

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
August 28, 2018 9:33 A.M.

Auraria Higher Education Campus
Tivoli Student Center, Room 320
900 Auraria Parkway, Denver, CO 80204

Board Members Present:

Paul Garibay, Chair;	Chris Reister;
Ryan Minic, Vice Chair;	Shelley Krovitz;
A. Richard Behbehani;	Tim Guerrero;
Arlene Rae Malay	

Board Members Absent:

Division Staff Present:

Lorna Candler, Director	
Mary Kanaly, Deputy Director & Compliance Officer	
Lisa Hill, Program Coordinator	Brad Uyemura, Compliance Investigator
Rachel Acosta, Program Specialist	Carrie Harding, Program Specialist
April Cordova, Program Specialist	Bernadette Esquibel, Program Specialist
Amy Knoblauch, Data & Research Specialist	

Division Staff Absent:

Board Counsel Present:

Jacquelynn Rich Fredericks, Assistant Attorney General, Office of the Colorado Attorney General

Guests Present:

Cara Sharpe, Pima Medical Institute;
Steve Duran, General Air Welding Academy;
David Todd, General Air Welding Academy;
Kacey Jechura, CollegeAmerica;
Dr. Kelly Moore, Lincoln Tech;
Jennie Gross, Galvanize, Inc.;
Byung Sun Choo, Max International Beauty School;
Younjani Choo; Max International Beauty School;
Eulee Wood, Max International Beauty School;
Ron Billings, Paul Mitchell the School Colorado Springs;
Natalie Robinson, Colorado Dental Assisting School;
Amy Brown, Pima Medical Institute;
Kristy McNear, CollegeAmerica;
Joel Scimeca, CollegeAmerica;
Christina How, Rolf Institute of Structural Integration;
Pat Neekmann, Rolf Institute of Structural Integration;
Jill Allir, CollegeAmerica;
"Illegible," CollegeAmerica;
Andrew AJ Peak, Colorado Dental Assisting School;

Valerie Jarstad, Muscle Activation Technique;
Regina Steszkal, Muscle Activation Technique;
Troy Shurman, Muscle Activation Technique;
Nancy Zidonis, Tallgrass Animal Acupressure Institute;
Amy Snow, Tallgrass Animal Acupressure Institute;
Orlando Gonzalez, Command Cuts Academy;

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 9:33 A.M. The Board members, Division staff and guests were introduced. Board roll call was taken. A quorum was present.

Consideration of Approval of the July 24, 2018 Minutes:

Following review and consideration of the July 24, 2018 meeting minutes, a motion was made by Ms. Malay to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda

No changes were made to the Agenda.

Director/ Staff Report:

Director Candler reported the following items:

- Dan Baer, the Executive Director of the Colorado Department of Higher Education, is in attendance to address the Board;
- Welcome to our newest Program Specialist, Carrie Harding, has now joined DPOS team fulltime;
- Some Other Business items will be renumbered throughout the meeting;
- Program Specialist Assistant, Bernadette Esquibel, is moving into a newly created position where she will continue working part-time with DPOS as our Program Specialist Assistant and begin part-time with DHE as the receptionist
- The NASASPS fall regulatory conference is being held in Philadelphia, Pennsylvania in September.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate of Approval

1. Rocky Mountain Real Estate School, LLC. – Parker - LH

Program Coordinator Hill presented to the Board for review and consideration of a Provisional Certificate. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the Provisional Certificate, Ms. Malay motioned to approve the Provisional Certificate of Approval for the period beginning September 1, 2018, and ending August 31, 2020, effective August 28, 2018. The motion was seconded and carried.

2. Colorado Dental Assisting School – Thornton - RA

Program Specialist Acosta presented to the Board for review and consideration of a Provisional Certificate. A school representative was present.

Following review and consideration of the Provisional Certificate, Mr. Behbehani motioned to conditionally approve the Provisional Certificate of Approval provided that the Division receives a revised Balance Sheet to reflect the comprehensive financials for the business, Colorado Dental Assisting School. The motion was seconded and carried.

3. General Air Welding Academy – Denver - LH

Program Coordinator Hill presented to the Board for review and consideration of a Provisional Certificate. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the Provisional Certificate, Ms. Malay motioned to approve the Provisional Certificate of Approval for the period beginning September 1, 2018, and ending August 31, 2020, effective August 28, 2018. The motion was seconded and carried.

B. Consideration of Approval of Programs/Stand Alone Courses

1. Pima Medical Institute – Colorado Springs - AC

At this time, Vice Chair, Ryan Minic recused himself from the board.

Program Specialist Cordova presented to the Board for review and consideration of one major program revision: Medical Laboratory Technician. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the major program revision, Ms. Malay motioned to approve the revision effective August 28, 2018. The motion was seconded and carried.

At the conclusion of the review and consideration of this matter, Mr. Minic rejoined the board.

2. CollegeAmerica – Colorado Springs - CH

Program Specialist Harding presented to the Board for review and consideration of three new programs: 1. Pharmacy Technician; 2. Medical Assisting; and 3. Medical Billing and Insurance Specialist. A school representative was present.

Following review and consideration of the new programs, Ms. Malay motioned to conditionally approve the previously mentioned programs provided that a revised bond calculation is submitted to the Division to reflect growth and also conditioned upon approval with and through ACCSC. The motion was seconded and carried.

3. CollegeAmerica – Denver - CH

Program Specialist Harding presented to the Board for review and consideration of three new programs: 1. Pharmacy Technician; 2. Medical Assisting; and 3. Medical Billing and Insurance Specialist. A school representative was present.

Following review and consideration of the new programs, Ms. Krovitz motioned to conditionally approve the previously mentioned programs provided that a revised bond calculation is submitted to the Division to reflect growth and also conditioned upon approval with and through ACCSC. The motion was seconded and carried.

4. CollegeAmerica – Fort Collins – CH

Program Specialist Harding presented to the Board for review and consideration of three new programs: 1. Pharmacy Technician; 2. Medical Assisting; and 3. Medical Billing and Insurance Specialist. A school representative was present.

Following review and consideration of the new programs, Mr. Reister motioned to conditionally approve the previously mentioned programs provided that a revised bond calculation is submitted to the Division to reflect growth and also conditioned upon approval with and through ACCSC. The motion was seconded and carried.

At this time, legal counsel, Jacquelynn Rich Fredericks joined the board meeting.

5. The Rolf Institute of Structural Integration – Boulder – AC

Program Specialist Cordova presented to the Board for review and consideration of one new program: 1. Massage and Bodywork Program. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration, Ms. Malay motioned to approve the previously mentioned program effective August 28, 2018. The motion was seconded and carried.

6. Digital Workshop Center – Fort Collins – AC

Program Specialist Cordova presented to the Board for review and consideration of two new programs: 1. Project Management Certificate; 2. PMI Exam Prep. A school representative was

not present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration, Mr. Minic motioned to approve the previously mentioned programs effective August 28, 2018. The motion was seconded and carried.

7. Frying Pan Anglers Guide School – Basalt – AC

Program Specialist Cordova presented to the Board for review and consideration of one new program: 1. Float Guide Certification. A school representative was not present. Mr. Minic questioned the Division if the school had plans to submit a fee for failure to submit student assessments to which Director Candler answered affirmatively. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration, Mr. Minic motioned to approve the previously mentioned programs effective August 28, 2018. The motion was seconded and carried.

8. Tallgrass Animal Acupressure Institute – Castle Pines – CH

Program Specialist Harding presented to the Board for review and consideration of one new program: 1. Tui Na: Chinese Meridian Massage. A school representative was present.

Following review and consideration, Ms. Malay motioned to conditionally approve the previously mentioned programs provided that the program approval form reflects the same number of students for the lab and the class. The motion was seconded and carried.

C. Notification of School Closing/Change of Status (no action required)

1. Hair Dynamics Education Center – Fort Collins – RA
 - a. All records are on deposit with the Division
2. Advanced Barbering Academy – Denver – RA
 - a. All records are on deposit with the Division
3. CodeCraft School of Technology – Boulder – LH
 - a. All records are on deposit with the Division
4. Bangs! A Cosmetology School – Durango – RA
 - a. All records are on deposit with the Division

Other Business Items

1. Unauthorized Schools
 - a. Director Candler reported to the board the unauthorized school, Xtreme Lashes, to seek guidance on the issuance of a Cease and Desist. Additionally, Director Candler reported concerns brought up by Lash Savvy to the Board regarding unauthorized schools in the industry. The matter was tabled to Executive Session.

2. Full Circle School

Director Candler reported to the board the unauthorized school, Full Circle School. The matter was tabled to Executive Session.

3. Legal Update

a. Max International Beauty School

- i. Legal Counsel reported to the board issues pertaining to Max International Beauty School regarding the enrollment agreement used at the school and testing language requirements. The matter was tabled to Executive Session.

b. Command Cuts Academy of Barbering

- i. Legal Counsel reported to the board the issuance of the Notice of Noncompliance and Nonrenewal regarding attendance records. A response was received by the Division. The matter was tabled to Executive Session.

c. Trucker USA College

1. Legal Counsel reported to the board the following:

- i. A subpoena was issued and effectuated service; a court order was filed with the Denver District Court; the Division has received all records and the school is not in operation; additionally, the trial against Trucker USA College is set for November.

4. Bond Reductions/Review

- a. Program Coordinator Hill reported to the board a bond reduction for Lincoln College of Technology. After review and consideration, Mr. Minic motioned to table the matter to Executive Session. The motion was seconded and carried.

- b. Program Coordinator Hill reported to the board a bond reduction for Muscle Activation Techniques. After review and consideration, Mr. Reister motioned to approve the bond reduction. The motion was seconded and carried.

5. RN Medispa

Director Candler reported to the board that more information had surfaced regarding RN Medispa. The matter was tabled to Executive Session.

6. Policy Regarding New Bond Statute

Director Candler reported that the Senate Bill 177 passed to expand uses of the bond. Director Candler requested that the board give authority to the Division to create policy for a rule to expand the uses of the bond.

7. Status of Conditionally Approved Schools

- a. Vyne Education
 - i. Clarification was provided for courses that require pre-requisites thus, conditions had been met.
- b. Royal Academy of Surgical Assisting
 - i. Although conditions have been met, the information provided is still insufficient. The matter was tabled.
- c. June Meeting Conditionally Approved Schools that had not met conditions by the July Meeting
 - i. International Academy of Elite Esthetics and Micropigmentation provided a balanced Balance Sheet thus, conditions have been met.
 - ii. Lotus Education Institute provided a revised Balance Sheet thus, conditions have been met.

At this time, Mr. Minic motioned for a recess. The motion was seconded and carried.

Following the recess and after consideration and discussion of the each of the previous matters, Ms. Malay motioned to convene in executive session with the Board's attorney to seek legal advice pursuant to §24-6-402(3)(a)(II), C.R.S, regarding the following schools: Trucker USA College; Max International Beauty School; Command Cuts Academy of Barbering; Lincoln College of Technology; Xtreme Lashes; RN Medispa and Full Circle School and in consideration of relevant parts of the Private Occupational School Act, C.R.S. §23-64-101 et seq. and the Rules and Regulations, 8 CCR 1504-1. The motion was seconded and carried.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and division staff as deemed necessary at 12:25 P.M.

The executive session recorder was turned on and members of the public left the room during executive session.

A motion was made by Mr. Minic to resume open session at 1:14 P.M. The motion was seconded and carried.

The executive session recorder was turned off.

The public session recorder was turned on and the general public was welcomed back.

Assistant Attorney General Rich Fredericks affirmed for the record that this Executive Session was for the sole purpose of providing legal advice to the Board and to otherwise engage in good faith what is believed to be attorney-client privileged discussions.

The Board resumed discussions of the matters discussed in executive session in the regular session and concluded the remainder of the Board's agenda items.

G. Review of Items Discussed in Executive Session

1. Max International Beauty School

Following review and consideration of Max International Beauty School in Executive and Public Session, Mr. Reister motioned for a Stipulated Agreement to be created to ensure that a signed disclosure will be added to the Enrollment Agreement in Korean and English that the students will be tested in written and spoken English. Additionally, the motion included that a Notice of Noncompliance be issued to ensure that the records remain consistent with requirements. The motion was seconded and carried.

2. Lincoln College of Technology

Following review and consideration of Lincoln College of Technology in Executive and Public Session, no action was taken. A representative will come back with more information from their accounting division.

3. Full Circle School

After review in Executive Session, Director Candler reported that a questionnaire will be sent to the school to determine the Division's regulatory authority over the school.

4. Xtreme Lashes

Following review and consideration of the unauthorized school, Xtreme Lashes, Ms. Malay motioned to table the matter to the September Board Meeting. The motion was seconded and carried.

5. Command Cuts Academy of Barbering

Following review and consideration of Command Cuts Academy of Barbering in Executive and Public Session, Ms. Malay motioned for a Notice of Charges to be filed with the Office of Administrative Courts regarding the deficiencies with attendance records. The motion was seconded and carried.

6. DPOS Regulatory Authority

DPOS Regulatory Authority was not discussed in public session, a motion is expected at the September Board Meeting to direct the Division to create a policy to expand the uses of the bond.

7. RN Medispa

RN Medispa was not discussed in public session. No action taken.

8. Trucker USA College

Trucker USA College was not discussed in public session. No action taken.

Adjournment:

Mr. Minic motioned to adjourn the meeting at 1:29 P.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday September 25, 2018, at 9:30 A.M. and will be held at:

Auraria Higher Education Campus
Tivoli Student Center, Room 320
900 Auraria Parkway, Denver, CO 80204
Telephone (303) 862-3001