

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
October 22nd, 2019 2:02 P.M.

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

Board Members Present:

Paul Garibay, Chair;	Tim Guerrero;
Ryan Minic, Vice Chair;	JoAnn Stevens;
Shelley Krovitz	

Board Members Absent:

Chris Reister;	A. Richard Behbehani;
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Division Staff Present:

Lorna Candler, Director;
Mary Kanaly, Deputy Director & Compliance Officer;
Rachel Acosta, Program Specialist;
Carrie Harding, Program Specialist;
Brad Uyemura, Compliance Investigator;
Amy Knoblauch, Data & Research Specialist

Division Staff Absent:

Bernadette Esquibel, Program Specialist Assistant

Board Counsel Present:

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

Guests Present:

Meghan Jurade, Leaderquest;
Kelly Moore, Lincoln College of Technology;
Dwayne Isbell, Lincoln College of Technology;
Steve Steele, IBMC College;
Diana Gunderson, IBMC College;
Tom Bresnan, Career School of the Rockies;
Fran Kutner, The CE Shop;
Hillary Keyes, The CE Shop;
Delaney Barbour, Aveda Institute Denver;
Jarred McNeely, Colorado School of Trades;
Pao-Chin Huang, Rusetto College;
Angela Palmer, Palmer School of Floral Design;
Peggy Sue Schmoldt, Academy of Cosmetology Arts;
Joel Scimeca, CollegeAmerica;
Thayne Doah, Collegeamerica

Call to Order:

Following the rulemaking hearing set for 9:30 A.M., the regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 2:02 P.M. The Board members, Division staff and guests were introduced. Board roll call was taken. A quorum was present.

Consideration of Approval of the September 24th, 2019 Minutes:

Following review and consideration of the September 24, 2019 meeting minutes, Mr. Minic made a motion to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

Action items will be discussed before Other Business items.

Director/ Staff Report:

Director Candler reported the following items:

- Director Candler attended the National Governors Association conference. Topics mainly focused around quality assurance of education;
- The annual Board retreat is on November 12th and there will be a few presenters attending such as Dr. Angie Paccione, the Executive Director of the Colorado Department of Higher Education;
- Director Candler will be attending a technology summit in Austin, Texas as a panelist and representative for state authorization of coding schools.

New Business/Action Items:

A. Consideration of Approval of Programs/Stand- Alone Courses/Major Revisions/Degree Program

1. IBMC College – Greeley - RA

Program Specialist Acosta presented to the Board for review and consideration the following three new stand-alone courses: 1. Chemical Peel; 2. Microdermabrasion; 3. Electric Nail File. 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, Mrs. Stevens motioned to approve the previously mentioned new stand-alone courses. The motion was seconded and carried.

2. IBMC College – Longmont - RA

Program Specialist Acosta presented to the Board for review and consideration the following three new stand-alone courses: 1. Chemical Peel; 2. Microdermabrasion; 3. Electric Nail File. 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 previously mentioned new stand-alone courses. The motion was seconded and carried.

3. IBMC – Fort Collins - RA

Program Specialist Acosta presented to the Board for review and consideration the following two new stand-alone courses: 1. Microdermabrasion; and 2. Electric Nail File. 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, Mrs. Stevens motioned to approve the previously mentioned new stand-alone courses. The motion was seconded and carried.

4. Aveda Institute Denver – Denver – RA

At this time, Board Member Stevens recused herself.

Program Specialist Acosta presented to the Board for review and consideration the following two new stand-alone courses: 1. Advanced Esthetic Manual Resurfacing Exfoliation; 2. Chemical Resurfacing Exfoliation: Chemical Peels. 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 previously mentioned new stand-alone courses. The motion was seconded and carried.

At this time, Board Member Stevens rejoined the Board.

5. Leaderquest – Colorado Springs - CH

Program Specialist Harding presented to the Board for review and consideration the following major revision to a stand-alone course: ITIL Foundations. 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 previously mentioned major revision to a new stand-alone course. The motion was seconded and carried.

6. Leaderquest – Englewood - CH

Program Specialist Harding presented to the Board for review and consideration the following major revision to a stand-alone course: ITIL Foundations. 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 previously mentioned major revision to a new stand-alone course. The motion was seconded and carried.

7. Lincoln College of Technology – Denver - AC

Program Specialist Cordova presented to the Board for review and consideration the following three new programs: 1. Welding Technology; 2. Heating Ventilation, Air Conditioning and Refrigeration Technology with Service Management; and 3. Heating Ventilation, Air Conditioning and Refrigeration Technology. 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 previously mentioned new programs. The motion was seconded and carried.

B. Consideration of Approval of Provisional Certificate

1. Tech Academy Denver – Denver - CH

Program Specialist Harding presented to the Board for review and consideration of a Provisional Certificate. A school representative was present telephonically. Board members had concerns regarding the lack of attendance at the Board Meeting of a representative from the school who could answer questions regarding the application. Some of the Board's concerns are the inconsistencies of the advertised tuition rates, and the use of "discounts", and specifically that the advertised tuition did not match the tuition rates listed in the School's catalog and enrollment agreements. Board Members also had questions regarding the method of delivery of the education, specifically the difference in contact hours for the same courses for the on line versus the classroom hours listed on the program approval form, and the use of a range of contact hours and tuition rates listed on the approval form, rather than a consistent number. There was also a concern that the school has been operating without approval for a year prior to submitting the application to operate to the Division. The school representative stated that an employee of the Division told the school that it had to be in operation for a year prior to submitting an application to operate.

Following review and consideration, Mr. Minic motioned to table the Provisional certificate. The motion was seconded and carried.

Other Business:

1. Legal Update

Legal Counsel, Jacquelynn Rich Fredericks, updated the Board on the following items:

- a. CollegeAmerica Settlement

- i. Counsel presented the draft Settlement Agreement to the Board and suggested that the matter be discussed in Executive Session for clarifications.
- b. Greater Pueblo Dental Assisting School
 - i. Counsel updated the Board regarding the Voluntary Surrender and that no further legal action is needed thus, the Board must dismiss the pending litigation before the Office of Administrative Courts. Vice Chair Minic motioned to dismiss litigation regarding Greater Pueblo Dental Assisting School. The motion was seconded and carried.
- c. Westland Beauty Academy
 - i. Counsel informed the Board that a Stipulation and Final Agency Order has been reached with the School and that the School has switched counsel so the new counsel is reviewing prior to signature. Counsel indicated that once the agreement is signed by both parties, counsel would dismiss the pending litigation with the Office of Administrative Courts. The Board must vote to adopt the Agreement as a Final Agency Action/Order of the Board.
- d. CDL College
 - i. Counsel informed the Board that there is nothing to update at this time due to counsel being affected by an unforeseen medical issue.

At this time, Director Candler recommended tabling the following Other Business items: CDL Program Requirements by State; Xtreme Lashes; and Montessori Casa International because additional time is needed for discussion. Board Member Krovitz motioned to table the above referenced matters. The motion was seconded and carried.

2. CollegeAmerica Monthly Update

A monthly update was not provided to the Board by CollegeAmerica for the month of October. Vice Chair Minic motioned to move CollegeAmerica to Executive Session to seek advice from legal counsel regarding the Settlement Agreement. The motion was seconded and carried.

Following review and consideration of each of the previous matters discussed during the regular portion of the Board meeting, Mr. Minic motioned to convene in executive session with the Board's attorney to seek legal advice pursuant to C.R.S. §24-6-402(3)(a)(II), on the following matters: CollegeAmerica 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 public session recorder was turned off.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and Division staff at 2:45 P.M.

After the review and consideration of the matters previously mentioned, Chair Garibay resumed regular session at 3:00 P.M.

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 in what is believed to be attorney-client privileged discussions.

Following executive session the Board resumed its agenda as follows.

CollegeAmerica

A representative was present. Joel Scimeca reported to the Board that he is unaware of any new updates. No action taken.

Adjournment:

Mr. Guerrero motioned to adjourn the meeting at 3:11 P.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, December 3, 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