

**COLORADO STATE BOARD  
OF  
PRIVATE OCCUPATIONAL SCHOOLS  
PUBLIC RULEMAKING HEARING  
July 22, 2014, 10:12 A.M.**

The Colorado Private Occupational Schools Board convened at the Auraria Higher Education Campus, Tivoli Student Center, Room 320, 900 Auraria Parkway, Denver, CO 80204.

Chair Steven Steele call to order this hearing at 10:12 a.m. on the Proposed Amendments to the Rules and Regulations Concerning the Regulation of Private Occupational Schools.

Board Members Present:

Steven W. Steele, Chair	Arlene Rae Malay	Joseph James Wolf
Richard Semakula	Shelley Krovitz	Jean Robinson
Ledy Garcia-Eckstein		

Division Staff Present:

Lorna Candler, Director	Mary Kanaly, Compliance Officer
Bernadette Esquibel, Program Coordinator	Renee Belisle, Program Specialist
Voni Oerman, Program Specialist	Karla Viteri, Program Specialist
Loretta Perez, Administrative Assistant	

Board Counsel Present:

Heidi Dineen, Senior Assistant Attorney General, Office of the Colorado Attorney General

Guests Present:

Gary Wales, Empire Education Group, Empire Beauty School – All Locations

This hearing was properly noticed as part of this public meeting and in accordance with section 24-4-103 of the Colorado Revised Statutes. The statutory basis for Board's authority to promulgate and amend Rules is found in sections 12-59-105.3, paragraph (1)(j), (1)(l). This hearing is held concerning the proposed fee schedule and the purpose is to adjust fees under the authority specifically enumerated in section 12-59-116:

(3)(a) The Board shall propose, as part of the division's annual budget request, an adjustment in the amount of the fees that it is authorized to collect pursuant to this section. The Budget request and the adjusted fees shall reflect the direct and indirect costs of administering this article, and

(3)(b) Based upon the appropriation made and subject to the approval of the Colorado commission of Higher Education, the board shall adjust its fees so that the revenue generated from said fees approximates the direct and indirect costs of administering this article. The adjusted fees shall remain in effect for the fiscal year for the budget request applies.

The Board through the Division has provided an opportunity for written public comment on the proposed Rule amendments and on the proposed adjustment to fees.

The Board has reviewed and considered written submissions commenting on the proposed amendments and on the proposed adjustment to fees from the following interested persons:

Paula Faulkner, Chief Financial Officer  
Starkey International Institute, Inc.  
1350 Logan Street  
Denver, CO 80203,

And

Janet Perry, Director of Compliance and Retention Strategies  
Weston Distance Learning Center, Inc.  
2001 Lowe Street  
Ft. Collins, CO 80525

No other written comments have been submitted by interested persons concerning this public rulemaking hearing.

Such submission will remain on file for public review in accordance with the public records act.

At this time the Board would like to provide an opportunity for any other public comment on the proposed Rule amendments. Following testimony, comments and discussion concerning the proposed amendments, the Board will consider testimony regarding adjustment to its fees.

Do any members of the public, who have signed in today to testify at this public rulemaking hearing, wish to offer any additional comments on the proposed rules and regulations?

The Board has provided notice and opportunity to all interested parties to bring their concerns before the Board. The Board has considered all concerns raised. Being satisfied that:

- the proposed Rule amendments and adjustment to fees are consistent with the noticed subject matter;
- that there is a demonstrated need for the Rule amendments and adjustment to fees;
- that statutory authority for the Rule amendments and adjustment to fees exists; and
- that the Rule amendments and adjustment to fees are clearly and simply stated and do not conflict with law or duplicate or overlap other rules.

I therefore declare this Rules hearing at a close.

On the basis of all of the foregoing, I now ask for a motion first to adopt the proposed Rule amendments. Motion made by Mr. Wolf and seconded by Ms. Malay.

Roll call vote by the Secretary:

Arlene Rae Malay – yes; Richard Semakula – yes; Steven Steele – yes; Shelley Krovitz – yes; Ledy Garcia-Eckstein – yes; Jean Robinson – yes; and Joseph Wolf - yes

The vote is unanimous. The proposed amendments to the Rules and Regulations Concerning the Regulation of Private Occupational Schools are hereby adopted.

Now I ask for a motion to adopt the proposed fee schedule Rule amendment. Motion made by Ms. Malay and seconded by Mr. Wolf.

Roll call vote by the Secretary:

Arlene Rae Malay – yes; Richard Semakula – yes; Steven Steele – yes; Shelley Krovitz – yes; Ledy Garcia-Eckstein – yes; Jean Robinson – yes; and Joseph Wolf - yes

The vote is unanimous. The proposed amendments to the fee schedule Rules and Regulations Concerning the Regulation of Private Occupational Schools are hereby adopted.

The Director is instructed to submit the amended Rules to the Attorney General for an Opinion, and is likewise delegated all necessary authority to take the required steps to complete the filing of the Rules so that they may become effective at the earliest date possible. Director Candler mentioned just for the record according the rulemaking calendar the rules should be effective September 14, 2014.

Adjourn Rulemaking Hearing:

Mr. Semakula moved to adjourn the public rulemaking session, and to move into the Board's regularly scheduled public meeting. The motion was seconded and passed. The public rulemaking session adjourned and the Board entered into its scheduled general meeting at 10:37 A.M.