

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
January 22, 2019 9:35 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;	Richard Behbehani;
Tim Guerrero;	Arlene Rae Malay;

Board Members Absent:

Shelley Krovitz;

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	
Amy Knoblauch, Data & Research Specialist	

Division Staff Absent:

Bernadette Esquibel, Program Specialist Assistant

Board Counsel Present:

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

Guests Present:

Caroline Douglas, Aspen Grove Salon, Spa and School;
Rita Bellino, Rita B Institute;
Michael Peyer, Kaplan Real Estate Education;
Anthony DeSantis, Online Trading Academy;
Suzanne Scales, College America;
Steve Steele, IBMC College;
Barbara Kearns, IBMC College;
Desarae Marhofer, Beautiful You Skincare Academy;
Jennifer Good, Westland Beauty Academy;
Veronica Styles, Westland Beauty Academy;
Corinne C. Miller, Westland Beauty Academy, Counsel;
Teri Brogdon, National Institute for Medical Assistant Advancement;
Dawn Lewis, Full Circle School;
Shaun Sendar, Flatiron School;
Joel Scimeca, CollegeAmerica;
Elena Thomas Faulkner, National Institute for Medical Assistant Advancement

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 9:35 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 December 4, 2018 Minutes:

Following review and consideration of the December 4, 2018 meeting minutes, a motion was made by Mr. Minic to approve the minutes as written. The motions were seconded and carried.

Additions / Changes to the Agenda

Item A.3., Aspen Grove Salon, Spa and School was moved to A.1.

Director/ Staff Report

Director Candler reported the following items:

- The new Governor is Jared Polis;
- The new Executive Director of the Department of Higher Education is Dr. Angie Paccione;
- Director Candler attended the NASASPS Board Meeting in Charleston, South Carolina to form strategic alignment with all states;
- The Division is finding representatives to support upcoming bills in the legislature;
- The rulemaking process will begin soon;
- The Division is finding ways it can help with the impact of the shutdown;
- Massage Therapy concerns regarding regulation have surfaced;
- The Financial Stability Worksheet will be finalized soon

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate of Approval

1. Aspen Grove Salon, Spa and School – Castle Rock – 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, Mr. Guerrero motioned to approve the Provisional Certificate effective January 22, 2019. The motion was seconded and carried.

2. Full Circle School, Inc. – Aurora – 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, Mr. Guerrero motioned to approve the Provisional Certificate effective January 22, 2019. The motion was seconded and carried.

3. Beautiful You Skincare Academy – Pueblo – 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, Mr. Minic motioned to approve the Provisional Certificate effective January 22, 2019. The motion was seconded and carried.

4. The Rita B Institute – Basalt – RA

Program Specialist Acosta 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, Ms. Malay motioned to approve the Provisional Certificate effective January 22, 2019. The motion was seconded and carried.

5. Kaplan Real Estate Education – Denver – AC

Program Specialist Cordova 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, Ms. Malay motioned to approve the Provisional Certificate effective January 22, 2019. The motion was seconded and carried.

B. Consideration of Approval of Renewal

1. Colorado Springs School of Massage – Colorado Springs – AC

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. 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 of the renewal, Ms. Malay motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2019, and ending June 30, 2022, effective January 22, 2019. The motion was seconded and carried.

C. Consideration of Approval of Programs/Stand Alone Courses/Major Revisions

1. Paul Mitchell The School – Colorado Springs – RA

Program Specialist Acosta presented to the Board for review and consideration of two new programs: 1. Nail Technician; and 2. Esthetician. 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 new programs, Mr. Minic motioned to approve the new programs effective January 22, 2019. The motion was seconded and carried.

2. Basi Pilates – Greenwood Village – RA

Program Specialist Acosta presented to the Board for review and consideration of one new program: 1. Pilates for the Mature Client. 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 of the new program, Ms. Malay motioned to approve the new programs effective January 22, 2019. The motion was seconded and carried.

3. IBMC – Fort Collins – LH

Program Coordinator Hill presented to the Board for review and consideration of one new program: 1. Medical Billing Specialist. 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 new program, Ms. Malay motioned to approve the new programs effective January 22, 2019. The motion was seconded and carried.

4. IBMC – Greeley – LH

Program Coordinator Hill presented to the Board for review and consideration of one new program: 1. Medical Billing Specialist. 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 new program, Ms. Malay motioned to approve the new programs effective January 22, 2019. The motion was seconded and carried.

5. IBMC – Longmont – LH

Program Coordinator Hill presented to the Board for review and consideration of one new program: 1. Medical Billing Specialist. 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 new program, Ms. Malay motioned to approve the new programs effective January 22, 2019. The motion was seconded and carried.

6. Online Trading Academy – Denver – CH

Program Specialist Harding presented to the Board for review and consideration of six new programs: 1. XLT – Options Trading; 2. XLT – Forex Trading; 3. XLT – Stock; 4. XLT – Core Strategy; 5. XLT – ProActive Investing; and 6. XLT – Futures Trading. 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 new programs, Mr. Minic motioned to approve the new programs effective January 22, 2019. The motion was seconded and carried.

7. National Institute for Medical Assistant Advancement – Fort Lupton – CH

Program Specialist Harding presented to the Board for review and consideration of one new program: 1. Medical Assistant. 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 new programs, Ms. Malay motioned to approve the new programs effective January 22, 2019. The motion was seconded and carried.

D. Consideration of Approval of Change of Ownership

1. Cook Street School of Culinary Arts – Denver – CH

Program Specialist Harding presented to the Board for review and consideration of Change of Ownership. 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. Behbehani motioned to approve the Change of Ownership, effective January 22, 2019. The motion was seconded and carried.

2. Xenon International Academy III, Inc. – Aurora – RA

Program Specialist Acosta presented to the Board for review and consideration of Change of Ownership. 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, Ms. Malay motioned to approve the Change of Ownership, effective January 22, 2019. The motion was seconded and carried.

E. Consideration of School Closure (no action required)

1. The Broker Academy – Longmont – LH

All available student and educational records are on deposit at the Division.

2. International Wine and Spirits Guild – Denver – LH

All available student and educational records are on deposit at the Division.

3. Vyne Education, LLC. – Brentwood - CH

All available student and educational records are being maintained at PESI, Inc. in Eau Claire, WI.

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

Other Business Items

1. Legal Update

- a. Command Cuts
 - i. Legal Counsel reported that to date, the school has not filed a response to the Motion for Default thus, the hearing is set for April 22-23, 2019. However, it was noted that the school owner recently emailed Counsel in response to Motion for Default, Counsel responded that the owner must file (or not) with the Court. If the school fails to respond, the Court will issue a final decision that the Board must vote to accept or reject.
- b. Glenwood Beauty Academy
 - i. Legal Counsel reported that a Notice of Noncompliance was issued to which the school responded. The Board voted to issue a Notice of Charges. Both parties negotiated a Stipulated Agreement however, the school ceased communications. The Board issued a Subpoena Duces Tecum for the Certificate of Approval and all records, to which the school responded. The matter is closed due to the cessation of operations and the Division's receipt of all records.
- c. Greater Pueblo Dental Assisting School

- i. Legal Counsel reported that the Board issued a Notice of Noncompliance and Nonrenewal to which the school responded. Presently, the Board must determine whether to issue a Notice of Charges regarding the Notice of Noncompliance.
 - d. Westland Beauty Academy
 - i. Legal Counsel reported that the Board issued a Subpoena Duces Tecum to which the school did not respond. The Board issued the first Notice of Noncompliance to which the school responded however, the Division deemed the response insufficient and requested a second Notice of Noncompliance. The Board voted to issue a Notice of Charges regarding the first Notice of Noncompliance. The Board issued a second Notice of Noncompliance to which the school responded. Presently, the Board must determine whether to issue a Notice of Charges regarding the second Notice of Noncompliance. The school has expressed a desire to negotiate a Stipulated Agreement.

2. Conditionally Approved Items from December Board Meeting

a. U.S. Career Institute – AC

Program Specialist Cordova updated the board that all conditions were met.

b. Northern Colorado Truck Driving Academy – LH

Program Coordinator Hill updated the board that all conditions were met.

3. College America

Director Candler presented to the Board an update provided by College America and Deputy Director Kanaly presented to the Board a complaint submitted to the Division. After discussion from the Board, Ms. Malay motioned to table the matter until the February Board Meeting so that the Board may have seven members to vote on fully rescinding the previously issued Notice of Noncompliance.

4. Westland Beauty Academy

Legal Counsel presented to the Board an update for Westland Beauty Academy. Following review and discussion, Mr. Behbehani motioned to discuss the matter in Executive Session. The motion was seconded and carried.

5. Trucker USA College Update

Director Candler provided an update to the Board that bond claim notices were sent out to the students who attended Trucker USA College. No action taken.

6. Greater Pueblo Dental Assisting School

Legal Counsel previously provided an update on legal matters pertaining to Greater Pueblo Dental Assisting School. Director Candler provided additional information to the Board. Following discussion, Mr. Reister motioned to table the matter to the February Board Meeting. The motion was seconded and carried.

7. Namaste's Artisan Barber College

Director Candler presented to the Board a memo regarding the student assessment fee issued to Namaste's Artisan Barber College. Following the Board's discussion of the matter, Mr. Minic motioned to issue a Notice of Noncompliance. The motion was seconded and carried.

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 Westland Beauty Academy 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/department staff as deemed necessary at 12:13 P.M.

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

After review and consideration of the previously mentioned matters in executive session, the 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.

1. Westland Beauty Academy

Following review and consideration of the updates provided to the Board, Ms. Malay motioned to add a second Notice of Noncompliance to the Notice of Charges. The motion was seconded and carried.

This concluded the remainder of the Board's agenda items.

Adjournment:

Mr. Minic motioned to adjourn the meeting at 12:25 P.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday February 26, 2019, 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