bates/Murray - Motion to include in the Sunset report the three requests for statutory changes in #58 in the draft Sunset report.

Friendly amendment by Murray, accepted: **“after Alison Siegel verifies that it does not conflict with other laws.”**

Substitute Motion 09112019:8 Murray - Move to approve the first two proposed legislative changes and have the Board review the third at the next Board meeting. Substitute motion withdrawn.

MOTION 09112019:7 PASSES

ROLL CALL VOTE: 11 Yes; 0 No; 0 Abstain

Ron Bates - Yes

Allison Budlong – Yes

Mike Callagy - Yes

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey – Yes

Elna Leonardo - Yes

Michael Marylander – Yes

Bernadette Murray - Yes

Stephany Powell – Absent

Sean Thuilliez -Yes

Mark Dixon – Yes

8. Re-instating the requirement for an exam

MOTION 09112019:9 Dixon/Budlong - Motion to suspend the Rules of Debate to discuss re-instating the requirement for an exam.

MOTION PASSES

ROLL CALL VOTE: 10 Yes; 1 No; 0 Abstain

Ron Bates - Yes

Allison Budlong – Yes

Mike Callagy - Yes

Shana Faber – Yes

Jeff Forman – No

Heather Forshey – Yes

Elna Leonardo - Yes

Michael Marylander – Yes

Bernadette Murray - Yes

Stephany Powell – Absent

Sean Thuilliez -Yes

Mark Dixon – Yes

MOTION 09112019:10 Bates/Forman - Motion to request that senior staff do their best to meet with appropriate committee Chairs or senior committee staff prior to the next Board meeting to clarify the Legislature’s thinking on the public protection issue and to clarify their thinking related to testing and continuing education.

MOTION PASSES

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

Ron Bates - Yes

Allison Budlong – Yes

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey – Yes

Elna Leonardo - Yes

Michael Marylander – Yes

Bernadette Murray - No

Stephany Powell – Absent

Sean Thuilliez - No

Mark Dixon – Yes

9. CAMTC's delegation to FSMTB's annual meeting

Ahmos stated that historically the Board has sent the Chair as the delegate to FSMTB's annual meeting. However, Mark Dixon may no longer be on the CAMTC Board by the time of that meeting. Ahmos asked if the Board would like Mark to be the delegate even if he is no longer on the Board.

MOTION 09112019:11 Forman/Bates - Motion to send Mark Dixon to the FSMTB annual conference as the CAMTC representative this year.

MOTION PASSES

ROLL CALL VOTE: 10 Yes; 1 No; 0 Abstain

Ron Bates - Yes

Allison Budlong – Yes

Mike Callagy - Yes

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey – Yes

Elna Leonardo - Yes

Michael Marylander – Yes

Bernadette Murray - No

Stephany Powell – Absent

Sean Thuilliez -Yes

Mark Dixon – Yes

10. Continuation of discussion of legislative requests

Bernadette Murray requests that Business and Professions Code Section 4602 be amended to require that the Board of Directors hold a minimum of one meeting in Northern California and one meeting in Southern California each year. No motion was made.

Meeting recessed at 5:30 p.m. September 11, 2019.

Meeting resumed at 8:30 a.m. September 12, 2019.

All Board members except Mike Callagy were present when the meeting started again on September 12; all staff and counsel from the previous day were present, with the addition of Jennifer Schwartzel.

11. Public comments regarding issues not on this agenda/suggested agenda items for future meetings

Lauren McLachlen discussed her concern about required CEs. There was also discussion of her Facebook page regarding issues pertaining to CAMTC and the Massage Therapy Act.

Laura Embleton spoke about issues related to certification.

12. Chief Executive Officer's report

Mr. Netanel summarized his written report. Staff is working very hard to complete the Sunset report. The Performance Measures in the future will show a full four quarters. PM #4 is the most critical to us, regarding time to complete disciplinary action. In the second quarter of 2019 it took 150 days to complete formal discipline against a certificate holder. Staff is evaluating the feasibility of developing and administering its own exam and will report to the Board prior to November 15, 2019. The process of offering certain materials in Chinese, as required by statute, is underway. Development of materials for students to better understand CAMTC processes is underway. Mr. Netanel also discussed the reason for the temporary large balance in the checking account, which was due to the closing of a CD.

MOTION 09122019:12 Dixon/Murray - Motion to reinstate rules of debate

MOTION PASSES

ROLL CALL VOTE: 11 Yes; 0 No; 0 Abstain

Ron Bates - Yes

Allison Budlong – Yes

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey – Yes

Elna Leonardo - Yes

Michael Marylander – Yes

Bernadette Murray - Yes

Stephany Powell – Yes

Sean Thuilliez -Yes

Mark Dixon – Yes

13. Limited recertification

MOTION 09122019:13 Dixon/Faber - Motion to allow certificate holders whose certificates were in good standing and expired on or after January 1, 2018, to apply for recertification (even if their certificates have been expired for more than six months) as long as their applications for recertification are received on or before September 30, 2020.

Substitute Motion 09122019:14 Murray - Motion to adopt the 547 days (a year and a half) for recertification and make it retroactively effective to January 2018.

Motion dies for lack of a second.

Alison Siegel explained that this applies retro-active to Jan 1, 2018 to those who have expired since that time, similar to the previous Limited recertification policy. The next policy is to extend the recertification period to 180 days going forward.

**MOTION 09122019:13 MOTION PASSES
ROLL CALL VOTE: 11 Yes; 0 No; 0 Abstain**

Ron Bates - Yes

Allison Budlong – Yes

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey – Yes

Elna Leonardo - Yes

Michael Marylander – Yes

Bernadette Murray - Yes

Stephany Powell – Yes

Sean Thuilliez -Yes

Mark Dixon – Yes

14. Extending time period to recertify after expiration of certification

MOTION 09122019:15 Bates/Murray - Motion to extend the time period that expired certificate holders may apply for recertification up to 547 days after expiration, effective October 1, 2019.

MOTION PASSES

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

Ron Bates - Yes

Allison Budlong – Yes

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey – Yes

Elna Leonardo - Yes

Michael Marylander – Yes

Bernadette Murray - Yes

Stephany Powell – Not Present

Sean Thuilliez -Yes

Mark Dixon – Yes

15. Proposed revision of the recertification reminders schedule

Jon Walters explained the rationale for this requested change in policy.

MOTION 09122019:16 Dixon/Faber - Motion to establish a policy to send an email and hard copy reminder of expiration of certification to certificate holders between 90 to 120 days prior to expiration. Further, to grant authority for modifications to this policy to the CEO and Director of Operations.

Friendly amendment from B. Murray – to require that certificate holders who have expired 6 months and 12 months be send an additional email reminder, and that if the recertification rate declines by 5% or more in any quarter that the decline be reported to the Board. Amendment declined.

MOTION PASSES

ROLL CALL VOTE: 11 Yes; 0 No; 0 Abstain

Ron Bates - Yes

Allison Budlong – Yes

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey – Yes

Elna Leonardo - Yes

Michael Marylander – Yes

Bernadette Murray - Yes

Stephany Powell – Yes

Sean Thuilliez -Yes

Mark Dixon – Yes

16. Proposed amendments to Employee Handbook

General Counsel Jill England stated that the proposed amendments are necessary to stay current with new laws and best practices.

MOTION 09122019:17 Dixon/Bates - Motion to adopt the proposed amendments to the Employee Handbook as presented by counsel.

MOTION PASSES

ROLL CALL VOTE: 11 Yes; 0 No; 0 Abstain

Ron Bates - Yes

Allison Budlong – Yes

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey – Yes

Elna Leonardo - Yes

Michael Marylander – Yes

Bernadette Murray - Yes

Stephany Powell – Yes

Sean Thuilliez -Yes

Mark Dixon – Yes

17. Treasurer's report

Michael Marylander reported that active certifications have remained steady at approximately 50,000 since 2014. More applications have been received thus far this year than all of 2018. This increase was expected and budgeted for due to the waiver of the exam requirement. Almost 90% of those eligible have recertified. Both revenue and expenses are better than budgeted. Cash position is less than at the same time last year.

18. Audit Committee Report

Elna Leonardo, Audit committee Chair stated that the Board Packet contains the 2017 audit, conducted by the firm of Campbell Taylor and Company. The 2018 audit will be received timely and we will no longer be working with this firm. The auditor recommended several general journal entries that will allow amending the 990's for 2017, as a result of the retroactive change in revenue recognition policy.

19. 2019 Budget

Mr. Netanel recommended slight modification of the budget to more closely reflect actual revenue and update some expense items.

MOTION 09122019:18 Forshey/Bates - Motion to adopt the amended budget as presented.

MOTION PASSES

ROLL CALL VOTE: 11 Yes; 0 No; 0 Abstain

Ron Bates - Yes

Allison Budlong – Yes

Shana Faber – Yes

Jeff Forman – Yes

Heather Forshey – Yes

Elna Leonardo - Yes

Michael Marylander – Yes

Bernadette Murray - Yes

Stephany Powell – Yes

Sean Thuilliez -Yes

Mark Dixon – Yes

20. Director of Governmental Affairs and Special Projects’ report

Beverly May summarized some of the Human Trafficking (HT) events and trainings that she has attended since the last Board meeting. According to data gathered by Polaris, massage “parlors” are the number one venue for sex and labor trafficking. She stated that in addition to the numerous HT taskforces and coalitions that she participates in that she will be attending additional ones in Southern California. In October she will be attending a conference in D.C. on closing illicit massage businesses organized by Polaris and other organizations. Ms. May provided information on her work with various local jurisdictions in developing new massage ordinances, including San Diego, Benicia and San Francisco. Ms. May provided updated statuses on various bills that she has been tracking for the Board. AB 775 and SB 630 have been signed and will go into effect January 1, 2020. She briefly updated the board on the current focus of our IT efforts in working with our Database Administrator on developing many specialized queries that support our daily operations and provide reports for analytical purposes.

21. Director of Operations’ report

Application Processing – Mr. Walters pointed out an error on the chart on page 165 and will be corrected in the online version of the Board packet. Certification volume is 187% of last year, being processed by the same number of staff as last year. In August 2019 volume is still twice that of 2018 (400 compared to less than 200 last year).

Customer Service - Mr. Walters explained the ups and downs of the median processing time for both new and recertification application processing. Jon receives nightly reports and captures the data for reports. A rough average in call volume is 150 applicant and certificate holder calls. Call duration varies from 3.5-5 minutes.

22. Director of Educational Standards Division’s report

School Status Updates – Mr. Smith reported that there are currently 72 approved schools and 9 applications that are awaiting action by CAMTC, two of which are soon to be purged. Five of the remaining pending applications are provisionally approved campuses. Two new school applications have been received since the last Board meeting.

School Outreach – monthly calls continue to get participation, and the most recent Quarterly School Newsletter was published and distributed a few weeks after the May Board meeting. CAMTC will have a booth at the AMTA Schools conference February 13-14, 2020 in Hollywood.

Looking Forward – implementing AB 775 affecting the school approval process, which is expected to be signed by the Governor. One provision that we are pleased with is that all schools that are not CAMTC approved, including those that have not applied for certification, must provide written notice to students of the ramifications of attending a school that is not approved.

Ongoing activities - conducted at least 800 reviews of transcripts, an increasing number involving out of state fraudulent schools. Monitoring approved schools including unannounced visits and processing changes in application. Helping to create a process for schools to submit transcripts electronically. Supporting the Schools Advisory Committee.

23. Director of Law Enforcement Relations' report

Rick McElroy conducted 22 trainings this year to 430 individuals representing 144 agencies. Since 2014, 168 attendees, representing 827 agencies, have been trained. Mr. McElroy spoke about the “trickle up” process of code and law enforcement reporting back up to city attorneys and police chiefs. Mr. McElroy spoke about a report from code enforcement in El Centro about their typical findings when inspecting a massage “parlor” – evidence that women are living in the establishment, have no money and often that they cannot leave on their own. He discussed why he believes that what we do is so much more effective than anything he did over the years in LAPD or that law enforcement currently can do by themselves.

Rick McElroy and BRD Supervisor Kellie Rodriguez continue to work on bringing Los Angeles on board with providing information for Declarations. Despite all the meetings, including with the Deputy Police Chief and Executive Director of the Police Commission Richard Tefank, the city attorney who oversees law enforcement, and others in positions of authority, CAMTC currently has over 100 Declarations waiting for signatures by Los Angeles officers.

Rick will be presenting a two-hour long presentation on human trafficking at the California Association of Code Enforcement Officers (CACEO) conference in San Diego in October.

Mr. McElroy spoke about the city of Campbell as an example of CAMTCs' work with local jurisdictions. The city is hosting a training this month and have asked for assistance on their ordinance. CAMTC will also be available at the meeting when an ordinance comes to the city council if requested. He also summarized meeting with Santa Clara Deputy Sheriff's as well as with FBI agents working on a major crimes' investigation of illicit massage businesses in a northern California city.

24. Outreach Director's report

Roberta Rolnick summarized her report quarterly the Schools Newsletter and conferences including Women in Law Enforcement (WLLE) which she attended with Beverly May and Kellie Rodriguez and the upcoming conference of the CA Association of Code Enforcement Officers (CACEO). She stated that she submitted a proposal for a presentation by Joe Bob Smith to speak at the AMTA Annual Schools Summit early next year. The topic is “How

Schools Can Help Stop Sex and Labor Trafficking”. CAMTC will also have a booth at the conference. Ms. Rolnick reported that CAMTC plans to partner with CA Police Chiefs Association again in 2020 and attend their annual symposium in Palm Springs. She also presented statistics on CAMTC outreach efforts based on website views of specific pages.

25. Adjournment

Chair Dixon adjourned the meeting at 1:25 p.m. on September 12, 2019. Mr. Dixon noted that the next meeting will be November 6, 2019 near LAX.

Minutes Approved: November 6, 2019

Allison Budlong, Secretary