

**BEFORE THE DIRECTOR  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU FOR PRIVATE POSTSECONDARY EDUCATION  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**JINSHAN INSTITUTE OF CLINICAL MASSAGE; YUNXIA XIAO, OWNER**

5088 Mission Street

San Francisco, CA 94112

Case No. 1006705

OAH Case No.: 2021050817

Respondent.

**DECISION AND ORDER**

The attached Stipulated Surrender of Approval to Operate and Order is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective on “August 9, 2021.”

It is so ORDERED “August 5, 2021.”

“Original signature on file”

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RYAN MARCROFT  
DEPUTY DIRECTOR, LEGAL AFFAIRS DIVISION  
DEPARTMENT OF CONSUMER AFFAIRS

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9 **BEFORE THE**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 **JINSHAN INSTITUTE OF CLINICAL**  
15 **MASSAGE; YUNXIA XIAO, OWNER**  
16 **5088 Mission Street**  
17 **San Francisco, CA 94112**

18 **Approval to Operate an Institution Non-**  
19 **Accredited, School Code 71847798**

20 Respondent.

Case No. 1006705

OAH No. 2021050817

**STIPULATED SURRENDER OF**  
**APPROVAL TO OPERATE AND**  
**ORDER**

21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Deborah Cochrane (Complainant) is the Chief of the Bureau for Private  
25 Postsecondary Education (Bureau). She brought this action solely in her official capacity and is  
26 represented in this matter by Rob Bonta, Attorney General of the State of California, by Carter  
27 Ott, Deputy Attorney General.

28 2. Jinshan Institute of Clinical Massage; Yunxia Xiao, Owner (Respondent) is  
representing itself in this proceeding and has chosen not to exercise its right to be represented by  
counsel.

1           3.     On or about July 31, 2014, the Bureau issued Approval to Operate an Institution Non-  
2 Accredited, School Code 71847798 to Yunxia Xiao, Owner of Jinshan Institute of Clinical  
3 Massage (Respondent). The Approval to Operate expired on July 31, 2019, and has not been  
4 renewed.

5   **JURISDICTION**

6           4.     Accusation No. 1006705 was filed before the (Director), and is currently pending  
7 against Respondent. The Accusation and all other statutorily required documents were properly  
8 served on Respondent on April 29, 2021. Respondent timely filed its Notice of Defense  
9 contesting the Accusation. A copy of Accusation No. 1006705 is attached as Exhibit A and  
10 incorporated by reference.

11   **ADVISEMENT AND WAIVERS**

12          5.     Respondent has carefully read, and understands the charges and allegations in  
13 Accusation No. 1006705. Respondent also has carefully read, and understands the effects of this  
14 Stipulated Surrender of Approval to Operate and Order.

15          6.     Respondent is fully aware of its legal rights in this matter, including the right to a  
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
17 its own expense; the right to confront and cross-examine the witnesses against it; the right to  
18 present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel  
19 the attendance of witnesses and the production of documents; the right to reconsideration and  
20 court review of an adverse decision; and all other rights accorded by the California  
21 Administrative Procedure Act and other applicable laws.

22          7.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
23 every right set forth above.

24   **CULPABILITY**

25          8.     Respondent admits the truth of each and every charge and allegation in Accusation  
26 No. 1006705, agrees that cause exists for discipline and hereby surrenders its Approval to  
27 Operate an Institution Non-Accredited for the Bureau’s formal acceptance.

28     ///



1 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
2 the Director may, without further notice or formal proceeding, issue and enter the following  
3 Order:

4 **ORDER**

5 IT IS HEREBY ORDERED that Approval to Operate an Institution Non-Accredited,  
6 School Code 71847798, issued to Respondent Jinshan Institute of Clinical Massage; Yunxia  
7 Xiao, Owner, is surrendered and accepted by the Bureau.

8 1. The surrender of Respondent's Approval to Operate an Institution Non-Accredited  
9 and the acceptance of the surrendered Approval to Operate by the Bureau shall constitute the  
10 imposition of discipline against Respondent. This stipulation constitutes a record of discipline  
11 and shall become a part of Respondent's license history with the Bureau.

12 2. Respondent shall lose all rights and privileges as an Approved Institution Non-  
13 Accredited in California as of the effective date of the Director's Decision and Order.

14 3. Respondent shall withdraw its pending application to renew its Approval to Operate a  
15 Non-Accredited Institution.

16 4. If Respondent ever files an application for Approval to Operate in the State of  
17 California, the Bureau shall treat it as a new application. All of the charges and allegations  
18 contained in Accusation No. 1006705 shall be deemed to be true, correct and admitted by  
19 Respondent when the Bureau determines whether to grant or deny the application.

20 5. If Respondent should ever apply for a new Approval to Operate, all of the charges  
21 and allegations contained in Accusation, No. 1006705 shall be deemed to be true, correct, and  
22 admitted by Respondent for the purpose of any Statement of Issues or any other proceeding  
23 seeking to deny or restrict Approval to Operate.

24 6. Respondent shall pay the agency its costs of investigation and enforcement in the  
25 amount of \$5,170.00 prior to issuance of a new Approval to Operate.

26 **ACCEPTANCE**

27 I have carefully read the Stipulated Surrender of Approval to Operate and Order. I  
28 understand the stipulation and the effect it will have on my Approval to Operate an Institution

1 Non-Accredited. I enter into this Stipulated Surrender of Approval to Operate and Order  
2 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
3 Director of the Department of Consumer Affairs.

4  
5 DATED: “7/14/2021” “Original signature on file”  
6 YUNXIA XIAO, Owner  
7 JINSHAN INSTITUTE OF CLINICAL  
8 MASSAGE  
9 *Respondent*

10 **ENDORSEMENT**

11 The foregoing Stipulated Surrender of Approval to Operate and Order is hereby respectfully  
12 submitted for consideration by the Director of the Department of Consumer Affairs.

13 DATED: \_\_\_\_\_ Respectfully submitted,  
14 ROB BONTA  
15 Attorney General of California  
16 JOSHUA A. ROOM  
17 Supervising Deputy Attorney General

18 CARTER OTT  
19 Deputy Attorney General  
20 *Attorneys for Complainant*

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2 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
3 Director of the Department of Consumer Affairs.

4  
5 DATED: \_\_\_\_\_ YUNXIA XIAO, Owner  
6 JINSHAN INSTITUTE OF CLINICAL  
7 MASSAGE  
8 *Respondent*

9 **ENDORSEMENT**

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12 DATED: "7/14/2021" Respectfully submitted,  
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14 Attorney General of California  
15 JOSHUA A. ROOM  
16 Supervising Deputy Attorney General

17 "Original signature on file"

18 CARTER OTT  
19 Deputy Attorney General  
20 *Attorneys for Complainant*

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