

STATE OF COLORADO

Department of Higher Education
DIVISION OF PRIVATE OCCUPATIONAL SCHOOLS

Jim Parker
Director

Colorado Board of Private Occupational Schools

Thomas J. Twardowski, Chair
Jerald Sirbu, Vice Chair
Lisa Bennison Noll, J.D.
Buddy Douglass
Robert Martin
Nancy Lemein
Thomas Narvaez



Bill Ritter, Jr.
Governor

David E. Skaggs
Executive
Director

NOTICE OF FINING AUTHORITY

Date: January 26, 2007
To: All Private Occupational School Directors
From: Jim Parker, Director, Division of Private Occupational Schools
Subject: Administrative Fines

Effective November 30, 2006, the Board of Private Occupational Schools (“Board”) adopted new rules to the Rules and Regulations (“Rules”) governing private occupational schools concerning administrative fines. Statutory authority was granted to the Board through House Bill 1046 empowering the Board to establish, impose and collect administrative fines for violations of the Private Occupational Education Act and Rules. A copy of the Rules may be viewed and downloaded at the Division’s website, www.state.co.us/dpos.

The intent of the Legislature to grant the Board authority to issue administrative fines is to ensure the public interest in effectively regulating and sanctioning schools that continue to demonstrate a pattern of noncompliance with regulatory standards and remain unresponsive to the Board’s efforts in promoting more effective oversight and protecting students. The Board has expressed concern about the number of schools that have been identified as displaying a pattern of untimely and incomplete compliance with reporting quarterly student enrollment and submitting assessment fees or failing to properly submit annual surety proposals. The Division of Private Occupational Schools extends extraordinary efforts and state resources in order to ensure timely and adequate compliance with mandated reporting and payment of fees.

The Board has set forth in its rules concerning administrative fines factors used to determine the seriousness of a violation, procedures for noticing the school and a schedule of fines utilized in assessing the fine amount which may be levied on a school or agent that violates the Act, Rules, or an order of the Board. The Board has given considerable study and careful thought in developing and defining criteria in determining the appropriateness of issuing administrative fines.

Provided for your convenience and review is the Schedule of Fines used by the Board in determining and issuing administrative fines on a School or Agent, as contained in **Board Rule XI.D.3**:

Violation	Fine
Deceptive Trade or Sales Practice 12-59-106(1)(k), 12-59-117, C.R.S., and Board Rule VII	\$1000 minimum for each violation.
Operating after expiration date of certificate of approval, 12-59-107(1)(a), C.R.S. Board Rule IV.F	\$1000 minimum for violation and \$50 each day in violation.
Operating without adequate Surety Coverage, 12-59-115, C.R.S., and Board Rule IV.E.1-10	\$1000 minimum for violation and \$50 each day in violation.
Offering Program/Courses without Board approval 12-59-106(1)(c), C.R.S., Rule III.B.1	\$500 minimum fine for each violation
Unauthorized Agent, 12-59-111(1) & (2), C.R.S and Board Rule VI	\$500 minimum for violation and \$50 per day in violation.
Failure to pay and/or late payment of fees, 12-59-116, C.R.S.	1 st violation: minimum \$100; 2 nd minimum \$300; 3 rd minimum \$500, and each violation thereafter \$500.
Failure to adhere to state refund policy upon student withdraw or termination, 12-59-114, C.R.S., and Board Rule VIII	1 st violation: minimum \$100; 2 nd minimum \$300; 3 rd minimum \$500, and each violation thereafter.
Unqualified instructional staff, 12-59-106(1)(e), C.R.S., and Board Rule III.E.2	1 st violation: minimum \$200; 2 nd violation minimum \$300; 3rd violation minimum \$500 and each violation thereafter.
Failure to timely and adequately correct an on-site inspection deficiency and/or application/record review 12-59-106, C.R.S	1 st Offense minimum \$100 per violation; 2 nd Offense minimum \$300 per violation; 3 rd Offense minimum \$500 per violation, and each violation thereafter.
Failure to timely and adequately file annual bond calculation, 12-59-115(3), C.R.S. and Board Rule V.A	\$500 minimum per year
Failure to timely and adequately file annual instructional staff list, 12-59-106(1)(e), C.R.S., and Board Rule III.E.2.h	\$500 minimum per year
False statement about material fact in application, 12-59-106, C.R.S., and Board Rule XI.A	\$500 minimum per violation
Failure to properly execute student enrollment agreement, 12-59-120(1) and Board Rule III.J	\$200 minimum per violation
Any other violation of the Act, Rule or order of the Board	\$100 to \$5000 per violation

Although it is the Division’s intent to continue to work cooperatively with schools and its representatives who similarly continue to make reasonable efforts to operate in compliance with the applicable regulatory law, please be advised that the Board and Division also has an obligation to establish accountability for schools and their agents through the setting of standards relative to the quality of educational services, fiscal responsibility and ethical business practices.

Your attention and cooperation in this matter is greatly appreciated.