

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
September 22nd, 2020 9:34 A.M.

Join Zoom Meeting

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Meeting ID: 830 2829 9227

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

Board Members Present:

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

Barbara Kearns;
Ellen Wamser;

Board Members Absent:

Chris Reister

Division Staff Present:

Lorna Candler, Chief Occupational Education Officer/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 Donnell, 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:

Henrietta Harvey, Assist to Succeed Dental Assisting School Pueblo;
Chris Smith, Colorado School of Healing Arts;
Kris Will, Colorado School of Healing Arts;
Angela Palmer, Palmer School of Floral Design;
Amy Chavez, Colorado School of Healing Arts;
Amanda Bourda, Colorado Institute of Massage Therapy;
Gale Weber, Parelli Natural Horsemanship University;
Erin Goff, Public Member
Zachariah Jacobsen, Blue Light, LLC;
Dani Parsons, SecureSet Academy/Flatiron School;
Juliana Satie, The School of Natural Cookery;
Tina Giordano, Parelli Natural Horsemanship University;
Gale Weber, Parelli Natural Horsemanship University;
Suren Shrestha, Atma Buti;

Kaz Yamazaki, Mr. K's Floral Design School of Denver;
James Leslie, Public Member
Caitlyn Shelby, Flatiron School Counselor;
Bret Fund, SecureSet Academy;
Dena Frei, Flatiron School;
Michael Mulholland, Accent Beauty Academy;

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 9:31 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 August 25th, 2020 Minutes:

Following review and consideration of the August 25th, 2020 meeting minutes, Board Member Minic made a motion to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

COEO/Director Candler added Other Business Item, "Fee Discussion" to the agenda.

Director/COEO Report:

Chief Occupational Education Officer/Director Candler reported to the Board the following:

- Congratulations to Data and Research Specialist Amy Knoblauch who recently got married. She has changed her last name so she will now be known as Amy Donnell.
- DPOS has awarded \$12,000 to an NPTI student seeking refund from the closure.
- Deputy Director Kanaly completed the Colorado Bureau of Investigations audit for teacher background checks for those who teach minors.
- The Division has met with the Colorado Department of Labor and Employment to discuss apprenticeship opportunities within cosmetology fields and is also trying to coordinate with the Department of Regulatory Agencies. Apprenticeships are exempt from DPOS regulation and the apprenticeship rules require that candidates graduate from DPOS school. The Division will apprise the Board with any updates on the matter.
- COEO/Director Candler is a part of the planning committee for the virtual NASASPS Conference and will bring relevant topics to discuss at the DPOS Annual Board Retreat.
- The Division has begun the new virtual site visit process and has conducted a few provisional site visits so far.
- The Division has expanded rigor for changes of ownership and has expanded the review process.
- Deputy Director Kanaly reported that 160 Driving Academy was a conditionally approved provisional school provided upon a favorable site visit thus, the Division is happy to report that the site visit has been completed and the School is now in operation.
- Deputy Director Kanaly reported that the Program Specialists are wrapping up their review for the current renewal cycle and have been busy working on approvals for changes of delivery methods for educational services.

New Business/Action Items:

A. Consideration of Approval of Renewal Certificate

1. Palmer School of Floral Design – Fort Collins - CH

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

The matter was tabled to review the financials recently submitted.

2. Parelli Natural Horsemanship University – Pagoda Springs - CH

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

Board Member Minic motioned to table the matter to Other Business. The motion was seconded and carried.

3. Assist to Succeed – Pueblo - JR

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

Following review and consideration, Board Member Stevens motioned to conditionally approve the Standard Certificate of renewal provided upon a favorable site visit and completed financial cover sheet. Board Member Minic amended the motion that the cover sheet is received within seven days. The motion was seconded and carried.

At this time the Board revisited Palmer School of Floral Design.

Palmer School of Floral Design – Fort Collins - CH

Following review and consideration, 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. Board Member Wamser motioned to approve the Standard Certificate of renewal for the period of July 1, 2020 and ending June 30, 2023. The motion was seconded and carried.

4. Atma Buti – Boulder – AC

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

Following review and consideration, Board Member Minic motioned to conditionally approve the Standard Certificate of renewal provided upon a favorable site visit. The motion was seconded and carried.

5. Mr. K's Floral Design School of Denver – 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.

Board Member Kearns motioned to move Mr. K's Floral Design School of Denver to Executive Session. The motion was seconded and carried.

B. Consideration of Approval of New Program(s)/Stand-Alone Course(s)/Major Revisions

1. Colorado School of Healing Arts – Lakewood - CH

Program Specialist Harding presented to the Board for review and consideration of a major revision to a Program: 720 Hour Massage Therapy Program. 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 major revision to a program, Board Member Stevens motioned to approve the previously mentioned major revision to a program effective September 22nd, 2020. The motion was seconded and carried.

2. The School of Natural Cookery LLC – Boulder - JR

Program Specialist Rendon presented to the Board for review and consideration of a major revision to a Stand-Alone Course: Natural Chef - Online. A school representative was present.

Board Member Wamser motioned to discuss the matter to Executive Session. The motion was seconded and carried.

C. Consideration of Approval of Renewal with Change of Ownership

1. Colorado Institute of Massage Therapy – Colorado Springs - AC

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

Following review and consideration, Board Member Kearns motioned to approve the Change of Ownership effective September 22nd, 2020. The motion was seconded and carried.

Following review and consideration of the renewal, Board Member Kearns motioned to conditionally approve the Standard Certificate of renewal provided upon a favorable site visit. The motion was seconded and carried.

D. Consideration of Approval of Change of Ownership

1. Flatiron School – Denver – AC

This matter was discussed in conjunction with the change of ownership for SecureSet Academy.

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

Following review and consideration, Board Member Minic motioned to table the matter until the October Board Meeting and Board Member Krovitz amended the motion to include SecureSet Academy as well.

2. SecureSet Academy – Denver and Colorado Springs - AC

The matter was previously discussed. A school representative was present.

E. Consideration of Approval of Provisional Certificate

1. Blue Light, LLC – Colorado Springs - CH

Program Specialist Harding presented to the Board for review and consideration of a Provisional Certificate. A school representative was present.

Following review and consideration, Board Member Stevens motioned to approve the Provisional certificate conditioned upon a favorable site visit. The motion was seconded and carried.

Stevens motioned to approve the new programs: Basic Intelligence Analyst Certification Course; Blue Light i2 Analysts Notebook Basic and Advanced; and, Blue Light Introduction to OSINT Analysis and Advanced Analysis.

At this time, Board Member Minic motioned for a recess at 12:04 PM.

Other Business

1. Legal Update

- CDL College – In July, the Board voted to issue a demand letter and civil complaint. Counsel met with an insurance specialist to discuss the complaint and next steps.
- CollegeAmerica – The Denver District Court recently ruled largely in favor of the Colorado Department of Law’s Consumer Protection Unit in the litigation against CollegeAmerica. Counsel issued the requested written update to the School’s counsel. Division counsel issuance of the letter is pending. Due to the School’s closure in Colorado, Division counsel is working with the Division and the School’s counsel to prepare a notice to students. The draft notice with the School’s proposed redlines was

remitted for the Board's consideration. The School will provide contact information for all students from September of 2018 to present.

- Integrity CDL – Division counsel issuance of letter pending.
- The Pilates Institute of Boulder – The Board previously voted to issue a Notice of Noncompliance and a Notice of Bond Lapse and Statutory Suspension. The Board also requested a letter be remitted to the surety. On August 24th, 2020 the Notice of Noncompliance and Notice of Bond Lapse and Statutory Suspension were issued. The School's response was due September 7th, 2020. The School failed to timely respond and told the Division they had moved addresses but did not update their contact information. The School was re-provided the Notices and has indicated a desire to cease operation.
- Rock Creek Laser and Esthetics – On August 25th, 2020, the Board voted to issue a Subpoena Duces Tecum (SDT). Division counsel prepared the SDT that same day and the Division issued it promptly thereafter. The School responded to the SDT and the Division is reviewing the records obtained.
- Westland Beauty Academy – Division counsel updated opposing counsel regarding the Board's Order. Division counsel and the Division issued a letter to the nine students in support of the re-training which is scheduled for late September.

2. CollegeAmerica

a. Monthly Update

- i. COEO/Director Candler reported that monthly update was forwarded yesterday.

b. Closure Status

- i. The Board would like the Division to issue the edited Notice to students regarding claim forms. The Division will correspond with CollegeAmerica that the recommended edits are sufficient, and the Notice will be sent to the affected students. The Division will apprise the Board with any updates regarding the claim forms.

3. College of International Esthetics Closure

Deputy Director Kanaly reported that Division is still gathering information regarding the closure. The Division has been in contact with the School's financial auditor to determine appropriate refunds to students. The Division has some concerns regarding the disbursement of funds from the Department of Education to students and how those influence refund calculations.

4. Advanced Trainings Notice

Deputy Director reported to the Board that the Division discussed the topic with the Department of Regulatory Agencies. A notice regarding appropriate regulations was sent to the cosmetology Schools and has been provided to the Board. There was some pushback from Schools about this topic. The Department of Regulatory Agencies questioned the Division regarding what information we were giving to the Schools. Both the Division and the Department of Regulatory Agencies came to an understanding and the Division will continue to ensure that the Schools are providing education in a compliant manner.

5. The Pilates Institute of Boulder

COEO/Director Candler reiterated to the Board that Counsel recommended that we resend the notice due to the miscommunication for their correct address.

6. Board Retreat

COEO/Director Candler reported that November 17th will be the date of the retreat and is tentatively scheduled for 9 AM to 1 PM. Additionally, the Division has an open position for the Board and is reaching out to find a new Board Member to replace Board Member Reister. COEO/Director Candler announced that if you are interested in the position, please contact the Division.

7. Parelli Natural Horsemanship University – Pagoda Springs - CH

COEO/Director Candler summarized the history of events with the School's failure to timely submit information to the Division. Board Member Wamser motioned to discuss the matter in Executive Session. The motion was seconded and carried.

Following review and consideration of the previous matters discussed during the regular portion of the Board meeting, Board Member Wamser 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 Schools and matters: Mr. K's Floral Design School of Denver; School of Natural Cookery; Flatiron and SecureSet Academy; Parelli Natural Horsemanship University 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 12:45 P.M.

After the review and consideration of the matters previously mentioned, Chair Garibay resumed regular session at 1:27 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.

Mr. K's Floral Design School of Denver

Chairmen Garibay introduced the matter. Following discussion, Board Member Kearns motioned to extend the renewal provided that the School submits all requested information in 21 calendar days. If this information is not submitted, it is possible that the application could be denied. The motion was seconded and carried.

Parelli Natural Horsemanship University

Following discussion, Board Member Wamser motioned for a one-time extension of renewal for 21 calendar days to allow the School to submit all required documentation and clarify all questions by the Division and Board by October 13th, 2020. The motion was seconded and carried.

School of Natural Cookery

Board Member Minic summarized the concerns regarding the expectations of an online cooking school. Following discussion between the School and the Board, Board Member Minic motioned to table the matter to the Oct 27th, 2020 Board Meeting to get further information for the program and possibly review restructuring of the evaluation of individual student dishes. The motion was seconded and carried.

Flatiron School and SecureSet Academy

Chairmen Garibay clarified that the requested information must be received by the Division within 21 days.

Fee Discussion

COEO/Director Candler reported that there have been a few requests from Schools who are seeking a fee reduction or waiver of fee due to hardship. Following discussion, no action taken.

Adjournment:

Board Member Minic motioned to adjourn the meeting at 2:06 PM. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, October 27, 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://us02web.zoom.us/j/87256732660>

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