



Bureau for Private Postsecondary Education
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Advanced School of Massage Therapy Inc., Owner
Massage Center
171 E. Thousand Oaks Boulevard, Suite 206
Thousand Oaks, CA 91360

INSTITUTION CODE: 5602121
CITATION NUMBER: 2021082
CITATION ISSUANCE/SERVICE DATE: September 10, 2020
DUE DATE: October 10, 2020
FINE AMOUNT: \$ 5,000.00
ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Advanced School of Massage Therapy Inc., Owner of Massage Center (Institution) located at 71 E. Thousand Oaks Boulevard, Suite 206, Thousand Oaks, CA 91360, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

On September 19, 2019, the Bureau conducted an unannounced Compliance inspection at the Institution. As a result, Bureau staff found material violations related to the 2016-2017 School Performance Fact Sheet (SPFS) supporting documentation.

VIOLATION

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	<p>Violation: 5, CCR Section 74112(m)(1)(5)(6)(9) - Uniform Data – Annual Report, Performance Fact Sheet <i>“(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum:</i> <i>(1) the list of job classifications determined to be considered gainful employment for the educational</i></p>

program;

(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;

(6) a description of all attempts to contact each student or employer;

(9) the name, email address, phone number, and position or title of the institution's representative who was primarily responsible for obtaining the students' completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered.”

Bureau staff requested the supporting documentation to substantiate the data reported on the 2016-2017 SPFS and found that that the following was incomplete:

Violation: 5, CCR Section 74112(m)(1): The 2016-2017 SPFS supporting documentation provided failed to contain the list of job classifications determined to be considered gainful employment for the educational program. Furthermore, Institution staff provided a list obtained from the SPFS workshop with handwritten notes which did not meet the requirements per 74112(m)(1)

Violation: 5, CCR Section 74112(m)(5): The 2016-2017 SPFS supporting documentation provided failed to contain all documentation necessary to demonstrate self-employment. Furthermore, Institution staff provided a letter sent to students which did not show the Institution documented self-employment consistent with the requirements for 74112(m)(5).

Violation: 5, CCR Section 74112(m)(6): The 2016-2017 SPFS supporting documentation provided failed to contain a description of all attempts to contact each student or employer. Furthermore, Institution staff stated that they did not have documentation of all phone calls made to students and employees, therefore confirming the violation of section 74112 (m)(6).].

Violation: 5, CCR Section 74112(m)(9): The 2016-2017 SPFS supporting documentation provided failed to contain the date that the information was gathered by Institution’s representative.

Order of Abatement:

The Bureau orders the Institution to submit to the Bureau a policy, or procedure, of how the Institution will maintain future compliance with 5, CCR section 74112.

Assessment of Fine

The fine for this violation is \$5,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$5,000.00

ASSESSMENT OF A FINE

In accordance with CEC section 94936; and 5, CCR sections 75020 and 75030, the Bureau hereby orders this assessment of fine in the amount of **\$5,000.00** for the violations described above.

Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of CEC section 94936 and 5, CCR section 75020 the Bureau hereby issues the order(s) of abatement described above. **Evidence of compliance with the**

order(s) of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; and/or through an administrative hearing in accordance with Chapter 5 (Commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this Citation, you must submit the 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by **October 10, 2020**, you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **September 10, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **October 10, 2020**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

Payment of the administrative fine and/or written request for appeal must be mailed to:

Gabriella Perez, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this Citation, or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 574-8969 or Gabriella.Perez@dca.ca.gov.

"Original signature on file"

"9/10/2020"

Christina Villanueva
Discipline Manager

Date

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First- Class Mail