

**MINUTES OF THE
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
BOARD MEETING**

October 26, 2006/9:30 a.m.

The Colorado Private Occupational Schools Board convened at the Division of Private Occupational Schools, Department of Higher Education, 1380 Lawrence Street, Suite 1200, Denver, Colorado 80204.

Chair Tom Twardowski called the meeting to order at: 9:40 a.m.; greeted the guests; and specifically welcomed the newest Board member, Nancy Lemein. Board roll call was taken; Board members, Division staff and guests were introduced.

Board Members Present:

Tom Twardowski, Chair	Jerry Sirbu, Vice Chair	Robert Martin
Buddy Douglass	Nancy Lemein	

Board Members Absent: Lisa Bennison Noll, J.D.

Division Staff Present:

Jim Parker, Director	Georgia Roberts, Deputy Director
Renee Belisle, Program Supervisor	Valorie Briggs, Program Supervisor
Voni Oerman, Program Supervisor	Arla Hamel, Administrative Assistant

Board Counsel Present:

Dixon Waxter, Assistant Attorney General, Office of the Colorado Attorney General.

Guests Present:

Bill Robinson, The Real Estate School – Boulder
Anthony H. Do, National Beauty & Massage Therapy College - Denver
Curtis Hilty, Van Education Center – Boulder
Debbie Cloud, Van Education Center - Boulder

Approval of the September 29, 2006 Minutes: The Board reviewed and discussed the Minutes of the September 29, 2006 meeting. Mr. Sirbu motioned that the Minutes be approved with corrections as noted. The motion was seconded and passed unanimously.

Directors Report: The Director presented the Division's quarterly report of activities, with little discussion.

Additions to the October 26, 2006 Board Agenda for consideration: The following additions to the Board's agenda were made:

Other Business:

1. Amendment to rule III.E.2 concerning criminal background checks for instructors teaching minors.
2. Board Annual Planning Meeting Agenda
3. October 5, 2006 letter from Jan Walters, owner of the Colorado School of Paramedical Esthetics.

Complaints and other Enforcement Related Matters:

4. Bellazzo Institute, L.L.C. - status report on Stipulated Agreement
5. American College - status report on student complaints and State Board of Nursing Action

Staff Contingency Approvals Report:

As previously directed by the Board, Program Supervisor Briggs reported on the Noble School of Cosmetology in Colorado Springs concerning its advertisements and practices, particularly in respect to student commissions and scholarships. The practices came to the Board's earlier attention through references made on an unrelated matter involving a different school. The Board discussed the contents of the report and Mr. Sirbu motioned for the Division Director to write a letter to the Noble School of Cosmetology as further inquiry into the above-mentioned advertisements and practices of the school. The motion was seconded and passed, with Mr. Twardowski recusing himself from voting on the matter.

New Business/Action items:

A. Consideration of Approval of Provisional Certificate of Approval

1. **The Real Estate School - Boulder**

Program Supervisor Oerman brought to the Board's attention for consideration The Real Estate School, Boulder as a new school and the proposed Colorado Real Estate Commission Update Course. School representative Bill Robinson was present. The school having satisfied the Board's inquiry, Mr. Martin moved to approve that the Division of Private Occupational Schools hereby determines that the school bond be set in the amount of \$5,000 (the school has complied and submitted a bond in the amount of \$5,000), and that The Real Estate School, 4750 Table Mesa Drive, Boulder, CO 80305, can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and the minimum requirements of the Division and the Provisional Certificate of Approval is hereby granted for the period beginning October 26, 2006 and ending June 30, 2008. The motion was seconded and unanimously passed.

B. Consideration of Approval of Programs/Courses

1. **Concentric Healing Institute**

Program Supervisor Briggs brought to the Board's attention for review and consideration four new stand alone courses: Asian Walk, Hot Stones Body Treatment, Japanese Facial Massage and Motion Palpation, proposed by the Concentric Healing Institute, Broomfield. No school representative was present. The Board having no questions, Mr. Sirbu moved to approve that the Division of Private Occupational Schools hereby determines that the above-referenced stand alone courses for Concentric Healing Institute, 555 Alter Street. Unit B, Broomfield, CO 80027 can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and the minimum requirements of the Division, and that approval is hereby granted effective October 26, 2006. The motion was seconded and carried unanimously

2. **Executive Security International, Ltd.**

Program Supervisor Briggs introduced for the Board's review and consideration one program Personal Protection & Intelligence; and two Stand Alone Courses - Kidnapping Counter Measures and Protective Motorcade Driving proposed by the Executive Security International, Ltd., Rifle. A school representative was available for a teleconference if needed. The Board having no questions, Mr. Sirbu moved to approve that the Division of Private Occupational Schools hereby determines that the above-referenced program and stand alone courses proposed by Executive Security International, Ltd., 125 West 4th Street, Suite 103, Rifle, CO 82650, can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and the minimum requirements of the Division, and approval is hereby granted effective October 26, 2006. The motion was seconded and unanimously passed.

3. **National Beauty & Massage Therapy College - Denver**

Program Supervisor Belisle introduced for the Board's review and consideration five new programs: Cosmetology Internship, Hairstylist Internship, Esthetician Internship Manicurist Internship and Massage Therapy Internship, proposed by National Beauty & Massage Therapy College, Denver. School representative Anthony Do was present. The school having satisfied the Board's inquiry, Mr. Martin moved to approve that the Division of Private Occupational Schools hereby determines that the five programs proposed by National Beauty & Massage Therapy College, 2200 West Alameda Avenue, Suite 5B, Denver, CO 80223, can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and the minimum requirements of the Division, and approval is hereby granted effective October 26, 2006. The motion was seconded and carried unanimously.

4. **Van Education Center - Boulder**

Program Supervisor Belisle introduced for Board review and consideration five new Stand Alone Courses: Principles of Zoning and Subdivision, Mortgage Fraud, Comprehensive Planning, Real Estate Settlement procedures Act (RESPA), and Planning Process, proposed by Van Education Center, Boulder. School representatives Clyde Van

Hilty and Debbie Cloud were present. The school having satisfied the Board's inquiry, Mr. Douglass moved to approve that the Division of Private Occupational Schools hereby determines that the above-referenced five new stand alone courses proposed by Van Education Center, 4801 Riverbend Road, Suite 203, Boulder, CO 80301, can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and the minimum requirements of the Division, and approval is hereby granted effective October 26, 2006. The motion was seconded and carried unanimously.

Other Business

1. Amendment to rule III.E.2 concerning criminal background checks for instructors teaching minors.

The Division Director explained to the Board that the Office of Legislative Legal Services requested an amendment be made to Board Rule III.E.2 in order to provide clarification as to those schools designated by the Board teaching minor students. Board Rule III.E.2 requires instructors who teach students under the age of 16 to submit to a state and national criminal background check. The Director provided the Board with proposed amendment language. After the Board's due consideration of the proposed rule amendment language, Mr. Martin moved to instruct the Director to file a Notice of Rulemaking to consider adoption of a proposed amendment to Rule III, Minimum Standards, paragraph E, Educational Staff, section 2, Instructional staff, subparagraph c (3) at a public rulemaking hearing to be held December 14, 2006. The motion was seconded and carried unanimously.

2. Board Annual Planning Meeting.

The Board discussed and provided the Division staff with a final agenda for discussion and consideration at the Board's annual retreat and planning meeting scheduled to be held on Thursday November 2, 2006, from 9:00 a.m. to 4:00 p.m. at the Four Points Sheraton Denver Southeast, 6363 East Hampden Avenue, Denver, CO.

3. October 5, 2006 letter from Jan Walter's, Colorado School of Paramedical Esthetics.

The Division Director presented to the Board a letter received October 5, 2006 and addressed to Jim Parker, Director, from Jan Walters, owner of the Colorado School of Paramedical Esthetics. The letter in summary stated the owners beliefs of "unfair and unequal treatment" of her school in the handling of a student complaint filed with the Division against her school. The Chair recused himself from the matter. Vice-Chair Sirbu chaired the Board's discussion about the letter and any appearance of a conflict of interest by same industry representatives serving on the Board, in respect to participating and voting on such matters. The Board reviewed and discussed its Bylaws, in particular Article III, section 9 which stipulates that any board member who is employed by or has ownership in a private occupational school that competes in the same educational service market and the same geographic area may abstain from voting. After due deliberation the Board concluded that no previous action taken by an

individual board member or the Board collectively revealed a conflict of interest as defined in its rules. The Board suggested for discussion at its annual planning meeting to review the Bylaws further. Mr. Sirbu requested the Division Director send to Ms. Walter's a response letter, on behalf of the Board addressing her concerns outlined in the October 5, 2006 letter.

The Board recessed at 11:05 a.m.

The Board reconvened at 11:14 a.m.

Complaints and other Enforcement Related Matters

1. Bellazzo Institute, L.L.C.

The Division provided the Board with an update of the proposed Stipulation and Final Agency Order ("Stipulation") acknowledging and accepting the voluntary surrender of the Bellazzo Institute (the "School") Certificates of Approval to operate the Parker and Canon City Schools. The Director informed the Board that the School retained an attorney in the matter and that the attorney expressed his client's desire to enter in the Stipulation providing the Board be willing to accept a counter offer to decrease the minimum time period in which the School could make application to operate a private occupational school in Colorado, referenced in paragraph 13 of the Stipulation. The counter offer modifies the five years to a three year time period. After due consideration, Mr. Martin motioned to accept the proposed modification of the Stipulation as referenced above and direct the Division Director to continue to seek settlement in the matter. The motion was seconded and passed unanimously.

2. American College:

The Division reported to the Board that the State Board of Nursing ("SBON") on October 10, 2006, granted American College Phase I approval to develop an LPN Program. It was reminded that Phase I approval by the SBON does not permit the school to enroll students nor conduct classes and training. The Division reported that three student complaints filed with the Division concerning American College were pending review and a report would be made to the Board upon completion of the initial investigation.

Adjournment:

Having no further business, Mr. Martin moved for adjournment. The motion was seconded and passed. The Board meeting adjourned at 11:30 am.

The next regularly scheduled meeting of the Board is to be held on Thursday, November 16, 2006.