



CAMTC Board of Directors Meeting

June 5, 2014

Radisson Hotel at Los Angeles Airport
Laguna Room
6225 W. Century Blvd., Los Angeles, CA 90045

OPEN SESSION MINUTES

Directors Present: William Armour, Mike Callagy, Mark Dixon, Ben Drillings, Keith Grant, Elna Leonardo, Arthur Miller, Christian Pezza, Jean Robinson, Roberta Rolnick, Marcy Schaubek, Joe Bob Smith, Caroline Tseng, Deb Tuck

Directors Absent: Judi Calvert, Guy Fuson, Michael Marylander, Michael Sinel, Dixie Wall

Staff: Ahmos Netanel, CEO; Sheryl LaFlamme, Operations Manager; Beverly May, Director of Governmental Affairs

Special Counsel: Alison Siegel

Guests: Jeff Kiernan, Mike Grant, Greg Tiddle

1. Call to Order

Chairman Dixon called the meeting to order at 1:20pm and established a quorum

2. Special Meeting

Chairman Dixon declared this meeting called and noticed pursuant to the special meeting provision of the Bagley-Keene Open Meeting Act (Act) which allows for a meeting on less than 10 days notice under certain circumstances, including pending legislation. CAMTC finds that it would create a substantial hardship to delay this meeting, and so has properly called and noticed this special meeting pursuant to the Act.

Motion 60514:1 Pezza/Grant – CAMTC finds that it would create a substantial hardship to delay this meeting and so it has called this special meeting on less than 10 days' notice.

13-1

MOTION PASSES

The Board went into Closed Session with CAMTC Legal Counsel Pursuant to California Government Code Section 11126(e) at 1:30 and returned to open session 2:12pm.

Ms. Siegel summarized staff proposed changes to AB1147

1. Change to Definitions:

- A. Massage Establishment – massage establishment is defined as entity, change to define as location.
- B. 2. Operator – defined as job responsibility, change to someone who meets requirement in statute.
- C. Sole Provider – add definition of “Sole Provider” as a business owner who owns 100% of the business (only person providing massage), no employees.

2. Board Composition:

- A. Change date for seating of new Board on or after September 1, 2015. Current Board will remain in effect until new Board takes effect.
- B. Limit Board to 13 members
- C. Replace Government Appointee's in AB 1147 with appointees from certain organizations – (DCA (1), Chancellor of Community Colleges (1), Representatives of Professional Massage Associations (4), and Board itself (3).

3. Fee Limits – Remove provision limiting fees.

4. Legal right to work in US – Add provision.

5. Reciprocity with other states – Add provision.

6. Operators

- A. CAMTC to authorize education, programs and providers
- B. Education not to exceed 50 hours
- C. Sole providers – create exemption to certification as a massage establishment operator w/o additional education requirement

7. Background checks for all those at CAMTC Registered Massage Establishments (5% or more owners, operators, and those working on the premises of registered massage establishments).

8. Continuing education – CAMTC to approve programs and providers, up to 50 hours of education

9. Provisions related to denials and discipline

- A. Failure to fully provide information requested on application is a basis for denial
- B. Add provisions related to CAMTC Registered Massage Establishments

10. Provisions applicable to CAMTC cert holders

- A. Add *(i)* A Requirement that an individual certificate holder providing massage for compensation pursuant to a certificate issued by CAMTC not be required to obtain any other license, permit, certificate, or other authorization to provide massage for compensation. This provision does not apply to a massage business.
- B. Unlocked Doors

- C. Physical Requirement for Privacy
- D. Hours
- E. Charges
- F. Removal of Section 4612(d)

11. Provisions applicable to Registered Massage Establishments Only – Specify that local jurisdiction can't do any of the following to CAMTC Registered Massage Establishments.

- A. Zone as adult entertainment or impose regulations that are only imposed on adult entertainment businesses
- B. Require CUP's unless they are also required for businesses that provide personal services by those licensed by DCA
- C. Require the business to be an ancillary use to another Business
- D. Post notices saying law enforcement can enter at any time, or describe sex acts, mention genitalia, or specific contraception devices
- E. Impose dress code requirement that prohibit skirts, specify underwear, and specify distance of clothing from anatomical areas.
- F. Impose draping requirements that go beyond the covering of female breast and genitalia
- G. Prohibit massage of the gluteus maximus or prohibit specific massage techniques, aside from massage of the genitals, anal region or female breasts
- H. Impose ratios for parking spots that are different than those imposed on businesses that provide personal services pursuant to a DCA license
- I. Impose trip fees unless trip fees are also imposed on businesses that provide personal services pursuant to a DCA license

12. Transition Period – CAMTC proposed that a grandfathering provision be implemented that allows for the application of the currently existing provisions of 4612 from 1/1/2015-6/30/2016 to massage businesses that meet, and continue to meet, all of the following requirements:

- A. Uses and continues to use only CAMTC certified people to provide massage for compensation
- B. Is in existence and operational on or before 12/31/2014
- C. There is no change in ownership
- D. No convictions for 647(B), 315, 653.22, 653.23, 266h, or 266i for conduct that occurred on the premises
- E. Is not a CAMTC registered business

13. CAMTC Registered Massage Establishments

- A. Background checks from all non-certified 5% or more owners, operators and those working on the premises of the business.
- B. At least one operator for each Registered Massage Establishment
- C. Sole providers are automatically registered if they ask for it, pay the fee and fill out an application. The registration is immediately terminated if they don't have a valid and active CAMTC certificate.
- D. Registered Massage Establishments must notify CAMTC of new 5% or more owners, operators and those working on the premises before they start work, and update with new information for these people within 5 days.

14. Info Sharing – add language to allow for information sharing to and from law enforcement agencies for 5% owners, operators, or those working on the premises of Registered Massage Establishment or Registered Massage Establishment applicants.

15. Education – Add language from current law to continue CAMTC’s authority to investigate schools and conduct interviews.

Motion 60514:2 Pezza/Grant – Move to accept staff recommendations in Summary of Proposed Amendments to AB 1147.

Marcy Schaubek – Friendly Amendment – Separate by item number

Pezza/Grant accept friendly amendment

Motion 60514:3 Smith/Schaubek – Move to accept staff recommendation on issue # 1

14-0

MOTION PASSES

Motion 60514:4 Smith/Pezza– Move to accept staff recommendation on issue # 2 with amendment under C to include appointee of massage school association.

Miller/Grant – Amend motion under B to limit board to 11 with the following allocation:

4 Government (CSAC, CA Chiefs, DCA, League CA Cities)

4 Massage Associations

1 City Attorney Association

2 School/Business

8-6

MOTION passes

Back to amended motion #2

Motion 60514:4 Smith/Pezza – Move to accept staff recommendation on issue #2 with amendment under C to include appointee of massage school association and to limit the board to 11 with the following allocation:

4 Government (CSAC, CA Chiefs, DCA, League CA Cities)

4 Massage Associations

1 City Attorney Association

2 School/Business

12-0, 1 AB (Pezza)

Motion 60514:5 Smith/Pezza – Move to accept staff recommendation on issue # 3

13-0

MOTION PASSES

Motion 60514:6 Pezza/Robinson – Move to accept staff recommendation on issue # 4

12-0

MOTION PASSES

Motion 60514:7 Robinson/Grant – Move to accept staff recommendation on issue # 5

12-0

MOTION PASSES

Motion 60514:8 Smith/Rolnick – Move to accept staff recommendation on issue # 6

9-1, 2 Abstain (Robinson, Tseng)

Motion 60514:9 Pezza/Rolnick – Move to accept staff recommendation on issue #7

8-0, 4 Abstain (Robinson, Schaubeck, Drillings, Miller)

Motion 60514:10 Pezza/Rolnick – Move to accept staff recommendation on issue # 8

8-1, 2 Abstain (Tseng, Drillings)

Motion 60514:11 Grant/Tuck– Move to accept staff recommendation on issue # 9A

11-0

MOTION PASSES

Motion 60514:12 Pezza/Grant – Move to accept staff recommendation on issue # 9B

11-0

MOTION PASSES

Motion 60514:13 Pezza/Tseng – Move to accept staff recommendation on issue # 10

8-1, 1 Abstain (Drillings)

MOTION PASSES

Motion 60514:14 Smith/Pezza – Move to accept staff recommendation on issue # 11 with amendment to G to exclude female breast with written consent of the client and under supervision of a medical physician.

7-3

MOTION PASSES

Motion 60514:15 Smith/Grant – Move to accept staff recommendation on issue # 15

7-3

MOTION PASSES

Motion 60514:16 Smith/Grant – Move to accept staff recommendation on issue #12

9-0

MOTION PASSES

Motion 60514:17 Smith/Pezza– Move to accept staff recommendation on issue #13

9-0

MOTION PASSES

Motion 60514:18 Rolnick/Tuck – Add to include email

2-6, 1 Abstain (Pezza)

MOTION FAILS

Motion 60514:19 Smith/Grant– Move to accept staff recommendation on issue #14

9-0

MOTION PASSES

Motion 60514:18 Grant/Rolnick– Move to request board direction – sunset date. 1147 states 2 year, recommend author to change from 2-3 years.

8-1

MOTION PASSES

Motion 60514:19 Rolnick/Tuck– 1904 wording inserted into 1147

1-2, 4 Abstain (Dixon, Miller, Pezza, Tuck)

MOTION FAILS

Chairman Dixon adjourned the meeting at 6:35p.m.

Minutes Approved: September 30, 2014

Roberta Rolnick, Secretary