

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
December 8th, 2020 9:32 A.M.

Join Zoom Meeting

<https://zoom.us/j/96674561711?pwd=eE9hN3A1Qk1tdFBaM2ZMV2ZBUTh6dz09>

Meeting ID: 966 7456 1711

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

Board Members Present:

| | |
|---------------------------|-------------------------|
| Paul Garibay, Chair; | Ryan Minic, Vice Chair; |
| JoAnn Stevens, Secretary; | Shelley Krovitz; |
| Jessica Houtz; | Ellen Wamser; |
| Barbara Kearns; | |

Division Staff Present:

Director/Chief Occupational Education Officer Lorna Candler;
Deputy Director & Compliance Officer Mary Kanaly;
Compliance Investigator Bradlee Uyemura;
Program Specialist Rachel Acosta;
Program Specialist April Cordova;
Program Specialist Carrie Harding;
Program Specialist Jonathan Rendon;
Program Specialist Assistant Bernadette Esquibel;

Board Counsel Present:

Jacquelynn Rich Fredericks, First Assistant Attorney General, Office of the Colorado Attorney General (left the meeting at 10:00 A.M. and rejoined at 12:11 P.M.);
Natalie Powell, Senior Assistant Attorney General, Office of the Colorado Attorney General;

Guests Present:

Jessica Martinac, Designing Beauty Academy;
Dr. Kelly Moore, Lincoln College of Technology;
Francis Giglio, Lincoln College of Technology;
Dwayne Isbell, Lincoln College of Technology;
Beverly Sotelo, Lincoln College of Technology;
John Carreon, Concorde Career College;
Kristen Marshall, Concorde Career College;
Thomas Wicke, Concorde Career College;
Rachel Martinez, , Turing School of Software & Design;
Melinda Besse, Boulder Massage Therapy Institute;
Carrie Peterson, International Salon and Spa Academy;
Wayne Zellner, IntelliTec Colleges;
Kristy Estrada, IntelliTec Colleges;

Michael Mulholland, Accent Beauty Academy;
Beth Helper, ACCET;
Kaz Yamasaki, Mr. K's Floral Design School of Denver;

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 9:32 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 October 27th, 2020 Minutes:

Following review and consideration of the October 27th, 2020 meeting minutes, Vice Chair Minic made a motion to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

No changes were made.

Director / Staff Report:

Director/COEO Candler reported to the Board the following:

- Division staff has worked diligently to finalize workflows for phase 1 of their IT project with Intellect;
- Division staff is managing the bond for College of International Esthetics (CIE) and coordinating with the USDOE;
- The Division issued its first bond request for administrative costs concerning Ecotech and distributed \$19,000 in refunds to Ecotech students;
- Director/COEO attended a webinar on What Biden Means for Higher Education & also a quarterly meeting with states and the USDOE;
- Director/COEO attended a Quality Assurance meeting lead by Jean Dougherty, Talent Pipeline Analyst for the Department of Higher Education. An excellent presentation showcasing Colorado's work related to quality credentials.

New Business/Action Items:

A. Consideration of Approval of New Program(s)/Stand-Alone Course(s)/Major Revision(s)

1. Designing Beauty Academy – Windsor - CH

Program Specialist Harding presented to the Board for review and consideration of a new program: Barber 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 new program, Secretary Stevens motioned to approve the previously mentioned new program effective December 8th, 2020. The motion was seconded and carried.

2. Lincoln College of Technology – Denver - JR

Program Specialist Rendon presented to the Board for review and consideration of eight major revisions to programs: 1. Air Conditioning, Refrigeration & Heating Technology; 2. Automotive Service Management; 3. Automotive Technology; 4. Diesel and Truck Service Management; 5. Diesel and Truck Technology; 6. Diesel and Truck with Alternative Fuel Technology; 7. Welding and Metal Fabrication Technology and 8. Welding 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 of the major revisions to programs, Board Member Wamser motioned to approve the previously mentioned major revisions to programs effective December 8th, 2020. The motion was seconded and carried.

3. Concorde Career College – Aurora - JR

Program Specialist Rendon presented to the Board for review and consideration of five major revisions to programs: 1. Dental Hygiene; 2. Physical Therapist Assistant; 3. Radiologic Technology; 4. Respiratory Therapy and 5. Surgical Technologist. 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 revisions to programs, Board Member Wamser motioned to approve the previously mentioned major revisions to programs effective December 8th, 2020. The motion was seconded and carried.

4. Turing School of Software & Design – Denver - JR

Program Specialist Rendon presented to the Board for review and consideration of two new programs: 1. Front End Engineering (IDL) and 2. Back End Engineering (IDL). 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 new programs, Board Member Kearns motioned to approve the previously mentioned new programs effective December 8th, 2020. The motion was seconded and carried.

Secretary Stevens recused herself from the next item.

5. Aveda Institute Denver – Denver - RA

Program Specialist Acosta presented to the Board for review and consideration of five new programs: 1. Cosmetology Hybrid; 2. Barber Hybrid; 3. Hairstyling Hybrid; 4. Esthiology Hybrid and 5. Massage Therapy Hybrid. 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 new programs, Board Member Kearns motioned to approve the previously mentioned new programs effective December 8th, 2020. The motion was seconded and carried.

Secretary Stevens rejoined the meeting.

Board Counsel, Jacquelynn Rich Fredericks, left the meeting at 10:00 A.M. Natalie Powell, Senior Assistant Attorney General, remained as Board and Division Counsel.

6. Boulder Massage Therapy Institute – Boulder - RA

Program Specialist Acosta presented to the Board for review and consideration of a new program: Essentials I: 625 Hour Licensure Hybrid 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 new program, Board Member Kearns motioned to conditionally approve the previously mentioned new program effective December 8th, 2020 contingent upon correction of the Program Approval Form to specifically define the time frame for completion of the program. The motion was seconded and carried.

7. International Salon and Spa Academy – Colorado Springs - RA

Program Specialist Acosta presented to the Board for review and consideration of four new programs and a major revision to a program: 1. Cosmetology Hybrid Program; 2. Barbering Hybrid Program; 3. Hairstylist Hybrid Program; 4. Esthetics Hybrid Program and 5. Nail Technician Hybrid 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 new programs and major revision to a program, Vice Chair Minic motioned to approve the previously mentioned new programs and major revision to a program effective December 8th, 2020. The motion was seconded and carried.

8. IntelliTec College – Colorado Springs - AC

Program Specialist Cordova presented to the Board for review and consideration of four new programs and three major revisions to programs: 1. Computer Network Systems Technician – Administration; 2. Automotive Technician; 3. HealthCare Administration: Medical Billing and Coding; 4. HealthCare Administration: Medical Assisting; 5. Computer Systems Technician; 6. Medical Assistant and 7. Refrigeration and HVAC Technician. 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 new programs, Board Member Kearns motioned to approve the previously mentioned new programs effective December 8th, 2020. The motion was

seconded and carried.

Following review and consideration of the major revisions to programs, Board Member Kearns motioned to approve the previously mentioned major revisions to programs effective December 8th, 2020. The motion was seconded and carried.

9. IntelliTec College – Grand Junction - AC

Program Specialist Cordova presented to the Board for review and consideration of four new programs and four major revisions to programs: 1. Automotive Technician; 2. HealthCare Administration: Medical Billing and Coding; 3. Computer Systems Technician; 4. HealthCare Administration: Medical Assisting; 5. Dental Assistant; 6. Massage Therapy; 7. Medical Assistant and 8. Refrigeration and HVAC Technician. 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 new programs, Board Member Kearns motioned to approve the previously mentioned new programs effective December 8th, 2020. The motion was seconded and carried.

Following review and consideration of the major revisions to programs, Vice Chair Minic motioned to approve the previously mentioned major revisions to programs effective December 8th, 2020. The motion was seconded and carried.

10. IntelliTec College – Pueblo - AC

Program Specialist Cordova presented to the Board for review and consideration of four new programs and two major revisions to programs: 1. Computer Systems Technician; 2. HealthCare Administration: Medical Billing and Coding; 3. Automotive Technician; 4. HealthCare Administration: Medical Assisting; 5. Massage Therapy and 6. Medical Assistant. 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 new programs, Board Member Kearns motioned to approve the previously mentioned new programs effective December 8th, 2020. The motion was seconded and carried.

Following review and consideration of the major revisions to programs, Vice Chair Minic motioned to approve the previously mentioned major revisions to programs effective December 8th, 2020. The motion was seconded and carried.

Secretary Stevens motioned for a 10-minute recess. The motion was seconded and carried.

The Board, Division staff and remaining guests resumed the meeting at 11:03 A.M.

Other Business

1. Legal Update

The Board's Counsel, Jacquelynn Rich Fredericks, provided a legal update to the Board for review. Board Counsel, Natalie Powell, was available for questions and Director/COEO Candler presented the following:

- a. Worldwide College of Auctioneering -
On October 27, 2020, the Board voted to issue a Notice of Bond Lapse and a Notice of Noncompliance. Once the documents are issued, the school will have 14 days to respond.
- b. CDL College – No action
- c. CollegeAmerica – No action
- d. Integrity CDL – No action
- e. The Pilates Institute of Boulder -
The Division and counsel are awaiting confirmation regarding closure and remission of student records. This process has been delayed due to personal circumstances of the school owner(s).
- f. Rock Creek Laser & Esthetics –
The School responded to the Subpoena Duces Tecum and the Division is reviewing the records obtained.
- g. Westland Beauty Academy -
The Board voted to dismiss the litigation before the Office of Administrative Courts, and on November 3, 2020, the case was dismissed.

2. Rock Creek Laser and Esthetics Institute

No additional information. Update provided above during the Legal Update.

3. Renewal tabled from October Board Meeting

School owner, Kaz Yamasaki, joined the meeting at 11:10 A.M.

- a. Mr. K's Floral Design School of Denver – Denver – AC

At the September Board Meeting, the Board had concerns regarding the School's financials and tabled the matter. Due to the school's inability to find a CPA to prepare their financials the Board voted, at its October meeting, to extend the renewal grace period to the December Board Meeting for the School to be able to submit a complete application that includes sufficient CPA prepared financial documentation.

After discussion with the school owner and the school's continued difficulty retaining a CPA, Vice Chair Minic motioned to move the matter to Executive Session in order for the Board to discuss options with the Board's Counsel. The motion was seconded and carried.

4. Discussion of redlined Rules distributed at Annual Retreat

Deputy Director & Compliance Officer Mary Kanaly provided an overview to the Board regarding the potential rule changes and necessary timeline the Board needs to comply with in order to provide legal notice of a Rulemaking Hearing in January 2021. The Rules would take effect March 30, 2021 according to the Colorado Secretary of State's rulemaking calculator.

Following review and consideration of Mr. K's Floral Design School of Denver discussed during the regular session of the Board meeting, Vice Chair Minic motioned to convene in executive session with the Board's attorney to seek legal advice and options pursuant to C.R.S. §24-6-402(3)(a)(II) and in consideration 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 11:58 A.M.

Board Counsel, Jacquelynn Rich Fredericks, rejoined the meeting at 12:11 P.M.

After review and consideration of the previous matter, Chair Garibay resumed the regular session at 12:22 P.M. The Executive Session recorder was turned off. The public session recorder was turned on and the general public was welcomed back.

Senior Assistant Attorney General, Natalie Powell, 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, Vice Chair Minic motioned to issue a Notice of Nonrenewal based on §23-64-118, C.R.S. The motion was seconded and carried.

Adjournment:

Board Member Krovitz motioned to adjourn the meeting at 12:31 PM. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, January 26, 2021, at 9:30 A.M. and will be held via the web conference application, Zoom; meeting details will be posted on the Division's website: highered.colorado.gov/dpos