

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

In the Matter of the First Amended Statement
of Issues Against:

ANAT BANIEL, Owner
THE ANAT BANIEL METHOD
4330 Redwood Highway, Suite 340
San Rafael, CA 94903

School Code No. 2101521

Respondent.

Case No. 998998


OAH No. 204060450

DECISION AND ORDER

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

This Decision shall become effective on FEB 26 2015.

DATED: JAN 26 2015


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

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

12 In the Matter of the First Amended Statement
of Issues Against:

Case No. 998998

OAH No. 2014060450

13 **ANAT BANIEL, Owner**
14 **THE ANAT BANIEL METHOD**
4330 Redwood Highway Suite 350
15 San Rafael, CA 94903
School Code No. 2101521

**STIPULATED SURRENDER OF
APPROVAL TO OPERATE**

16 Respondent.

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19 **PARTIES**

20 1. Joanne Wenzel (Complainant) is the Chief of the Bureau for Private Postsecondary
21 Education (Bureau). She brought this action solely in her official capacity and is represented in
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Nicholas
23 Tsukamaki, Deputy Attorney General.

24 2. Respondent The Anat Baniel Method, Anat Baniel, Owner (Respondent) is
25 represented in this proceeding by attorney David A. Sauers, whose address is: 77 Van Ness Ave.,
26 Suite 201, San Francisco, CA 94102-6042.

27 3. On or about May 16, 2011, the Bureau received from Respondent an Application for
28 Renewal of Approval to Operate and Offer Educational Programs for Non-Accredited

1 Institutions. On or about May 10, 2011, Anat Baniel certified under penalty of perjury to the
2 truthfulness of all statements, answers, and representations in the application. The Bureau denied
3 the application on or about May 29, 2013.

4 JURISDICTION

5 4. First Amended Statement of Issues No. 998998 was filed before the Director of
6 Consumer Affairs (Director) for the Bureau and is currently pending against Respondent. The
7 First Amended Statement of Issues and all other statutorily required documents were properly
8 served on Respondent on October 23, 2014.

9 5. A copy of First Amended Statement of Issues No. 998998 is attached as exhibit A and
10 incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 6. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in First Amended Statement of Issues No. 998998. Respondent also has
14 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
15 Surrender of Approval to Operate.

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

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

25 CULPABILITY

26 9. Respondent admits the truth of each and every charge and allegation in First
27 Amended Statement of Issues No. 998998 and agrees that cause exists for discipline.

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1 22. Respondent agrees not to enroll any students that are not currently enrolled in
2 Respondent's approved educational programs, including Respondent's current *Basic Professional*
3 *Training Program*.

4 23. Except for Respondent's current *Basic Professional Training Program*, which will
5 close on August 31, 2015, Respondent will no longer operate educational programs in California
6 for which an approval to operate is required under the Private Postsecondary Education Act of
7 2009. This prohibition will take effect on the date the parties sign this Stipulated Surrender of
8 Approval to Operate.

9 24. No later than July 31, 2015, Respondent will submit to the Bureau a completed
10 School Closure Plan Form, including all required documentation specified in that Form, pursuant
11 to Education Code section 94926.

12 25. Respondent may, at any time, submit an Application for Approval to Operate to the
13 Bureau. If Respondent ever submits an Application for Approval to Operate to the Bureau, the
14 Bureau shall treat it as a new Application for Approval to Operate. Respondent must comply
15 with all the laws, regulations, and procedures for issuance of an approval to operate in effect at
16 the time the application is filed, and all of the charges and allegations contained in First Amended
17 Statement of Issues No. 998998 shall be deemed to be true, correct, and admitted by Respondent
18 when the Bureau determines whether to grant or deny the application.

19 26. Each party will bear its own attorney's fees, costs, and expenses (including, but not
20 limited to, fees charged by expert witnesses, accountants, and consultants) incurred in connection
21 with First Amended Statement of Issues No. 998998.

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ENDORSEMENT

The foregoing Stipulated Surrender of Approval to Operate is hereby respectfully submitted
for consideration by the Director of Consumer Affairs

Dated: *October 27, 2014*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General



NICHOLAS TSUKAMAKI
Deputy Attorney General
Attorneys for Complainant

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