



TABLE of CONTENTS

<u>Document</u>	<u>Page</u>
1. Notice and Agenda	2
3. Proposed 2014 Strategic Objectives	4
4. Approval of Minutes (Place Holder)	67
5. CEO Report	69
6. Treasurer's Report (Place Holder)	72
7. Director of Government Affairs and Special Projects Report	73
10. Revisions to Schools Procedures	80
14. Establish 2014 Meeting Schedule	85
15. Approval of CAMTC's Motion for the FSMTB's Meeting	86
18. Waiver of Filing Fee - Change of supporting documents	87
19. Adding an Evaluation/Translation Agency	88



One Capitol Mall, Suite 320 | Sacramento, CA 95814
tel 916.669.5336 fax 916.444.7462 www.camtc.org

Sent and Posted: Friday September 6, 2013

NOTICE OF PUBLIC MEETING

Wednesday, September 18, 2013 --10:30 a.m.
Annenberg Community Beach House
Event House Club Room
415 Pacific Coast Highway
Santa Monica, CA 90402

Thursday, September 19, 2013 -- 8:30 a.m.
Hilton Garden Inn
Admiralty Room
4300 Admiralty Way
Marina del Rey, CA 90292

AGENDA

1. Call to order and establish quorum
2. Chair's Comments
3. Discussion and adaptation of 2014 strategic objectives.
4. Approval of Minutes from May 9, 2013 and June 8, 2013 meetings
5. Chief Executive Officer's Report
6. Treasurer's Report
7. Director of Governmental Affairs and Special Projects' Report
8. Director of PSD's Report
9. Recommended amendments to annual budget
10. Revisions to schools procedures

11. Closed Session with CAMTC Legal Counsel Pursuant to California Government Code Section 11126(e)
12. School presentations
13. Consider requiring schools to have NCBTMB code
14. Establish 2014 meeting schedule
15. Approval of CAMTC's motions for the FSMTB's meeting (Board composition and a study of the proliferation of illicit massage parlors in the US)
16. Proposed bylaws amendment - Board members' attendance requirements
17. Staff research of protocol for communication in foreign languages
18. Waiver of Filing fee - Change of supporting documents required. (1040 instead of 1099 or W2)
19. Adding an evaluation/translation agency to the "Policies regarding massage education received outside the US"
20. Approve change in IT Liaison
21. Closed Session regarding the appointment, employment, evaluation of performance, or dismissal of an employee pursuant to California Government Code Section 11126(a)
22. Return to open session and announce action taken in closed session, if any, under item 21
23. Adjourn

All agenda items are subject to discussion and possible action. To make a request for more information, to submit comments to the Board, or to make a request regarding a disability-related modification or accommodations for the meeting, please contact Sheryl LaFlamme at (916) 669-5336 or One Capitol Mall, Suite 320 Sacramento CA 95814 or via email at camtc@amgroup.us. Requests for disability-related modification or accommodation for the meeting should be made at least 48 hours prior to the meeting time. This notice and agenda is available on the Internet at <http://www.camtc.org>



Memo

Date: September 10, 2013

To: Board of Directors

California Massage Therapy Council

From: Ahmos Netanel, CEO

Subject: Proposed 2014 strategic priorities

Background: Current strategic priorities

On September 12, 2012 the Board adopted “long term” strategic priorities. Even though the minutes do not mention a specific date by when these objectives were to be achieved, the general discussion focused on the date, December 31, 2014 (unless an earlier date was otherwise specified). In my opinion, CAMTC will be well served by giving the Board the opportunity to revisit these priorities in order to either ratify or amend them. Doing so will:

1. Assure that staff will accurately implement the Board’s vision and goals.
2. Impact the 2014 budget and its assumptions.

A logical starting point for assessing future priorities is examining the current status of the list of priorities:

1. **“Sunset** - Move forward with the Sunset Process with the proposal that CAMTC continues, post-sunset, as a voluntary certification body.” Senior staff and our legal team have had numerous discussions and interactions with the Legislature regarding this objective. An extensive sunset document is currently being prepared by staff and will be submitted to the legislature by November 1, 2013. I recommend that the Board decide who will have the final authority to approve the sunset document prior to submission to the Legislature as well as adopt legislative changes that the Board would like to see incorporated the sunset bill (see staff recommended items for consideration in this memo). In order to optimize the probability of the Board accomplishing its sunset goal, I also recommend that the Board commit to making successful sunset outcome the single most important priority for 2014, including if necessary, the preemption of all other objectives. General George Patton said it best: “You must be single-minded. Drive for the ONE thing on which you have decided”.
2. **“Management team** - Move, as a long-range senior management plan, to continue with the current management structure, now through the end of sunset. An interim period will be conducted to train the replacement and assess what the best persons would be to fill that role.” During the September 12, 2012 meeting, I stated my willingness to help CAMTC through sunset and to train any new management that is brought on board. I also stated the importance of keeping the government relations position through 12/31/2015. Since currently we do not know how will CAMTC fair in the sunset review nor do we know what legislative changes will be in effect on January 1, 2015, it is difficult to recommend at this point, the management structure and characteristics that will meet CAMTC’s needs post sunset. I recommend that a comprehensive assessment of management and

organizational requirements be performed as soon as it becomes known what tasks and mandates (if any) will CAMTC be responsible for.

3. “**AMG** - Subject to continued performance improvements by our outside management company to the satisfaction of our CEO, our current intention is to adopt a long range plan. Between now and sunset, it would not be CAMTC’s intention to bring all current functions in-house, but instead, to consider the CEO’s specific proposals concerning certain functions that would be better handled in-house without prejudice toward the CEO to come back and change it.” AMG’s performance has been continuing to improve. As I stated in the September 12, 2012 meeting, it is still my opinion that bringing the management of CAMTC in-house, would be disruptive. I recommend that the question of whether to bring operations in house should be examined once the outcome of the sunset review is known.

4. “**Certificate holders in illicit establishments** – Instruct staff to develop a comprehensive plan to ensure the legitimacy of certificate holders and to present at the November 2012 board meeting.” On October 29, 2012 I issued the Board a five page proposed plan addressing this issue (see attached). In the November 5, 2012 meeting I stated that staff has found a significant number of individuals who are certified and work at establishments listed on EroticMP. Staff first looked at data to see if there was a problem in the way the law is written, meaning how applications are processed. Staff took a sample from 2500 certificate holders, whose address of place of employment on the application is also listed on the EroticMP website, and could not find one that was certified by mistake. The sample showed that all were certified according to the law. Staff concluded that the problem was not with implementation. Staff then looked at it from a different angle. I stated that staff looked at the pathways through which these certificate holders were certified. The highest percentages of individuals whose employment was listed on EroticMP were certified through portal F as a CMT. This percentage

was also true with all certificate holders, showing that the highest percentages of all certificate holders were certified through portal F. After further examination that included schools, staff found a drastic deviation from those percentages of those certified by transcripts from certain schools who go to work in establishments listed on EroticMP. Percentages of graduates who self-reported that they work in businesses listed on EroticMP range from .5% to 23%.

I stated that staff then took a broader look at how we compare to the country as a whole. Staff looked at California and then the rest of the United States and found that in comparison to population size, massage establishments listed on EroticMP are 2 1/2 times more prevalent in California than the rest of the US. I stated that my initial conclusion that CAMTC is doing a good job in implementing the law, but to truly tackle this issue, a revision of our law needs to be considered. Staff identified five areas, which, in addition to expanded enforcement and tighter cooperation with local government, may reduce the cases of certified individuals working in illicit massage establishments. The five areas identified are number of hours of education, exam, continuing competence, establishment and schools. Staff recommends consideration of addressing these through amendments to our law. My recommendation to the board was to instruct staff to look specifically at initiating a placeholder bill while we explore options. The Board passed three separate motions regarding this issue: Motion (7) “to instruct staff to pursue a placeholder bill for this legislative session”. Motion (8) to “instruct staff to come back at the next board meeting with far more detail as to the existing massage laws in other states as it relates to licensing regulation and establishments.” And motion (9) “to implement the allocation of resources when available to deny recertification to individuals engaging in advertising or working at establishments that advertise in adult media.” Regarding motion (7), on February 12, 2013 the Board approved several proposed amendments to the law. These amendments were recommended and

accepted into the language of AB 1147 (Gomez), which became a two year bill. There is a possibility that portions of this bill may be incorporated into the sunset bill next year. Regarding motion (8), staff presented at the February 12, 2012 Board meeting, a 15-page document (Document 16), which detailed existing laws in other states that regulate massage establishments. As it relates to motion (9), the plan to utilize websites such as Erotic MP in order to identify certified professionals was determined not to be viable. Currently staff is pursuing access to a special program developed by Carnegie Mellon University that may help facilitate the implementation of motion (9).



Memo

Date: October 29, 2012

To: Board of Directors

California Massage Therapy Council

From: Ahmos Netanel, Chief Executive Officer

Subject: Staff's preliminary plan to ensure the legitimacy of certificate holders

Background

During the month of August 2012, I instructed staff to upload all the addresses of massage establishments listed on the California section of the website EroticMP.com and run a comparison with the addresses that certificate holders disclosed to CAMTC as their place of work. EroticMP.com is one of many websites that explicitly promotes sexual services in massage parlors. The results of this effort revealed that significant numbers of certified individuals disclosed work addresses that matched the addresses on EroticMP.com.

I also sent staff to visit 56 establishments in the city of Los Angeles that are listed on that website with addresses that did not match any certified individuals' disclosed place of work. These visits revealed that a significant portion of those establishments also engaged certified individuals in the capacity of massage providers.

On September 13, 2012, the Board unanimously adopted a motion (Dixon/Grant) to instruct staff to develop a comprehensive plan to ensure the legitimacy of certificate holders and to present at the November 2012 Board meeting.

Additional Data Analysis

Prior to making any policy recommendations, staff embarked on further examination of the data. First, we wanted to check if the individuals obtained their certification as a result of some systemic flaw in our screening protocols and/or staff mistakes. A thorough audit of a random sample of approximately 2% of all certificate holders in question was conducted. The conclusion of the review was that 100% of the individuals in the sample met all the legal requirements for certification set by California law.

Certification Pathways

Next, we wanted to see if there was a particular path to certification that was unusually “popular” for this group in comparison to the rest of the certificate holders. The juxtaposition of data from both groups show that the portals and titles of the EroticMP group generally mirror that of the general population of certificate holders (which means that most of them submitted transcripts from approved massage programs with 500 hours):

CH w Listing on Erotic				
PORTALS	MP	%	All CH	%
A	187	6.78	3917	10.13
B	64	2.32	338	0.87
C	49	1.77	440	1.13
D	2	0.07	20	0.05
E	421	15.26	3667	9.49
F	1847	66.96	28050	72.59
G	143	5.18	1050	2.71
H	45	1.63	1156	2.99
	2758		38638	
CCMP	421		3667	
CMP	302		4715	
CMT	2035		30256	

A diagram detailing the previous paths to certification is attached.

It is interesting to note that that the percentage of CMP's is smaller in the EroticMP group than in the general group.

Schools

From here we examined all schools. Of the 354 schools we examined, all of them had at least one certified individual that listed EroticMP as their place of work. We divided the number of certificate holders from the EroticMP group (from each school) by all the certificate holders who applied with a transcript from that school. This time a drastic deviation was revealed among the schools. The specific names of the schools are not provided in the attached document but it is clear that some schools have a significantly higher percentage of graduates working at EroticMP locations than others. It ranges from 0.5% to 23%. Staff will further investigate the correlation between schools and illicit massage parlors.

Illicit massage parlors prevalence by state

While there is no definitive source of the actual number of illicit massage parlors in each state, the data from EroticMP.com may be relevant to this discussion. We divided the number of listings in each state with a massage law by the size of the population (full comparison attached). Here is how California compares to the rest of the country (excluding states without a state law):

USA - one establishment per 54,113 residents

CA - one establishment per 21,522 residents

In comparison to population size, massage establishments listed on EroticMP are 250% more prevalent in California than the rest of the US.

Preliminary conclusion

We believe that CAMTC is doing a good job implementing the law. We could not find examples of people who got certified who did not meet the certification requirements established by the law and by the Board based on information provided on their applications. Much more can be done to reduce the cases of certified individuals working in illicit massage parlors through additional protocols, expanded enforcement and tighter cooperation with local government. However, the fact is, California massage law is the one of the weakest in the nation and the problem we are facing is hardly a surprise. It is staff's opinion that without substantial overhaul of our law, all procedural initiatives will come up short in their ability to seriously curtail the phenomena of certified individuals engaging in prostitution and human trafficking.

Preliminary Recommendations

Staff is recommending a two-pronged approach:

1. Policy and implementation

2. Substantially overhauling the law

Policy and implementation

There are basically three areas on which CAMTC can focus in order to start combating this problem:

1. Allocating resources when available to deny recertification to individuals engaging in advertising or working at establishments that advertise in adult media.
2. Educate local government on the advantages of closely cooperating with CAMTC.
3. Cracking down on fraudulent schools, establishing a formal approval process and inspecting protocols that deal with substandard schools.

While we believe implementing the above may slow down the rate by which this problem has been growing, such an approach tends to be symptomatic and does not deal within the root of the problem, which is the weakness of the law itself.

Substantially overhauling the law

Staff examined 45 state massage laws (44 plus D.C.) as well as statutes for several other professions in California. We focused on massage laws from Florida, Texas and New York as well as California Cosmetology law. We identified the following five legislative elements for the Board to consider:

1. *Educational hours*- While the average number of hours required in other states is currently 690, it should be noted that we were unable to find any data that substantiates a correlation between length of education and engagement in illicit activity.
2. *Exam* - California is one of the only states that do not require an exam in its massage law. There are several states that require a practical exam in addition to the written one.
3. *Continuing competence* - The vast majority of states have continuing education requirements averaging 20 hours per two year period.
4. *Establishments* - Most of the states that seem to manage the challenge of illicit establishments have state provisions for establishment regulation. The Board can consider a statewide voluntary certification program for establishments if it does not wish to pursue mandatory regulation. It is clear that establishments are integral component of the profession and a real solution will elude us if we are not involved in establishing and maintaining professional standards for establishments.
5. *Schools*- Like establishments, most states that have an effective massage law regulate massage schools. The ineffectiveness of the BPPE contributed to the “perfect storm” of illicit massage we are now experiencing. Furthermore, the current priority given to BPPE is to focus on degree granting schools which excludes most private massage

schools. Schools are an integral part of the massage profession and a more robust involvement of CAMTC with schools will be essential for a successful law.

We recommend incorporating all of the above five elements into our law. It will not only will raise the professional bar in California and bring it up to par with the rest of the country, it will also strengthen the Board's ability to protect the rights of legitimate massage professionals and at the same time make it possible to go after the "bad apples".

Timing

In case the Board would like any of the above elements incorporated into law, the obvious question is when. Under normal circumstances such substantive changes are better handled as part of the sunset review process. But as local government concerns are mounting an earlier intervention maybe necessary. We are not recommending pursuing specific legislation in 2013 but we do recommend keeping our options by seeking a potential author and introducing placeholder language in a bill. The board will have the option to either expand the language to include provisions it wishes to include or pull the bill altogether. Regardless of the actual outcome, demonstrating serious vigilance and a proactive stance by the Board will greatly magnify our chances to meet the Board objective come sunset review.

5. **"Relationships with law enforcement** - Adopt a long-range goal to establish a plan to contact every law enforcement agency in California in order to set up a cooperative relationship with them. The plan would entail law enforcement to report to CAMTC which massage professionals have been arrested or prosecuted for prostitution, what school they attended and to work together in a cooperative manner with massage establishments. Plan to be in place by the end of 2013." This has been an ongoing project for staff. The list of law enforcement agencies in California that is actively engaged with CAMTC is continuously growing. Staff already embarked on preliminary plans to contact the heads of all law enforcement agencies in the State agencies by mail before the year's end.

6. **"Establishments** - Investigate as many aspects as possible of the establishment issues as they relate to illicit behavior and come back with a

proposed plan of action, which addresses the broad issues of curtailing illicit establishments. Subject to legal review.” Staff has been methodically examining the multitudes of elements contributing to this challenge. Since CAMTC does not regulate establishments, solutions involving CAMTC are limited. Legislative change has the potential to change that. Senior staff at the Legislature has initiated a conversation with CAMTC and local government regarding possible amendments to our law as it relates to establishments.

7. **“PSD's backlog-** Adopt the long-range goal of reducing the backlog of disciplinary hearings, revocations and denials, to within 30 days of statutory minimums by the end of 2013.” In September of 2012, the Board voted to implement a second hearing track and take steps to hire new staff and reduce the backlog. Since that time, CAMTC has hired two new staff attorneys (one in October of 2012, one in July of 2013), two new paralegals in July of 2013 (one of whom replaced a departed staff member), and four new PSD hearing officers (one of whom replaced a hearing officer assigned to other duties and one of whom replaced a departed hearing officer). A year ago the PSD landscape was significantly different than it is today.

When the decision was made to implement the second hearing track, the assumption was that the education hearings would be moving forward unabated, and there would also be the addition of new proposed denials based on adult advertising. However, these assumptions did not materialize. Hearings based on education have diminished thanks to the new policies on un-approval of schools. The adult advertising cases also never materialized, as it was discovered that the “advertisements” on EroticMP were merely user reviews and not actionable by CAMTC. At the same time we have seen an increase in the number of applicants with background issues. Many applicants who have been previously denied certification or have had their certificates revoked are re-applying. And due to increased cooperation from

local law enforcement agencies and cities and counties CAMTC is getting more information related to applicant background issues. Thus, the bulk of our denials are now based on background issues, which are much more complicated than either education-based or advertising-based denials.

The denials based on background issues are the most resource intensive and time consuming in all stages of the process. They generally require additional and ongoing PSD investigations, interactions with local law enforcement agencies and local agencies that regulate massage, and staff attorney involvement at the investigation stage. Additionally, the staff attorneys are required to draft more detailed proposed denial letters, as they have to address the particular factual situation of each applicant. Thus, these proposed denial letters take significantly more time per letter than did the education letters. These applicants are also more likely to be represented by counsel, who are more likely to raise complicated legal arguments that must be addressed in the final decision letters. So while we now have two new staff attorneys working solely on denials, the overall amount of work the attorneys are required to handle has substantially increased in both amount and complexity in the last year. As an example of this increase, please see the attached (redacted) final decision letters – one for education and one for a background issue. Because of this, additional hearings have not been added, since the current resources are needed to handle existing volume.

With the addition of the new staff members, CAMTC will end up with a better result and be able to close the gap faster; however, the long range goal of reducing the backlog to 30 days is not at all realistic. Investigations take time and CAMTC cannot control how quickly others (e.g. government agencies and law enforcement) provide information to CAMTC in response to the investigation. Overall we believe that the current system is working. Compared to a year ago, CAMTC is able to address significantly more people with background issues. We are moving forward with addressing the

backlog, getting people heard in a more timely fashion, and dealing with the increased volume of the more complicated cases.



One Capitol Mall, Suite 320
Sacramento, CA 95814
camtcreviewgeneral@camtc.org

August 21, 2013

VIA FIRST CLASS MAIL

To: **[CERTIFICATE HOLDER]**
[CERTIFICATE HOLDER'S ATTORNEY]

From: California Massage Therapy Council
Professional Standards Division

Re: Notice of Final Decision on Revocation of Certification

On June 27, 2013, the California Massage Therapy Council (hereafter "CAMTC") issued you a proposed revocation of certification letter. In accordance with CAMTC's procedures, you timely informed CAMTC that you were requesting submission of a written statement. On July 25, 2013, the Professional Standards Division (hereafter "PSD") met to consider the documents you submitted and all of the evidence in your case.

Your Proposed Revocation of Certification was based on the following:

- CAMTC obtained a declaration, sworn under penalty of perjury, from Sergeant **[NAME]** of the **[]** Police Department. In his declaration, Sergeant **[NAME]** states that on February 21, 2013, he conducted an undercover investigation at **[MESSAGE ESTABLISHMENT]**, in the City of **[]**, California. You were the owner of the establishment at the time. On the date in question, one of the people working for you (**NAME**) offered to manually stimulate Sergeant **[NAME]**'s penis in exchange for money.¹
- As a result of this incident, as owner of **[MESSAGE ESTABLISHMENT]**, you were issued an administrative citation for violating **[]** Municipal Code section 5.18.090 – Allow or permit prohibited massage areas. The citation imposed a \$100 penalty against you.
- You appealed the administrative citation and appeared at a hearing on May 22, 2013, wherein your administrative citation and the associated \$100 penalty were upheld.

¹ A copy of Sergeant **[NAME'S]** declaration was attached to the Proposed Revocation sent to you on June 27, 2013.

- Finally, it appears that as a result of your administrative citation, your massage establishment permit for **[MESSAGE ESTABLISHMENT]** was suspended for a period of thirty days as of March 15, 2013. Furthermore, it appears you were denied a business license application with the City of [] for a massage establishment doing business under the name of **[MESSAGE ESTABLISHMENT]**, located at **[ADDRESS]**, in the City of [], California.

In opposition to your Proposed Revocation of Certification you submitted the following documents before the document deadline:

- Correspondence from **[CERTIFICATE HOLDER'S COUNSEL]**,
 - dated 7/8/13, 2 pages
 - dated 7/15/13, 6 pages
- Correspondence from CAMTC to Certificate Holder
- Correspondence from **[CERTIFICATE HOLDER'S FRIEND]**,
 - dated 3/11/13
 - dated 3/8/13
- CAMTC Certificate, 4/14/10
- NCBTMB - Certified

After careful consideration of all of the evidence in your case, the PSD finds by clear and convincing evidence that you engaged in unprofessional conduct that is substantially related to the qualifications, functions, and duties of a certificate holder in that you received an administrative citation that was upheld after an administrative hearing, failed to properly supervise your employees, had your massage establishment permit suspended, and were denied a massage establishment business permit by the City of []. The PSD further finds that you committed a fraudulent, dishonest, or corrupt act when you engaged in the conduct that resulted in your administrative citation and the subsequent disciplinary action. Finally, the PSD finds that you violated a term of a rule or bylaw adopted by CAMTC by failing to properly supervise someone working for you at your business, **[MESSAGE ESTABLISHMENT]**.

On February 21, 2013, as owner and operator of **[MESSAGE ESTABLISHMENT]**, you were issued an administrative citation for violating [] Municipal Code section 5.18.090 - Allow or permit prohibited massage areas. The administrative citation was based, in part, on the arrest of one of your employees for 647(b) PC – Prostitution. In accordance with Denial Procedures section 1.c., unprofessional conduct includes any disciplinary action against an applicant by another government agency. A certified copy of the citation is conclusive evidence of that action. The PSD received a certified copy of administrative citation issued to you by the City of []. The administrative citation also included the imposition of a \$100 fine, which qualifies as disciplinary action against you by another government agency.

You appealed your administrative citation and a hearing was held on May 22, 2013. CAMTC obtained a certified copy of the Hearing Officer's Statement of Decision, which upheld the administrative citation and the associated \$100 fine that was issued to you on February 21, 2013. The PSD therefore has conclusive evidence that you have an administrative citation

for violating [] Municipal Code section 5.18.090 – Allow or permit prohibited massage areas, which resulted in disciplinary action against you. The PSD further finds by clear and convincing evidence that your administrative citation for violation of [] Municipal Code section 5.18.090 is substantially related to the qualifications, functions, and duties of a certificate holder. Furthermore, the PSD finds by clear and convincing evidence that you were found liable in an administrative action that is substantially related to the qualifications, functions, or duties of a certificate holder. Finally, the PSD finds by clear and convincing evidence that you engaged in unprofessional conduct and finds that you committed a fraudulent, dishonest, or corrupt act when you engaged in the conduct that resulted in your administrative citation and associated fine.

Additionally, the PSD finds by clear and convincing evidence that you failed to properly supervise someone working for you on February 21, 2013. CAMTC received a sworn declaration from Sergeant [NAME] of the [] Police Department. In his declaration, Sergeant [NAME] states that on February 21, 2013, he conducted an undercover investigation at [MASSAGE ESTABLISHMENT] in the City of [], California. You were the owner of the establishment at the time. On the date in question, a person working for you (NAME) offered to manually stimulate Sergeant [NAME]'s penis. As the owner of [MASSAGE ESTABLISHMENT], you are responsible for the conduct of those working on the premises of your business. California Business and Professions Code section 4612(c) states that, "an owner or operator of a massage business or establishment who is certified pursuant to this chapter shall be responsible for the conduct of all employees or independent contractors working on the premises of the business. Failure to comply with this chapter may result in revocation of the owner's or operator's certificate..." As the owner of [MASSAGE ESTABLISHMENT], the PSD finds by clear and convincing evidence that you failed to properly supervise a person working on the premises of your business (NAME) on February 21, 2013 when she agreed to manually stimulate Sergeant [NAME]'s penis under the guise of performing a massage. As such, the PSD finds by clear and convincing evidence that you have violated a provision or term of law by failing to properly supervise those working on the premises of your business, [MASSAGE ESTABLISHMENT], on February 21, 2013.

In opposition to Sergeant [NAME]'s declaration, you failed to submit any evidence that would prove that the person working for you did not engage in unprofessional conduct while providing a massage to Sergeant [NAME] on February 21, 2013. CAMTC did receive email correspondence from your friend, [CERTIFICATE HOLDER'S FRIEND], in which he states that on the day in question you were providing a massage to a long time client when the police came in and arrested your independent contractor. [CERTIFICATE HOLDER'S FRIEND] further states that you had "no idea of the problem." [CERTIFICATE HOLDER'S FRIEND]'s email is not relevant as it is not evidence of your own personal knowledge. Furthermore, [CERTIFICATE HOLDER'S FRIEND] was not present at your establishment on the date of the incident and does not have personal knowledge of what occurred on that day between your independent contractor and Sergeant [NAME]. Therefore, the PSD did not find [CERTIFICATE HOLDER'S FRIEND]'s correspondence to be persuasive evidence that your independent contractor did not engage in the conduct described in Sergeant [NAME]'s declaration. Finally, in the letter from your attorney, dated July 15, 2013, instead of denying

that your independent contractor engaged in unprofessional conduct, your attorney also focuses on whether or not you knew or should have known that the conduct was occurring.

As the trier of fact, the PSD is charged with weighing the evidence before it, assessing credibility, and making findings of fact. In his declaration, signed under the penalty of perjury, Sergeant **[NAME]** states that on February 21, 2013, a person working on the premises of **[MESSAGE ESTABLISHMENT]**, later identified as **[NAME]**, offered to manually stimulate his penis in exchange for money. The sworn declaration submitted by Sergeant **[NAME]** was drafted and signed by an officer of the law with no known motive to lie. As an officer of the law, Sergeant **[NAME]** knows what it means to make a statement under penalty of perjury and is also intimately aware of the dire consequences of committing perjury, including loss of his job and benefits and criminal prosecution. Moreover, as stated above, you failed to provide any evidence that your independent contractor did not engage in the conduct that is described in Sergeant **[NAME]**'s declaration. On the other hand, the PSD finds that the declaration of Sergeant **[NAME]** is credible, made under penalty of perjury, and contains sufficient detail to have additional indicia of reliability. Therefore, the PSD finds by clear and convincing evidence that your independent contractor did engage in the conduct described in Sergeant **[NAME]**'s declaration on February 21, 2013. The PSD further finds that you failed to properly supervise your independent contractor on February 21, 2013, as required by law.

In a letter submitted by your attorney, dated July 15, 2013, your attorney admits that you received an administrative citation with an associated fine of \$100. Your attorney further admitted that when you appealed your citation, "the City prevailed during the administrative hearing...." Therefore, the PSD's finding that you received an administrative citation with a fine of \$100, which was then upheld after appeal, is undisputed.

In opposition to the proposed revocation and findings of the PSD, your attorney makes a number of arguments in his letter dated July 15, 2013. First, your attorney argues that CAMTC is not authorized to revoke your certificate based upon your failure to properly supervise an employee or independent contractor. In his correspondence, **[YOUR ATTORNEY]** asserts the following:

Under California law, in order to imposing [sic] liability "for causing, allowing, permitting, aiding, abetting, suffering or concealing the fact..." there is an element of "knowledge" which must be proven. Thus, in order to impose vicarious liability on **[CERTIFICATE HOLDER]** under this section, there would have to be evidence that she knew or should have known that **[INDEPENDENT CONTRACTOR]** had in the past or would commit the acts that she is accused of.

This argument is off point as it is based on the civil tort concept of vicarious liability, which is a legal theory not at issue in this case. This argument fails to take into consideration CAMTC's statute and the laws that govern CAMTC certificate holders. California Business and Professions Code section 4612(c) states that, "an owner or operator of a massage business or establishment who is certified pursuant to this chapter shall be responsible for the conduct of all employees or independent contractors working on the premises of the business. Failure to comply with this chapter may result in revocation of the owner's or

operator's certificate..." Clearly, based upon the language of its statute, CAMTC is authorized to hold an employer strictly liable for the conduct of their employees and independent contractors. Nothing in the statute requires that the employer have knowledge of the employees or independent contractors conduct in order to hold the employer responsible. Instead, the statute creates liability for an employer for any and all conduct of any person who is working on the premises of the business that they own. Therefore, your attorney's argument that an employer must possess an element of knowledge before liability can be imposed is directly contrary to the clear language of California Business and Professions Code section 4612(c).

Your attorney does mention California Business and Professions Code section 4612(c) in his July 15, 2013 correspondence and argues against CAMTC's application of its provisions. Your attorney's first argument is that the language in California Business and Professions Code section 4612(c) does not impose strict liability on employers because that section does not include the phrase "strict liability." However, a plain reading of the statute makes it clear that the statute does create a mandatory duty for any certificate holder to properly supervise those working for them and imposes strict liability on the employer. The language of the statute is unequivocal and unambiguous. In interpreting any statute, the starting point is the plain language of the statute itself. *Hunt v. Superior Court* (1999) 21 Cal.4th 984, 1000. Words are given their usual and ordinary meaning and read in the context of the statutory scheme. *Id.* For the purposes of statutory interpretation, "shall" is mandatory. *In re Estate of Miramontes -Najera* (2004) 118 Cal.App.4th 750, 758. The plain meaning of the statute controls unless that meaning "yields grotesque caricature of the Legislature's purpose." *Unzueta v. Ocean View School District* (1992) 6 Cal.App.4th 1689, 1702. California Business and Professions Code section 4612(c) uses the term "shall," making it mandatory for a certificate holder to properly supervise those working for him or her and to be held responsible for their conduct. Moreover, there is no mention in the statute that knowledge is required on the part of the employer as a prerequisite to disciplinary action. Therefore, the plain language of the statute itself is clear and unambiguous that strict liability is imposed on all certificate holders as to the supervision of those working for them.

Your attorney additionally argues that, in general, employers are not responsible for the conduct of their employees without prior knowledge on the part of the employer. In support of this argument, your attorney cites to case law and jury instructions that stand for the proposition that an employer is not strictly liable for the conduct of his or her employees without prior knowledge. However, your attorney's argument is based upon jury instructions and case law from civil tort cases that are governed by common law rather than by statute. Because CAMTC's disciplinary proceedings are governed by statute, the common law civil tort cases do not apply. As discussed above, CAMTC's statute differs from the common law in that it does not require knowledge on behalf of the employer of the conduct of those working for them in order to create liability. Instead, a certificate holder has a mandatory duty to supervise. Failure to do so, with or without knowledge, may result in disciplinary action. Therefore, the PSD finds that you failed to properly supervise [NAME] and, as a result, are liable for her unprofessional conduct.

Also in opposition to the PSD's findings, your attorney argues, in his letter dated July 15, 2013, that because [NAME] has not yet been convicted of any criminal act in a court of law, it is premature to revoke your certificate. Your attorney further argues that the proceedings against you should be stayed until such time as the criminal case against [NAME] has concluded. However, this argument is irrelevant given that the basis for your revocation is not a criminal conviction sustained by [NAME], but is instead based upon the declaration from Sergeant [NAME] and the fact that [NAME] engaged in unprofessional conduct while working on the premises of your business. The outcome of the criminal case against [NAME] has no bearing on whether or not she actually acted unprofessionally on February 21, 2013.

Finally, based on CAMTC's investigation, it appears that based upon the violation of the [] Municipal Code, as well as the associated administrative citation, you were issued a Notice of Intent to Suspend or Revoke Massage Establishment Permit ("Notice of Intent") by the City of []. The Notice of Intent indicates that your massage establishment permit will be suspended for a period of 30 days as of March 15, 2013. Additionally, it appears that as a result of your administrative citation, you were denied a business license application with the City of [] for a massage establishment doing business under the name of [NEW BUSINESS], located at [ADDRESS], in the City of [], California.

In opposition to this finding, you submitted no evidence indicating that your massage establishment permit was not suspended for a period of thirty days as of March 15, 2013. Although your attorney does indicate that you will be appealing your administrative citation, there is no mention of an appeal of the suspension or of any fact that would indicate that the suspension did not occur. Moreover, you submitted no evidence in opposition to the PSD's finding that you were denied a business license application with the City of [] for [NEW BUSINESS]. Therefore the PSD finds by clear and convincing evidence that you have engaged in additional unprofessional conduct in that you have had action taken against your local permit as well as been denied licensure by the City of [].

The PSD next considered whether you have presented sufficient evidence of rehabilitation to allow you to maintain your certification. The PSD finds that your failure to properly supervise a person working on the premises of your business, your administrative citation, the suspension of your massage establishment permit, and the denial of licensure are all from 2013, which is very recent. In response to the proposed revocation you failed to take responsibility for your own actions and identify what you would do in the future to ensure it would not happen again. Without admission of your previous conduct and acceptance of responsibility for it, there can be no rehabilitation. Additionally, the only specific act your attorney and friend presented to show that this conduct would not occur again was an indication that you fired the independent contractor who acted unprofessionally on February 21, 2013. Again, the PSD did not receive any evidence from you personally that described any specific acts that you have taken to ensure this conduct will not occur in the future. Furthermore, simply firing someone does not ensure that you are able to better supervise others in the future and ensure that those working on the premises of your business are not conducting themselves in an illegal or unprofessional manner. The PSD therefore finds that you failed to submit sufficient proof of rehabilitation.

Therefore, based on the evidence before it, the PSD finds by clear and convincing evidence that your certificate should be revoked. The PSD has decided to uphold its proposed decision to revoke your certification in accordance with CAMTC's Procedures for Denial of Certification or Discipline/Revocation sections 1.c., 1.e., 1.f., and 1.i. The decision of the PSD is final. The revocation of your certification is effective on August 15, 2013. In accordance with CAMTC policy, revoked applicants must wait two years from the effective date of revocation before re-applying.



One Capitol Mall, Suite 320
Sacramento, CA 95814
camtreview3@camtc.org

VIA FIRST CLASS MAIL

To: **[ADDRESS]**

From: California Massage Therapy Council
 Professional Standards Division

Re: Notice of Final Decision on Application for Certification

On April 30, 2012, the California Massage Therapy Council (hereafter "CAMTC") issued you a proposed denial of certification letter based on inadequate education. In accordance with CAMTC's procedures, you timely informed CAMTC that you were requesting an oral hearing. You appeared at the August 23, 2012, telephonic hearing with your translator/friend, **[NAME]**. You also submitted documents in support of your oral testimony. After your telephonic hearing, the Professional Standards Division (hereafter "PSD") met to consider the documents you submitted, your oral testimony, and all of the evidence in your case.

In support of your application for certification you submitted the following documents before the document deadline:

- Transcript from Americana College (500 hours), 3/2/11 to 9/14/11
 - Handwritten Class Notes with diagrams
 - Enrollment Summary
 - Tuition Receipt
 - Sign In Sheet
 - Massage Student Evaluation Form
 - Tests and Quizzes
- City of Los Angeles
 - Temporary Permit
 - Tax Registration Certificate
- Email correspondence

The PSD carefully considered all of the written evidence you submitted. The PSD also carefully evaluated your oral testimony. During your oral hearing you failed to provide sufficient credible testimony regarding your education. You were unable to answer technical questions related to foundational massage concepts and concepts that were addressed in the

materials you submitted. For example, you testified that you learned Swedish massage while you attended Americana College. However, during your oral hearing you were unable to identify any of the strokes you would use when performing a Swedish massage. Additionally, you submitted handwritten notes regarding palpitation skills. However, when you were asked to describe palpitation skills, you incorrectly testified that this is when you greet the customer and ask them what problems they are having. Additionally, your transcript lists six hours in "Ethics." However during your oral hearing you were unable to describe what ethics is. Furthermore, you asked the PSD if ethics relates to the muscles. Finally, although you testified that you learned Thai massage while attending Americana College, and your transcript lists 200 hours in Thai massage courses, you did not know what a sen line is, which is a foundational concept.

Your testimony during your oral hearing also contradicted your transcript from Americana College. During your oral hearing you were asked to identify all the types or styles of massage that you learned when you attended Americana College. In response, you testified that you learned Thai massage, Swedish massage, and deep tissue massage. You were asked numerous times to clarify that there were no other types or styles of massage that you learned and you testified that there were not. However, your transcript from Americana College lists a 40-hour course in Shiatsu massage, and a 45-hour course in sports massage. During your oral hearing you failed to provide any testimony indicating that you took these courses when you attended Americana College.

Finally, in relation to the handwritten notes you submitted, you testified that you took them all in class. However, the handwritten notes that you submitted were written in English. During your oral hearing you testified that you read, write and understand very little English. Therefore the PSD did not find it credible that these notes were taken in class, by you, while the teacher was teaching. Additionally, the handwritten notes that you submitted appear to have been copied verbatim from another written source, such as a textbook. The PSD therefore finds that your testimony was not credible and further finds that the notes you submitted fail to provide sufficient credible evidence that you actually attended all of the classes on your transcript and received all of the required education.

Based on the evidence before it, the PSD finds that you failed to provide sufficient credible proof of adequate education to support your application for certification. The PSD has decided to uphold its proposed decision to deny your application for certification in accordance with CAMTC's Procedures for Denial of Certification or Discipline/Revocation section 1.a.

The decision of the PSD is final. The denial of your application for certification was effective on September 13, 2012. In accordance with CAMTC policy, denied applicants must wait one year from the effective date of denial before reapplying.

8. **Applications turnaround-** “Direct CEO to come back with a plan and identification of what resources are needed to reduce backlog on processing of applications to completion within five days. “ In the November 5, 2012 Board meeting I reported to the Board that the average turnaround time of application from complete to mail was 12 days. Once printing was going move to in-house, the average turnaround time was expected to be reduced to approximately seven days. I stated that in order to assure that by 12/31/2013 the vast majority of certificates would be in the mail within five days after completion, AMG would need an additional full time staff position at \$49,000 annually. It expressed my opinion that this was not a good use of resources at that time. The Board took no further action on the matter. As it turned out the expectation that we could reduce the turnaround time to one week was realistic. Currently the majority of certificates get mailed in one week (five working days) from the time the applications are completed.

Background: Documents relating to local massage regulations.

I believe it is important that all Board members are familiar with the current reality of local massage regulations. Despite the fact that many cities and counties have amended their ordinances over the past four years, current local regulations written with the mindset that massage must be regulated in the same way as prostitution is, is ubiquitous as ever. The popularity and mainstreaming of legitimate massage in today's society have had little impact these ordinances. Many in the massage profession in California today are not aware of this reality since the amendments to section 4612 that went into effect on January 1, 2011 have successfully insulated certified massage professionals and establishments that hire only certified professionals from such onerous regulations. While CAMTC is committed to help law enforcement fight the phenomena of massage as a subterfuge of prostitution, the relentless and misguided effort of a few in local governments to erode section 4612 must be taken seriously, especially in

the context of a sunset bill. The attached documents, especially the highlighted sections, will be referenced as part of staff's discussion on this matter in the September 18, 2013 Board meeting:

1. Email excerpts from a massage therapist's emails regarding Ventura
2. Current Los Angeles Posted Notice
3. Current Los Angeles Zoning Code
4. Portions from the new Costa Mesa ordinance
5. Current Long Beach Police Department massage guidelines
6. Portions from the new Contra Costa ordinance

1. Email excerpts from a massage therapist's emails regarding Ventura:

"... Ventura has passed a new, (attached), massage ordinance and are requesting attendance to let all massage professionals know of the significant changes.

For all 31 years that I have been licensed in Ventura, it has been an adversarial relationship, against those of us who are legitimate, licensed health care providers, in the capacity of massage.

In the very beginning when I came here, in 1981, I went to one of the best schools in Santa Barbara and became certified, in 1982.

I then attempted to become licensed by the City of Ventura, it was an enormous struggle.

The City required that you drive all of the way deep into Los Angeles to do a practical exam and pass, which I did.

They also, required that you take a written test.

I failed the City test twice and because I hadn't ever failed a test in my life, I asked the then, City Attorney, Carol Green to show me where I was failing, which she refused to do.

I went to the Mayor at the time, (can't remember his name), and explained the difficulty that I was having, trying to get a business license.

The next time I took the test, I passed.

Part of the City requirements for licensing, were that you had to go to the County Health Department and have a Venereal Disease test.

In 1987 the City decided that they need to reinstate the Gonorrhea Test requirement for all applicants applying for a, City massage license.

That test requires females to have a vaginal snip and biopsy, which is an invasive test that creates bleeding and cramping.

For a male, it requires a several inch long q-tip to be inserted in to the penis for a swab.

Massage professionals came together and held a meeting with City Officials to protest the re-instatement of the Gonorrhea test and were able to get them to retract that but not until after all of us had to endure the test.

The City Business Licensing Department, year after year has tried to curb and police illegitimate massage parlors and store fronts by also including all of those of us, who are legitimate, law abiding, ethical business owners and practitioners.

At one point the city created a committee to develop a whole new set of rules for massage therapists and applicants to abide by. I became a part of that, just to ensure that we were not required to do anything above and beyond what is required of every other legitimate business owner, to become licensed in the City of Ventura.

Just a couple of years ago, City Attorney, Ariel Callone headed up a meeting that all licensed massage professionals were invited to and the primary question that I got out of it was, what did we want to do about all of increasing, illegitimate storefronts popping up?

My answer then and now remains the same, The City of Ventura seems to be confused about a simple business licensing procedure versus a police matter.

If the City has licensed these establishments then there can be no, after the fact policing. If the laws are broken then the police need to be alerted, to take police action.

Once again, legitimate, licensed massage professionals that are now, State of California licensed, are invited to attend a meeting on May 21 2013 at 9:30 a.m. to inform us, once again of, "significant changes," that we will need to abide by to help the City of Ventura better "police" illegal activity.

Just for the record, I recently called the Malibu City licensing dept. informed the gentleman who answered, I am California State licensed but am expanding my business south to Malibu, what do I need to do for licensing?

He said, "Ma'am, you are California State licensed, you don't need anything from

us!"

Wouldn't it be nice if the City would recognize all of those of us who work so hard to make it a better place? What a concept!"

"Again, I am not responsible, never have been for the illicit business and activities that are created here in Ventura.

The City continuously penalizes the legitimate massage businesses here and over time it creates a huge toll.

My final question to you is, if I have to continue to placate the City and their demands with all of this required information, what is the value to me of the added expense of being State Licensed with the CAMTC?

It seems that if I provide one additional request to the City, a background check, I don't have to be licensed with CAMTC?

Clarification please.

Thank you"

"Hi Beverly, Thank you for your patience. I do appreciate it.

So far, these are the forms that I have to fill out and submit to the City of Ventura, in order to do business as a massage professional and owner with two locations:

Massage Establishment Property Owner Acknowledgement and notarized (I have two locations = two owners).

(Pierpont Racquet Club, 26 years. Four Points by Sheraton, 4 years).

Written contracts that I have with both property owners.

Massage Establishment Current Employment List x my two locations.

Please list all Massage Professionals, including owners and employees whether paid on a W2 or 1099 basis.

Include a copy of the employee's State Certification picture I.D. that was provided by the CAMTC.

Business License Tax Renewal Notice x two locations one combined form and then my home location + payment of calculated tax fees.

Massage Establishment Business License forms and Certificate of Registration Forms x 3.

6, 2x2 photos

Really, the only difference with this labor/intensive process from days of old and before CAMTC, is the City aren't requiring TB, VD or Gonnoreah Tests.

*The City's difficulty with illicit massage establishments and their ridiculous efforts to police it, **have nothing to do with me.***

Again, interesting that they have so many, wonder how they allowed that to begin with?

The argument that Malibu doesn't have the same issue, speaks volumes and it was so refreshing to hear that, in Malibu, they respect a CAMTC State license to the degree that they don't want anything else from me.

CAMTC brings nothing of value, that I can see, to the City of Ventura, given what they want from me to be licensed.

Thank you Beverly."

2. Current Los Angeles Posted Notice:

BOARD OF POLICE COMMISSIONERS
CITY OF LOS ANGELES

RULES AND REGULATIONS
GOVERNING MASSAGE THERAPY BUSINESS
AND MASSAGE THERAPIST

(IN ADDITION OF STATE LAWS AND CITY ORDINANCES)

- Rule One:** Board Rules and Massage Business and Massage Therapist permits, or legible facsimiles, shall be conspicuously posted within the premises in a place plainly visible to customers, employees, and law enforcement personnel.
- Rule Two:** A Massage Business permittee shall be responsible for the operation and conduct of the permitted business, agents, and employees, and shall comply with all current fire, zoning, health, building and safety regulations, City and State laws.
- Rule Three:** A Massage Business permittee shall ensure that each Massage Therapist is provided with a copy of the Board Rules upon employment. The Massage Business permittee shall review the Board Rules and all applicable Massage Business and Massage Therapist ordinances with all employees at least once within every six (6) month period. The Massage Business permittee shall notify Commission Investigation Division of such review on the required monthly employee list.
- Rule Four:** Massage Business and Massage Therapist Permittee shall:
- a. Provide clean, sanitary and opaque gym-short type garments which must be worn by patrons when in the premise and when not otherwise fully clothed, so that the genitals and buttocks shall be completely covered.
 - b. Not permit reuse of the garment items and instruments used in performing massages unless cleaned and sanitized with disinfecting agents approved by the Health Department.
- Rule Five:** Massage Therapists Shall Notify Commission Investigation Division in writing of any changes of residence address, business address, or termination of employment from a Massage Business within (10) days of such change.
- Rule Six:** While on the premise of a Massage Business all Massage Therapists Shall:
- a. Be fully clothed, except while using restroom facilities. Fully clothed shall mean the wearing of undergarments such as bras and underwear. Outer garments should be clean and nontransparent, comparable to clothing commonly worn by nurses and physical therapists.
 - b. Not offer to expose or expose to a patron their under garments or their breasts, genitals, buttocks or pubic areas.
 - c. Not be present or remain with a patron in any room within the Massage Therapy Business unless the patron is fully clothed or wearing an opaque gym-short type garment that covers the patrons buttocks and genital areas.
 - d. Not fondle or otherwise intentionally touch the genitals, buttocks, pubic or anal areas of another person, whether or not these body areas are covered by any garment.
 - e. Not offer to engage, engage or agree to engage in any act for purposes of sexual arousal or gratification.
 - f. Have the identification card issued by the Board of Police Commissioners attached to the upper left breast of the outer-most garment at all times while on the premise. The photograph and other identifying information shall be clearly visible and legible. The identification card shall not be folded or mutilated.
 - g. Shall not have in their possession or immediately available condoms or spermicides.
- Rule Seven:** All off-premise Massage Therapists, while employed shall:
- a. Be fully clothed, except while using restroom facilities. Fully clothed shall mean the wearing of undergarments such as bras and underwear. Outer garments should be clean and nontransparent, comparable to clothing commonly worn by nurses and physical therapists.
 - b. Not offer to expose or expose to a patron their undergarments or their breasts, genitals, buttocks or pubic areas to any patrons.
 - c. Not be present or remain with a patron in any room unless the patron is fully clothed or the patron is wearing an opaque gym-short type garment that covers the patron's buttocks and genital areas.
 - d. Not fondle or otherwise intentionally touch the genitals, buttocks, pubic or anal areas of another person, whether or not these body areas are covered by any garment.
 - e. Not offer to engage, engage or agree to engage in any act for purposes of sexual arousal or gratification.
 - f. Have identification card issued by the Board of Police Commissioners attached to the upper left breast of the outer-most garment at all times while acting within the scope of their duties. The photograph shall be clearly visible and legible. The identification card shall not be folded or mutilated.

City of Los Angeles

Zoning Code

Manual and Commentary

Fourth Edition



City of Los Angeles
Department of Building and Safety

hands. Further, the body remains completely clothed during the activity and there is no use of oils or lotions nor does it involve the wearing of scanty, transparent or other alluring clothing.

When performed as indicated above, these “stress reduction massages” are not considered to be Massage Parlors subject to Adult Entertainment regulations and may be permitted in any zone where a barber shop or beauty shop is permitted.

(ZA 96-0473(ZAI))

Section 12.70B12 Sexual Encounter Establishments. Floor Plan Layout.

Q - What constitutes a sexual encounter establishment?

A - The Department was advised by the City Attorney that a business may be considered a sexual encounter establishment (S.E.E.) if its operation allows, permits, or condones either tacitly or explicitly specified sexual activity to occur. This may be fostered by mechanical devices, lighting, or interior design.

Bath houses, health spas, athletic clubs or other similar uses may be considered as a "Bath**" (see definition below). These establishments, with an architectural arrangement that provides for several rooms and private areas may be considered an S.E.E.. In these cases, questions must be asked to insure that the layout and expected operation is more appropriate for the specified use rather than that of an S.E.E..

In addition, the following conditions may be imposed where appropriate:

- 1- Floor plan to designate room uses and furniture layout and description of business operation to be specified.
- 2- Signs posted indicating that management inspections will be conducted and minimum clothing required at all time.
- 3- No lockable doors on cubicles or bathing rooms.
- 4- Partitions inside cubicles not to extend from floor to ceiling.
- 5- Sufficient lighting provided at all times to enable management to conduct inspections.

A Notarized recorded Maintenance of Building Affidavit signed by the owner of the building agreeing to comply with the above conditions may be required by the Department. Determination must be reviewed by a supervisor.

** 103.205.2 of the Municipal Code defines "Bath" as an activity of providing facilities for: steam baths; electric light bath; electric tub baths; shower baths; sponge bath; sun bath; mineral bath; Russian, Swedish, Turkish bath, public bathing, which has in connection therewith, a steam room, dry room, plunge, shower bath, or sleeping accommodations, or any other type bath for treating the human body.

(Bldg. Bur. Chief 1-6-82)

Section 12.70C Adult Entertainment Businesses (A.E.B.'s). Where permitted.

Q - In which zones and under what circumstances are A.E.B.'s permitted?

A - Section 12.70B17 defines A.E.B.'s as: "... Adult Arcade, Adult Bookstore, Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Adult Theater, Massage Parlor or Sexual Encounter Establishment...". These types of businesses are further defined in Section 12.70B.

Massage Parlors and Sexual Encounter Establishments are not permitted by right in any zone. Section 12.24W18(c) allows the Zoning Administrator to consider Massage Parlors and Sexual Encounter Establishments under Conditional Use proceedings.

All other A.E.B.'s are permitted in the C2, C5, CM, M1, M2 and M3 provided:

- a) they are not within 1000 ft. of any other A.E.B..
- b) they are not within 500 ft. of an A or R zone.
- c) they are not within 500 ft. of any religious institution, school or public park. (Public Park includes any playground, swimming pool, beach, pier, reservoir, golf course or athletic field under the control of the City Department of Recreation and Parks or the County Department of Beaches.
- d) No more than one A.E.B. can exist in the same building.

Each type of A.E.B. constitutes a separate business even if operated in conjunction with another A.E.B. at the same establishment. For example an Adult Cabaret with an Adult Arcade

in the same establishment constitute two separate A.E.B.'s. See 12.70B for definitions of the different types of A.E.B.'s.

Section 12.22A20 provides exceptions to 12.70C and permits the Zoning Administrator to Conditionally approve those A.E.B.'s meeting the specified criteria.

(Code item)

Section 16.03 Restoration of Damaged Buildings when Area is Declared a Disaster Area by Governor.

Q - Under what circumstances can a building be reconstructed while maintaining its previously existing non-conforming rights due to a Governor-declared disaster?

A - A building that is nonconforming to any requirement of the Zoning Code, Specific Plan, ICO, IPRO, Site Plan Review or Conditional Use may be repaired or reconstructed with the same nonconforming characteristics as the original building regardless of the extent of the damage with the following conditions and exceptions:

- a) Work must commence within two years from date of damage.
- b) Work must be completed within two years of obtaining a permit for reconstruction.
- c) In the event of reconstruction, the footing may not encroach into any areas needed for street dedication as determined by City Planning upon recommendation by Public Works.
- d) Work subject to the South Central Alcoholic Beverage Specific Plan, (ZI 1231) must comply with those requirements. Other repair or reconstruction work is exempt from any other ICO, IPRO, or Specific Plan.
- e) Work in buildings subject to the Hillside Ordinance need only comply with paragraphs 12.21A17(d) and (e) regarding Fire Protection and Street Access respectively.
- f) Work in designated Historical buildings or work within HPOZ areas must comply with applicable requirements and clearances.
- g) Extent of demolition work within a building must be limited to only that portion damaged by the disaster that needs reconstruction. Undamaged portions or the entire building may be demolished and rebuilt to its nonconforming status only when:

SEC. 12.70 -- ADULT ENTERTAINMENT ZONING. *(Added by Ord. No. 151,294, Eff. 9/1/78.)*

A. **Purpose.** It is the purpose and object of this section to establish reasonable and uniform regulations to prevent the continued concentration of adult entertainment businesses, as defined herein, within the City of Los Angeles.

There is concern on the part of public officials and residents of the City of Los Angeles regarding the adverse impacts which result from the continued concentration of adult entertainment business. Based upon this concern, the Los Angeles City Council in 1977 instructed the City Planning Department to conduct a comprehensive study, with the assistance of other City agencies, to determine whether and to what extent the concentration of such adult entertainment businesses has a blighting and degrading effect upon the neighborhoods in which they are situated.

The findings of this study, which included testimony from public hearings, indicated that the concentration of such adult entertainment businesses tends to result in the blighting and degrading of the areas of such concentration. In order to prevent the further concentration of these adult entertainment businesses and to protect the character of the City's neighborhoods, the City Council enacted Section 12.70 of the Los Angeles Municipal Code known as the "Adult Entertainment Ordinance" which prohibits the establishment of an adult entertainment business, as defined therein, within 1,000 feet of another such business or within 500 feet of any religious institution, school or public park.

Nevertheless, there have been a number of instances in which two or more adult entertainment business have been established or maintained at the same location or operated as a single commercial enterprise. This concentration of adult entertainment businesses tends to have an adverse impact on the neighborhood in which they are located and is contrary to the dispersal approach taken by the City in enacting the Adult Entertainment Ordinance.

The purpose of this ordinance is to clarify existing provisions of the Adult Entertainment Ordinance. In enacting this ordinance in 1978, the City Council did not intend to permit the establishment of more than one adult business in the same building or at the same location. This ordinance will clarify Council's intent in that regard and provide reasonable amortization provisions applicable to businesses established from September 1, 1978 in a manner inconsistent with Council's intent.

If any action, subsection, or subdivision of this ordinance is held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this ordinance. *(Added by Ord. No. 157,538, Eff. 5/13/83.)*

B. **Definitions.** For the purpose of this section, certain terms and words are defined as follows:

1. **"Adult Arcade"**--An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

2. **"Adult Bookstore"**--An establishment which has as a substantial portion of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:

(a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas;" or

(b) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

3. **"Adult Cabaret"**--A nightclub, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

4. **"Adult Motel"**--A motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

5. **"Adult Motion Picture Theater"**--An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

6. **"Adult Theater"**--A theater, concert hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

7. **"Establishment"**--as used in Subsection C thereof, the "establishment" of an adult entertainment business shall mean and include any of the following:

(a) The opening or commencement of any such business as a new business;

(b) The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein; or

(c) The relocation of any such business.

(Amended by Ord. No. 157,538, Eff. 5/13/83.)

8. **"Massage Parlor"**--An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the State of California. This definition does not include an athletic club, health club, school, gymnasium, state licensed cosmetology or barber establishment, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service. (Amended by Ord. No. 155,718, Eff. 8/6/81.)

9. **"Public Park"**--A park, playground, swimming pool, beach, pier, reservoir, golf course or athletic field within the City of Los Angeles which is under the control, operation or management of the City Board of Recreation and Park Commissioners or the County Department of Beaches.

10. **"Religious Institution"**--A building which is used primarily for religious worship and related religious activities.

11. **"School"**--An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

12. **"Sexual Encounter Establishment"**--An establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of California engages in sexual therapy.

13. **"Specified Anatomical Areas"**--As used herein, "specified anatomical areas" shall mean and include any of the following:

(a) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

14. **"Specified Sexual Activities"**--As used herein, "specified sexual activities" shall mean and include any of the following:

(a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

(b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

(c) Masturbation, actual or simulated; or

(d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.

15. **"Substantial Enlargement"**--As used in Subsection C hereof, the "substantial enlargement" of an adult entertainment business shall mean the increase in floor area occupied by the business by more than 50 percent, as such floor area exists on the effective date of this section.

16. **"Transfer of Ownership or Control"**--As used in Subsections C and E hereof, the "transfer of ownership or control" of an adult entertainment business shall mean and include any of the following:

(a) The sale, lease or sublease of such business;

(b) The transfer of securities which constitute a controlling interest in such business, whether by sale, exchange or similar means; or

(c) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of such business, except for transfer by bequest or other operation of law upon the death of the person possessing such ownership or control.

17. **"Adult Entertainment Business"**--Adult Arcade, Adult Bookstore, Adult Cabaret, Adult Motel, Adult Motion Picture Theatre, Adult Theatre, **Massage Parlor or Sexual Encounter Establishment**, as defined herein, and each shall constitute a separate adult entertainment business even if operated in conjunction with another adult entertainment business at the same establishment. (*Added by Ord. No. 157,538, Eff. 5/13/83.*)

C. **Prohibition.** No person shall cause or permit the establishment, substantial enlargement or transfer of ownership or control of an adult entertainment business within 1,000 feet of another adult entertainment business or within 500 feet of any religious institution, school or public park within the City of Los Angeles. No person shall cause or permit the establishment or maintenance of more than one adult entertainment business in the same building, structure or portion thereof, or the increase of floor area of any adult entertainment business in any building, structure or portion thereof, containing another adult entertainment business.

No person shall cause or permit the establishment, or substantial enlargement of an adult entertainment business within 500 feet of any lot in an A or R Zone, or within the CR, C1, or C1.5 Zones in the City of Los Angeles. *(Amended by Ord. No. 158,579, Eff. 1/23/84.)*

If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other section provisions, clauses or applications thereof which can be implemented without the invalid provisions, clause or application thereof, and to this and the provisions and clauses of this section are declared to be severable.

After March 6, 1988, no person shall cause or permit the continued operation, maintenance, or use of a lot, building or structure, or any portion thereof as an Adult Arcade, Adult Bookstore, Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Adult Theater, Massage Parlor or Sexual Encounter Establishment, within 500 feet of any lot in an A Zone or R Zone, or within the CR, C1 or C1.5 Zones in the City of Los Angeles. *(Added by Ord. No. 161,111, Eff. 5/18/86.)*

D. Measurement Of Distance. The distance between any two adult entertainment businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior actual wall of each business. The distance between any adult entertainment business and any religious institution, school or public park shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment business to the closest property line of the religious institution, school or public park.

E. Exceptions.

1. A person possessing ownership or control of an adult entertainment business which is within 1,000 feet of another such business or within 500 feet of any religious institution, school or public park on the effective date of this ordinance shall be permitted to transfer such ownership or control within two years of said effective date. The person acquiring such ownership or control, however, shall be required to discontinue said adult entertainment business within five years from the date of said transfer of ownership or control, if such business continues to be within 1,000 feet of another such business or within 500 feet of any religious institution, school or public park.

2. A person possessing ownership or control of an adult entertainment business shall be permitted to transfer such ownership or control if such business is not within 500 feet of any religious institution, school or public park and the only other adult entertainment business or businesses within 1,000 feet of such business have been established under a variance from the requirements of this section, pursuant to the variance provisions set forth in Section 12.27 of this Code. This exception shall not, however, apply to an adult entertainment business which has been established under such a variance.

3. Except for an adult entertainment business required to be discontinued pursuant to Subdivision 1 of this subsection, if more than one adult entertainment business exists in the same building, structure or portion thereof, then all may be continued until March 10, 1985. At that time all shall be discontinued, except those established prior to September 1, 1978; but if none of the adult entertainment businesses were established prior to September 1, 1978, then all shall be discontinued, except for one, and in case of a dispute the adult entertainment business established first shall have the priority right to continue. However, the right to continue an adult entertainment business, until March 10, 1987 may be granted pursuant to Section 12.27 B 8. *(Added by Ord. No. 157,538, Eff. 5/13/83.)*

4. An adult entertainment business may be continued, or established and maintained, pursuant to Section 12.22 A 20. *(Amended by Ord. No. 161,111, Eff. 5/18/86.)*

F. **Severability.** If any provision or clause of this section or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other section provisions, clauses or applications thereof which can be implemented without the invalid provisions, clause or application thereof, and to this end the provisions and clauses of this section are declared to be severable.

SEC. 12.80 -- HOMELESS SHELTERS - EMERGENCIES - GOVERNMENT OWNED AND LEASED PROPERTY. *(Added by Ord. No. 161,926, Eff. 1/23/87.) (Amended by Ord. No. 168,440, Eff. 1/30/93.)*

Notwithstanding any provisions of this article to the contrary, during any period or periods, not totaling more than 120 days between November 1 and March 31, for which the Mayor and/or the City Council has declared a shelter crisis within the meaning of Government Code Section 8698, et seq., a shelter for the homeless (as defined in Section 12.03 of this Code) may be established and operated on property owned or leased by a government agency in any zone as a matter of right without regard to the number of beds or number of persons served. The precise location of each such shelter shall be subject to approval by the City Council. Prior to Council action, notice of a public hearing before the Council shall be mailed to the owners of all properties abutting, across the street or alley from or sharing a common corner with the subject property at least seven days prior to Council consideration of the matter. If the lot on which any such shelter is located does not have sufficient area to provide the number of parking spaces required by Section 12.21 A 4 (w) of this Code, then the number of spaces required shall be the number for which adequate area exists. If insufficient area for any parking spaces exists on the lot, no spaces shall be required.

DRAFT ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REPEALING AND REPLACING ARTICLE 22 (MASSAGE ESTABLISHMENTS AND PRACTITIONERS) OF CHAPTER II (REGULATION OF CERTAIN BUSINESSES) OF TITLE 9 (LICENSES AND BUSINESS REGULATIONS) OF THE COSTA MESA MUNICIPAL CODE, RELATING TO MASSAGE THERAPISTS AND PRACTITIONERS, AND MASSAGE ESTABLISHMENTS.

WHEREAS, Section 4600 et seq. of the California Business & Professions Code provides for the certification of massage practitioners and massage therapists by a newly created entity known as the Massage Therapy Organization ("MTO"); and

WHEREAS, as the MTO board was selected, board members officially named the organization the California Massage Therapy Council (CAMTC); and

WHEREAS, the certificates issued by the CAMTC to qualified applicants entitle the holder to practice massage therapy throughout the State of California without the necessity of complying with certain ordinances regulating the practice of massages by city or county government; and

WHEREAS, the City of Costa Mesa is authorized, by virtue of the Constitution of the State of California, and Section 51031 of the California Government Code, to regulate massage establishments by imposing reasonable standards relative to the skill and experience of massage owners and massage therapists or practitioners, and imposing reasonable conditions on the operation of the massage establishment; and

WHEREAS, the City Council of the City of Costa Mesa finds that the permit requirements and restrictions imposed by this article are reasonably necessary to protect the health, safety and welfare of the citizens of the City of Costa Mesa, and are designed to be consistent with the requirements of Section 4600 et seq. of the California Business and Profession Code; and

WHEREAS, the City Council finds that the regulations and restrictions contained in this article constitute reasonable health and safety requirements for massage establishments and businesses, as authorized by Section 4612(a)(3); and

WHEREAS, the City Council finds that the restrictions and requirements contained in this article are intended to reduce the burden of massage establishment regulation on the police department; and

WHEREAS, the City Council finds that the regulations and restrictions contained in this article are intended to prevent massage establishments from degenerating into

No. 06-12, §§ 6, 7, shall obtain a CAMTC certificate within 180 (one hundred and eighty) days from the effective date of this ordinance if that individual wishes to continue practicing massage within the city.

(d) No person shall practice massage therapy within the city prior to obtaining a city registration certificate and photo identification badge from the chief of police.

(e) No business or establishment shall rent space to, employ, or in any way retain the services of any massage therapist or practitioner who does not hold a current and valid CAMTC certificate, provided that a business or establishment may rent space to, employ or retain a city licensed massage practitioner for up to 180 (one hundred and eighty) days after the effective date of this ordinance.

(f) No business or establishment shall rent space to, employ or in any way retain the services of any individual to provide massage therapy within the city without first obtaining a massage establishment permit.

(g) No massage therapist or practitioner shall provide massage services in their own home.

9-324 Findings and Purpose.

The city council finds and declares as follows:

(a) The requirements and restrictions imposed by this article are reasonably necessary to protect the health, safety and welfare of the citizens of the city and are consistent with all applicable laws of the State of California.

(b) The city is authorized, by virtue of the Constitution of the State of California, and Section 51031 of the California Government Code, to regulate massage establishments

by imposing reasonable standards relative to the skill and experience of massage owners and massage therapist or practitioners and imposing reasonable conditions on the operation of the massage establishment.

(c) The courts have long recognized massage as a pervasively regulated activity.

There is opportunity for acts of prostitution and other unlawful sexual activity to occur in massage establishments and the establishment of reasonable standards for issuance of permits and restrictions on operations serves to reduce the risk of illegal activity.

(d) The restrictions and requirements contained in this article are intended to reduce the burden of massage establishment regulation on the police department.

(e) The regulations and restrictions contained in this article are intended to discourage massage establishments from degenerating into houses of prostitution and the means utilized in this article bear a reasonable and rational relationship to the goals sought to be achieved.

9-325 Definitions.

For the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Applicant" means any person who is required to file an application for a massage establishment permit.

(2) "Adult oriented merchandise" means sexually oriented implements or paraphernalia, such as, but not limited to: dildos, auto-sucks, sexually-oriented vibrators, Ben Wa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually-oriented devices which are designed

or marketed primarily for the stimulation of human genital organs or sado-masochistic activity.

(3) “Building and safety division” means the Building and Safety Division of the Development Services Department of the City of Costa Mesa.

(4) “California Massage Therapy Council (CAMTC)” means the nonprofit massage therapy organization formed pursuant to California Business and Professional Code Section 4600.5.

(5) “CAMTC certificate” means the certificate issued by the CAMTC to a certified massage therapist or practitioner pursuant to Section 4601 of the California Business & Professions Code.

(6) “Certified massage practitioner” or “massage practitioner” means any person who legally holds a current and valid CAMTC certificate pursuant to subdivision (b) of Section 4601 of the California Business & Professions Code.

(7) “Certified massage therapist” or “massage therapist” means any person who legally holds a current and valid CAMTC certificate pursuant to subdivision (c) of Section 4601 of the California Business & Profession Code.

(8) "Chief of police" means the Chief of Police of the City of Costa Mesa, or his/her designee.

(9) “City” means the City of Costa Mesa.

(10) “City clerk” means the City Clerk of the City of Costa Mesa, or his/her designee.

(11) “City council” means the City Council of the City of Costa Mesa.

massage and done without the use of supplementary aids, such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations commonly used in this practice.

(39) "Sole proprietorship" means and includes any legal form of business organization where the business owner is the only person employed by that business to provide massage services.

(40) "Table shower" means the washing of the body of a person by another while lying on a table, either face down or on the back, so that particular attention can be paid to the person's genitals, buttocks, gluteal fold, or anal area of any patron, or the breasts of any female patron.

(41) "Visitor" means any individual not retained or employed by the massage establishment and not receiving or waiting to receive massage therapy services, but excluding law enforcement personnel or government officials performing governmental business.

9-326 Certified Massage Practitioner/Therapist – Registration of CAMTC Certificate Required.

Any certified massage practitioner or therapist practicing massage therapy for compensation within the city shall be required to register with the police department and to obtain a city registration certificate and an identification badge.

(a) The registration application shall include:

- (1) the registrant's name, residence address and telephone number, employer name, work address and telephone number;

(d) The certified massage practitioner or therapist shall apply to the city to amend the city registration certificate within five (5) business days after any change in the registration information, including, but not limited to, a change in the work address.

(e) No massage practitioner or therapist shall perform or administer a massage, or advertise to provide massage services in the city, unless such person has in effect a valid CAMTC Certificate while Section 4600 et seq. the California Business and Professions Code remains in full force and effect.

(f) No massage practitioner or therapist shall perform or administer a massage, or advertise to provide massage services in the city, unless that person has complied with the registration and other requirements provided for in this article.

9-327 Out-Call Massage.

(a) No out-call massages shall be provided within the city by any person other than a certified massage practitioner or therapist.

(b) Any person wishing to provide out-call massage services within the city shall obtain a city registration certificate and a photo identification badge from the chief of police.

(c) Out-call massages shall not be provided to hotel or motel patrons in guest rooms or anywhere in the hotel or motel, provided that if the hotel or motel has a designated spa or health facility, massage services may be provided at that facility.

(d) Any business, other than a solo practitioner, that provides out-call massage services within the city must obtain a massage establishment permit.

9-328 Massage Practitioner or Therapist - General Conditions.

All massage practitioners or therapists shall comply with the following provisions and any other regulations specified by the terms of this article:

(a) Except to the extent required, in writing, by a State-licensed medical practitioner, no massage practitioner or therapist shall massage or allow an employee to massage the genitals, buttocks, gluteal fold, or anal area of any patron or the breasts of any female patron. Nor shall any massage practitioner or therapist, or employee solicit or allow a patron to touch or massage in any manner the genitals, buttocks, gluteal fold, or anal area of a massage practitioner or therapist, or employee, or the breasts of any female massage practitioner or therapist, or employee. A massage shall not be given and no patron shall be in the presence of a massage practitioner or therapist, owner, manager or other employee of a massage establishment unless the patron's genitals, buttocks, gluteal fold, or anal area, and, if a female patron, the female patron's breasts, are fully covered by a non-transparent covering.

(b) Table showers are prohibited.

(c) The massage practitioner or therapist shall wear a photo identification badge prepared and issued by the city at all times when present in the massage establishment. Such identification shall be provided to the chief of police or to the director upon demand. The identification badge shall be worn on outer clothing with the photo side facing out. If a massage practitioner or therapist changes his/her business address, he/she shall, prior to such change, obtain from the chief of police a new photo identification badge and advise the police department, in writing, of the new business address.

(d) Massage practitioners and therapists shall not perform any massage at any location other than the location specified on the city registration certificate and photo identification badge.

(e) While on duty, the massage practitioners or therapists shall not use any name or designation or conduct business under any other name or designation than the name specified on his or her registration certificate and photo identification badge.

(f) Massage practitioners or therapists, at all times while on the business premises, shall wear clean, nontransparent outer garments solidly covering the shoulders to four inches (4") or less above the knees to the base of the neck, excluding the arms. Skirts, mini-skirts and dresses are not allowed to be worn at any time while on the business premises, only trousers, pants or shorts may be worn while on duty. Further, under no circumstances shall these garments permit the genitals, pubic area, abdomen, back, buttocks, breast or chest to be exposed.

(g) A massage practitioner or therapist shall consent to, and shall not prevent, delay or interfere with, an inspection of the massage establishment, including massage rooms by the city's development services department, fire department, police department and the County of Orange Health Department for the purpose of determining that the provisions of this article or other applicable laws or regulations are met.

9-329 Massage Practitioner or Therapist - Additional or Change in Location.

In the event a massage therapist or practitioner who is currently registered with the city seeks employment at a massage establishment in addition to or different from the establishment indicated on the original application, the massage practitioner or therapist

shall notify the city in writing prior to the date the massage practitioner or therapist is employed by the establishment where he/she is to provide massage services. An additional or replacement city registration certificate and photo identification badge shall issue upon payment of the required fee.

9-330 Massage Establishment Permit Required.

(a) Except as otherwise provided, it shall be unlawful for any person to engage in, conduct, or carry on, or to permit the engagement in, conducting of, or carrying on the business or operation of a massage establishment within the city without a massage establishment permit. Massage establishment permits shall also be required of any permanent or semi-permanent seated massage or reflexology installation.

(b) A massage establishment permit is a facility permit and shall in no way be construed to allow any individual to perform massage services within the City of Costa Mesa without a CAMTC certificate.

9-331 Exceptions.

The requirements of this article relating to massage establishment permits shall not apply to the following while engaged in performing the duties of their respective professions:

(a) Physicians, surgeons, chiropractors, physical therapists or osteopaths duly licensed to practice their respective professions in the State of California. This exemption only applies if the massage is performed by the licensed professionals and/or by a staff member of the licensed professionals in the course of treatment

prescribed by the licensed professional and only when the licensed professional is present on the premises.

(b) Acupuncturists who are duly licensed to practice their respective profession in the State of California. This exemption only applies if the massage therapy is performed by the licensed acupuncturist to the treated area. If a licensed acupuncturist wishes to provide massage therapy by an individual(s) who is not a licensed acupuncturist, that individual(s) must obtain a valid CAMTC certificate prior to providing massage services, and the owner acupuncturist must obtain a massage establishment permit from the city. No massage establishment permit shall issue to any acupuncturist who is not fully in compliance with all the requirements of the California Acupuncture Board.

(c) A registered or licensed vocational nurse working on the premises of, and under the direct supervision of, a State licensed physician, surgeon, chiropractor or osteopath. Practical nurses or other persons that do not meet the requisite qualifications for a massage practitioner or therapist, or any other person not otherwise licensed by the State of California or certified by the CAMTC, whether or not employed by physicians, surgeons, chiropractors, osteopaths, acupuncturists, or physical therapists, may not provide massage services or act as a massage practitioner or therapist.

(d) Hospitals, nursing homes, sanatoriums, or other health care facilities duly licensed by the State of California.

(e) Barbers, beauticians and manicurists who are duly licensed by the State of California while engaging in the practice of their profession and acting within the scope of their respective licenses, except that this exemption applies solely for the massaging of the neck, face and/or scalp of the customer or client of a barber or beautician or in

(a) Structure. Massage establishments shall be carried on in a structure, which is located in a zoning district, which permits such use. When a massage establishment is newly constructed, three sets of plans shall be submitted to the city and the County Health Care Agency for approval and shall be accompanied by the appropriate plan check fee.

(b) Signs. Any signs shall be in conformance with the current sign ordinances of the city. Each owner and/or manager shall post and maintain, adjacent to the main entrance and the front of the business, a readable sign identifying the premises as a massage establishment. The sign, and the front of the business, shall not be illuminated by strobe or flashing lights. Any internally or externally illuminated signs, including neon signs, that face residential properties must be turned off no later than 8:00 p.m.

(c) Services List. Each owner and/or manager shall post and maintain a list of services available and the cost of such services in the lobby of the massage establishment in a conspicuous public place and in any other location on the premises as the owner and/or manager deems appropriate. The services shall be described in English and may also be described in such other languages as may be convenient. No massage establishment owner shall permit, and no person employed or retained by the massage establishment shall offer to perform, any services or fees other than those posted.

(d) Lighting. The interior of the business shall maintain adequate illumination to make the conduct of patrons and employees within the premises readily discernable. The lighting in each massage room shall be at least one (1) sixty (60) watt white light bulb and shall be activated at all times while the patron is in a massage room. No

strobe, flashing lights or dimmer switches shall be used. No colored lights shall be used nor shall any coverings be used which change the color of the primary light source.

(e) Ventilation. In each massage room, the owner and/or manager shall provide minimum ventilation in accordance with the applicable building and fire codes.

(f) Toilet Facilities. A minimum of one (1) toilet and one (1) separate wash basin shall be provided for patrons in each massage establishment, which basin shall provide soap or detergent and hot and cold running water at all times and shall be located within close proximity to the massage rooms. A permanently installed soap dispenser, filled with soap, and a single service towel dispenser shall be provided at the restroom washbasin. Bar soaps shall not be used. A trash receptacle shall be provided in each toilet room.

(g) Bathing, Dressing and Locker Facilities. If showers are provided, then there shall be a minimum of one (1) shower and one (1) dressing room containing a separate locker capable of being locked shall be provided for patrons to be served at the massage establishment. The shower facility shall be equipped with soap or detergent and hot and cold running water at all times and shall be located within close proximity to the massage rooms. Bar soaps shall not be used. Massage tables are not allowed to be in a shower and only one patron may utilize a shower at a time. At no time will an employee, a massage practitioner or therapist or independent contractor be allowed to occupy the shower being utilized by the patron.

(h) Separate Rooms. If male and female patrons are to be treated simultaneously at the same massage establishment separate massage rooms, dressing, bathing and toilet facilities shall be provided for male and female patrons. Each separate facility or room

shall be clearly marked as such. The requirements of this subsection will be met and “couples massages” are allowed in a single room if the massage establishment is operated as an accessory use within, and as part of, spa services offered in an approved day spa facility, health club, athletic club, or gym. Couples massages are permitted within a single room subject to all the requirements of this article, including, but not limited to the provision of a separate massage table and massage therapist or practitioner for each patron. The separate massage tables used during the couples massage must remain separated as to allow free passage and movements of the massage therapists or practitioners during the course of the treatment. Any room used for couples massage shall be large enough to comply with any applicable building and fire codes and to permit free passage and movements of the massage therapists or practitioners. For the purpose of this subsection, accessory use shall mean a use which is not more than twenty-five (25) percent of the floor area of the related health or athletic activities of the primary use.

(i) Window Coverings. Any windows into the lobby shall not be covered. The lobby must be clearly visible from the exterior of the business at all times.

(j) Maintenance. Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools shall be thoroughly cleaned and disinfected with a disinfectant approved by the County Health Department, as needed, but at least once each day the premises are open. All facilities for the massage establishment must be in good repair and shall be thoroughly cleaned and sanitized at least on a daily basis when the business is in operation. All walls, floors and ceilings of each restroom and shower area shall be constructed with materials that

(e) Adult Oriented Merchandise Prohibited. The use or possession of adult oriented merchandise in or on any part of a massage establishment is expressly prohibited.

(f) Recordings. No building or part thereof where massage or massage services are being conducted shall be equipped with any electronic, mechanical or artificial device used, or capable of being used, for recording or videotaping or monitoring the activities, conversation, or other sounds in the treatment room or room used by customers. No electronic, mechanical or artificial device used, or capable of being used, for recording or videotaping or monitoring the lobby and hallway areas shall be used unless the areas being recorded, videotaped or monitored are clearly posted, advising patrons of such recording, videotaping or monitoring.

(g) Coverings. Each massage establishment shall provide to all patrons clean, sanitary and opaque coverings of a minimum size of 30" x 60", capable of covering the patrons' specified anatomical areas, including but not limited to the genital area, buttocks and female breasts. No common use of such coverings shall be permitted and re-use is specifically prohibited unless adequately cleaned prior to its re-use.

(h) Records. Every owner and/or manager shall keep a record of the dates and hours of each treatment or service, the name and address of the patron, the name of massage therapist or practitioner administering such service and a description of the treatment or service rendered. A short medical history form shall be completed by the owner and/or manager to determine if the patron has any communicable diseases, areas of pain, high blood pressure or any physical condition which may be adversely affected by massage. These records shall be prepared prior to administering any massage or treatment and shall be retained for a period of twenty-four (24) months after

such treatment or service. These records shall be open to inspection upon demand only by officials charged with enforcement of this article or emergency personnel for emergency purposes and for no other purpose. The police department may periodically inspect the records to ensure compliance with this section. The information furnished or secured as a result of any such records shall be used only to ensure and enforce compliance with this article, or any other applicable State or federal laws and shall remain confidential. Any unauthorized disclosure or use of such information by any officer or employee of the city shall constitute a misdemeanor.

(i) Hours of Operation. Message operations shall be carried on or conducted, and the premises shall be open, only between the hours of 7:00 a.m. and 10:00 p.m. The owner and/or manager must advise the city, in writing, at the time of submission of the application for a massage establishment permit of the hours of operation within the times set forth above. The owner and/or manager shall notify the city, in writing, at least thirty (30) calendar days prior to the date of the effective change, of any changes in the hours of operation. A massage begun any time before 10:00 p.m. must terminate no later than 10:00 p.m. The hours of operation must be displayed in a conspicuous public place in the lobby within the massage establishment and in the front window clearly visible from the outside. For massage establishments that are adjacent on any side of the property to residences or R zones, the hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.

(j) Advertising.

(1) Any advertising matter published or distributed shall include in visible print the massage establishment permit number.

(2) No advertising matter shall depict individual persons unless those persons are employees of the establishment, and the employee's CAMTC's certificate number shall also be displayed in visible print on the advertisement.

(3) No massage establishment shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that:

- a. depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than legitimate massage services; or
- b. depicts individuals in suggestive poses that would reasonably suggest to prospective patrons that any service is available other than legitimate massage services; or
- c. employs language in the text of any advertising that would reasonably suggest to prospective patrons that any service is available other than legitimate massage services.

(k) Handicapped Areas. All massage establishments must comply with all State and federal laws and regulations for handicapped customers.

(l) Compliance. Proof of compliance with all applicable provisions of this ordinance shall be provided upon request by the chief of police.

(m) Doors. All exterior doors (except back or rear exterior doors used only for employee entrance to and exit from the massage establishment) shall remain unlocked during business hours. All interior doors, including but not limited to all doors leading to customer areas, the front reception, hallway or front exterior doors, shall not have any

locking mechanisms. A door leading from the lobby area to customer areas, if any, shall not have any locking mechanism or be capable of being locked or blocked to prevent entry, in any manner.

(n) Massage and Dressing Room Doors. All massage and dressing rooms shall be screened off by curtains, draw drapes, or in the alternative, swinging doors, so long as such doors are mounted at least eighteen (18) inches from the floor and not less than ten (10) inches from the top of the door frame. A full door may be used if it does not have a locking mechanism and contains a reverse peephole, allowing visual inspections from outside the room. No other type of door shall be used except those provided for in this section for massage and dressing room doors. No massage may be given within any massage room within a massage establishment, which is fitted with a door capable of being locked. Provided that, in the event of a sole proprietorship operating out of a room that leads directly onto a common hallway that is shared with other, unrelated businesses, the door may remain locked for privacy and security reasons. Such a door must be easily unlocked from the inside in the event of an emergency.

(o) Access. No person(s) other than the owner, manager, employees and customers will be allowed beyond the front lobby, which lobby shall be located directly inside the front door entrance, during the hours of operation. Any other person(s) found beyond the first interior door leading to the inside of the business including, but not limited to, hallways, massage rooms, reception/business offices or lounge area will be in violation of this section. Entry doors to any room shall not be obstructed by any means.

(p) Discrimination. No massage establishment may discriminate or exclude patrons on the basis of race, sex, religion, age or handicap.

(q) Notices. The chief of police shall require that the following notice be posted in the event that any employee of the massage establishment or any person who has been aided and abetted by an employee of the massage establishment has been found, after full hearing by administrative proceeding or by a State court, to have violated any of the offenses that would be grounds for denial under the terms of this article:

NOTICE TO ALL PATRONS

THIS MASSAGE ESTABLISHMENT AND THE MASSAGE ROOMS DO NOT PROVIDE COMPLETE PRIVACY AND ARE SUBJECT TO INSPECTION BY THE COSTA MESA POLICE DEPARTMENT WITHOUT PRIOR NOTICE.

- (1) Every owner and/or manager required to post such notice shall be required to pay for the cost of any and all notices required by this section.
- (2) The notice shall be conspicuously posted in a location within the massage establishment that is easily visible to any person entering the premises, and shall be conspicuously posted in each massage room. The notices shall be posted for twelve (12) months following the violation of any of the offenses set forth above.

9-338 Inspections.

(a) The chief of police shall have the right to enter the massage establishment at any time during business hours for the purpose of making reasonable unscheduled inspections to observe and enforce compliance with applicable regulations, laws, and provisions of this article. During an inspection, the police department may also verify the identity of all employees.

5. Current Long Beach Police Department massage guidelines

Long Beach

Police Department Massage Guidelines

The following businesses may offer massage service as an accessory use as defined in Long Beach Municipal Code, Section 21.15.060: health clubs, hotels with one hundred or more rooms, beauty salons, barber shops, chiropractors' offices, and medical doctors' offices. **Massage cannot be offered at any other business.**

If you have applied for a massage technician business license, you must also have a massage technician permit issued by the Police Department. As of September 1st 2009, you will have the choice of a permit issued by the Police Department **or**, you must have a Massage Technician license issued by the California Department of Consumer Affairs. If you have the State license, simply include a copy with your business license application.

If you do not have a massage technician license issued by the California Department of Consumer Affairs, you must fill out the appropriate forms included in the massage technician packet. You must have a minimum of 500 hours of schooling from a State approved program. You will be required to have a TB test with the Health Department, and you will be subject to a criminal background check. You must also provide three letters of reference with your completed application. After you have completed the application and obtained **all** of the necessary documents, please call the Long Beach Police Permit Officer to schedule an appointment (562) 570-7427.

If you are applying for the Police issued permit, an inspection of the primary business may also be necessary. If qualified, you may obtain a temporary permit to start working as a massage technician during the investigation process. At the completion of the Police investigation and if you are approved, you will be issued a permit that is good for two years. Your permit will need to be renewed every two years, and you must submit proof of attending 40 hours of continuing education.

If you have any questions regarding the process with the Police Department, please contact the Long Beach Police Vice Detail at (562) 570-7219, or the Permit Officer at (562) 570-7427.

Article 88-12.2. General

[88-12.202 - Intent and purpose.](#)

[88-12.402 - Generally.](#)

[88-12.404 - Adult entertainment businesses.](#)


[88-12.406 - Specified sexual activities.](#)

[88-12.408 - Specified anatomical areas.](#)

[88-12.602 - Restrictions.](#)

[88.12.604 - Establishment.](#)

[88-12.802 - Granting.](#)

88-12.202 - Intent and purpose. 

Adult entertainment businesses, because of their nature, are recognized as having objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. Regulation of the location of these businesses is necessary to insure that their adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. The primary purpose of this chapter is to prevent the concentration or clustering of these businesses in any one area.

(Ord. 81-6 § 1).

Article 88-12.4. Definitions

88-12.402 - Generally. 

Unless otherwise specifically provided, or required by the context, the following terms have the meanings set forth in this article for the purposes of this chapter.

(Ord. 81-6 § 1).

88-12.404 - Adult entertainment businesses. 

"Adult entertainment businesses" are defined as follows:

Massage Parlor. "Massage parlor" is any establishment licensed as a **massage** parlor pursuant to [Chapter 518-2](#) where, for any form of consideration or gratuity, **massage**, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs.

(8)

Model Studio. "Model studio" is any business where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.


(9)

Sexual Encounter Center. "Sexual encounter center" is any business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.

(10)

Other. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(Ord. 81-6 § 1).

88-12.406 - Specified sexual activities. 

"Specified sexual activities" are defined as follows:

(1)

Actual or simulated sexual intercourse, oral copulation, and intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: analingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or

(2)

Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or

(3)

Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or

(4)

Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

(5)

Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or


(6)

Erotic or lewd touching, fondling or other contact with an animal by a human being; or

(7)

Human excretion, urination, menstruation, vaginal or anal irrigation.

(Ord. 81-6 § 1).

88-12.408 - Specified anatomical areas. 

"Specified anatomical areas" are defined as follows:

(1)

Less than completely and opaquely covered (a) human genitals, pubic region; (b) buttock; and (c) female breast below a point immediately above the top of the areola; or

(2)

Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(Ord. 81-6 § 1).

Article 88-12.6. Location

88-12.602 - Restrictions. 

In land use zoning districts where the adult entertainment businesses regulated by this chapter would otherwise be permitted uses, it shall be unlawful to establish any such adult entertainment business if the location is:

(1)

Within five hundred feet of any area zoned for residential use; or

(2)

Within one thousand feet of any other "adult entertainment" business; or

(3)

Within one thousand feet of any public or private school, park, playground, public building, church, any noncommercial establishment operated by a bona fide religious organization, or any establishment likely to be used by minors.


(Ord. 81-6 § 1).

88.12.604 - Establishment. 

For the purposes of this article, the establishment of any adult entertainment business includes the opening of such a business as a new business, the relocation of such business, or the conversion of an existing business location to any adult entertainment business use.

(Ord. 81-6 § 1).

Article 88-12.8. Variance

88-12.802 - Granting. 

Land use permits to modify the location provisions contained in Article 88-12.6 may be granted in accordance with Chapters [26-2](#) and [82-6](#). To the extent applicable, the planning agency, before granting any permit, shall make the finding required by [Section 26-2.2008](#).

(Ord. 81-6 § 1).

Chapter 518-2 - MASSAGE SERVICES

Sections:

Article 518-2.2. Definitions

[518-2.202 - General.](#)


[518-2.807 - Nude and topless exposure prohibited.](#)

[518-2.808 - Inspection.](#)

[518-2.810 - Advertising.](#)

[518-2.1002 - Suspensions and revocations.](#)

[518-2.1004 - Hearings.](#)

518-2.202 - General. 

Unless otherwise specifically provided or required by the context, the following terms have the following meanings in this chapter.

(Ord. 73-60 § 1 (part), 1973).

518-2.204 - **Massage.** 

"**Massage**" means treatment of the superficial parts of the human body by rubbing, pressing, stroking, kneading, tapping, pounding, bathing, vibrating, manipulating or stimulating with the hand(s) or any instrument, for an economic consideration.

(Ord. 73-60 § 1 (part), 1973).

518-2.206 - Masseur. 

"Masseur" means any person who **massages**; but it does not include any person licensed under Business and Professions Code Sections 2135 through 2139 (medicine), 2630 or 2639 (physical therapy), 2732.1, 2733 or 2742 (nursing), or under the Chiropractic Initiative Act of 1922, as amended.

(Ord. 73-60 § 1 (part), 1973).

518-2.208 - **Massage** parlor. 

"**Massage** parlor" means any premises where **massage** is given, either as a primary or secondary function.

(Ord. 73-60 § 1 (part), 1973).

Sunset

In preparation for introducing legislative changes through a sunset bill, staff recommends that the Board take the following actions:

1. Resolve to maintain CAMTC as a private public benefit corporation.
2. Resolve to maintain certification be voluntary.
3. Take a position on whether or not to continue offering CMP certification to new applicants post sunset.
4. Take a position on whether or not to require that all new applicants pass a written exam post sunset.
5. Take a position on whether or not authorize CAMTC to implement a voluntary certification program for establishments post sunset.
6. Nullify all legislative positions, which were previously adopted by the Board for the 2013 legislative session.
7. Determine who will be authorized to approve the sunset document (due November 1, 2013) on behalf of CAMTC.
8. Instruct staff to get the law cleaned up so that it is clear what cities and counties can and can't do.

Operational issues submitted by Jean Robinson:

1. Improving consistency of certificate holders verification site.
2. Basic communication with certificate holders and the public.
3. Website regular update and cleanup.
4. Public display format of final disciplinary actions.

Draft Minutes will be submitted separately to the Board

Proposed CAMTC Schedule of Authority- 5/2/13

	Board of Directors	Executive Committee	Chair	Treasurer	CEO
Organizational Issues					
Bylaw changes	A				B
Board agenda	B	B	A		B
Engagement of consultants, attorneys & vendors	A	B	B		A
Employment of auditing firm	A	B	B	B	B
Serious stakeholders complaints	A		E		A
Taking official positions	A		A		B
Programs, Products & Services					
New programs, products or services	A		D		B
Change in strategic alliances	A		B		E
Meetings sites	A		B		B
Budget and Fiscal Control					
Annual budget	A		F	F	F
Overspend budget line items, but not to exceed a category	A		B	F	A
Overspend (IN A CATEGORY) overall budget	A		B	F	F
Check signing authority under \$10,000				A	A
Check signing authority over \$10,000, two must co-sign			G	G	G
Personnel Issues					
Salary ranges of staff, hiring and firing decisions, adding staff within budget	A		E		A
Changes in staff benefits within budget	A		B		A
Changes in personnel manual	A		B		B
Establishing new employee positions within budget	A		B		A
CEO Compensation and Responsibilities					
Hiring and firing CEO	A				
Evaluation of performance	A	C			C
Establishing CEO compensation	A		B	B	C
Approval of vacation schedule (FOR STAFF)					A
Governmental and Legal Issues					
Commits organization to law suit	A		E		B
Testify at public hearings	D		A		A
Legislative Policies	A		A		B
Taking urgent official positions	C		A		A
<i>A = Decision maker</i>					
<i>B = Makes recommendations to decision maker</i>					
<i>C = Must be advised</i>					
<i>D = May be consulted</i>					
<i>E = Must be consulted</i>					
F= MAKES RECOMMENDATIONS TO BOARD					
G= MUST CO-SIGN					



CEO Report

September 10, 2012

Sunset review

Staff has been focusing on preparing the sunset review document. In addition to gathering data we have been having ongoing communications with the senior staff at the State Capitol building. The document is due at the Legislature on November 1, 2013.

Operations

Generally speaking, “customer service” is continuing to provide an exceptionally high level of responsiveness. Most applications without background and/or educational issues get mailed in one week from the time they are completed. Two operational initiatives have been front and center in the past four months: PSD tracking and IT.

PSD tracking: In order to reduce PSD’s backlog, it was essential to be able to accurately identify of all cases in PSD’s “ecosystem” at any given time. Our past reporting protocols captured the volume and the type of activities PSD was engaged in, over a specified period of time, but it did not give us a snap shot of the status of all cases in a given moment. We changed that. We are now tracking where each case is in the process once a week. We broke down the tracking of the stages a case goes through at PSD into the following four categories:

1. “Waiting room” – This is the holding stage where AMG staff identifies all cases that must be reviewed by PSD prior to any further processing.
2. “At PSD”- cases actively being reviewed, investigated or heard at PSD.
3. “Waiting for PDL or PRL”- After PSD has completed its investigation, counsel is notified of the denial or disciplinary proposed decision. One of our counsel then drafts a detailed Proposed Denial Letter or Proposed Revocation Letter to explain the specific reasons CAMTC is proposing to either deny, revoke, or discipline someone and gives them the opportunity to be heard and to present any information they would like PSD to consider prior to making a final decision.

4. "Waiting for NOD" – These are the cases where the person has had an oral hearing or consideration of a written statement and a final decision has been made on their matter but they are waiting for notification of that decision.

By receiving a detailed report every Tuesday morning, I can monitor the progress of each individual case in the system. This new tracking system instantaneously detects any discrepancies between AMG and PSD numbers and helps minimize instances of missing files. We have been testing this system over the summer and it still needs improvement. I expect it to be completed before November 15, 2013. So far PSD reviewed 1,991 cases in 2013.

Information technology: after reassessing our various IT options I decided against custom building and data solution for CAMTC. I researched several products and companies that may be able to provide us the system we need. Presently we are in active discussions with Iron Data- a leading process management technology solution company specializing in the public sector. We are specifically evaluating two of their regulatory solutions platforms. One of their project managers and his team will come to Sacramento on October 7 to further evaluate CAMTC needs and to provide staff with a complete demo of their systems.

Finance

As of 8/31/2013 CAMTC exceeded expectations on the balance sheet and on the statement of functional activity (P&L)

Available cash:

Budgeted - \$1,216,550

Actual - \$1,632,391

Excess revenue over expenses:

Budgeted - (\$27,860)

Actual - \$198,762

Outreach

The following is a recap of some CAMTC outreach activities (July- October, 2013):

1. On July 23, 2013, Mark Dixon gave a compelling presentation to school rallies organized by One Concept (producer of American Massage Conference). Each school received a newly designed poster depicting our current certification portals.
2. On August 12, 2013 I presented to a group of more than 70 Chinese-speaking massage providers. The event was organized by the Chinese American Massage Business Association (CAMBA) and was held in San Gabriel but it attracted individuals from as far as Fresno.
3. We designed and sent three eBlasts to certificate holders informing them of CAMTC's booths and presentations at the American Massage Conference (AMC), September 13 -15, 2013, in San Diego.
4. We compiled (from nine different sources) a list of massage businesses and spas in California, and designed, printed and mailed 32,000 large cards promoting CAMTC special presentations and booths at AMC for massage and spa operators.
5. In addition to participating in AMC, CAMTC will have a table at a an event organized at the AMC venue one day prior to the conference (9/12/13) which is expected to attract more than 100 spa operators.
6. We developed and printed 100,000 consumer brochures. Each certificate holder will be mailed one with a letter encouraging him or her to order additional copies to distribute to the public. A similar offer will be mailed to as many as 30,000 massage businesses and spas in California.
7. We developed and printed 30,000 massage business and spa operator's brochures, which will be mailed to this target group with a letter from CAMTC.
8. We are getting ready to send cards and emails to all certificate holders with information on how to opt out of receiving career opportunity mailings from massage businesses and spas.
9. Assemblymember Jimmy Gomez's (author of AB 1147) district office is putting up two health fair extravaganza in two different neighborhoods on September 21 and October 19, 2013 (Saturdays). CAMTC will participate with a newly designed consumers booth and will offer free massages to the public.
10. We are planning on sending out a consumer complaints survey on September 20, 2013.

Treasurers Report will be submitted separately to the Board



September 11, 2013

Report by the Director of Governmental Affairs and Special Projects

A. Local Implementation of and Compliance with the law

Currently 86 cities or counties require certification. Five cities and two counties that have not yet amended their ordinances due to limited resources or lack of political direction, in the meanwhile require certification in policy. The largest of the jurisdictions that require certification in policy only is Los Angeles County with a population close to 10 million.

At least another ten cities and one county are in later stages of amending municipal or county codes, with at least another dozen also in process. Being this close to Sunset it's a good bet that other cities are waiting to see what changes will occur moving forward.

Since the last Board meeting Sierra Madre, Petaluma and Paso Robles passed first ever massage ordinances. Paso Robles is a tourist town of 30,000 with twelve illicit massage parlors in the trendy downtown and an army base close by. The city is quite happy with the resources that CAMTC can offer and plans to work closely with us as the phase in period for required certification ends next year. I met with the Police Chief, the Lt. who most worked on the ordinance, and the city attorney prior to the first reading of the ordinance. They were so grateful to me for driving down there to answer questions. The Paso Robles ordinance is a good example for smaller cities. Petaluma's first ordinance, over a year and a half in development, was finally passed on its' third attempt. Part of the reason for the delay in Petaluma was that some of the local massage therapists who

missed the CAMTC grandfathering period may not qualify for certification. The city decided to allow this group of established therapists to work in the city with a background check and proof of basic education. Only a couple of other cities that never regulated massage before have some type of city “grandfather” provision. Of course, the disadvantage to these therapists is that they must stay in the city or in another city that doesn’t require certification. One person has already discovered that the managed care provider network she was on will be dropping her if she is not certified – we were able to verify sufficient education for her to certify and approve her application before she got dropped. It is not uncommon for long time massage professionals who believe that they will not qualify to actually have adequate education needed for approval once we carefully review their portfolio. With my extensive background and education in the profession this is one area that I help our Sacramento staff quite a bit.

With a few exceptions, relationships and communication are building between local authorities and CAMTC staff.

San Francisco is finally showing signs of new ordinances with two complementary ordinances being considered, one proposed by the Dept of Public Health (which regulates massage in SF) and one by Supervisor Tang. Several local officers of the American Massage Therapy Association, California Chapter and I had a good meeting with the Supervisor – the Supervisor was especially grateful to hear from the SF massage community for the first time as she previously had no face to place with the legitimate profession.

I was invited to participate in the SF Mayors “Taskforce on Massage Parlors”. I attended the first meeting of this group and plan to continue participating. The focus of this group is to create a “victim centered” approach to prostitution in massage “parlors”. They said that they (this taskforce -which includes police from the “Special Victims Unit”), are not concerned about willing participants in the sex industry. While I think it important to be involved with this group, clearly CAMTC has a broader focus when it comes to individuals and establishments that violate our law.

Separately I was invited to meet with the Deputy Director of Legislative and Governmental Affairs for the Mayor in SF, to discuss both the proposed ordinances and Sunset ideas. We combined this with the other meeting and have continued communication on how we can best work together. I hope to obtain formal support of this city for our Sunset proposals. The Mayor had written to the legislature regarding AB 1147 and this city is expected to be vocal at Sunset. With noticeable problems with illicit parlors, limited resources for enforcement, and city governments that function more like the state legislature, it is a challenge to get past the bureaucracy and inertia of larger jurisdictions, including Los Angeles city and county. Once changes are being proposed, many more competing interests emerge than in small towns. Despite rumblings that Los Angeles might start to address weaknesses in their ordinance, no activity seems to be taking place.

Although many complaints of city/county non-compliance turn out to be cases where the massage therapist did not understand the ordinance, some serious issues remain throughout the state. A few examples follow.

Torrance continues to refuse to issue a business license to a CMT to provide massage to hospice patients. Since the city is in the district of the new Chair of Senate Business and Professions Committee, we hope to engage his office. Of note is that in a meeting with the city attorney, vice officers and several council members, one of the council members, after learning of the credentials of this highly qualified CMT, said "but for every one of you is one hundred illicit".

Although I believe that the numbers are reversed, the majority being legitimate, it is common that people don't notice the "good ones".

Encinitas and Long Beach are two examples of cities that we feel are not complying with the zoning provisions in the state law. Long Beach limits massage to ancillary use. We have yet to see signs of change in either city. These are just a few of the bigger issues that we are working on, some of which may need to wait for resolution with the Sunset bill.

Requests for information from city and county staff range from assistance in drafting new ordinances, understanding the authority of local government over

certificate holders and businesses, to acting as a go-between cities and PSD. Often they do not understand the relationship between the city and state regulations or how to make use of the resources available from CAMTC. Local government staff report an increasing number of attempts to avoid the need for certification, such as saying that the business is providing aromatherapy or laying on of hands or Reiki when they actually are providing illicit services. In fact, in 1997 the city of San Mateo passed a “tanning salon” ordinance after several were found to be fronts for prostitution. The ordinance itself references a long standing section of California Government Code that authorizes cities and counties to regulate massage. We have also been sent fraudulent CAMTC ID cards submitted to city staff – these were easily detected by logging on to the secure section of our website.

Earlier this year the Land Use/Public Safety consultant for the League of California Cities sent out a survey regarding the certification program. She reported overall support for the CAMTC background checks, certifications and school investigations.

From daily conversations with city staff I would venture to say that most support CAMTC. Nevertheless, there remain some concerns that we on staff recognize as valid.

One is land use – AB 619 granted zoning rights to businesses in which everyone providing massage is certified that are beyond what other professions receive. Several possible solutions have been discussed with the League of Cities and committee staff in both Business and Professions Committees. Most likely the amendment made in AB 619 will be narrowed slightly in the Sunset bill or AB 1147.

Another involves regulation of establishments. As I have mentioned in prior reports, a number of cities now issue revocable registrations to businesses in which everyone is certified who provides massage. This provides a means of closing problem businesses.

Revocable registrations are a stop-gap measure that places the full burden of verifying compliance on the cash strapped city or county. Having the state law

clearly authorize these provisions has already been approved by this board and language placed in AB 1147, based on the Redwood City ordinance.

AB 1147:

As of the last Board meeting, AB 1147 had passed its first hearing, in Assembly Business and Professions Committee. Due to concerns expressed by stakeholders and members, Assemblyman Gomez promised not to bring the bill to the floor without consensus. Subsequent meetings resulted in additional amendments being considered. Committee staff decided to leave city requested revisions to land use and authority for cities and counties to require businesses and non-certified owners to register with CAMTC for the Senate Business and Professions Committee to flesh out. However, due to the complexity of the issues, Gomez eventually decided to make AB 1147 a two year bill. That means that it may be heard again in Assembly Business and Professions Committee in 2014, left to die, or the provisions may be included as part of the Sunset bill. While this was disappointing to the cities who were hoping to see the amendments effective in January 2014, I believe the additional time to flesh out good policy will be worth it.

Changes in Committee Leadership

The former Chair of the Assembly Business and Professions Committee, Richard Gordon, has stepped down as Chair but remains on the committee. He has promised to work with Assembly member Gomez and the new Chair regarding the massage issues that will be heard next year. I met with Gordon and a week later with new Chair Barbara Bonilla, in their district offices. Assemblyman Gordon is particularly supportive of CAMTC and assured me that CAMTC's concerns were not the reason the bill was held back. Chair Bonilla is fully up to the role of Chairmanship. Another change in committee leadership that is of critical importance to CAMTC occurred when Senator Price stepped down as Chair of Senate Business, Professions and Economic Development Committee to join the Los Angeles City Council. His seat was filled by Senator Ted Lieu of Torrance. Senator Lieu is a very thoughtful Chair and is expected to be fully

engaged in issues before his committee. Since Bill Gage works directly for the Senator, it is important that we establish as trusted a relationship with the Senator as we have with committee staff.

Other Legislator Issues:

Legislative staff contact regularly me on behalf of constituents. Usually staff are able to resolve the issues easily – most of the inquires have to do with people waiting to hear about applications that have been through PSD review for serious massage related criminal issues.

Other events and meetings:

We continue to be active in the California Municipal Revenue and Tax Association (CMRTA), monitoring and responding to massage topics. Last June Rick McElroy, Mark Dixon and I attended the Division III meeting in Huntington Beach. Kirsten Kolpitke, consultant for the League of California Cities, spoke about AB 1147 and two local vice officers spoke about enforcement activities in massage establishments.

September 12 I will be a speaker at CMRTAs' Division IV meeting in Menifee to discuss AB 1147, Sunset, and how CAMTC can work with cities. Mark Dixon and Yolanda Pena, newly hired by PSD after retiring from Santa Ana Police Dept., will attend to answer questions and network.

Ahmos Netanel and regularly attend events of the LA division of the League of California Cities in order to maintain relationships with the great number of cities in the district.

Ahmos and I have also have attended several Town Hall meetings hosted by Assemblyman Gomez. I regularly attend those hosted by my local representatives – Senator Jerry Hill and Assembly members Kevin Mullin and in the next district, Rich Gordon.

I continue to attend regular meetings of the Stanislaus County Massage Parlor and Human Trafficking Taskforce. Various cities have been conducting joint operations of illicit establishments throughout the county. This has been developing into a useful model for shared information and resources. In fact, it was at this meeting that I learned about a program that has just been set up by a

research university in Silicon Valley that works with law enforcement to track paid ads for illicit services. We are working to obtain access.

I spoke at an outreach event organized by the local unit of the American Massage Therapy Association, California Chapter at UCSF. The event was well attended by San Francisco massage therapists, several of whom decided to certify as a result.

I have been a member of the Massage Therapy Licensing Database Committee (MTLD) of the Federation of State Massage Therapy Boards (FSMTB) and attended the last meeting in July and follow-up teleconference. In the next few weeks California will be one of the first states to upload data into the beta version of the database. Since CAMTC is not a governmental entity it is possible that a few states cannot share their full licensee information with California.

Nevertheless, the other states look forward the receiving information on California applicants and certificate holders.

School issues

Laura Metune left the Bureau for Private Postsecondary Education (BPPE) to be Chief Consultant for the Assembly Committee on Higher Education. Her replacement is her former Deputy Director, Joanne Wenzel. Joanne has a lot of history with BPPE and should be equally qualified for the position. BPPE is up for Sunset Review in 2014 and we hope that they are provided with greater resources and authority, in particular regarding non-degree granting schools.



PROCEDURES FOR UN-APPROVAL OF SCHOOLS

Pursuant to California Business and Professions Code Section 4600 and 4601, the California Massage Therapy Council ("CAMTC") hereby adopts the following procedures relative to the un-approval of schools and the requirement to provide additional proof of adequate education (beyond merely a transcript), pursuant to California Business and Professions Code Sections 4600 et seq. (hereinafter the "Law"):

1. Reasons for un-approval. Schools may be un-approved for any of the following reasons:
 - a. Selling or offering to sell transcripts, or providing or offering to provide transcripts, without requiring attendance, or full attendance, at the school.
 - b. Failure to require students to attend all of the classes listed on the transcript.
 - c. Failure to require students to attend all of the hours listed on the transcript.
 - d. Engaging in fraudulent practices, including but not limited to, the creation of fake documents to aid or abet students seeking CAMTC certification, aiding or abetting students to use false documents and/or to present false testimony in CAMTC hearings, aiding or abetting students in engaging in fraudulent practices with respect to CAMTC hearings, making false claims, or otherwise engaging in fraudulent practices.
 - e. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision or term of law or any rule or bylaw of CAMTC.
 - f. Denial, suspension, revocation, or otherwise being acted against by National Certification Board for Therapeutic Massage and Bodywork, including but not limited to, denial, suspension, or revocation of assigned school code.

- g. Failure to create, record, or maintain accurate records, including but not limited to student attendance records and student transcripts.
- h. Failure to identify transfer credit from other institutions (including name of other institution(s), hours transferred, and class requirements met by transfer credit) on transcripts.
- i. A finding by a local law enforcement agency, a state or local agency, or a private certifying, permitting, or accreditation agency related to massage, that a school has engaged in any of the conduct identified in these sections 1. a. - h.

2. Investigations.

Section 4601(g) of the Law provides:

(1) The ~~organization~~council¹ shall have the responsibility to determine that the school or schools from which an applicant has obtained the education required by this chapter meet the requirements of this chapter. If the ~~organization~~council has any reason to question whether or not the applicant received the education that is required by this chapter from the school or schools that the applicant is claiming, the organization shall investigate the facts to determine that the applicant received the required education prior to issuing a certificate.

(2) For purposes of paragraph (1) and any other provision of this chapter for which the ~~organization~~council is authorized to receive factual information as a condition of taking any action, the ~~organization~~council shall have the authority to conduct oral interviews of the applicant and others or to make any investigation deemed necessary to establish that the information received is accurate and satisfies any criteria established by this chapter.

If CAMTC receives information that a school has violated a provision of section 1 of these procedures, it will make a determination (in its sole discretion based on the nature of the information received) whether to investigate that claim or not. If CAMTC decides to investigate the claim and, after investigation, has credible evidence that a violation of a provision of section 1 of these procedures has occurred, CAMTC will then make a determination whether or not to propose un-approval of a school. If CAMTC decides to propose un-approval of a school, the procedures listed in section 3 below shall be followed.

Any school about which there is a concern will be evaluated and investigated on a case-by-case basis. CAMTC will consider all of the evidence before it when making a proposed or a final decision.

¹ “~~Organization~~Council” as used in the Law means CAMTC.

With respect to investigations and/or actions against schools, including but not limited to final decisions about un-approval, CAMTC may delegate its authority under these procedures to a committee or to staff, in CAMTC's sole discretion.

3. Procedure for Notifying School of Concern and Chance to Respond.

Once the initial investigation is completed and CAMTC has made a decision to propose un-approval of a school, it shall notify the school of its intent to place it on the un-approved list. It shall also take all of the following steps:

- a. Send the school a letter notifying it of CAMTC's proposed decision to place the school on its un-approved list and identifying the reasons for that decision;
- b. Notify the school that it will be given 30 days from the date of the proposed un-approval letter to respond ~~to the proposed un-approval~~ in writing, including submission of any documents, evidence, and written statements, and/or to request the opportunity to make an oral statement before the CAMTC Board of not more than 20 minutes;
- c. ~~Further n~~Notify the school that if ~~it does submit information in response to the proposed un-approval letter, it will be considered and a decision will be rendered by CAMTC within 90 days of CAMTC receiving the school's submission.~~ an oral statement is timely requested, the school will have the opportunity to make that statement to the Board before its matter is considered;-
- d. ~~The school will be notified~~Notify the school of the outcome in writing of ~~CAMTC's decision regarding the school~~within 90 days after the Board renders its decision;- and
- e. Inform the school that all applications submitted with transcripts from their school that cannot be otherwise certified will be placed on hold until a final decision as to whether to list the school is made.

4. Action Against a School.

If CAMTC makes a final determination that a school has engaged in any of the conduct identified in paragraph 1 of these procedures, it may take any of the following actions, in its sole discretion:

- a. List the school as an un-approved school. If the school is listed as un-approved, a 90-day grace period will follow. During this 90-day grace period, the school's students who apply, and all of those whose application was previously held, will be required to provide additional proof of adequate education (beyond merely a transcript from the subject school) in order to prove their education. Students who apply after the 90-day grace period has

expired will be told that, unless they have also supplied evidence of completion of required hours of massage education from one or more approved schools, their applications are incomplete and that they have one year to complete their education and provide an acceptable transcript to CAMTC before their applications are purged;

b. List the school as a school for which students will have to provide additional proof of education beyond just a transcript, rather than listing the school as “un-approved”;

c. Place the school on probation, with the specific probationary terms and conditions identified in the final decision letter, including but not limited to further inspection of school premises and documents.

If the school submits no information in response to the proposed un-approval letter, it will be listed on CAMTC’s website as an un-approved school after the time for response to the proposed un-approval letter has expired.

5. Rehabilitation.

A. Consideration of Rehabilitative Factors

Consideration of a school’s rehabilitation will be evaluated on a case-by-case basis. CAMTC will consider all available information, including the totality, weight, and reliability of the evidence when making a determination.

Factors that will be considered when determining whether a school has been rehabilitated may include, but are not necessarily limited to, the following:

- a. The seriousness of the conduct that resulted in CAMTC action against the school;
- b. The number and nature of complaints CAMTC has received about the school, both before and after CAMTC action against the school;
- c. The length of time between complaints against the school;
- d. The number and nature of disciplinary action by CAMTC or other organizations against the school;
- e. The length of time the school has been operating and approved by one of the organizations listed in 4600(a)(1)-(5);
- f. The effect CAMTC action against the school has had on the school;
- g. Safeguards instituted by the school to prevent recurrence;
- h. Actual knowledge by current school owners of the bad acts engaged in at the time the conduct that led to CAMTC action against the school occurred;
- i. Change in status with other agencies that regulate schools, such as NCBTMB (e.g. restoration of a school’s NCBTMB “school code” after suspension or revocation or change from suspension to revocation);
- j. Approval or re-approval of the school by the Bureau for Private Postsecondary Education (BPPE);

- k. Ongoing rehabilitation efforts by the school and how realistic such efforts are; and
- l. All other relevant information related to rehabilitation.

B. Procedures

When a school requests that it be taken off the list of unapproved schools or the list of schools from which students have to provide additional proof of education beyond just a transcript (collectively “the list”), CAMTC will make the decision, in its sole discretion, based on its consideration of rehabilitative factors as described in Section A.

All such requests by schools must be:

- 1. in writing, and
- 2. sent to the CAMTC offices at One Capital Mall, Suite 320, Sacramento, CA 95814 OR via email to camtcreview@amgroup.us.

CAMTC will review the information presented by the school and has the authority to investigate the evidence, including but not limited to oral interviews with a school’s management, staff, students and graduates and any other relevant witnesses, whether affiliated with the school or with other organizations.

If CAMTC determines that a school should be removed from the list (or may be eligible to be removed from the list), CAMTC may impose conditions on the school, including but not necessarily limited to the following:

- a. Requiring a school to submit periodic written progress reports identifying steps being taken to correct the unacceptable issues.
- b. Requiring a school to submit to unannounced CAMTC staff visits to the school for inspection, including but not limited to inspection of facilities, personnel, classes, and records, and to monitor the school’s activities.

Once a final decision is made by CAMTC, the school will be notified in writing of that decision.

Any school that has been placed on the list for selling transcripts may not request removal for a period of five (5) years from the date the school was added to the list. All other schools may request removal after a period of two (2) years from the date the school was added to the list.

The burden of proof is on the school to prove that it has been sufficiently rehabilitated to allow removal from the list. Whether a school that claims rehabilitation and requests removal from the list will be removed from the list is in CAMTC’s sole discretion.



Memo

Date: September 11, 2013
To: Board of Directors
California Massage Therapy Council
From: Ahmos Netanel, Chief Executive Officer
Subject: Board Meetings schedule

In order to make it easier for the public to attend CAMTC's Board meetings, I recommend that meetings schedule will be posted on the website a year in advance. The following is a proposed schedule:

November 21, 2013
February 20, 2014
May 22, 2014
September 10&11, 2014
November 20, 2014

All CAMTC's meetings are subject to The Bagley-Keene Open Meeting Act and are subject to change.



Memo

Date: September 10, 2013
To: Board of Directors
California Massage Therapy Council
From: Ahmos Netanel, Chief Executive Officer
Subject: Proliferation of illicit massage establishments - research recommendation

The problem

Over the past four years we have heard numerous individuals, organizations, local and state officials asserting that:

1. There has been a proliferation of illicit massage parlors in California.
2. The cause of such proliferation is the implementation of BUSINESS AND PROFESSIONS CODE SECTION 4600-4620.

Interestingly, over the past 12 months staff noticed a significant surge in global media reports pointing out that this is a global phenomenon. I'm not aware of truly reliable data that address this issue. The lack of methodically derived information is a serious impediment to the development of good and effective policy.

Possible solution

I recommend that the CAMTC's Board authorize its delegate to the FSMTB's annual conference to introduce a motion where FSMTB will engage a large reputable organization (like The Rand Corporation) to develop an objective analysis and offer effective solutions to this challenge. I firmly believe that high quality and reliable research is a prerequisite to improving policy and decision-making.

California Massage Therapy Council (CAMTC)
Waiver of Filing Fee

Applicants or certificate holders with gross monthly income of less than the specified Indigence Guidelines below are entitled to a waiver of filing fees. If you believe that you meet these requirements, please complete this form and submit it, along with all supporting documentation, by scanning and emailing this signed form and all supporting documentation to camtc@amgroup.us or by mailing this signed form and all supporting documentation to One Capitol Mall, Suite 320, Sacramento, CA 95814.

Name: _____

Address: _____

Drivers License Number (or State ID): _____ Date of Birth: _____

CAMTC ID or Certificate Number: _____

Number of Persons in Household: _____ Gross Monthly Income: _____

I hereby swear under penalty of perjury under the laws of the State of California that the forgoing is a true and correct statement.

Signature of Applicant or Certificate Holder

Indigence Guidelines

Persons in household	Indigence guideline (per month)
1	\$1,134.38
2	1,532.30
3	1,930.21
4	2,328.13
5	2,726.05
6	3,123.96
7	3,521.89
8	3,919.81
For families with more than 8 persons, contact CAMTC	

*Individuals evidencing total amount of income for waiver of filing fees will need to submit tax returns such as 1099 or W2 form from the previous tax year. Please provide documents of government assistance if applicable.



Policies Regarding Massage Education Received Outside the United States

Education and training received outside of California must be at least substantially equivalent to the requirements applied to California school programs.

How will my non-California education be evaluated?

One important aspect of educational program equivalence is whether the educational institution attended has been approved by the national, regional, or state authority with responsibility for vocational program approvals. Such status can readily be ascertained by CAMTC for each of the 50 U.S. states, U.S. territories, and the Canadian provinces of Ontario, British Columbia, Nova Scotia, and Newfoundland and Labrador. Officially sealed transcripts from duly locally approved educational institutions located within those jurisdictions shall be sufficient school material for CAMTC to evaluate.

Applicants who are presenting massage education secured elsewhere will, in addition to satisfying transcript requirements described below, need to supply to CAMTC a letter of certification from a governmental authority of the country or state in which the school is located stating that the school is/was duly licensed and approved.

Who is authorized to translate/evaluate my transcript?

An applicant whose massage education occurred elsewhere outside the U.S. will need to arrange to have course hours on their transcript translated/evaluated by one of the following CAMTC approved evaluation/translation agencies. *NOTE: The costs associated with the evaluation/translation shall be incurred by applicant.* **Applicant must send sealed transcript from foreign massage school directly to one of the approved agencies below.**

International Education Research Foundation, Inc. (IERF)
P.O. Box 3665
Culver City, CA 90231
Phone: 310.258.9451
Fax: 310.342.7086
www.ierf.org

World Education Services
West Coast Director, Todd Rutkin
trutkin@wes.org
www.wes.org

What education material do I need to submit with my CAMTC application?

- (a) An accurate evaluation, by a CAMTC-approved evaluation/translation agency, of the applicant's education and practical training that demonstrates to the satisfaction of the CAMTC that the applicant's education and training are at least substantially equivalent to California requirements .
- (b) An accurate translation of the education documents into English by a CAMTC-approved evaluation/translation agency.
- (c) A notarized affidavit certifying that the translator is competent in both the language of the original document(s) and the English language and stating that the translation provided to CAMTC is a true and complete English translation of the original document.

NOTE: Notwithstanding the general instructions indicating that the original transcript be sent to CAMTC, CAMTC will not return any documents. DO NOT send CAMTC your only copy of any important documents.

The CAMTC does not give the authority to any other agency to determine whether or not an individual has met CAMTC certification requirements. CAMTC does, however, rely on information from the third-party evaluating agency in determining the semester credit hours received.

CAMTC BOARD APPOINTMENTS

NAME	Email Address	DATE FIRST APPOINTED	DATE RE-APPOINTED	DATE TERM EXPIRES	APPOINTING AUTHORITY	PROFESSION
William Armour	warmour@camtc.org	2/11/2010	5/9/2013	2/11/2016	CAMTC Board	President of Massage Association
Michael Callagy	mcallagy@camtc.org	3/15/2011	2/15/2012	3/19/2015	League of California Cities	Deputy Police Chief (San Mateo)
Judi Calvert	jcalvert@camtc.org	12/15/2009	2/13/2013	12/15/2015	Hands On Trade Association (HOTA)	President of Massage Association
Nayada Dhanaphatana	ndhanaphatana@camtc.org	12/7/2011		12/7/2014	CAMTC Board	Spa owner, CMT
Mark Dixon	mdixon@camtc.org	12/15/2009	2/15/2012	2/19/2015	American Massage Therapy Association (AMTA)	CMT
Ben Drillings, D.C.	bdrillings@camtc.org	2/19/2009	2/15/2012	2/19/2015	California Massage School Association (CAMSA)	Massage School Owner
Guy Fuson	gfuson@camtc.org	1/18/2011	2/15/2012	2/19/2015	California State Association of Counties (CSAC)	Finance Director (Sacramento)
Keith Grant, PhD	kgrant@camtc.org	11/19/2009	2/13/2013	11/19/2015	Independent Massage School Association of California (IMSAC)	Massage instructor/physicist
Elna Leonardo	eleonardo@camtc.org	12/7/2011		12/7/2014	CAMTC Board	CPA/CMT
Michael Marylander	mmarylander@camtc.org	12/15/2009	2/13/2013	12/15/2015	CAMTC Board	Massage business owner (12 locations)
Christian Pezza	cpezza@camtc.org	2/15/2012		12/15/2015	Hands On Trade Association (HOTA)	Exec Dir. Massage SchoolOwner Healing Center, CMP
Jean Robinson	jrobinson@camtc.org	2/15/2012		2/19/2015	Associated Bodywork and Massage Professionals (ABMP)	Director of Governmental Affairs, ABMP
Roberta Rolnick	rrolnick@camtc.org	2/19/2009	2/15/2012	2/15/2015	CAMTC Board	CMT
Marcy Schaubeck	mschaubeck@camtc.org	4/15/2013		2/19/2015	Associated Bodywork and Massage Professionals (ABMP)	Massage franchise owner
Paul SchwinghammerD.C.	pschwinghamer@camtc.org	2/19/2009	2/15/2012	2/19/2015	Association of Private Sector Colleges and Universities (APSCU)	Massage School Owner
Michael Sinel, MD	msinel@camtc.org	5/9/2013		2/19/2015	Department of Consumer Affairs (DCA)	Medical doctor, Professor, UCLA
Joe Bob Smith	jbsmith@camtc.org	3/10/2010	2/15/2012	2/19/2015	California Association of Private Postsecondary Schools (CAPPS)	Massage School Manager
Caroline Tseng, JD	ctseng@camtc.org	4/15/2013		2/13/2015	American Massage Council (AMC)	Attorney
Deborah Tuck	dtuck@camtc.org	3/15/2011	2/15/2012	2/19/2015	American Massage Therapy Association (AMTA)	CMT
Dixie Wall	dwall@camtc.org	12/15/2009	2/13/2013	2/13/2015	American Massage Council (AMC)	Licensed Acupuncturist