

**BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
BOARD MEETING**

December 7, 2010 9:30 A.M.

The Colorado Private Occupational Schools Board convened at the Auraria Higher Education Campus, Tivoli Student Center, Room 640, 900 Auraria Parkway, Denver, CO 80204.

Jerry Sirbu, Chair called the meeting to order at 9:33 A.M. and greeted guests. The Board members, Division staff and guests were introduced. Board roll call was taken. A quorum and a two-thirds majority of the Board were present.

Board Members Present:

Jerry Sirbu, Chair	Lisa Bennison Noll, Vice Chair
Tom Narvaez	Karen Hall

Board Members Present Via Telephone:

Robert Martin

Board Members Present Via Telephone:

Robert Martin left the meeting at 11:55 A.M.

Board Members Absent:

Buddy Douglass	Winnifred Rovig
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Division Staff Present:

Jim Parker, Director	Georgia Roberts, Deputy Director
Renee Belisle, Program Specialist	Bernadette Esquibel, Program Specialist
Voni Oerman, Program Specialist	Karla Viteri, Program Specialist
Loretta Perez, Administrative Assistant	

Colorado Department of Higher Education Present:

Department Executive Director D. Rico Munn joined the meeting at 12:09 p.m.

Board Counsel Present:

Lorna Candler, Assistant Attorney General, Office of the Colorado Attorney General

Guests Present:

Nancy Lease, Empire Education - Denver
Debra Fagan, Rocky Mountain Professional Real Estate Education - Boulder
Sofiya Pylovia, Exquisite College of Health & Beauty - Littleton
Marty Sedig, Exquisite College of Health & Beauty - Littleton
Brittney Spilker, Technical Education College – Colorado Springs
Jim Rogers, Medical Sales College – Denver
Susan Wells, Medical Sales College – Denver
Tom Christiansen, Medical Sales College – Denver
Thomas Hagan, Estrela Bartending School – Denver

Jennifer Overbey, The Real Estate School – Boulder
Joseph Webb, Attorney for Estrela Bartending School – Denver
Sue Kuhl, Denver Academy of Court Reporting – Westminster
Dale Meyer, Denver Academy of Court Reporting – Westminster
Darlene Davis, Antoine du Chez Academy & Spa – Greenwood Village
Breck Tatum, Estrela Bartending School – Denver
Veronica Styles, Westland Beauty Academy – Golden
Burton Lee, Colorado License Express – Boulder
Tony Sylvester, ABC Bartending Schools – Denver
Helen Grigg, Healing Spirits Massage Training Program – Boulder
Norell Leung, Healing Spirits Massage Training Program – Boulder
John Barnett, Barnett Bicycle Institute – Colorado Springs
Jennifer Barnett, Barnett Bicycle Institute – Colorado Springs
Joan Akiyama, Rocky Mountain School of Animal Acupressure & Massage - Carbondale

Approval of the October 26, 2010 Board Meeting Minutes:

The Board reviewed the Minutes of October 26, 2010 Meeting. Ms. Bennison Noll motioned for approval of the minutes as read. The motion was seconded and passed.

Approval of the November 4, 2010 Annual Board Meeting Minutes:

The Board reviewed the Minutes of November 4, 2010 Annual Meeting. Ms. Bennison Noll motioned for approval of the minutes as read. The motion was seconded and passed.

Approval of the November 4, 2010 Annual Board Meeting Executive Session Minutes:

The Board reviewed the Executive Session Minutes of November 4, 2010 Meeting. Ms. Bennison Noll motioned for approval of the minutes as read. The motion was seconded and passed.

Approval of the November 17, 2010 Interim Board Meeting Minutes:

The Board reviewed the Minutes of November 4, 2010 Annual Meeting. Ms. Bennison Noll motioned for approval of the minutes as read. The motion was seconded and passed.

Approval of the November 17, 2010 Interim Board Meeting Executive Session Minutes:

The Board reviewed the Interim Board Minutes of November 4, 2010 Meeting. Ms. Bennison Noll motioned for approval of the minutes as read. The motion was seconded and passed.

Additions / Changes to the Agenda:

Deputy Director Roberts reported that prior to the meeting exhibits "A" and "B" were distributed for agenda item "A"- Students Complaints/Matters of Non Compliance/Legal Action, number"1" concerning Exquisite College of Health & Beauty, Littleton.

The Director reported the following three changes to the agenda: Agenda item "C" - Consideration of Renewal of Certificate of Approval, number "2" concerning Oriental Healing Arts Institute, Centennial, is tabled until the January 2011 Board meeting; that item "D" - Consideration of Approval Programs/Stand Alone Courses, number "2" regarding Beauty Institute and Spa of Littleton, Littleton was removed from the agenda; and that a corrected "Stand Alone Course Approval Form" for Starkey International School of Household Management, number "6" on the agenda, was to be substituted for one originally provided in the Board's agenda packet.

Staff and Director Report:

Staff reported that all contingency approvals concerning the meeting of October 26, 2010, Board actions had been met; recorded; and were on file.

New Business /Action Items:

A. Student Complaints/Matters of Non Compliance/Legal Action

1. Exquisite College of Health & Beauty - Littleton

Deputy Director Roberts provided an update summarizing the response from Exquisite College of Health & Beauty, Littleton in respect to a Notice of Noncompliance issued as the result of a filed student complaint. School representatives were present. After due deliberation and discussion, and a finding that the School in its response failed to overcome the evidence identifying minimum standard violations, Ms. Bennison Noll motioned that in respect to the matter Complaint #990834 and having found that the Complainant already received a full refund, that no additional administrative remedy is appropriate under the circumstances present, in respect to this individual, and that the administrative complaint is dismissed. Ms. Bennison Noll further motioned that based on a finding of violations of minimum standards as detailed in the Notice of Noncompliance, that the Director and the Board's legal counsel be directed to draft without undue delay, a Stipulation and Final Order for review and action by the Board which includes, but is not necessary limited to terms addressing the monitoring of the School by the Division for a period of not less than two (2) calendar years; that the School will provide monthly written reports to the Division for review and that such monthly reports will include identification and verification of current instructors, instructor licensure verification, sales agents, clinical sites, and enrollment information. Ms. Bennison Noll also motioned that an administrative fine be imposed in accordance with the Board's authority for each violation of a minimum standard so identified in the Notice of Noncompliance. The combined motion was seconded and unanimously passed.

Director Parker and the Board's legal counsel will provide the Board with a proposed Stipulation Agreement/ Final Order and proposed fines at the next board meeting.

2. Noble School of Cosmetology – Colorado Springs

Director Parker updated the Board on the Order of Summary Suspension and the proposed Stipulated Agreement concerning matters of Noncompliance by the Nobel School of Cosmetology, Colorado Springs. A school representative was not present. The Director stated that the School has agreed to each of the terms and conditions contained in the Settlement Agreement. After discussion and due deliberation Ms. Bennision Noll motioned to accept the Stipulation Agreement signed by the School, and to direct the Board's legal counsel and Division Director to take the necessary steps to vacate the hearing that was scheduled with the Office of Administrative Courts. The combined motion was seconded and unanimously passed. Director Parker indicated that he will provide a monthly school status report to the Board in respect to the matters of Noncompliance.

3. ABC Bartending School - Denver

The Board indicated that before discussion or taking action on the matter of Noncompliance, which was noticed previously to the ABC Bartending School – Denver, it would like to consult with its legal counsel concerning available legal options. Mr. Sirbu, Chair, called for a motion to convene in executive secession pursuant to §24-6-402(3)(a)(II) and (III), C.R.S., for the purposes of conferring with the Board's attorney regarding legal options available in the matters before it involving ABC Bartending School, Denver; Estrela Bartending School, Denver; and I Deal 21 Casino School, Denver; and to discuss personnel data required to be kept confidential pursuant to section §12-59-105.4. Mr. Narvaez so motioned; it was seconded; and duly passed by at least a two-thirds majority. Board Members; Director Parker; Deputy Director Roberts; Assistant Attorney General Candler; and state staff Belisle, Esquibel and Perez left the public meeting room to commence the executive session, elsewhere. The regular public board meeting recorder was turned off, and the Board of Private Occupational Schools duly convened into executive session at 10:14 A.M. for the purposes described above as requiring confidentiality. No member of the general public was present. The executive session recorder was turned on.

Executive session having concluded, the public session of the Board meeting reconvened at 10:52 A.M. The executive session recorder was stopped and the regular public meeting recorder was turned on. Board Members; Director Parker; Deputy Director Roberts; Assistant Attorney General Candler; and state staff Belisle, Esquibel, and Perez returned to the public meeting.

Assistant Attorney General Candler affirmed for the public record that the Executive Session was for the sole purpose of providing legal advice to the Board and to otherwise engage in what in good faith is believed to be an attorney-client privileged discussion respecting personnel data associated with the change of location application and legal options concerning the matters of Noncompliance before the Board for action that are required to be kept confidential.

In respect to ABC Bartending School – Denver, a school representative was present. The Board and Division noted for the record that the school timely responded to the Notice of Noncompliance previously issued. After an opportunity was given for the School

representative to comment, due deliberation and Board discussion, a motion was made by Mr. Narvaez to deny the change of location application submitted by ABC Bartending School, Denver. Mr. Narvaez further motioned to table Board action in respect to the matters of Noncompliance previously noticed to and responded by the School, until the January 2011 meeting. The combined motion was seconded and unanimously passed.

4. Estrela Bartending School - Denver

School representatives were present in respect to the pending matters of Noncompliance by Estrela Bartending School, Denver. The Director reported and the Board took note that neither the school nor its legal representative of record submitted a response to the notice during the time frame provided; and that the school and its attorney, failed to timely contact the Division requesting additional time to respond. The Director reported that the school did not provide any response until December 7, 2010, the day the Board was to consider the matter. The school representatives however were given an opportunity to comment on the matter before the Board.

Ms. Bennison Noll observed that the school did not timely respond to the notice, nor did it or its legal counsel make any attempt to contact the Division to request additional time to respond; and that submission of a proffered response to the matters of Noncompliance on the day of the Board meeting was unacceptable under the circumstances, as it did not permit reasonable Board review or consideration. Ms. Bennison Noll also noted that any further delay of Board action could be detrimental to the rights and interests of its students and other consumers. Due to this, Ms. Bennison Noll motioned to not accept the school's untimely response, but rather to find that the school failed to adequately respond and did not adequately overcome the violations noticed previously. Ms. Bennison Noll further motioned that based upon a reasonable belief that the school has violated the statute and Board Rule, as set forth in the Notice of Noncompliance, the Board intends to seek revocation of the school's certificate of approval to operate. Ms. Bennison Noll included in this motion that the Board in so finding refers the matter to the Attorney General's office to file a Notice of Charges with the Administrative Court to commence a hearing on the revocation. The combined motion was seconded and unanimously passed.

5. I Deal 21 Casino School - Denver

A school representative was not present in respect to pending matters of Noncompliance by I Deal 21 Casino School, Denver. After review, discussion and due deliberation of the school's written response to a previously issued Notice of Noncompliance, Mr. Narvaez motioned that the Board find that the school in its response failed to adequately answer and overcome the minimum violations noticed; and in so finding, the Board intends to seek revocation of the school's certificate of approval to operate. Mr. Narvaez included in this motion that based on the circumstances present and upon a reasonable belief that the school has violated the statute and Board Rule, as set forth in the Notice of Noncompliance, the Board now refers the matter to the Attorney General's office to file a Notice of Charges with the Administrative Court to commence a hearing on the revocation. The combined motion was seconded and unanimously passed.

B. Consideration of Approval of Provisional Certificate of Approval

1. Rocky Mountain Professional Real Estate Education - Boulder

Program Specialist Viteri brought to the Board's attention for consideration, Rocky Mountain Professional Real Estate Education, Boulder, a new school with one proposed stand alone course: CREC Mandatory CE. A school representative was present. The school satisfied the Board's inquiry. Upon determining that the school is in compliance with the surety level in the minimum amount of \$5,000; that the school submitted a saving account in the amount of \$5,000; and that the school can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and in compliance with the Division's minimum requirements, Mr. Narvaez in a combined motion, moved that a Provisional Certificate of Approval be granted to Rocky Mountain Real Professional Estate Education, 3965 Promontory Court, Boulder, CO 80304 for the period beginning December 7, 2010, ending June 30, 2012, and that the course before the Board be approved. The combined motion was seconded and unanimously passed.

2. Colorado License Express - Boulder

Program Specialist Esquibel brought to the Board's attention for consideration, Colorado License Express, Boulder, a new school with one proposed program: State of Colorado Associate Broker Licensing. A school representative was present. The school satisfied the Board's inquiry. Upon determining that the school is in compliance with the required surety level in the minimum amount of \$17,380; that the school submitted a certificate of deposit in the amount of \$20,000; and that the school can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and in compliance with the Division's minimum requirements, Ms. Bennison Noll in a combined motion, moved that a Provisional Certificate of Approval be granted to Colorado License Express, 4801 Riverbend Road, Suite 203, Boulder, CO 80301 for the period beginning December 7, 2010, ending June 30, 2012, and that the program before the Board be approved. The combined motion was seconded and unanimously passed.

3. Medical Sales College - Denver

Program Specialist Viteri brought to the Board's attention for consideration, Medical Sales College, Denver, a new school with seven proposed programs: (1) Academy; (2) Foot & Ankle; (3) Orthopaedic Biologics; (4) Orthopaedic Extremities; (5) Orthopaedic Reconstruction & Trauma; (6) Spine; and (7) Sports Medicine. School representatives were present. The school satisfied the Board's inquiry. Upon determining that the school is in compliance with the required bond in the amount of \$97,500; that the school submitted a bond in the amount of \$100,000; and that the school can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and in compliance with the Division's minimum requirements, Mr. Narvaez in a combined motion, moved that a Provisional Certificate of Approval be granted to Medical Sales College, 8310 South Valley Highway, Suite 220, Englewood, CO 80112 for the period beginning December 7, 2010, ending June 30, 2012,

and that the programs before the Board be approved. The combined motion was seconded and unanimously passed.

C. Consideration of Renewal of Certificate of Approval

1. Antoine du Chez Academy & Spa – Greenwood Village

Program Specialist Oerman brought to the Board's attention for consideration of renewal Antoine du Chez Academy & Spa, Greenwood Village. A school representative was present. The school satisfied the Board's inquiry. Upon determining that the school is in compliance with the required minimum surety level in the amount of \$25,000; that the school submitted a savings account in the amount of \$60,000; and that the school can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and in compliance with the Division's minimum requirements, Ms. Bennison Noll moved that the Standard Certificate of Approval be granted to Antoine du Chez Academy & Spa, 7939 E. Arapahoe Road, Suite 160, Greenwood Village, CO 80112, for the period beginning July 1, 2011 and ending June 30, 2014. The motion was seconded and unanimously passed.

In addition, in a separate matter, the Board and Division publically presented to the School and its owner a recognition award in appreciation for its extraordinary efforts in providing train-out opportunities to a number of students whose schools had unexpectedly closed.

2. The Real Estate School - Boulder

Program Specialist Oerman brought to the Board's attention for consideration of renewal The Real Estate School, Boulder. A school representative was present. The school satisfied the Board's inquiry. Upon determining that the school is in compliance with the required minimum surety level in the amount of \$5,240; that the school submitted a savings account in the amount of \$5,593.90; and that the school can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and in compliance with the Division's minimum requirements, Ms. Bennison Noll moved that the Standard Certificate of Approval be granted to The Real Estate School, 4750 Table Mesa Drive, Boulder, CO 80305, for the period beginning July 1, 2011 and ending June 30, 2014. The motion was seconded and unanimously passed.

3. Barnett Bicycle Institute – Colorado Springs

Program Specialist Oerman brought to the Board's attention for consideration of renewal Barnett Bicycle Institute, Colorado Springs. School representatives were present. The school satisfied the Board's inquiry. Upon determining that the school is in compliance with the required minimum surety level in the amount of \$11,680; that the school submitted a savings account in the amount of \$17,000; and that the school can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and in compliance with the Division's minimum requirements, Ms. Hall moved that the Standard Certificate of Approval be granted to Barnett Bicycle Institute, 2725 Ore Mill Road #23, Colorado Springs, CO 80904, for the

period beginning July 1, 2011 and ending June 30, 2014. The motion was seconded and unanimously passed.

4. Technical Education College – Colorado Springs

Program Specialist Oerman brought to the Board's attention for consideration of renewal Technical Education College, Colorado Springs. A school representative was present. The school satisfied the Board's inquiry. Upon determining that the school is in compliance with the required minimum surety level in the amount of \$15,000; that the school submitted a savings account in the amount of \$15,000; and that the school can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and in compliance with the Division's minimum requirements, Ms. Bennison Noll moved that the Standard Certificate of Approval be granted to Technical Education College, 2458 Waynoka Road, Colorado Springs, CO 80915, for the period beginning July 1, 2011 and ending June 30, 2014. The motion was seconded and unanimously passed.

5. Westland Beauty Academy - Golden

Program Specialist Oerman brought to the Board's attention for consideration of renewal Westland Beauty Academy, Golden. A school representative was present. The school satisfied the Board's inquiry. Upon determining that the school is in compliance with the required minimum bond in the amount of \$10,000; that the school submitted a bond in the amount of \$15,000; and that the school can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and in compliance with the Division's minimum requirements, Mr. Narvaez moved that the Standard Certificate of Approval be granted to Westland Beauty Academy, 1270 N. Ford Street, Golden, CO 80403, for the period beginning July 1, 2011 and ending June 30, 2014. The motion was seconded and unanimously passed.

D. Consideration of Approval Programs/Stand Alone Courses

1. Peak Real Estate College - Aurora

Program Specialist Viteri brought to the Board's attention for review and consideration one new stand alone course, Colorado Contracts and Updates, proposed by Peak Real Estate College, Aurora. No school representative was available. Based upon the Board having determined that the above-referenced course for Peak Real Estate College, 14001 E. Iliff Avenue, Suite 112, 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 with the Division's minimum requirements, Mr. Narvaez moved to approve the above-referenced new course effective December 7, 2010. The motion was seconded and unanimously passed.

2. Healing Spirits Massage Training Program - Boulder

Program Specialist Belisle brought to the Board's attention for review and consideration one program and two new stand alone courses. The program is: (1) Heart Mind Shiatsu Level 1

and 2 Training. The two new stand alone courses are: (1) Tui Na Basic Training Level I (16 hours); and (2) Tui Na Training Level II (16 hours), proposed by Healing Spirits Massage Training Program, Boulder. School representatives were present. Based upon the Board having determined that the above-referenced program and courses for Healing Spirits Massage Training Program, 550 Mohawk Drive #16, 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 with the Division's minimum requirements, Ms. Hall moved to approve the above-referenced new program and courses effective December 7, 2010. The combined motion was seconded and unanimously passed.

3. Denver Academy of Court Reporting - Westminster

Program Specialist Oerman brought to the Board's attention for review and consideration one new stand alone course, Realtime Reporting for CART/Captioning, proposed by Denver Academy of Court reporting, Westminster. School representatives were present. Based upon the Board having determined that the above-referenced course for Denver Academy of Court Reporting, 9051 Harlan Street, Suite 20, Westminster, CO 80031 can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and with the Division's minimum requirements, Mr. Narvaez moved to approve the above-referenced new course effective December 7, 2010, contingent upon a correction being made as discussed. The motion was seconded and unanimously passed.

4. Starkey International School of Household Management - Denver

Program Specialist Oerman brought to the Board's attention for review and consideration one new stand alone course, Starkey Certified Service Management System, proposed by Starkey International School of Household Management, Denver. A school representative was available by telephone. Based upon the Board having determined that the above-referenced course for Starkey International School of Household Management, 1350 Logan Street, 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 with the Division's minimum requirements, Ms. Bennison Noll moved to approve the above-referenced new course effective December 7, 2010. The motion was seconded and unanimously passed.

5. Rocky Mountain School of Animal Acupressure and Massage - Carbondale

Program Specialist Oerman brought to the Board's attention for review and consideration two new stand alone courses: (1) Pet Tech CPR, First Aid and Animal Care Training Certification; and (2) Canine Massage Level 3, proposed by Rocky Mountain School of Animal Acupressure and Massage, Carbondale. A school representative was present. The school satisfied the Board's inquiry. Based upon the Board having determined that the above-referenced courses for Rocky Mountain School of Animal Acupressure and Massage, P.O. Box 1419, Carbondale, CO 81623 can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and with the Division's minimum requirements, Ms. Bennison Noll moved to

approve the above-referenced new courses effective December 7, 2010. The combined motion was seconded and unanimously passed.

E. Consideration of Approval of Out of State School

1. Tulsa Welding School, Inc. – Tulsa, OK

Program Specialist Belisle brought to the Board's attention for review and consideration of approval to operate, Tulsa Welding School, Inc., Tulsa, OK. No school representative was available. Based on the Board having determined that the above-referenced school can be reasonably maintained in compliance with the minimum requirements as set forth in 12-59-111(2), C.R.S.; that the bond be set in the amount of the statutory minimum of \$50,000; that the school is in compliance with the bond requirements pursuant to 12-59-115(8), C.R.S.; and that the school can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and with the Division's minimum requirements, Ms. Bennison Noll moved to approve Tulsa Welding School, Inc., 2454 East 11th Street, Tulsa, OK 74104 to operate as out-of-state school, effective December 7, 2010 and ending June 30, 2010. The motion was seconded and unanimously passed.

F. Notification of School Closings

The Division informed the Board of the following recent school closure:

1. At Your Fingertips Career, Inc. – Fort Collins

The Board recessed for lunch at 12:15 P.M. and reconvened at 12:42 P.M.

Mr. Tom Narvaez left the meeting at 12:15 P.M. however, a quorum was still present.

Other Business:

Colorado Department of Higher Education Executive Director D. Rico Munn joined the Board in a discussion regarding proposed Sunset Legislation for the Division and Board of Private Occupational Schools. Both the Executive Director and the Board shared their differing perspectives.

Adjournment:

Having no further business, Ms. Bennison Noll moved for adjournment. The motion was seconded and passed. The Board meeting adjourned at 1:20 P.M.

The next regularly scheduled meeting of the Board is Tuesday, January 25, 2011, 9:30 A.M. and will be held at:

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