

**MINUTES**  
**BOARD OF PRIVATE OCCUPATIONAL SCHOOLS**  
**July 26, 2016 9:36A.M.**

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

Board Members Present:

Steven W. Steele, Chair	Arlene Rae Malay	Richard Semakula
Shelley Krovitz	Paul Garibay	

Board Members Absent:

Joseph James Wolf	Timothy L. Brooks
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Division Staff Present:

Mary Kanaly, Deputy Director & Compliance Officer	Bernadette Esquibel, Program Coordinator
April Cordova, Program Specialist	Loretta Perez, Administrative Assistant III
Brad Uyemura, Compliance Officer	

Division Staff Absent:

Jessica Googins, Program Specialist	Lisa Hill, Program Specialist
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Division Staff Present:

Lorna Candler, Director joined the meeting at 9:52 A.M.

Board Counsel Present:

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

Guests Present:

Lucinda Tusa, The White Magnolia Advance Skin Care Institute  
Roger Humphreys, American Institute of Dental Assisting  
Rozann Kunstle, CollegeAmerica  
Kiersten Murdoch, CollegeAmerica  
Stuart Crair, Digital Workshop Center  
Amy Meixsell, PARSEC Group  
Trider Sauer, PARSEC Group  
D'Ette Carter, Institute for Anatomical Research  
Jim Pulciani, Institute for Anatomical Research  
Jeannie Scurlock, NuAge Para-Medical Esthetics & Laser Academy

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Steven W. Steele, Chair, at 9:36 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 June 28, 2016 Minutes:

Following review and consideration of the June 28, 2016 meeting minutes, a motion was made by Ms. Malay to approve the minutes as written. The motion was seconded and carried.

Consideration of Approval of the June 28, 2016 Executive Session Minutes:

Following review and consideration of the June 28, 2016 executive session\_meeting minutes, a motion was made by Mr. Semakule to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

Administrative Assistant Perez informed the Board that we have one hand carry on the Agenda, under Action Item, "A" Consideration of Approval Programs/Stand Alone Courses, add number "3" College of International Esthetics, Inc., one stand-alone course, Advance Laser Esthetics.

Director Report:

Deputy Director Kanaly announced that we are short on staff today; we have two staff members attending a National Certified Investigator & Inspector Training.

Monthly stats of July 18, 2016 and Deputy Director's Memorandum on Assessment (These matters will be tabled until Director Candler is present).

New Business/Action Items:

A. Consideration of Approval Programs / Stand Alone Courses

1. PARSEC Group - Denver

Program Specialist Cordova presented to the Board for review and consideration one new program: PARSEC Ruby Academy. School representatives were present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new programs, Mr. Garibay motioned to approve the above-referenced program effective July 26, 2016. The motion was seconded and carried.

2. Digital Workshop Center – Fort Collins

Program Specialist Cordova presented to the Board for review and consideration nine new programs: 1. Adobe Dreamweaver Bootcamp; 2. Adobe Illustrator Bootcamp; 3. Adobe In Design Bootcamp; 4. Adobe Photoshop Bootcamp; 5. Advance Graphic Certification; 6. Fundamental Graphic Design Certification; 7. Fundamental Video Design Certification; 8. Fundamental Web and Graphic Design Certification; and 9. Fundamental Web Design and Development Certification. Eight new stand alone courses: on file with the Division. A school representative was present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new programs and courses, Mr. Semakula motioned to approve the above-referenced programs and courses effective July 26, 2016. The motion was seconded and carried.

3. College of International Esthetics, Inc., - Arvada

Ms. Malay recused herself from this matter. A quorum was still present.

Program Specialist Cordova presented to the Board for review and consideration one new course: Advanced Laser Esthetics. A school representative was present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new course, Mr. Semakula motioned to approve the above-reference course effective July 26, 2016. The motion was seconded and carried.

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

##### 1. Institute for Anatomical Research – Colorado Springs

Program Specialist Cordova presented to the Board for review and consideration a new school with seven new programs; and eighteen new stand alone courses. School representatives were present. The Board determined that the Board does not have jurisdiction over this school or their curriculum.

##### 2. American Institute of Dental Assisting – Colorado Springs

Program Specialist Cordova presented to the Board for review and consideration a new school with one new program: Dental Assisting. A School representative was present. The Board determined that the school has adequate surety coverage at this time 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 new school and program, Mr. Semakula motioned to approve the Provisional Certificate of Approval for the period beginning July 26, 2016, and ending June 30, 2018, and to approve the above-referenced program. The motion was seconded and carried.

##### 3. The White Magnolia Advance Ski Care Institute – Fort Collins

Program Specialist Cordova presented to the Board for review and consideration a new school with two programs and eight stand alone courses. Ms. Tusa, the owner of the school, was present.

Deputy Director Kanaly presented the Board with her Memorandum which provided the following information. , On April 1, 2016, Lucinda Tusa submitted an Application for Approval to Operate a Colorado Private Occupational School to the Division of Private Occupational Schools. Ms. Kanaly noted that the school submitted the application along with program approval forms for an Esthetics program and a Nail Technician program and eight Stand Alone Course Approval forms for: Advanced Body Treatments, Chemical Peels, Dermaplaning, Machines and Modalities, Microdermabrasion, Reiki Level One, Reike Level Two, and Reike Level Master. However, none of the programs or courses had an adequate course syllabus or course schedule attached. More importantly, although three Evaluator Reports were attached for each submittal, all were identical photocopies of the Reports, with only the course or program name at the top of the form changed, and the signature page for the evaluator different for each of the evaluators.

In order to confirm whether each of the programs and stand-alone courses had been evaluated as required by rule, Ms. Kanaly interviewed evaluator Erin Nook who revealed that while the school submitted 3 evaluator reports with Ms. Nook's signature, Ms. Nook only evaluated the Esthetics program ; she did not evaluate the Nail Technician or Reike courses containing her signature.

Based on this conversation, Ms. Kanaly concluded that the Evaluator Reports submitted for this school appeared to be falsified, as substantive contents of each was identical yet one of the evaluators denied that she completed a report for four of the approval forms submitted by the school.

When Ms. Kanaly contacted the school owner to discuss her concerns, Ms. Tusa said she did not prepare the application herself; she paid a consultant, Victoria Sweet, owner of Keith James Salon Academy, a DPOS approved school, to prepare the application and gather all of the required documentation. Ms. Tusa acknowledged that although she signed the application, she did not look closely at the attachments prepared by Ms. Sweet.

Ms. Sweet was asked to be present at the Board meeting, the day before the meeting she contacted the Division stating that she was unable to attend the board Meeting. When the Division suggested that we could try to reach Ms. Sweet telephonically during the meeting, the Chair, Mr. Steele, stated that it was important for her to appear in person.

Following additional discussion of the Memorandum, the Board gave the Ms. Tusa the opportunity to answer questions.

After consideration and discussion, Ms. Malay 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 The White Magnolia Advance Ski Care Institute – Fort Collins, 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.

Members of the public left the room during executive session.

The public session tape was turned off at 10:53 A.M.

Mr. Steele, Chair recanted the motion to go into executive session in the interest of completing the regular business first, thus the Board continued with the agenda.

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

Ms. Malay reconvened the public session meeting at 10:55 A.M.

### C. Consideration of Approval of Out of State Schools

Program Coordinator Esquibel presented to the Board for review and consideration approval of two out-of-state schools:

1. Spartan College of Aeronautics & Technology – Inglewood, CA
2. Spartan College of Aeronautics & Technology – Riverside, CA

The Board determined that both out-of-state schools met the minimum requirements as set forth in section 12-59-111(2), C.R.S.; both schools bond was set per the statutory minimum amount of \$50,000 and was in compliance with section 12-59-115(8), C.R.S.; and both schools appear to 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 out-of-state schools, Mr. Semakula motioned to authorize approval to operate for each school for the period beginning July 26, 2016 and ending June 30, 2017. The motion was seconded and carried.

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

1. Cheeks International Academy of Beauty Culture – Greeley
2. Colorado Dental Assisting School – Castle Rock
3. Tuliva Academy – Denver
4. Sullivan and Cogliano Training Center, Inc., - Miami, FL

No action taken.

Other Business Information Only:

1. Modern Institute of Reflexology – Wheat Ridge

Director Candler provided an update regarding the web-site for Modern Institute of Reflexology. Although Assistant Attorney General Ms. Rich Fredericks noted that Mr. Brinkerhoff still has 30 days left to demonstrate full compliance, the Board had ordered Mr. Brinkerhoff to remove all advertisements of Doctor and Master degrees. As Mr. Brinkerhoff only made minor changes and failed to timely address the crux of the noncompliance issues, the Board elected to further discuss this matter and possible legal options in executive session.

2. RN Medispa Academy of Cosmetology – Greeley

Director Candler provided the Board with a summary of the Divisions findings and expresses her concerns regarding ongoing investigations. The Board also elected to discuss matter in executive session.

3. The Institute for the Psychology of Eating – Longmont

The Division reported that Mr. Cohen provided a copy of the disclaimer for his Colorado students and web-site as requested by the Board. However, since Assistant Attorney General Rich Fredericks has engaged in ongoing discussions with Mr. Cohen's attorney, the Board elected to discuss this matter further in executive session.

4. CollegeAmerica – All Locations

Director Candler advised the Board that Eric Juhlin had requested a reduction of bond for all Colorado CollegeAmerica campuses. The Board also elected to discuss this in executive session.

5. Arts and Education Hairdressing & Laser College – Superior

Program Coordinator Cordova reported to the Board that the school has closed. At this time it appears no action is necessary.

6. NuAge Para-Medical Esthetics & Laser College

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval and reapproval of one revised program and two revised stand alone courses presented with additional information required by the Division. 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, revised program and revised courses, Ms. Malay motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2016, and ending June 30, 2019, and the above-referenced revised programs and new courses effective June 28, 2016. The motion was seconded and carried.

#### 7. ITT Technical Institute – Aurora & Westminster

Director Candler reported that the Department of Education will require ITT technical Institute to secure a Letter of Credit and stated that the Division will monitor this matter.

Director Candler reported that the Division has several other ongoing Investigations.

Assistant Attorney General Ms. Rich Fredericks, informed the Board that we have some pending litigation with IIC and CIT (both actions are in the Administrative Courts and both have failed to timely respond to pleadings.) ABIC is subject to an ongoing investigation; Brad Uyemura has determined that their records are totally deficient. The Board also elected to seek legal counsel's advice in executive session.

After consideration and discussion, Ms. Malay 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 AIBC, CTI, CollegeAmerica, Modern Institute of Reflexology, Institute for the Psychology of Eating, RN Medispa Academy of Cosmetology, White Magnolia Advance Skin Care Institute and LAMS 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.

Members of the public left the room during executive session.

The public session tape was turned off at 11:48 A.M.

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

Ms. Malay reconvened the public session meeting at 12:49 P.M.

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.

#### Other Business Information Only (Resumed):

Mr. Steele would like to address The White Magnolia Advance Ski Care Institute – Fort Collins.

1. The White Magnolia Advance Ski Care Institute – Fort Collins

After the Board resumed its discussion of various concerns and weighed its options, Ms. Krovitz moved to deny the applications, but stated that the Board would be willing to reconsider a new application. Motion was seconded and passed.

2. American International Beauty College – Denver

The Board resumed discussions of the Division's report, Mr. Uyemura's findings, and stated the noncompliance warranted legal action. Ms. Malay moved to issue a Notice of Noncompliance. Motion was seconded and passed.

3. CIT No Action.

4. College America – All location

Ms. Krovitz moved to table till the August 23, 2016, The Board felt it was not prudent to proceed with its financial representative, Joseph Wolf, who was unable to attend the meeting due to an unexpected conflict. Secondly, the Board has requested that CollegeAmerica provide sufficient information and financial records demonstrating that the pre-paid unearned tuition is equal to or less than the reduced LOC for each campus. Motion was seconded and passed.

5. Modern Institute of Reflexology – Wheat Ridge

Ms. Malay moved to direct the Director to send an e-mail to Mr. Brinkerhoff and a copy of the Minutes to remind him of the Board's action. Motion was second and passed.

6. The Institute for the Psychology of Eating – Longmont

Assistant Attorney General Ms. Rich Fredericks has been in contact with his attorney and has also sent a letter. She will follow up with the school and send copies to the Board.

7. RN Medispa Academy of Cosmetology – Greeley

Ms. Malay moved that we issued a cease and desist order to the school since they are not approved school also copy to their medical director and to notify DORA that they are not approved. Motion was second and passed.

Adjournment:

Ms. Malay motioned to adjourn the meeting at 1:07 P.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday August 23, 2016, 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