

**BOARD OF PRIVATE OCCUPATIONAL SCHOOLS  
BOARD MEETING  
July 23, 2013, 9:30 A.M.**

The Private Occupational Schools Board convened at the Auraria Higher Education Campus, Tivoli Student Center, Room 320, 900 Auraria Parkway, Denver, CO 80204. Lisa Bennison Noll, Chair called the meeting to order at 9:32 A.M. and greeted guests. The Board members, Division staff and guests were introduced. Board roll call was taken. A quorum and a two-third majority of the Board members were present.

Board Members Present:

Lisa Bennison Noll, Chair	Tom Narvaez, Vice Chair	Winnifred Rovig
Joseph James Wolf	Arlene Rae Malay	Richard Semakula
Steven W. Steele		

Division Staff Present:

Lorna Candler, Director	Jim Parker, Interim Deputy Director
Renee Belisle, Program Specialist	Bernadette Esquibel, Program Specialist
Voni Oerman, Program Specialist	Karla Viteri, Program Specialist
Loretta Perez, Administrative Assistant	

Board Counsel Present:

Erica Weston, Assistant Attorney General, Office of the Colorado Attorney General

Guests Present:

Robert Smith, Essentials Therapeutic Massage School – Grand Junction  
Janet Perry, U.S. Career Institute – Fort Collins  
Kimberly Fields, U.S. Career Institute – Fort Collins  
Robert Lantzy, Everest College – Colorado Springs  
Christine Tinner, Lotus Education Institute – Basalt  
Dr. Reo Leslie, Colorado School for Family Therapy – Aurora  
Jill Kulanko, My Coding Mentor – Frederick  
Austin Morton, Heritage College – Denver  
Danaya Benedetto, Colorado Hazard Control - Denver  
Chloe Villano, Clover Leaf University – Denver  
Jason Warf, UFCW – Denver  
TJ Lauritson, UFCW - Denver  
Shawn Coleman, Denver Registered Lobbyist  
Larry Zavadil, Esq., Husch Blackwell

**Approval of the June 25, 2013 Board Meeting Public Session Minutes:**

The Board reviewed the June 25, 2013 meeting minutes. Mr. Narvaez moved for approval of the minutes as read. The motion was seconded and passed.

**Additions / Changes to the Agenda:**

Director Lorna Candler reported one correction to the agenda, noting that for the record, under Section "C. Matters Non Compliance Matters" Item#1, is corrected to reflect the proper school name, Boulder College of Massage Therapy - Boulder.

**Staff / Director Report:**

Director Candler was very pleased to announce and welcome back Jim Parker, as Interim Deputy Director.

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

**1. Essentials Therapeutic Massage School – Grand Junction**

Program Specialist Esquibel brought to the Board's attention for review and consideration one new program, Massage Therapy, proposed by Essentials Therapeutic Massage School, Grand Junction. A school representative was present. The school satisfied the Board's inquiry. Based upon the Board having determined that the above-referenced program for Essentials Therapeutic Massage School, 557 Highway 50, Grand Junction, CO 81503, can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and with the Division's minimum requirements, Ms. Malay moved to approve the above-referenced program effective July 23, 2013. The motion was seconded and unanimously passed.

**2. Everest College – Colorado Springs**

Program Specialist Belisle brought to the Board's attention for review and consideration two new programs: (1) Business Office Administration; and (2) Business Accounting, proposed by Everest College, Colorado Springs. A school representative was present. The school satisfied the Board's inquiry. Based upon the Board having determined that the above-referenced programs for Everest College, 1815 Jet Wing Drive, Colorado Springs, CO 80916 can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and with the Division's minimum requirements, Mr. Steele moved to approve the programs effective July 23, 2013. The motion was seconded and unanimously passed.

**3. IBMC College – Fort Collins**

Board member Steven Steele recused himself from the IBMC College, Fort Collins and Longmont matters, citing a conflict of interest. A quorum and a two-thirds majority of the Board members were still present.

See # 4 below

**4. IBMC College – Fort Collins & Longmont**

Program Specialist Belisle brought to the Board's attention for consideration one new program, Associates of Occupational Studies Degree – Dental Office Administration, proposed by IBMC College, Fort Collins and IBMC College, Longmont. It was the will of the

Board to consider the one new program for both locations as one combined matter. A school representative was present. The school satisfied the Board's inquiry. Based upon the Board having determined that the above-referenced program for both locations, IBMC College, 3842 South Mason Street, Fort Collins, CO 80525 and IBMC College, 2315 North Main Street, Longmont, CO 80501 can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and with the Division's minimum requirements, Mr. Semakule moved to approve the program effective July 23, 2013. The motion was seconded and unanimously passed.

#### **5. The Connecting Point School of Massage and Spa Therapies - Telluride**

Program Specialist Oerman brought to the Board's attention for review and consideration one new program, Manicurist, proposed by The Connecting Point School of Massage and Spa Therapies. A school representative was available by telephone. Based upon the Board having determined that the above-referenced program for The Connecting Point School of Massage and Spa Therapies, 600 West Colorado Avenue, Telluride, CO 81435, can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and with the Division's minimum requirements, Ms. Rovig moved to approve the above-referenced program effective July 23, 2013. The motion was seconded and unanimously passed.

#### **6. U.S. Career Institute – Fort Collins**

Program Specialist Oerman brought to the Board's attention for review and consideration one new program, Physical Therapy Aide, proposed by U.S. Career Institute, Fort Collins. A school representative was present. The school satisfied the Board's inquiry. Based upon the Board having determined that the above-referenced program for U.S. Career Institute, 2001 Lowe Street, Fort Collins, CO 80525, can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and with the Division's minimum requirements, Ms. Rovig moved to approve the above-referenced program effective July 23, 2013. The motion was seconded and unanimously passed.

#### **7. Clover Leaf University - Denver**

Program Specialist Oerman brought to the Board's attention for review and consideration four new stand alone courses: (1) Intro to Greenhouse Cultivation Certification 101; (2) Cannabis Business Marketing 101; (3) Cannabis Responsible Vendors safety Training Program; and (4) Cannabis Breeding 101, proposed by Clover Leaf University, Denver. A school representative was present. Based upon the Board having determined that the above-referenced courses for Clover Leaf University, 601 W. 11<sup>th</sup> Avenue #508, Denver, CO 80204 can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and with the Division's minimum requirements, Mr. Steele moved to approve the above-referenced courses effective July 23, 2013. The motion was seconded and unanimously passed.

#### **8. Peak Real Estate College - Aurora**

Program Specialist Viteri brought to the Board's attention for review and consideration one stand alone course, Niche Marketing to Families in Transition, proposed by Peak Real Estate College, Aurora. No Board action was necessary due to the course having been approved by the Real Estate Commission.

## **9. Colorado School for Family Therapy - Aurora**

Program Specialist Viteri brought to the Board's attention for review and consideration one new program, Systemic Leadership and Public Policy, proposed by Colorado School for Family Therapy, Aurora. A school representative was present. Based upon the Board having determined that the above-referenced program for Colorado School for Family Therapy, 12101 East Second Avenue, Suite 101, Aurora, CO 80011, can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and with the Division's minimum requirements, Mr. Narvaez moved to approve the above-referenced program effective July 23, 2013. The motion was seconded and unanimously passed.

## **B. Consideration of Approval of Provisional Certificate of Approval**

### **1. My Coding Mentor – Frederick**

Program Specialist Esquibel brought to the Board's attention for consideration, My Coding Mentor, Frederick, a new school with eight new stand-alone courses: (1) Certified Professional Coder Prep Class; (2) ICD-10-CM; (3) ICD-10-PCS; (3) Medical Terminology & Anatomy for ICD-10 Coding; (4) Medical Coding Ethics and Compliance; (5) Introduction to Medical Coding – Ancillary Services; (6) Introduction to Emergency Department Coding; (7) Introduction to Ambulatory Surgery Coding; and (8) Principles of Healthcare Reimbursement. A school representative was present. The school satisfied the Board's inquiry. Upon determining that the school is in compliance with the required surety level in the amount of \$46,000; that the school submitted a bond in the amount of \$46,000; and that the school can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and in compliance with the Division's minimum requirements, Ms. Malay in a combined motion moved that a Provisional Certificate of Approval be granted to My Coding Mentor, 425 Pine Street, Frederick, CO 80530 for the period beginning July 23, 2013, ending June 30, 2015, and that the stand alone courses before the Board be approved. The combined motion was seconded and unanimously passed.

### **2. Colorado Hazard Control - Denver**

Program Specialist Belisle brought to the Board's attention for consideration, Colorado Hazard Control, Denver a new school with thirty new stand-alone courses: (1) Mold Awareness; (2) Certified Mold Technician - Initial; (3) Certified Mold Professional - Initial; (4) Certified Mold Processional - Refresher; (5) Certified Mold Technician – Refresher; (6) Lead Awareness; (7) Regulation 19-Lead Supervisor Initial; (8) Regulation 19-Lead Supervisor Refresher; (9) Regulation 19-Lead Worker Initial; (10) Regulation 19-Lead Worker Refresher; (11) Regulation 19-Lead Inspector Initial; (12) Regulation 19-Lead Inspector Refresher; (13) Regulation 19-Lead Risk Assessor Initial; (14) Regulation 19-Lead

Risk Assessor Refresher; (15) AHERA Worker Initial; (16) AHERA Worker Refresher; (17) AHERA Project Designer Initial; (18) AHERA Project Designer Refresher; (19) AHERA Management Planner Initial; (20) AHERA Contractor/Supervisor Refresher; (21) AHERA Building Inspector Refresher; (22) AHERA Contractor/Supervisor Initial; (23) AHERA Building Inspector Initial; (24) Asbestos Awareness; (25) Lead Dust Sampling Technician Initial; (26) Lead Certified Renovator Initial; (27) Lead Certified Renovator Refresher; (28) AHERA Operations & Management Initial; (29) AHERA Operations & Maintenance Refresher; and (30) AHERA Air Monitoring Specialist Refresher. A school representative was present. The school satisfied the Board's inquiry. Upon determining that the school is in compliance with the required surety level in the amount of \$3,000; that the school submitted a bond in the amount of \$5,000; and that the school can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and in compliance with the Division's minimum requirements, Mr. Narvaez in a combined motion moved that a Provisional Certificate of Approval be granted to Colorado Hazard Control, 1775 West 55<sup>th</sup> Avenue, Denver, CO 80221 for the period beginning July 23, 2013, ending June 30, 2015, and that the stand alone courses before the Board be approved. The combined motion was seconded and unanimously passed.

### **3. Lotus Education Institute - Basalt**

Program Specialist Oerman brought to the Board's attention for consideration, Lotus Education Institute, Basalt, a new school with three proposed programs, and twelve new stand-alone courses. The programs are: (1) Massage Therapy Foundations – Back to Basics; (2) Foundations of Effective Instruction; and (3) Professional Massage Therapist – 500 Hours. The courses are: (1) Massage Therapy Research Symposium; (2) Improving Ergonomic Efficiency; (3) Transcendent Massage Therapy; (4) Course Design; (5) Learning Styles; (6) Creating Optimal Learning Environments; (7) Transcendent Learning; (8) Anatomy Foundations; (9) Physiology Foundations; (10) Professional Massage Essential Practices; (11) Massage Therapy Techniques – 1; and (12) Business and Marketing. A school representative was present. The school satisfied the Board's inquiry. Upon determining that the school is in compliance with the required surety level in the amount of \$20,000; that the school submitted a bond in the amount of \$20,000; and that the school can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and in compliance with the Division's minimum requirements, Ms. Rovig in a combined motion moved that a Provisional Certificate of Approval be granted to Lotus Education Institute, 112 E. Hillside Drive, Basalt, CO 81621 for the period beginning July 23, 2013, ending June 30, 2015, and that the programs and stand-alone courses before the Board be approved. The combined motion was seconded and unanimously passed.

## **C. Matter of Noncompliance**

### **1. Boulder College of Massage Therapy (BCMT) - Boulder**

Director Candler provided an update regarding the pending Board action. At a prior Board meeting, BCMT's President, Mr. McCuistion represented that BCMT would not need the full 10 days to provide their Response to the Notice of Non Compliance (which was issued on July 3<sup>rd</sup> after receiving BCMT's July 1, 2013 notice that the BCMT Board rescinded its prior

decision to cease operations). However, the school's Response was not received until late July 22, 2013. Director Candler and Ms. Erica Weston, Assistant Attorney General, advised the Board that given the time extension granted the School to submit its response which it issued on the evening prior to this board meeting, they will further review the response and report back to the Board at its August regular board meeting. At the meeting, the Board member received a copy of the written response, along with a CD disc of all referenced exhibits within the response to thoroughly review.

Director Candler further informed the Board of additional information concerning BCMT as a result of identifying advertising it deemed deceptive and misrepresentative of the school's status with respect to offering and distributing federal student aid. The United States Department of Education (USDOE) shared its concerns that BCMT's continued advertising regarding its Title IV, HEA program and funds was non-compliant with the USDOE's emergency action. Specifically, USDOE concluded and notified BCMT that its advertising was in violation of the federal regulation prohibiting misrepresentation to its students and prospective students. Ms. Candler explained that although BCMT appears to have addressed USDOE concerns regarding its advertising by removing the deceptive representations, the Division remains concerned that both current students and prospective students may have acted in reliance upon the written misrepresentation and is also concerned about what additional misrepresentations have been and continue to be made to students by administrators and staff verbally and via social media such as FaceBook. Furthermore, the Division remains concerned after communication with BCMT's accrediting body, ACCSC, that BCMT may be violating an ACCSC May 16, 2013 directive to cease enrollment of new students. Lastly, in its request to stay the emergency action with the USDOE, BCMT represented that it would have its legal matters with DPOS resolved by early fall. This statement is unfounded and misleading as there is no guarantee that currently pending legal matters with the DPOS or USDOE will necessarily be resolved by the fall of 2013.

The Board indicated it would like to consult with its legal counsel before proceeding, for the purpose of learning what legal options may be available to it under the circumstances reported, and in recognition that any discussion will likely include matters that are confidentially proprietary in nature for the School and School personnel. Mr. Narvaez motioned to convene into Executive Session pursuant to §24-6-402(3) (b) (III), C.R.S., on pending or imminent court action and pursuant to §24-6-402(3) (a) (II), to discuss matters required to be kept confidential. Mr. Steele seconded, and the motion to convene into Executive Session was unanimously passed.

The regular public board meeting recorder was turned off, and the Board of Private Occupational Schools convened into Executive Session at 10:30 A.M. for the purposes described above as requiring confidentiality. No member of the general public was present. The Executive Session recorder was turned on.

Executive Session concluded and the public session of the Board meeting reconvened at 10:54 A.M. The Executive Session recorder was turned off. The tape was removed and marked "July 23, 2013 Executive Session". The public session recorder was turned on and the general public was welcomed back.

Assistant Attorney General Weston affirmed for the public record that the 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 and/ or other matters required to be kept confidential.

After due deliberation and discussion that the Board has determined upon reasonable belief, by a majority vote, that Boulder College of Massage Therapy has violated or is violating one or more of the criteria established pursuant to Article 59, Title 12 C.R.S. (the "Act") and/or Rules and Regulations Concerning the Private Occupation Education. Motion made by Mr. Narvaez to issue a Second Notice of Noncompliance to BCMT, motion was second and passed.

**Other Business:**

**1. Cosmo Beauty Academy - Denver**

Program Specialist Viteri brought to the Board's attention that the consideration for a change of location for Cosmo Beauty Academy, Denver, has been withdrawn. Therefore no action is necessary.

**2. Date for Annual Board Meeting in November 2013**

The date for the Annual Board Meeting has been set for Wednesday, November 6<sup>th</sup>, 2013, at 9:30 A.M.

**Adjournment:**

There being no other business, Mr. Narvaez motioned to adjourn the Board meeting. The motion was seconded and duly passed. The Board of Private Occupational Schools' Meeting of July 23, 2013, adjourned at 11:53 A.M.

The next regularly scheduled meeting of the Board and luncheon to follow is Tuesday, August 27, 2013, 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) 866-2723