

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
March 24th, 2020 9:40 A.M.

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

Board Members Present:

Paul Garibay, Chair;	Barbara Kearns;
Ryan Minic, Vice Chair;	JoAnn Stevens;
Shelley Krovitz;	Chris Reister;
Ellen Wamser	

Board Members Absent:

Division Staff Present:

Lorna Candler, Director
Mary Kanaly, Deputy Director & Compliance Officer;
Brad Uyemura, Compliance Investigator;
April Cordova, Program Specialist;
Rachel Acosta, Program Specialist;
Carrie Harding, Program Specialist;
Jonathan Rendon, Program Specialist;
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:

Brent Hayes, Real Estate Training Center of Colorado;
Traci Lisk, Academy of Massage Essentials;
Joel Scimeca, CollegeAmerica;
Monica Sanborn, Phlebotomy Training Specialists;
Dr. Reo Leslie, Colorado School for Family Therapy;
Meghan Jurado, LeaderQuest;
Dawn Lewis, Full Circle School;
Bill Ojile, CollegeAmerica Counsel;
Natalie Robinson, Colorado Dental Assisting School – Thornton;
Millie Villafane, Colorado School for Family Therapy;
Matt Gerber, CollegeAmerica;
Janet Perry, McKinley College;
Eric Juhlin, CollegeAmerica

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 9:40 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 February 25th, 2020 Minutes:

Following review and consideration of the February 25th, 2020 meeting minutes, Mr. Reister made a motion to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

Director Candler informed the Board that Digital Workshop Center has been removed from the agenda under Consideration of Approval of Renewal. Additionally, the topic of Assessments has been added to the agenda under Other Business.

Director/Staff Report:

Director Candler reported to the Board the following:

- The Division has been working diligently to convey any notices from the Department of Higher Education, the Center for Disease Control, and the Governor to all schools;
- The Division is changing procedures due to the Center for Disease Control guidelines;
- As of the date of the Board Meeting, 99 schools have requested modifications to their delivery. Of those 99 schools: 58 schools have requested a temporary distance education approval for the delivery method of their educational offerings; and 35 schools have requested temporary closure. It is important for Occupational schools to offer temporary distance education to protect the students' best interests.
- The COVID-19 pandemic is effecting how the Division handles complaints and it is also impacts the expediency of processing transcripts.

Deputy Director Kanaly informed the Board that staff will be reaching out to the remaining schools that have not notified the Division of any modification in their delivery.

Director Candler continued to report to the Board the following:

- The Division's vendor that will be creating a new Information Management System has been making great strides on the project;
- The Division and the Office of Private Postsecondary Education (OPPE) within the Department of Higher Education have been accepted into the State Higher Education Executive Officers' (SHEEO) grant program which gives the Division and OPPE access to a Higher Education Learning Community. This has been beneficial to the Division during the COVID-19 pandemic as SHEEO has been gathering best practices for State regulatory bodies that authorize school approvals.
- Deputy Director Mary Kanaly and Compliance Investigator Brad Uyemura have been issuing refunds totaling over \$58,000 to students due to the closure of National Personal Training Institute in August of 2019. The Division has also issued over \$166,000 for Ecotech refunds, which closed in December of 2018.

New Business/Action Items:

A. Consideration of Approval of Renewal Certificate

1. Academy of Massage Essentials – Colorado Springs - CH

Program Specialist Harding presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present.

Following review and consideration of the renewal, Board Vice Chair Minic motioned to conditionally approve the Standard Certificate of Approval provided that the School works with Division Staff to provide a COVID-19 pandemic plan. The motion was seconded and carried.

2. Colorado School for Family Therapy – Aurora - CH

Program Specialist Harding presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present.

Following review and consideration of the renewal, Board Member Reister motioned to conditionally approve the Standard Certificate of Approval provided that the School works with Division Staff to provide a COVID-19 pandemic plan. The motion was seconded and carried.

3. LeaderQuest – Colorado Springs – CH

Program Specialist Harding presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present.

Following review and consideration of the renewal, Board Member Stevens motioned to conditionally approve the Standard Certificate of Approval provided that the School submits 2019 Financial Statements, that the renewal application indicates online education and that the schools works with Division Staff to provide a COVID-19 pandemic plan. The motion was seconded and carried.

4. Full Circle School – Aurora – JR

Program Specialist Rendon presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present.

Following review and consideration of the renewal, Board Vice Chair Minic motioned to conditionally approve the Standard Certificate of Approval provided that the School works with Division Staff to provide a COVID-19 pandemic plan. The motion was seconded and carried.

5. Real Estate Training Center of Colorado – Lakewood – JR

Program Specialist Rendon presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present.

Following review and consideration of the renewal, Board Vice Chair Minic motioned to conditionally approve the Standard Certificate of Approval provided that the School works with Division Staff to provide a COVID-19 pandemic plan. The motion was seconded and carried.

6. Phlebotomy Training Specialists – Arvada – JR

Program Specialist Rendon presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present.

Following review and consideration of the renewal, Board Member Stevens motioned to conditionally approve the Standard Certificate of Approval provided that the School works with Division Staff to provide a COVID-19 pandemic plan. The motion was seconded and carried.

7. McKinley College – Fort Collins – AC

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. 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 renewal, Board Member Stevens motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2020, and ending June 30, 2023. The motion was seconded and carried.

8. Pima Medical Institute – Denver – AC

At this time, Board Member Minic recused himself from the Board.

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present.

Following review and consideration of the renewal, Board Member Kearns motioned to conditionally approve the Standard Certificate of Approval provided that the School has a satisfactory site visit completed and that there is a resolution for the open student complaint. The motion was seconded and carried.

9. Pima Medical Institute – Aurora – AC

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present.

Following review and consideration of the renewal, Board Member Krovitz motioned to conditionally approve the Standard Certificate of Approval provided that the School has a satisfactory site visit completed. The motion was seconded and carried.

At this time, Board Vice Chair Minic rejoined the Board.

10. Colorado Dental Assisting School – Colorado Springs – RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present.

Following review and consideration of the renewal, Board Vice Chair Minic motioned to conditionally approve the Standard Certificate of Approval provided that the School works with Division Staff to provide a COVID-19 pandemic plan. The motion was seconded and carried.

11. Colorado Dental Assisting School – Thornton – RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present.

Following review and consideration of the renewal, Board Member Krovitz motioned to conditionally approve the Standard Certificate of Approval provided that the School works with Division Staff to provide a COVID-19 pandemic plan. The motion was seconded and carried.

12. United Beauty College – Denver – RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was not present.

Following review and consideration of the renewal, Board Member Krovitz motioned to conditionally approve the Standard Certificate of Approval provided that the School works with Division Staff to provide a COVID-19 pandemic plan. The motion was seconded and carried.

B. Notification of School Closure (no action required)

1. Smile Department School of Dental Careers – Greeley – RA

Effective 02/20/2020, all available student and educational records are on deposit at the Division of Private Occupational Schools, as required by C.R.S § 23-64-125 of the Private Occupational Education Act of 1981.

2. Integrity CDL Academy – Dacono – CH

Effective 2/12/2020, all available student and educational records are on deposit at the Division of Private Occupational Schools, as required by C.R.S § 23-64-125 of the Private Occupational Education Act of 1981.

3. Aspen Grove Salon Spa and School – Aspen – JR

Effective 2/26/2020, all available student and educational records are on deposit at the Division of Private Occupational Schools, as required by C.R.S § 23-64-125 of the Private Occupational Education Act of 1981.

4. Green Leaf School of Massage and Bodywork – Broomfield – JR

Effective 2/20/2020, all available student and educational records are on deposit at the Division of Private Occupational Schools, as required by C.R.S § 23-64-125 of the Private Occupational Education Act of 1981.

Other Business

1. Legal Update

Counsel reported to the Board the following:

i. CDL College

On November 6, 2019, Counsel submitted a letter to Hartford arguing that DPOS was entitled to the bond in order to make whole student complainants. Since that time Counsel continues to work with Hartford to provide additional information and legal argument in support of DPOS' claim to the bond for the purpose of renumeration of students, including conveying the Division's chart of student complaints on February 4, 2020. Awaiting response.

ii. CollegeAmerica

On January 28, 2020, the Board voted to issue a Cease and Desist Order, a Notice of Noncompliance, and a Subpoena Duces Tecum. On January 31, 2020, the Cease and Desist was issued. On February 10, 2020, the Notice of Noncompliance was issued. On February 12, 2020, the Subpoena Duces Tecum was issued. On February 14, 2020, Director Candler and Counsel met with Counsel for CA, Mr. Bill Ojile at DPOS's offices. School response received and is pending Division review.

iii. Colorado Massage Therapy Institute

On December 3, 2019, the Board voted to issue a Notice of Noncompliance re this School's application. On January 10, 2020, the NON was issued to the School. On January 28, 2020, the Board voted to issue a Notice of Charges. The Notice of Charges was filed with the Office of Administrative Courts on February 18, 2020. A Setting Conference was held March 10, 2020. The School Owner executed an Affidavit of Voluntary Surrender. The Board must vote to accept the Affidavit of Voluntary Surrender and to dismiss the pending litigation. Following discussion, Chairmen Garibay motioned to accept the Affidavit of Voluntary Surrender and to dismiss the pending litigation with the Office of Administrative Courts. The motion was seconded and carried.

iv. Integrity CDL College

On January 28, 2020, the Board voted to issue a Notice of Noncompliance. On February 24, 2020, the Notice of Noncompliance was issued. The School response was received and is pending Division review.

v. Westland Beauty Academy

Last month, the legal update informed the Board that the School notified the nine permanent makeup students of the supplemental 52 hours of training. However, some students complained to the Division that they lacked sufficient notice in advance of the supplemental training to take time off of work and arrange for childcare. Therefore, the School has agreed to offer another option for the supplemental training: 3/24, 3/25, 3/26, 3/27, 4/1, 4/2, 4/3. Written notice regarding this training will issue from both the School and the Division. The Board voted to modify the last line of Paragraph 28, to afford the School the opportunity to extend the additional training dates to its former students so that the sentence

reads: "within 126 days of this order." This month, more time is necessary for three reasons. First, the COVID-19 pandemic temporarily eliminates the opportunity for in-person retraining. Second, the School is attempting to secure an off-site location, as well as a non-affiliated teacher in order to satisfy the students' desire not to receive the training directly from the School. This means that other than funding the retraining, the School will not have a direct role. They are hopeful this will be more palatable to the students and enhance the likelihood that students will avail themselves of it. Third, the School is waiting for the Division to provide its companion letter of notice regarding the importance of the retraining. Therefore, the Board should vote once more to modify the last line of Paragraph 28 to read: "within 175 days of this order." Once the Board is advised that all requirements of the Agreement have been met, then, the Board must vote to dismiss the litigation before the Office of Administrative Courts. Following discussion, Vice Chair Minic motioned to modify the last line of Paragraph 28 to read: "within 175 days of this order." The motion was seconded and carried.

2. CollegeAmerica Monthly Update

Director Candler reported to the Board the CollegeAmerica monthly update. A representative was present. No action taken.

3. Temporary Distance Education Requests and Approvals Update

The matter was previously discussed in the Director's Report. Director Candler informed the Board that the Division is making every effort to respond as quickly as possible to submitted requests.

4. Colorado Massage Therapy Institute

The matter was previously discussed during the legal update.

5. Assessments

Director Candler reported to the Board that the Division will continue to collect assessment fees as it is imperative to collect these fees in order to operate. No action taken.

In addition, the Board determined that the Board Meeting in April will be held via the web conference application, Zoom, on April 28th, 2020 instead of the previously scheduled date for April 21st, 2020.

Adjournment:

Vice Chair Minic motioned to adjourn the meeting at 12:07 P.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, April 28, 2020, at 9:30 A.M. and will be held via the web conference application, Zoom, with the following log in information:

Please click the following link to join the Zoom Meeting from your computer:

<https://zoom.us/j/99687587877>

Meeting ID: 996 8758 7877

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