



CAMTC Board of Directors Meeting

November 6, 2019

Hyatt Regency Los Angeles International Airport

6225 West Century Blvd.

Los Angeles, CA 90045

MINUTES

Directors Present: *Ron Bates, Allison Budlong, Mike Callagy, Shana Faber, Jeff Forman, Heather Forshey, John Lambert, Michael Marylander, Bernadette Murray, Stephany Powell, Sean Thuilliez (Mark Dixon was appointed as a director during the meeting and was present throughout)*

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; Jennifer Swartzel, CFO*

General Counsel: *Jill England*

Special Counsel: *Alison Siegel*

1. Call to Order, roll call and establish quorum

Acting Chair Forman called the meeting to order at 10:35 a.m. and established a quorum.

2. Appointment of Board members and/or filling vacant Board seats

Motion 11062019:1 Callagy/Bates Motion to appoint Mark Dixon to fill the open seat on the Board of Directors in which the individual must be one who “has knowledge of the massage industry or can bring needed expertise to the operation of the council” for purposes of protecting the public.

Mark Dixon and Lee Salas spoke to the Board about why they want to join the Board and the experience/expertise they would bring to the Board.

Motion 11062019:2 Bates/Murray Motion to suspend the rules of debate

MOTION PASSES

ROLL CALL VOTE: 7 Yes; 3 No; 1 Abstain

Ron Bates - Yes

Allison Budlong - Yes

Mike Callagy - Yes

Shana Faber – Abstain

Heather Forshey - No

John Lambert – Yes

Michael Marylander – Yes

Bernadette Murray – Yes

Stephany Powell - Yes

Sean Thuilliez - No

Jeff Forman – No

MOTION 11062019:1 PASSES

ROLL CALL VOTE: 8 Yes; 1 No; 2 Abstain

Ron Bates - Yes

Allison Budlong - Yes

Mike Callagy - Yes

Shana Faber – Abstain

Heather Forshey - Yes

John Lambert – Yes

Michael Marylander – Abstain

Bernadette Murray – No

Stephany Powell - Yes

Sean Thuilliez - Yes

Jeff Forman – Yes

Unanimous support to bring back the rules of debate (no vote taken)

Michael Marylander spoke about his wish to be voted back on the board for the business owner seat, his expertise, and the contribution he can continue to make.

Motion 11062019:3 Murray/Forshey Motion to appoint Lee Salas to the open seat for an owner of massage business entity.

MOTION FAILS

ROLL CALL VOTE: 4 Yes; 5 No; 3 Abstain

Ron Bates - No

Allison Budlong - No

Mike Callagy – Yes

Mark Dixon - Abstain

Shana Faber – Abstain

Heather Forshey - Yes

John Lambert – Yes

Michael Marylander – Abstain

Bernadette Murray – Yes

Stephany Powell - No

Sean Thuilliez – No

Jeff Forman - No

Motion 11062019:4 Callagy/Bates Motion to appoint Michael Marylander to the open seat for a massage business owner.

MOTION PASSES

ROLL CALL VOTE: 8 Yes; 1 No; 2 Abstain

Ron Bates - Yes

Allison Budlong - Yes

Mike Callagy – Yes

Mark Dixon - Abstain

Shana Faber – Abstain

Heather Forshey - No

John Lambert – Yes

Michael Marylander – no vote

Bernadette Murray – Yes

Stephany Powell -Yes

Sean Thuilliez - Yes

Jeff Forman – Yes

Motion 11062019:5 Forman/Forshey Motion to instruct staff to promote widely that CAMTC is accepting applications for attorneys working for cities in the state to be reviewed by a committee of the Chair and Sean Thuilliez and bring back to the Board four candidates unless the total number of applicants is less than four.

MOTION PASSES

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

Ron Bates - Yes

Allison Budlong - Yes

Mike Callagy – Yes

Mark Dixon - Yes

Shana Faber – Abstain

Heather Forshey - Yes

John Lambert – Yes

Michael Marylander – Yes

Bernadette Murray – Yes

Stephany Powell - Yes

Sean Thuilliez - Yes

Jeff Forman - Yes

3. Elections of officers – General Counsel Jill England conducted the elections.

Motion 11062019:6 Thuilliez/_____ Motion to approve the slate of Mark Dixon as Chair, Jeff Forman as Vice Chair, Michael Marylander as Treasurer and Allison Budlong as Secretary.

Motion fails for lack of a second.

Motion 11062019:7 Callagy/Forshey Motion to approve a slate of Ron Bates as Chair, Jeff Forman as Vice Chair, Michael Marylander as Treasurer and Allison Budlong as Secretary.

Bates - Friendly amendment to have Jeff Forman as Chair and Ron Bates as Vice Chair. Accepted by the maker and seconder of the motion.

Substitute Motion 11062019:8 Powell/Thuilliez Substitute Motion to approve the slate of Mark Dixon as Chair, Jeff Forman as Vice Chair, Michael Marylander as Treasurer and Allison Budlong as Secretary.

SUBSTITUTE MOTION FAILS

ROLL CALL VOTE ON SUBSTITUTE MOTION: 6 Yes; 5 No; 1 Abstain

Ron Bates - No

Alison Budlong - Abstain

Mike Callagy – No

Mark Dixon - Yes

Shana Faber – Yes

Heather Forshey - No

John Lambert – No

Michael Marylander – Yes

Bernadette Murray – No

Stephany Powell - Yes

Sean Thuilliez - Yes

Jeff Forman – Yes

Recessed for lunch at 12:05 pm

Resumed at 12:45 pm

Substitute Motion 11062019:9 Thulliez/Powell Motion to approve Jeff Forman as Chair, Mark Dixon as Vice Chair, Michael Marylander as Treasurer and Allison Budlong as Secretary.

SUBSTITUTE MOTION FAILS

ROLL CALL VOTE ON SUBSTITUTE MOTION: 4 Yes; 6 No; 2 Abstain

Ron Bates - No

Allison Budlong - Abstain

Mike Callagy – No

Mark Dixon - Yes

Shana Faber – No

Heather Forshey - No

John Lambert – No

Michael Marylander – Yes

Bernadette Murray – No

Stephany Powell - Yes

Sean Thuilliez - Yes

Jeff Forman – Abstain

Motion 11062019:7 restated as amended: Callagy/Forshey Motion to approve a slate of Jeff Forman as Chair, Ron Bates as Vice Chair, Michael Marylander as Treasurer and Alison Budlong as Secretary.

MOTION PASSES

ROLL CALL VOTE: 7 Yes; 2 No; 3 Abstain

Ron Bates - Yes

Allison Budlong - Abstain

Mike Callagy – Yes

Mark Dixon - No

Shana Faber – Yes

Heather Forshey - Yes

John Lambert – Yes

Michael Marylander – No

Bernadette Murray – Yes

Stephany Powell - Abstain

Sean Thuilliez – Abstain

Jeff Forman - Yes

4. Chair's Comments

Welcome/Introductions – John Lambert introduced himself as the new appointee of the American Massage Therapy Association

5. Board training, including but not limited to training on the Bagley-Keene Open Meeting Act

Jill England presented an overview of the Bagley-Keene Open Meetings Act, discussed the duties and obligations of Board members, including the duty of loyalty, and the Conflict of Interest Policy which Board members must sign.

Alison Siegel provided the Board with copies of the Massage Therapy Act and summarized it.

Bernadette Murray asked for the Organization Chart and Schedule of Authority to be shared with the current board.

6. Approval of minutes from September 11-12, 2019 meeting

MOTION 11062019:10 Murray/Thuilliez Motion to approve open session minutes from the September 11-12, 2019 Board meeting with corrections to the start time and to Jeff Forman's School Committee Report.

MOTION PASSES

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

Ron Bates - Yes

Allison Budlong – Yes

Mike Callagy – Yes

Mark Dixon - Yes

Shana Faber – Yes

Heather Forshey – Yes

John Lambert - Abstain

Michael Marylander – Yes

Bernadette Murray – Yes

Stephany Powell – Yes

Sean Thuilliez – Yes

Jeff Forman – Yes

7. Report from CAMTC's delegate to FSMTB's annual meeting – Mark Dixon summarized his written report on the FSMTB annual meeting in October in Atlanta. Mr. Dixon stated that there are several items of note. One is regarding vetting and oversight of schools teaching massage, which none of the states reported performing as diligently as CAMTC does. There are no other states with School Advisory Committees. Another area of interest is the lack of direct knowledgeable legal support to other states' boards. There was discussion of the lack of evidence that the MBLEx prevents harm or illicit activity, and also its usefulness for those moving from state to state. Mr. Dixon stated that in networking he found no state boards that had relationships with the broad range of stakeholders including law enforcement, legislators, legislative staff, and local government that CAMTC has. An attorney for Massage Envy presented on their efforts to address complaints of sexual assault.

8. Review of draft Sunset report

Alison Siegel led the discussion of the Sunset draft, beginning with an overview of the Sunset process. Ron Bates asked to discuss certification versus licensing, exams, the database system, and local government compliance. He would like a more balanced discussion of progress made with local

government regulations, especially in southern California, and recommended revising the section on the database system. Staff will make these revisions. Bernadette Murray questioned “mental fitness” on page 40 of the draft. Alison Siegel explained two actual examples involving public harm, one of criminal insanity and the other regarding mental health issues brought by the family. Discussion of adding “as determined by a licensed medical professional”. Mr. Bates suggested adding reference to relationships with finance officers. Staff will add membership in the California Municipal and Tax revenue Association (CMRTA), which was an oversight. Ron Bates suggested that the document reflect workforce information, as this is an issue important to the legislature.

MOTION 11062019:11 Forshey/Thuilliez - Motion to allow the Chair and Vice Chair to sign approval of the final Sunset document to be presented to the legislature.

MOTION PASSES

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

Ron Bates - Yes

Allison Budlong – Yes

Mike Callagy – Yes

Mark Dixon - Yes

Shana Faber – Yes

Heather Forshey – Yes

John Lambert - Yes

Michael Marylander – Yes

Bernadette Murray – Yes

Stephany Powell – Not present

Sean Thuilliez – Yes

Jeff Forman – Yes

9. Board discussion and possible votes on legislative changes to Massage Therapy Act

Motion 11062019:12 Marylander/Powell Motion to inform the legislature that CAMTC requests that a change is made to not require an exam in the legislation that will be effective in 2021.

Substitute Motion 11062019:13 Lambert/Callagy Motion to re-institute the exam requirement.

Friendly amendment Murray/ to bring back the exam with the requirement that the exam is offered in other languages and accommodates individuals with learning disabilities. Amendment declined.

SUBSTITUTE MOTION 13 PASSES

ROLL CALL VOTE: 7 Yes; 4 No; 1 Abstain

Ron Bates - Yes

Allison Budlong – No

Mike Callagy – Yes

Mark Dixon - No

Shana Faber – Yes

Heather Forshey – Yes

John Lambert - Yes

Michael Marylander – No

Bernadette Murray – Abstain

Stephany Powell – Yes

Sean Thuilliez – No

Jeff Forman – Yes

Motion 11062019:12 fails by virtue of substitute motion 13 that passed in its place.

Motion 11062019:14 Murray/ Faber Motion to not change the language in Business and Professions Section 4609(a)(1)(F) that requires a referral from a licensed healthcare provider to provide breast massage of a female.

MOTION PASSES

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

Ron Bates - Yes

Allison Budlong – Yes

Mike Callagy – Yes

Mark Dixon - Yes

Shana Faber – Yes

Heather Forshey – Yes

John Lambert - Yes

Michael Marylander – Yes

Bernadette Murray – Yes

Stephany Powell – Yes

Sean Thuilliez – Yes

Jeff Forman - Yes

11062019:15 Murray/Bates Motion to direct staff to request that continuing education not be added as a requirement in the Massage Therapy Act at this time.

MOTION

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

Ron Bates - Yes

Allison Budlong – Abstain

Mike Callagy – Not present

Mark Dixon - Yes

Shana Faber – Yes

Heather Forshey – Yes

John Lambert - Yes

Michael Marylander – Yes

Bernadette Murray – Yes

Stephany Powell – Yes

Sean Thuilliez – Yes

Jeff Forman – Yes

10. 2020 strategic priorities

11062019:16 Dixon/Powell Motion to approve the 2020 Strategic Priority # 1 as approved by the Board in September.

MOTION PASSES

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

Ron Bates - Yes

Allison Budlong – Yes

Mike Callagy – Not present

Mark Dixon - Yes

Shana Faber – Yes

Heather Forshey – Yes

John Lambert - Yes

Michael Marylander – Yes

Bernadette Murray – Yes

Stephany Powell – Yes

Sean Thuilliez – Yes

Jeff Forman - Yes

11062019:17 Budlong/Lambert Motion to approve the 2020 Strategic Priority # 2 and #3 as amended below:

#2. Human Trafficking – Prioritize protecting the public by working with anti-human trafficking organizations to address sex and labor trafficking in massage businesses **and other businesses posing as massage businesses.**

#3. Local Government – Contact all cities and counties to offer assistance to update their ordinances to reflect current state law **including that local governments shall impose and enforce only reasonable and necessary fees and regulations on massage businesses and massage establishments, in keeping with the requirements of existing law and being mindful of the need to protect legitimate business owners and massage professionals, particularly sole providers.**

MOTION PASSES

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

Ron Bates - Yes

Allison Budlong – Yes

Mike Callagy – Not present

Mark Dixon - Yes

Shana Faber – Yes

Heather Forshey – Yes

John Lambert - Yes

Michael Marylander – Yes

Bernadette Murray – Yes

Stephany Powell – Yes

Sean Thuilliez – Not present

Jeff Forman – Yes

11. Policies and Procedures for Approval of Schools

Motion 11062019:18 Dixon/Forshey Motion to approve amendments to Policies and Procedures for Approval of Schools

MOTION PASSES

ROLL CALL VOTE: 7 Yes; 0 No; 1 Abstain

Ron Bates - Yes

Allison Budlong – Abstain

Mike Callagy – Not present

Mark Dixon - Yes

Shana Faber – Yes

Heather Forshey – Yes

John Lambert - Yes

Michael Marylander – Not present

Bernadette Murray – Yes

Stephany Powell – Not present

Sean Thuilliez – Yes

Jeff Forman – Not present

12. Treasurer's report

Ahmos Netanel summarized the Treasurer's report. The financial status is as expected, with reserves lower as planned. New applications have increased

13. Audit Committee

Sean Thuilliez reported on the Audit committee report. Auditor recommendations have been accepted by staff.

Ahmos requested that the Board appoint a new Chair who will populate the committee with one other member.

Motion 11062019:19 Dixon/Forshey Motion to appoint Sean Thuilliez as Chair of the Audit Committee, with authority to populate the committee.

MOTION PASSES

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

Ron Bates - Yes

Allison Budlong – Yes

Mike Callagy – Not present

Mark Dixon - Yes

Shana Faber – Yes

Heather Forshey – Yes

John Lambert - Yes

Michael Marylander – Not present

Bernadette Murray – Yes

Stephany Powell – Not present

Sean Thuilliez – Yes

Jeff Forman – Not present

Motion 11062019:20 Murray/Bates Motion to ask the Audit Committee to review Bernadette Murray’s proposed amendments and bring any recommendations to the Board to consider at the next meeting.

Motion withdrawn

Motion 11062019:21 Forshey/Thuilliez Motion to table this item until the next meeting.

MOTION PASSES

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

Ron Bates - Yes

Allison Budlong – Yes

Mike Callagy – Not present

Mark Dixon - Yes

Shana Faber – Yes

Heather Forshey – Yes
John Lambert - Yes
Michael Marylander – Not present
Bernadette Murray – Yes
Stephany Powell – Not present
Sean Thuilliez – Yes
Jeff Forman – Not present

14. Employee benefits

Ahmos Netanel reported that CAMTC has been providing employees with a cash benefits allowance that is taxable. With the tight labor market it is not good to continue with this model. The majority of staff members want health insurance, although seven senior staff members do not need health insurance benefits. Some want the retirement plan, called a 403b plan. Mr. Netanel stated the intent to contribute to a 403b plan for all employees, and health insurance for those who wish to take advantage of the insurance. The intent is to implement the plans beginning January 1, 2020, within the confines of the budget.

15. 2020 Preliminary budget

Motion 11062019:22 Forshey/Thuilliez Motion to approve the preliminary budget as presented.

MOTION PASSES

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

Ron Bates - Yes
Allison Budlong – Yes
Mike Callagy – Not present
Mark Dixon - Yes
Shana Faber – Yes
Heather Forshey – Yes
John Lambert - Yes
Michael Marylander – Not present
Bernadette Murray – Yes

Stephany Powell – Not present

Sean Thuilliez – Yes

Jeff Forman – Not present

16. Selection of Legislator of the Year Award recipient

Motion 11062019:23 Murray/Thuilliez Motion to approve Assemblyman Ed Chau as Legislator of the Year.

MOTION PASSES

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

Ron Bates - Yes

Allison Budlong – Yes

Mike Callagy – Not present

Mark Dixon - Yes

Shana Faber – Yes

Heather Forshey – Yes

John Lambert - Yes

Michael Marylander – Not present

Bernadette Murray – Yes

Stephany Powell – Not present

Sean Thuilliez – Yes

Jeff Forman – Not present

17. Proposed meetings schedule for 2020

Tentative dates for 2020 meetings:

February 20, 2020, Los Angeles

June 9, 2020 Oakland

September 23 & 24 Southern California (exact location tbd)

November 19, Oakland

The dates for the June, September and November meetings will be re-visited in February

18. Chief Executive Officer's report

Ahmos Netanel stated that his reports this year may be brief as we go through Sunset. Staff evaluated the feasibility of CAMTC developing and administering its own exam. To prepare an exam that meets the requirements in the law, as well as the administration of the exam would be a massive expense and is not recommended at this time. Mr. Netanel reported that an MOU with the Bureau for Private Postsecondary Education (BPPE) has been signed.

19. Director of Operations' report

Jon Walters reported that the Operations team has been working diligently and continues to improve. Applications are being processed well within expected time frames.

20. Director of Educational Standards Division's report

Joe Bob Smith reported that we now have 74 approved campuses, including two newly approved and two provisionally approved. Newsletters are being sent timely and monthly school conference calls are ongoing. The AMTA Conference of Schools will be held in February in S. California.

21. Director of Law Enforcement Relations' report

Rick McElroy reported that since 2014 he has trained 2,286 individuals representing 802 agencies. He has been attending many meetings with local government officials, including with Cupertino PD and code enforcement. He and Roberta Rolnick attended the California Association of Code Enforcement Officers (CACEO) annual conference, and he did a presentation that was well attended. He is still working on getting Los Angeles city on board with CAMTC, with progress slowly being made. Along with other senior staff, he attended a meeting with staff from Sacramento city and county to discuss strategies for closing their illicit massage businesses and how CAMTC can support their efforts. He also discussed a very impressive meeting in Cupertino with code enforcement taking the lead on updating their massage ordinance.

22. Director of Governmental Affairs, Anti-Human Trafficking and IT's report

Beverly May reported that she will be more involved in activities in southern California going forward. Ms. May discussed the meeting that she, Mr. Netanel and Mr. McElroy had with Kay Buck and staff of the Coalition to Abolish Slavery and Trafficking. She and CEO Netanel attended the 10th annual conference in late September of the San Francisco Collaborative against Human Trafficking (SFCAHT) which she helped organize again this year. Ms. May discussed the conference on closing illicit massage businesses hosted by Polaris in D.C in October, attended by 280 people from around the country, with a large California presence. Not only was the conference useful but it provided a wonderful opportunity for networking. Specifically, in regards to California, she had the opportunity to continue discussions that we

began several months ago with the chief Human Trafficking prosecutor in the California Attorney Generals' office, as well as with a local FBI special agent working on a major crimes case regarding massage. There were presenters from Asia who work for New York advocacy groups who spoke in detail about how traffickers recruit women overseas.

San Diego passed their revised massage ordinance. It requires establishment permits but allows for massage therapists who are not certified to continue to obtain city police permits. Fees for sole providers went from over \$2,000 to \$124 and \$730 for multi-practitioner businesses. At least 15 other cities have recently asked for review of their ordinances and for materials to revise them. Fresno also passed an amended ordinance that has some unusual but interesting provisions. Almost every ordinance we review has some unique provisions that are added to our example ordinances. This is helpful especially when a city asks for language that may not be in the standard samples.

Ms. May reported on the final outcome of various bills that she has been tracking.

23. Outreach Director's report

Roberta Rolnick discussed the press conference held by Assembly member Chau to report on the bills he authored that were signed. We continue to build on our relationship, begun in 2010, with the Nuad Thai Business owners Association and Mr. Netanel was interviewed on Thai TV. CAMTC has been accepted as the sole education sponsor of the 2020 American Massage Therapy Association (AMTA) National Schools Summit in February in W. Hollywood. Ms. Rolnick added to Mr. McElroy's report on the CACEO conference which had the largest attendance ever. Ms. Rolnick has been supporting both Beverly May and Rick McElroy as they present on human trafficking, and demand keeps increasing. Ms. Rolnick has engaged with I-Spa and their events to connect with business owners.

24. Adjourn

The meeting was adjourned at 6:19 p.m.

Minutes Approved: February 20, 2020

Allison Budlong, Secretary