

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

In the Matter of the Citation Against:

**JUPITER HOLLOW SCHOOL FOR MASSAGE, JUDITH WINDS, OWNER**

972 Scenic Avenue

Santa Rosa, CA 95407

Citation No.: 2021271

OAH Case No.: 2021120889

Respondent.

**DECISION AND ORDER**

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective on \_\_\_\_\_ "May 15" \_\_\_\_\_, 2022.

It is so ORDERED \_\_\_\_\_ "April 7" \_\_\_\_\_, 2022.

\_\_\_\_\_  
"Original Signature on File"

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

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**In the Matter of the Citation against:**

**JUPITER HOLLOW SCHOOL FOR MASSAGE,  
JUDITH WINDS, OWNER**

**Institution Code No. 4900511**

**Respondent.**

**Citation No. 2021271**

**OAH No. 2021120889**

**PROPOSED DECISION**

Barbara O'Hearn, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter by videoconference on March 7, 2022.

Deputy Attorney General Joshua D. Johnson represented the Bureau for Private Postsecondary Education, Department of Consumer Affairs.

Respondent Jupiter Hollow School for Massage was represented by Judith Winds, owner.

The matter was submitted for decision on March 7, 2022.

## FACTUAL FINDINGS

1. Respondent Jupiter Hollow School for Massage (respondent), located in Santa Rosa, is a private postsecondary education institution approved by the Bureau of Private Postsecondary Education (bureau). Respondent has been approved to operate since October 1979, under institution code no. 4900511. The approval is scheduled to expire on January 4, 2024, unless renewed. Judith Winds, the sole owner, has operated the school for about 40 years.

2. Respondent had no citations or disciplinary action prior to July 17, 2021. On that date, the bureau issued citation no. 2021271 for failing to submit a Student Tuition Recovery Fund (STRF) Assessment Reporting form to the bureau no later than the last day of the month following the close of the first quarter of 2021, and for failing to pay the 2020 annual fees. The citation assessed a fine of \$50 for the first violation and no monetary fine for the second violation. The citation included two orders of abatement: to submit the delinquent STRF form; and to pay the 2020 annual and late penalty fees.

3. The STRF form is a one-page document which all bureau-approved institutions must submit quarterly. It requests information regarding the students who enrolled during the reporting quarter. The bureau sends the forms to its approved educational institutions each quarter in advance of the due date.

4. On September 1, 2020, November 16, 2020, and January 15, 2021, the bureau notified respondent that the annual fee for 2020 was due on October 1, 2020. The citation included an order of abatement for respondent to pay the 2020 annual and late penalty fees. At hearing, Winds acknowledged that she failed to pay the 2020 fees due to hardships related to closing the school under COVID-19 restrictions.

5. Respondent appealed the citation, resulting in an informal telephone conference on August 27, 2021. On September 20, 2021, the bureau determined that one of the citation's violations was abated as respondent submitted the STRF form. The bureau modified the citation by omitting the fine for failure to submit the STRF form and the order of abatement for that violation on September 29, 2021.

6. The modified citation included the order of abatement to pay the 2020 annual and late penalty fees by October 29, 2021. As of the date of hearing, respondent had not paid these fees.

7. On October 26, 2021, respondent appealed the modified citation. This hearing followed.

8. Winds testified at hearing that she was somewhat confused about the citation. She acknowledged that she failed to timely submit the STRF form for the first quarter of 2021. However, she did not want a citation on respondent's record.

## **LEGAL CONCLUSIONS**

1. Business and Professions Code section 1259, subdivisions (a) and (b)(3), Education Code section 94936, subdivisions (a) and (b)(2), and California Code of Regulations, title 5, section 75020, subdivision (b), authorize the bureau to issue citations against institutions that violate its regulations and to impose, in connection to citations, an order of abatement and an administrative fine. In this matter, the bureau's modified citation did not impose any fine, but did include an order of abatement. (Findings 5 and 6.)

2. The burden of proof is on the bureau and the standard of proof is a preponderance of the evidence. (*Owen v. Sands* (2009) 176 Cal.App.4th 985, 991-93.)

3. California Code of Regulations, title 5, section 76130, subdivision (b), provides that a qualifying institution shall complete the STRF form and remit it to the bureau no later than the last day of the month following the close of the quarter. Respondent failed to timely submit the STRF form for the first quarter of 2021. (Finding 4.) Cause for the modified citation was established.

4. California Code of Regulations, title 5, section 74006, subdivisions (a) and (b), provide that approved institutions shall pay annual fees. Education Code section 94930.5, subdivision (d)(1)(A), establishes the fee schedule. Education Code section 94931 establishes that late payment penalty fees shall be imposed when annual fees are not paid on time. Respondent failed to timely submit the 2020 annual and late fees. (Finding 6.) Cause for the order of abatement in the modified citation was established.

5. The modified citation with an order of abatement is deemed reasonable and is affirmed.

**ORDER**

Citation no. 2021271, as modified on September 29, 2021, is affirmed.

DATE: “3/23/2022”

“Original Signature on File”

BARBARA O'HEARN

Administrative Law Judge

Office of Administrative Hearings