

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

September 28, 2006/9:30 a.m.

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

Board Members Present:

Robert Martin, Chair Tom Twardowski, Vice Chair Lisa Bennison
Noll, Secretary Jerry Sirbu Buddy Douglass

Board Members Absent:

Division Staff Present:

Jim Parker, Director Georgia Roberts, Deputy Director Renee Belisle
Voni Oerman Arla Hamel

Board Counsel:

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

Guests:

Tom and Jeanne Siess, MJM Institute of Cosmetology – Grand Junction
Angela Lema, The Academy of Beauty Culture – Grand Junction
Altaf Siddiqui, American College - Aurora
Syed Asif, Esq., American College - Aurora
Donald Roberts, Concorde Career College – Aurora
Jack Brozman, Concorde Career College - Aurora
Dale Lemonds, Aveda Institute Denver – Denver
Adam Lanning, Aveda Institute Denver - Denver
Kristin Taylor, The Pilates Center – Boulder
Linda Gilroy, Peak Real Estate College Aurora and Boulder
Jennifer Sprague, Heritage College – Denver
Ben Krentz, Colorado School of Dental Assisting – Ft. Collins
Glen and Nancy Werth, Longs Peak Academy – Longmont
Heather Peterson, Core Power Yoga - Denver

Robert Martin, Chair called the meeting to order at: 9:30 a.m. and greeted the guests, asked for roll call to be taken and requested the Board members, Division staff and guests to introduce themselves.

Approval of the August 24, 2006 Minutes: Mr. Twardowski moved to approve the minutes, Ms. Noll seconded, and the motion carried unanimously.

Directors Report: Mr. Parker reported that the Division has developed a workshop for schools designed to inform the schools of the new rule changes and process for ensuring instructor qualifications. Workshops for Instructor Qualifications for the Denver Metro/Area were held once a week during September with workshops scheduled in October in Colorado Springs, Ft. Collins and Grand Junction. Mr. Parker explained that the Division's website includes all required applications, forms, instructions, guidelines and Frequently Asked Questions.

Staff Contingency Approvals Report: Staff reported compliance with the Contingency Approvals granted by the Board at the August 25, 2006, meeting for the following schools:

- Nueva Imagen Beauty School
- McKinley College
- American College
- Cortiva Institute

Division Compliance Report:

The Colorado School of Paramedical School of Esthetics ("School"). Division staff reported to the Board that the School recalculated the student refund reviewed by the Board at their August 24, 2006, Board meeting and issued the student additional refund monies due to the school's error in calculating the student refund. Division staff reported as a result of the Board's directive to staff on August 24, 2006, the Division met with the School and reviewed the school's business records for the last two years to determine if student refund were being calculated in accordance to state statute. Staff reported that 8 of the 13 refunds issued for the 2-year period that there appeared to be some discrepancies in the calculations; however, the exact amounts calculated by the school and verified by the staff have not been determined. The Board directed the Division staff to determine the exact refund amounts calculated by the School for the last 2 years and report to the Board in October.

Complaints/Notices: (review and consideration of complaints was taken following the Board's new business and action items)

NEW BUSINESS/ACTION ITEMS:

A. Consideration of Approval of Provisional Certificate of Approval

1. Colorado School of Dental Assisting – Ft. Collins

Ms. Oerman introduced the Colorado School of Dental Assisting, Ft. Collins as a new school and proposed new program Dental Assisting. Ben Krentz represented the school and was present to answer questions from the Board. The school having satisfied the Board's inquiry, Mr. Sirbu moved to approve, Ms. Noll seconded, and the motion carried unanimously that the Division of Private Occupational Schools hereby determines that the school bond be set in the amount of \$14,400 (the school has complied and

submitted a letter of credit in the amount of \$58,400, (surety coverage for 3 locations; Colorado Springs, Ft. Collins and Denver), and that Colorado School of Dental Assisting, 1040 Elizabeth Street, #201, Ft. Collins, CO 80524, 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 September 28, 2006 and ending June 30, 2008.

2. Core Power Yoga – Denver

Ms. Oerman introduced Core Power Yoga as a new school and proposed program entitled Core Power Yoga Level One Teacher Training. Heather Peterson represented the school. The school having satisfied the Board's inquiry, Mr. Twardowski moved to approve, Mr. Douglass seconded, and the motion carried unanimously 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 certificate of deposit in the amount of \$5,000), and that Core Power Yoga, 333 East 13th Ave, Denver, CO 80203, 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 September 28, 2006 and ending June 30, 2008.

B. Consideration of Approval of Programs/Courses

1. The Colorado School for Family Therapy - Aurora

Ms. Belisle introduced for review and consideration one new program, Certificate in Body Centered Psychotherapy proposed by the Colorado School for Family Therapy. A representative from the school was not present. Having no questions, Mr. Twardowski moved to approve, Ms. Noll seconded and the motion carried unanimously that the Division of Private Occupational Schools hereby determines that the Certificate in Body Centered Psychotherapy the Colorado School for Family Therapy, 12101 East Second Avenue, Suite 101, Aurora, CO 80011, 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 September 28, 2006.

2. MJM Institute of Cosmetology – Grand Junction

Ms. Belisle introduced for review and consideration five stand alone courses: Electric File Certification, Advanced Peels, Permanent Makeup, Marie Katelle Celectronic Machine, and Waxing for Manicurists proposed by the MJM Institute of Cosmetology. Tom and Deanna Siess represented the school and were present to answer questions from the Board. The school having satisfied the Board's inquiry, Mr. Twardowski moved to approve Electric File Certification, Advanced Peels, Permanent Makeup and Waxing for Manicurists and request that the course approval to offer the with the Marie Katelle Celectronic Machine be tabled to allow Division staff determine compliance for Federal Drug & Administration requirements regarding the offering of Marie Katelle Celectronic

Machine, Ms. Noll seconded and the motion carried unanimously that the Division of Private Occupational Schools hereby determines that the 4 stand alone courses, Electric File Certification, Advanced Peels, Permanent Makeup and Waxing for Manicurists proposed by MJM Institute of Cosmetology, 1048 Independent Avenue, Suite A113, Grand Junction, CO 81505, 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 September 28, 2006.

3. **The Pilates Center - Boulder**

Ms. Belisle introduced for review and consideration one new program, The Pilates Center Teacher Training Master's Program and 14 stand alone courses: Breathing For Full Body Health, Accessing Our Wisdom, The Core Dynamics, From the Ground Up, The Magic of Springs, Pregnancy & Post Partum Pilates, Timing is Everything, Formal Lecture weekend I, Formal Lecture Weekend II, Formal Lecture Weekend III, Formal Lecture Weekend IV, Understanding Whip[lash, Neck, & Closed Head Injuries, The Pilates Center Intensive, and Off the Charts: Anatomy Level I. Ms. Kristin Taylor represented the school and was present to answer questions from the Board. The school having satisfied the Board's inquiry, Mr. Douglass moved to approve, Mr. Twardowski seconded and the motion carried unanimously that the Division of Private Occupational Schools hereby determines that the Teacher Training Master's Program and 14 stand alone courses proposed by The Pilates Center, 4800 Baseline, Suite D-206 Boulder, CO 80303, 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 September 28, 2006.

4. **A Cut Above Beauty Academy - Cortez**

Ms. Belisle introduced for review and consideration one new Program, Esthetician proposed by A Cut Above Beauty Academy, Cortez. A school representative was not present. The Board having no questions, Mr. Twardowski moved to approve, Ms. Noll seconded and the motion carried unanimously that the Division of Private Occupational Schools hereby determines that the new Esthetician Program proposed by A Cut Above Beauty Academy, 10964 Road 26, Suite 201, Cortez, CO 81321, 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 September 28, 2006.

5. **Aveda Institute - Denver**

Ms. Belisle introduced for review and consideration one new program, Massage Therapy proposed by the Aveda Institute. Mr. Dale Lemonds represented the school and was present to answer questions from the Board. The school having satisfied the Board's inquiry, Ms. Noll moved to approve, Mr. Douglass seconded and the motion carried unanimously that the Division of Private Occupational Schools hereby determines that the Massage Therapy Program proposed by Aveda Institute Denver, 700 16th Street

Denver, CO 80202, 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 September 28, 2006.

6. Heritage College- Denver

Ms. Belisle introduced for review and consideration one stand alone course, Permanent Makeup submitted for approval by Heritage College. Jennifer Sprague represented the school and was present to answer questions from the Board. The school having satisfied the Board's inquiry, Mr. Twardowski moved to approve, Ms. Noll seconded and the motion carried unanimously that the Division of Private Occupational Schools hereby determines that the stand alone course Permanent Makeup proposed by Heritage College, 12 Lakeside Lane, Denver, CO 80212, 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 September 28, 2006.

7. Peak Real Estate College - Boulder

Ms. Belisle introduced for review and consideration one stand alone course, Colorado Real Estate Commission Annual Update Course submitted for approval by Peak Real Estate College, Boulder. Linda Gilroy represented the school and was present to answer questions from the Board. The Board, having no questions, Ms. Noll moved to approve, Mr. Twardowski seconded and the motion carried unanimously that the Division of Private Occupational Schools hereby determines that the new stand alone course Colorado Real Estate Commission Annual Update proposed by Peak Real Estate College, 1690 30th Street, 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 September 28, 2006.

8. Peak Real Estate College - Aurora

Ms. Belisle introduced for review and consideration one stand alone course, Colorado Real Estate Commission Annual Update Course submitted for approval by Peak Real Estate College, Aurora. Linda Gilroy represented the school and was present to answer questions from the Board. The Board, having no questions, Ms. Noll moved to approve, Mr. Twardowski seconded and the motion carried unanimously that the Division of Private Occupational Schools hereby determines that the Colorado Real Estate Commission Annual Update Course proposed by Peak Real Estate College, 3095 S. Parker Road, Aurora, CO 80014, 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 September 28, 2006.

C. Consideration of Approval of Change of Ownership

1. The Academy of Beauty Culture- Grand Junction

Ms. Belisle introduced for review and consideration the application for the change of ownership for Academy of Beauty Culture. Ms. Angela Lema represented the school. The Board discussed if a new owner of school with no prior experience in operating and managing private occupational schools could be required to be approved under a provisional certificate of approval. Mr. Parker reported that such a requirement may require rule or statutory change. Mr. Twardowski moved to approve, Mr. Douglass seconded, and the motion carried unanimously that the Division of Private Occupational Schools hereby approves the change of ownership and determines that the school surety be set in the amount of: \$24,000 for The Academy of Beauty Culture, 2938 North Avenue #B, Grand Junction, CO 81504 (the school has complied and submitted surety coverage in the amount of \$31,000).

2. Academy of Cosmetology Arts, LLC- Denver

Ms. Oerman introduced for review and consideration the application for the change of ownership for Academy of Cosmetology Arts, LLC. Peggy Sue Schmoltdt represented the school. The school having satisfied the Board's inquiry, Mr. Sirbu moved to approve, Mr. Twardowski seconded, and the motion carried unanimously that the Division of Private Occupational Schools hereby approves the change of ownership and determines that the school surety be set in the amount of: \$18,000 for Academy of Cosmetology, Arts, LLC, 940 Speer Blvd, Suite A, Denver, CO 80204 (the school has complied and submitted surety coverage in the amount of \$8,000 + \$8,000 = \$16,000 Current Surety Coverage. Bond replaced with a CD).

3. Concorde Career College- Aurora

Ms. Belisle introduced for review and consideration the application for the change of ownership for Concorde Career College. Donald Roberts and Jack Brozman represented the school. The school having satisfied the Board's inquiry with respect to the tier ownership, Mr. Sirbu moved to approve, Mr. Douglass seconded, and the motion carried unanimously that the Division of Private Occupational Schools approves the change of ownership and hereby determines that the school surety be set in the amount of: \$638,730 for Concorde Career College, 111 Havana Street, Aurora, CO 80010-4314 (the school has complied and submitted surety coverage in the amount of \$639,000).

4. Longs Peak Academy

Ms. Belisle introduced for review and consideration the application for the change of ownership for Longs Peak Academy. Glen and Nancy Werth represented the school. The school having satisfied the Board's inquiry, Mr. Twardowski moved to approve, Mr. Douglass seconded, and the motion carried unanimously, that the Division of Private Occupational Schools approves the change of ownership and hereby determines that the school surety be set in the amount of: \$19,500 for Longs Peak Academy, 700 Ken Pratt

Academy, Longmont, CO 80501 (the school has complied and submitted surety coverage in the amount of \$20,000).

D. Notification of Schools Closings:

1. Academia de Belleza California's, Commerce City

Complaints/Notices

1. American College (f/k/a Ideal College), Certificate of Approval No. 1895

Mr. Parker reported that the State Board of Nursing ("SBON"), and American College entered into a Stipulation and Final Agency Order ("agreement") reinstating the LPN Program offered by American College. As a result of the agreement, the Board's legal counsel, Dixon Waxter, A.A.G., prepared a proposed Order of LPN Program Approval whereby the Board would withdraw their suspension of the LPN Program subject to the terms of the SBON agreement, the current POS Board Stipulation and the terms of the Proposed Order. Mr. Parker reported that the Division recently received 3 student complaints filed against American College regarding the LPN Program. The Board discussed the terms and conditions imposed by the SBON and the various phases or stages of approval that American College must demonstrate and meet to offer the LPN Program. After discussion of the matter, Mr. Sirbu moved to table the matter pending the school's response to the 3 student complaints filed with the Division, Mr. Douglass seconded and the motion carried unanimously.

2. Bellazzo Institute – Certificate of Approval No. 2017 (Parker) and Certificate of Approval No. 2212 (Canon City)

Victoria Sweet, owner and registered agent or other school representative was not present for the meeting. Mr. Parker reported that Bellazzo timely submitted written response and documentation to the Division regarding the Notice of Noncompliance issued by the Board on August 24, 2006. Mr. Parker explained to the Board that on August 24, 2006, Ms. Sweet voluntarily surrendered the Parker School Certificate of Approval. Ms. Sweet informed the Division with written notice ("Closure Notice") received on September 25, 2006 that she was voluntarily closing the Canon City School effective September 27, 2006. Ms. Sweet stated in the closure notice that the two students enrolled at the Canon City School completed their training. Mr. Parker reported that Ms. Sweet has deposited with the Division the student and school's records. Mr. Parker further reported to the Board that the Division continues to work with the students affected by the school closure in determining student refunds of prepaid unearned tuition and the verifying the completion of hours based on the records provided by the school.

The Board advised the Division to contact the bond company regarding the school closure and the possibility of claims being filed on the bond. The Board agreed to accept the school's voluntary surrender of the Parker and Canon City School Certificate of Approval with the condition that Ms. Sweet agrees not to reapply to the Board for a

new school for a minimum of five years from the date of execution of the Stipulation. Having no further discussion, Mr. Twardowski moved, seconded by Ms. Noll and the motion carried unanimously directing the Division Director and the Board's legal counsel to attempt settlement of all pending matters by way of a Stipulation and Final Agency Order acknowledging the acceptance of the surrender of the school's Parker and Canon City Certificate of Approval with the prohibition of applying for reinstatement to operate a private occupational school in the state for a period of five years.

Mr. Twardowski inquired of staff why information contained in Bellazzo's school catalog provided by Ms. Sweet along with her written response refers to Noble Cosmetology. Mr. Twardowski moved, Mr. Sirbu seconded that the Division review and investigate the matter of Noble Cosmetology possibly engaging in deceptive sales or trades practices based upon representations by Noble in their enrollment agreement and enrollment information as copied and included in Bellazzo's school catalog presented by Ms. Sweet in her September 8, 2006, written response to the Board to the Notice of Noncompliance.

Other Business

Election of Officers:

Mr. Martin opened the discussion by asking for nominations for officers; Chair and Vice Chair respectively. Ms. Noll nominated Mr. Twardowski as Chair. Having no further nominations for Chair, the Board voted unanimously in favor of the nomination of Thomas Twardowski to serve as the Board's Chair. Mr. Martin asked for nomination for Vice Chair. Mr. Twardowski nominated Mr. Sirbu as Vice-Chair. Having no further nominations for Vice Chair, the Board voted unanimously in favor of the nomination of Jerry Sirbu to serve as the Board's Vice Chair.

Board Retreat:

The Board discussed and provided the Division staff with proposed agenda items for discussion and consideration at the Board's annual retreat and planning meeting scheduled for Thursday November 2, 2006, from 9:00 a.m. to 4:00 p.m. at a location to be determined.

Adjournment:

Having no further business, Mr. Douglass moved for adjournment and Mr. Twardowski seconded and the meeting adjourned at 11:30 am.

The next regularly scheduled meeting of the Board is to be held on Thursday, October 26, 2006.