

**MINUTES**  
**BOARD OF PRIVATE OCCUPATIONAL SCHOOLS**  
**January 24, 2017 9:30 A.M.**

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

Board Members Present:

Joseph James Wolf, Chair;	Timothy L. Brooks, Secretary;
Shelley Krovitz, Vice Chair;	Arlene Rae Malay;
Paul Garibay;	Ryan Minic;
Robert E. Martin;	

Board Members Absent:

Division Staff Present:

Lorna Candler, Director	Mary Kanaly, Deputy Director & Compliance Officer
Bernadette Esquibel, Program Specialist	Lisa Hill, Program Coordinator
Jessica Googins, Program Specialist	April Cordova, Program Specialist
Loretta Perez, Administrative Assistant III	Brad Uyemura, Compliance Officer
Amy Knoblauch, Administrative Assistant	

Board Counsel Present:

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

College In Colorado Guest Present for ETPL Presentation:

Dawn Taylor Owens, Executive Director  
Julia Pirnack, Director of Web and Curriculum Development

Guests Present:

Michael Peyer, Kaplan Professionals  
Dr. Reo Leslie, Colorado School for Family Therapy  
Igor Sergeev, APLMED Academy  
Oleg Sluchal, APLMED Academy  
Mary Lucero, APLMED Academy  
Yefin Zhuk, Internet Technology University  
Jennifer Kinnison, Designing Beauty Academy  
Victor Beyer, A Laser Academy  
Kelly Nelson, A Laser Academy  
Warren Gissler, CAD-1, Inc.  
Clint Sirko, CAD-1, Inc.  
Ray Fluken, Rocky Mountain Laser College  
Pat Karns, Rocky Mountain Laser College  
Stuart Crair, Digital Workshop Center  
Mary Cabrera, APLMED Academy  
Wendy Peters, New Dimensions Beauty Academy, Inc.  
Chase Penelli, CodeCraft School of Technology  
Jessica Thrasher, Headwaters Institute

Mary Starkey, Starkey International School of Household Management  
Debra Bullock, Starkey International School of Household Management  
Joseph Martin, Student of Living Arts Massage and Bodywork School (LAMBS)  
Nick Yunker, Northern Colorado Truck Driving Academy (NCTDA)  
Mike Benschneider, Attorney for AIBC

#### Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Joseph James Wolf, 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 December 6, 2016 Minutes:

Following review and consideration of the December 6, 2016 meeting minutes, a motion was made by Ms. Malay to approve the minutes as written. The motion was seconded and carried.

#### Additions / Changes to the Agenda

Director Candler requested that three items be moved to Other Business; under "A" Consideration of Approval Programs/Stand Alone Courses; # 3. Rocky Mountain Laser College – Lakewood; # 8. Designing Beauty Academy – Windsor, also under B. Consideration of Renewal of Certificate of approval; #5 A Laser Academy – Littleton.

#### Director/ Staff Report:

Program Specialist Esquibel gave an update on KMG Academy regarding their bond, at the last Board Meeting KMG was approved with a contingent that may need to increase bond depending on number of students and prepaid tuition. Their bond was at \$25,500 which was tuition for three students the Board wanted actual amounts for \$81,699.00 and the wanted actual numbers; they have now secured a bond in the amount \$250,000.00 which is adequate surety coverage.

Director Candler announced that gainful employment statistics have been release; copies were given to each Board member for information purposes. She explained the statistics are from 2011 & 2014, therefore based on information that was accrued a long time ago. Ms. Candler observed that many schools are on the list; as we are unsure with what will transpire under the new administration in Washington DC, the Division will just monitor what happens federally and what each schools status is in the following year.

The Division's new Rules and Regulations will take effective January 31, 2017. Accordingly, fees will be increased. The Division has provided several notices to the schools and stakeholders and has provided them with opportunities to communicate concerns or comments. Ms. Candler provided each of the Board Members with the notices that were provided to each of the schools. Nevertheless, the Division anticipates that there will be school stating that they were not aware of the fee changes.

Lastly, the Division is responding to further repressions to the students of the school that have closed (like ITT, Heritage College and Regency); specifically, many students are scrambling to obtain their 1098T from the schools to submit to the IRS for purposes of obtaining a recognized tax relief for tuition payment. However, if the schools are not providing those forms authorized by the schools, the IRS is not going to grant the tax relief. Although the Division may be able to supply a ledger card, we are not authorized to provide the official document the IRS requires of students.

Director Candler advised the Board that under Other Business we will be discussing bond issues. The Division has made bond claims on several schools that we will need to discuss.

#### New Business/Action Items:

##### A. Consideration of Approval Programs / Stand Alone Courses

###### 1. Starkey International School of Household Management - Denver

Program Specialist Cordova presented to the Board for review and consideration one new program: 5 – Week Starkey Certified Estate Management Program. School representatives were present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new program, Mr. Garibay motioned to approve the above-referenced program effective January 24, 2017. The motion was seconded and carried.

###### 2. New Dimensions Beauty Academy, Inc. - Parker

Program Specialist Esquibel presented to the Board for review and consideration seven new stand-alone courses: 1. Chemical Texture; 2. Advanced Coloring; 3. Advanced Haircutting; 4. Advanced Hairstyling Class; 5. Esthetics Refresher; 6. Eyelash Extensions; and 7. Test Preparation course for State Board. School representatives were present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new courses, Ms. Malay motioned to approve the above-referenced courses effective January 24, 2017. The motion was seconded and carried.

###### 3. Digital Workshop Center – Fort Collins

Program Specialist Googins presented to the Board for review and consideration one new program: Frontend Web Development Bootcamp. School representatives were present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new program, Ms. Malay motioned to approve the above-referenced program effective January 24, 2017. The motion was seconded and carried.

###### 4. APLMED Academy - Aurora

Program Specialist Googins presented to the Board for review and consideration two new programs: 1. Medical Assisting With Externship; 2. Massage Therapy With Externship. School

representatives were present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new course, Ms. Malay motioned to approve the above-referenced course effective January 24, 2017. The motion was seconded and carried.

5. CodeCraft School of Technology - Boulder

Program Coordinator Hill, a school representative was present and has withdrawn the Program.

6. T3 Resources - Englewood

Program Coordinator Hill presented to the Board for review and consideration one new stand-alone course: JAVA. A school representative was not present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new program, Ms. Malay motioned to approve the above-referenced course effective January 24, 2017. The motion was seconded and carried.

At this Ms. Candler request that we present the:

**ETPL Presentation given by Ms. Taylor Owens and Ms. Pirnack – College in Colorado**

Eligible Training Provider List operated by the Colorado Department of Labor & Employment, an overview was given by Ms. Pirnack.

B. Consideration of Renewal of Certificate of Approval

1. Colorado School for Family Therapy - Aurora

Program Specialist Googins 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, Mr. Martin motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2017 and ending June 30, 2020. The motion was seconded and carried.

2. Headwaters Institute – Fort Collins

Program Specialist Googins 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, Mr. Brooks motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2017 and ending June 30, 2020. The motion was seconded and carried.

### 3. CAD-1, Inc. - Thornton

Program Specialist Googins presented to the Board for review and consideration renewal of the school's Certificate of Approval. School representatives were 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, Mr. Garibay motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2017 and ending June 30, 2020. The motion was seconded and carried.

### 4. Internet Technology University - Englewood

Program Specialist Googins 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, Mr. Brooks motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2017 and ending June 30, 2020. The motion was seconded and carried.

### 5. Northern Colorado Truck Driving Academy – Fort Collins

Program Specialist Googins 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, Ms. Malay motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2017 and ending June 30, 2020. The motion was seconded and carried.

## C. Consideration of Change of Ownership

### 1. Northern Colorado Truck Driving Academy – Fort Collins

Program Specialist Googins presented to the Board for review and consideration a change of ownership. A school representative was present. The Board determined that the school has adequate surety coverage and can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the change of ownership, Ms. Malay motioned to approve the Change of Ownership Certificate of Approval effective January 24, 2017. The motion was seconded and carried.

D. Notification of School Closings / Change of Status (No action required)

1. Integrative Earth Medicine - Evergreen
2. Colorado Culinary Academy – Greenwood Village

The Board was notified of the closing. No action taken.

Other Business:

1. Notice of Late or Delinquent Fees

Director Candler advised the Board that the Division is in the process of revising the notice of delinquent fees due to recent rule changes. The fees that we are collecting are directly correlated to the administrative costs the Division is incurring. We anticipate that we will have that finalized through our counsel by next week.

2. Unauthorized Schools Update

Program Coordinator Hill provided the Board with a Memorandum Seeking Legal Advice. The Board tabled the matter to be discussed in Executive Session.

3. Kaplan – Change of Ownership

Director Candler reminded the Board that on June 23, 2015, Kaplan Professional Education notified the Board of a change of Ownership. The Division has not received the Change of Ownership that is required to be filed within 30 days of the change until today. Michael Peyer from Kaplan was present and John Carreon, Senior Vice President, Regulatory Affairs and Associate General Counsel, participated in the meeting by phone. Assistant Attorney General Jacquelynn Rich Fredericks notified Kaplan that pursuant to statute 12-59-110(1) Kaplan is currently operating with a legally suspended certificate by operation of law when the application is deficient or is failed to be tendered within 30 days. The certificate remains suspended until the application is approved by the Board. Mr. Brooks motioned to table this matter until next meeting. The motion was seconded and carried.

4. ACISC Quality Assurance Monitoring Visits

The Division is carefully tracking Colorado approved schools accredited by ACICS.

5. Accreditation Reports

Director Candler provided the Board with a written summary of accreditation actions taken against Colorado approved schools.

6. CEHE Monthly Updates

Director Candler provided the Board with the January 23, 2017, and the December 28, 2016 update provided by CollegeAmerica.

7. Barber University of Denver – Status Report

Deputy Director Kanaly updated the Board on the school's Stipulation and Final Agency Order; this has now been signed by the school.

8. J P Beauty Academy – Aurora - Noncompliance Issues

Deputy Director Kanaly provided the Board with a Memorandum requesting the Board to issue a Cease and Desist Order with a joint Notice of Noncompliance and demand for student records. Robert Martin motioned to issue a Cease and Desist and a joint Notice of Noncompliance. The motion was seconded and carried.

9. Birth Institute – Boulder – Noncompliance Issues concerning closure & record update

Deputy Director Kanaly gave the Board an update on the Birth Institute closure. The Division has been working with the school owner to collect the student records. Most have been provided and the school is working with Owner's internet service provider to gather the remaining files. After completing the refund calculations for students who were in attendance at the time of closure, the school's bond appears to be short by \$10,000.00. There are additional students who were not active at the time of closure who may be entitled to a refund of up to \$15,000.00.

10. Living Arts Massage and Bodywork School (LAMBS) – Westminster – Noncompliance issues including closure and records

Director Candler provided a brief summary. The school closed improperly and has still has not provided all of the records. Moreover, the surety was cashed by the owner in the amount of \$5,000.00. The Division has now made a claim on the \$5000.00 surety and is in a position to distribute prepaid unearned refunds to students, although the surety is does not appear to be adequate. A former student of the school appeared at the meeting to address the Board. The attorney for Eric Bell, one of the former school owners, participated in the meeting by phone. The Board tabled the matter to be discussed in Executive Session.

11. School of Natural Medicine International – Boulder

Director Candler advised the Board that this is a Bond issue and recommended the Board discuss this matter in executive session.

12. AIBC – Status Report

Ms. Rich Fredericks, Assistant Attorney General updated the Board on litigation with AIBC and the status of settlement negotiations including the counter offer proposed by opposing counsel. Legal counsel for the school was present and addressed the Board.

After consideration and discussion of the each of the previous matter, Ms. Wolf motioned to convene in executive session to confer with the Board's attorney and to seek legal advice pursuant to §24-6-402(3)(a)(II), C.R.S, to receive legal advice regarding Unauthorized Schools, CEHE Monthly, Updates, Bond Issues and Rule 800 which pertains to any of our school that offer Esthetics; with minimum standards specified in the Private Occupational School Act, C.R.S. §12-59-101 et seq. and the Rules and Regulations, 8 CCR 1504-1. The motion was seconded and carried.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and division staff as deemed necessary at 12:00 P.M.

Members of the public left the room during executive session.

Please make note that Mr. Martin has left the meeting, but has asked that we call him so he can participate in executive session. Mr. Martin attended the remainder of the executive session and subsequent meeting via telephone.

The Board resumed open session at 12:40 p.m. 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 what in good faith is believed to be attorney-client privileged matters required to be kept confidential.

#### A. Consideration of Approval Programs / Stand Alone Courses

##### 1. Rocky Mountain Laser College - Lakewood

Program Specialist Googins presented to the Board for review and consideration one new stand-alone course: Laser Phototherapy. School representatives were present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new course, Ms. Malay motioned to approve the above-referenced course effective January 24, 2017. The motion was seconded and carried.

##### 2. Designing Beauty Academy - Windsor

Program Specialist Hill presented to the Board for review and consideration two new stand-alone courses: Botox Injection Training; and 2. Dermal Filler Injection Training. School representatives were present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new courses, Mr. Brooks motioned that this matter be tabled until the next board meeting. The motion was seconded and carried.

#### B. Consideration of Renewal of Certificate of Approval



1. A Laser Academy - Littleton

Program Specialist Esquibel presented to the Board for review and consideration renewal of the school's Certificate of Approval. School representatives were 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, Ms. Krovitz motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2017 and ending June 30, 2020. The motion was seconded and carried.

Mr. Brooks left the meeting at 1:00 p.m. a quorum was still present.

1. Unauthorized Schools Update

The Board directed staff to reach out, review letter, get response and further directed that if Division staff is not satisfied with response, the Division issue a Cease and Desist Order.

2. AIBC – Status Report

After discussing the Board's directive to require one full year without certification prior to submitting a renewal application in conjunctions with the counter offer to forgo the submission for re-application of certification after only six months, the Board agreed that one year was more appropriate. Ms. Krovitz motioned to maintain as a term of the settlement agreement, one year from the date of the execution of the agreement. The motion was seconded and carried.

3. CEHE Monthly Updates

The Board directed staff to request additional information concerning a possible warning and the required action to notify all student and prospective students of the warning by their accrediting body...

4. Rule 800 Medical Board Rule under review – DORA is seeking Division & Board input

The Board directed the Division have staff to attend Rule 800 Medical Board review.

5. Living Arts Massage and Bodywork School (LAMBS) – Westminster – Noncompliance issues

Mr. Garibay motioned to table LAMBS pending the receipt of additional information. Motion was seconded and passed.

Adjournment:

Ms. Malay motioned to adjourn the meeting at 1:04 P.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday February 28, 2017, 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