MINUTES

BOARD OF PRIVATE OCCUPATIONAL SCHOOLS

**May 26th, 2020 9:40 A.M.**

<https://us02web.zoom.us/j/86829112375>

Meeting ID: 868 2911 2375

Find your local number: <https://us02web.zoom.us/u/kbB80i05VS>

Board Members Present:

Paul Garibay, Chair; Barbara Kearns;

Ryan Minic, Vice Chair ; JoAnn Stevens;

Shelley Krovitz;

Ellen Wamser

Board Members Absent:

Chris Reister

Division Staff Present:

Lorna Candler, Chief Occupational Education Officer

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

Bernadette Esquibel, Program Specialist Assistant

Division Staff Absent:

Board Counsel Present:

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

Guests Present:

Jarred McNeely, Colorado School of Trades

Jeff Donaldson, Barnett Bicycle Institute

Sheila Summers, Independent Higher Education Consultant

Michael Mulholland, Accent Beauty Academy

“Tsy” participant, unsure

“WBA” participant, unsure

Bill Ojile, CollegeAmerica

Matt Gerber, CollegeAmerica

Lynda Young, Rock Creek Laser and Esthetics Institute

Helen Grigg, Healing Spirits Massage Training Program

Melinda Besse, Healing Spirits Massage Training Program

Ria Botzer, Apex College of Veterinary Technology

Ramona Crane, Apex College of Veterinary Technology

Steve Duren, General Air Welding Academy

Kim Green, Advanced Therapy Institute of Touch, LLC

Melody Irvine, Career Coders

Joanne Lang, Lang Institute for Canine Massage

Elizabeth Valenzuela, Lizzie’s Beauty Shop

Matt Talafuse, Rocky Mountain Real Estate School

Lesa Sluder, CDL Certifiers/CDL Trainers

Denise Mitchell, Tuana European Beauty Academy

Ray Fluken, Rocky Mountain Laser College

Alexis Amburgey, New Horizons Computer Learning Centers

Aaron Diem, Real Estate College of Colorado

Brigitta Vieyra, General Assembly

Chloe Villano, Clover Leaf University

Doug Dodds, Empire Real Estate School

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 April 28th, 2020 Minutes:

Following review and consideration of the April 28th, 2020 meeting minutes, Mrs. Krovitz made a motion to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

Director/COEO/Staff Report:

COEO/Director Candler reported to the Board the following:

* SHEEO has reached out to the Colorado Department of Higher Education, the Division of Private Occupational Schools and the Office of Private Postsecondary Education to apply for additional funds to research state authorization practices. The Division is in the process for applying for the grant from SHEEO.
* COEO/Director Candler is the Vice President for NASASPS and is in the process of coordinating a virtual conference for regulators and schools on June 9th, 2020.
* Deputy Director Kanaly has work tirelessly through the in-person instruction attestations that would allow schools to start in-person training. The Division will be discussing the problems that occur when a school does not follow the executive and health orders for face to face training.
* Program Specialist Harding and Compliance Investigator Uyemura is investigating a school that may not be following proper protocols for face to face training
* Program Specialist Rendon was appointed to a task force under House Bill 2020 1039 to enhance transparency and increase citizen access to the rulemaking process. This is important for the Division to have representation as the Division holds rulemaking hearings every year or every other year.
* Program Specialists have been working diligently to timely answer all questions submitted by schools regarding COVID-19 matters.
* Data and Research Specialist Knoblauch has been working diligently to manage office matters and to ensure a smooth Board Meeting.
* An extension for the renewal deadline will be needed due to COVID-19 thus, the Division will need to hold an emergency rulemaking meeting to extend the deadline by thirty days. The Division will be working with counsel regarding the emergency rulemaking meeting.
* Board members Minic, Kearns, Wamser and Stevens have been confirmed in absentia due to COVID-19 restrictions.

New Business/Action Items:

1. Consideration of Approval of Renewal Certificate
2. Empire Real Estate School – 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, Vice Chair Minic 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.

1. Clover Leaf University – Denver - 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 Stevens 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.

1. Digital Workshop Center – 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.

Following review and consideration of the renewal, Board Vice Chair Minic 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.

1. General Assembly – Denver - 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 Stevens 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.

1. Real Estate College of Colorado – Front Range – 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 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 has a satisfactory site visit completed. The motion was seconded and carried.

1. New Horizons Computer Learning Centers – 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 Kearns 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.

1. New Horizons Computer Learning Centers – 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 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. The motion was seconded and carried.

1. Rocky Mountain Laser College – Lakewood - 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. 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, Vice Chair Minic 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.

1. Tuana European Beauty Academy – Fort Collins - 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. 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.

1. CDL Certifiers/CDL Trainers – Grand Junction - 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 Krovitz motioned to conditionally approve the Standard Certificate of Approval provided that the bond is in CDL Certifiers Inc.’s name, that advertising states CDL Certifiers instead of both names and that the site visit be completed. The motion was seconded and carried.

1. Rocky Mountain Real Estate School, LLC – Parker – 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. 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 Wamser 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.

1. Lizzie’s Beauty Shop – Durango – 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. 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.

1. Lang Institute for Canine Massage – Loveland - 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. 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, Vice Chair Minic 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.

1. Northern Colorado College of Real Estate – Loveland – CH

Program Specialist Harding 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, Vice Chair Minic 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.

1. Career Coders, LLC. – Loveland - 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. 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 Wamser 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.

1. Advanced Therapy Institute of Touch, LLC. – 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. 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 Kearns 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.

1. General Air Welding Academy – Denver - 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. 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, Vice Chair Minic 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.

1. Apex College of Veterinary Technology – Colorado Springs - 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 has a satisfactory site visit completed and upon receipt of an updated safety inspection. The motion was seconded and carried.

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

At 11:52 A.M. Chairmen Garibay called the public meeting back to order.

## Consideration of Approval of Change of Ownership

1. Healing Spirits Massage Training Program – Boulder - RA

Program Specialist Acosta presented to the Board for review and consideration of Change of Ownership. A school representative was present.

Following review and consideration, Ms. Krovitz motioned to approve the Change of Ownership effective May 26, 2020. The motion was seconded and carried.

After review of the Change of Ownership application itself, it was recommended by the Board that an addition is made by Division staff to allow for a School to provide the name of the new entity taking over new ownership.

1. Consideration of Approval of Out of State Renewal

The Board was informed that only one motion is required for the approval of Out-of-State School renewals. After review and consideration for renewal of the Out-of-State Schools the Board determined that the following schools can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended:

* 1. American School of Real Estate Express – St. Louis, MO - BE
  2. Appraisal Institute – Chicago, IL - BE
  3. McKissock – Warren, PA - BE
  4. MedCerts – Livonia, MI - BE
  5. NASCAR Technical Institute – Mooresville, NC - BE
  6. OCL Financial Services dba OnCourse Learning – Brookfield, WI - BE
  7. OCL Real Estate LLC dba OnCourse Learning Real Estate – Brookfield, WI - BE
  8. Spartan College of Aeronautics and Technology – Inglewood, CA - BE
  9. Spartan College of Aeronautics and Technology – Riverside, CA - BE
  10. Spartan College of Aeronautics and Technology – Tulsa, OK - BE
  11. Swift Driving Academy – Phoenix, AZ - BE
  12. Tulsa Welding School – Jacksonville, FL - BE
  13. Tulsa Welding School – Tulsa, OK - BE
  14. Universal Technical Institute of Arizona – Avondale, AZ - BE
  15. Universal Technical Institute Motorcycle Mechanics Institute Division – Phoenix, AZ - BE
  16. Universal Technical Institute of Texas – Houston, TX - BE
  17. Wyotech – Laramie, WY - BE

Board Member Stevens motioned to renew the Certificates of Approval for the previously mentioned Out-of-State schools for the period beginning July 1, 2020, and ending June 30, 2021, effective May 26, 2020. The motion was seconded and carried.

Other Business

1. Legal Update

Counsel reported to the Board the following legal updates:

* CDL College
  + No update provided since an additional response was not received from the bonding authority.
* CollegeAmerica
  + The Board previously voted to issue a Cease & Desist order, Subpoena Duces Tecum and Notice of Noncompliance. CollegeAmerica counsel met with COEO/Director Candler and DPOS counsel in February. The School responded to each of those documents. The Division was in the process of reviewing that response when the Board met last month. It is recommended that legal advice be given in Executive Session regarding the matter.
* Integrity CDL
  + The Board voted to issue a Notice of Noncompliance to which the School provided a response. Counsel and the Division have provided a review of the School’s response along with recommendations.
* Westland Beauty Academy
  + The School entered a stipulated agreement to train out nine permanent makeup students however an extension of the deadline to complete that training is necessary due to extenuating circumstances such as the COVID-19 pandemic, securing an off-site location and non-affiliated teacher in order to train the students. It was recommended to discuss the matter in Executive Session to receive legal advice if needed.

1. Rock Creek Laser and Esthetics Institute

Deputy Director Kanaly informed the Board that the Division has received new complaints regarding face to face training performed at the School. Deputy Director Kanaly also informed the Board that the School may have been in violation of the Governor’s Executive Order that requires Schools to submit an attestation to the Colorado Department of Higher Education to resume in-person instruction. Since this School teaches esthetics, the hands-on portion of the training involves a human touching the skin and face. Students cannot complete their education without the hands-on training. Program Specialist Harding reached out to the School owner to file the attestation and has since been filed and acknowledged by the Department as being filed. Students who have submitted complaints to the Division are concerned that they are not receiving the education necessary and are being rushed through instruction. The Division’s concern is that the School is allowing students to go forward without the required and Board approved esthetics education being provided to them. Deputy Director Kanaly conversed with the School owner and also with School counsel and it was confirmed that classes had been started again. The School owner stated that Theory classes are being provided however, Deputy Director Kanaly reminded the School owner that any education that can be provided online, should be provided online. The School owner then admitted to providing face to face training for more advanced esthetics education such as chemical peels. In order to practice and teach that type of treatment, it needs to be done on the face. The Executive Order instructs education to be completed with face masks and when questioned, the School owner stated that education was being provided by using other areas of the body. The Division is concerned that the proper instruction in the appropriate manner is not being performed thus, students are not receiving the correct and approved education.

School counsel addressed the previously mentioned concerns.

Division counsel questioned School counsel regarding the timeline of events previously discussed, whether the attestation has been received and acknowledged and facts regarding the complaints submitted to the Division. Division counsel reiterated the importance of educating oneself regarding the requirements set forth in Colorado Public Health and Executive Orders being issued to maintain compliance.

The Board, Division and School counsel had an opportunity to respond to additional matters discussed.

Following review and consideration 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), for the following schools: Rock Creek Laser and Esthetics Institute and CollegeAmerica. Board Member Krovitz amended the motion to include Integrity CDL and Westland Beauty Academy. The amendment was adopted to discuss the previously mentioned schools 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/COEO, and Division staff at 12:51 P.M.

After the review and consideration of the matters previously mentioned, Chair Garibay resumed regular session at 2:00 P.M.

The Executive Session recorder was turned off.

The public session recorder was turned on and the general public was welcomed back.

First 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.

Other Business Items:

1. Rock Creek Laser and Esthetics Institute

Chairmen Garibay directed the Division to complete their investigation of the matters that were previously discussed regarding Rock Creek Laser and Esthetics Institute. Vice Chair Minic stated that the allegations against the School are troubling. At this time, the Board does not have enough information to take action against the School.

1. Westland Beauty Academy

Following discussion, Board Member Krovitz made a motion to edit paragraph 28 of the stipulated agreement to extend the deadline to October 31st, 2020 for the School to be able to meet the requirements of the agreement. The motion was seconded and carried.

1. Integrity CDL

Following discussion, Vice Chair Minic motioned to issue a letter of warning to the School’s file maintained by the Division that includes the facts of the Division’s investigation into the School so that if the School wishes to reopen, the notes are prominent for staff consideration. The motion was seconded and carried.

1. CollegeAmerica

Following discussion regarding the pending Notice of Noncompliance, Chairmen Garibay called for a motion from the Board for a Notice of Charges. Since no motion was offered, no further action will be taken. It is the opinion of the Board that CollegeAmerica through Independence University meets the requirements of the DPOS statute under NC-SARA requirements. Board Member Krovitz requested that the Division and Division counsel issue a summary Letter of Warning that describes the timeline of events, facts and concerns discovered throughout the Division investigation. The motion was seconded and carried.

The School had an opportunity to comment to clarify the motion to which Chairmen Garibay described that the requested Letter of Warning is not a negative or disciplinary action, it will not be reported to the Accrediting body for the School and the School will receive a copy of the Letter of Warning. After further discussion, School counsel requested a formal letter that the Notice of Noncompliance was vacated. Division counsel explained that the Notice of Noncompliance is a fact finding document so vacating the notice is inapplicable however, a letter of explanation that the Board will not be moving forward with the Notice of Charges will be provided by Division counsel.

The CollegeAmerica monthly update was provided by COEO/Director Candler. The School representative inquired about a bond reduction.

1. Conditional Approval Report

Deputy Director Kanaly updated the Board regarding conditional approvals. There were several conditional approvals issued at the April Board Meeting for site visits which have not been completed however, all other conditions from last month’s meeting have been met.

1. Renewal Report

Deputy Director Kanaly reported that 40 schools still need to go before the Board before the June 30th deadline. The Division may request an emergency Board Meeting to temporarily extend the deadline for Schools to renew their Certificate of Approval.

COEO/Director Candler informed the Board that the chart maintained by Data and Research Specialist Knoblauch was provided to the Board to showcase trending data from the past 10 years. This chart helps to understand the Private Occupational School landscape and the ever-evolving fluctuation of school closings and openings.

1. Complaints

COEO/Director Candler informed the Board that the Division is receiving several COVID-19 related complaints. The Division is in the process of investigating a particular school who has received several complaints regarding COVID-19. The Division will provide updates to the Board and counsel.

1. Change of Ownerships

COEO/Director Candler informed the Board that the Division will be improving the review process by adding more information about the ownership to the Change of Ownership application however, there is a larger question of how much authority the Board has for Change of Ownerships. Division counsel recommended that the topic be discussed internally and that the Board be briefed after those discussions.

1. Colorado School of Healing Arts

Program Specialist Harding informed the Board of the history of events regarding the School and the Change of Ownership application that was before the Board in February. In February, the Board requested that the matter be tabled to May to provide an update. The School is still working through legal matters and anticipates that the matter will be finalized in June. Vice Chair Minic motioned to table the matter until the June Board Meeting. The motion was seconded and carried.

Adjournment:

Board Member Minic motioned to adjourn the meeting at 2:45 P.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, June 23, 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:  
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