

**MINUTES OF THE
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
ANNUAL MEETING**

November 4, 2010

The Colorado State Board of Private Occupational Schools convened its Annual Planning Meeting at the Marriott Courtyard Downtown Denver, 934 16th Street, Denver, CO 80202.

Lisa Bennison Noll, Acting Chair called the meeting to order at 9:44 A.M. and Board roll was taken. A quorum and a two-thirds majority of the Board were present.

Board Members Present:

Lisa Bennison Noll, J.D Vice-chair	Jerry Sirbu, Secretary	Buddy Douglass
Tom Narvaez	Winnifred Rovig	Karen Hall
Buddy Douglass		

Board Members Absent:

Robert Martin, Chair

Division Staff Present:

Jim Parker, Director	Georgia Roberts, Deputy Director
Renee Belisle, Program Specialist	Karla Viteri, Program Specialist
Loretta Perez, Administrative Assistant	

Division Staff Absent:

Bernadette Esquibel, Program Specialist
Voni Oerman, Program Specialist

Attorney General: Assistant Attorney General Lorna A. Candler attended.

There were no members of the general public or other guests present.

A. Annual Business:

1. Election of Officers: Chair, Vice Chair and Secretary

Discussion was held regarding the election of Board officer positions for the upcoming year. Specifically, the positions of Board's Chair, Vice-chair and Secretary were opened for nominations. Ms. Rovig nominated Jerry Sirbu as Chair, Lisa Bennison Noll as Vice-Chair and Thomas Narvaez as Secretary. Mr. Douglass motioned that nominations be closed and that the Board accept the nominated slate of officers by acclamation. The combined motion was seconded and the Board voted to accept Jerry Sirbu, Lisa Bennison Noll and Tom Narvaez into their respective board officer positions.

B. Additions / Changes to the Agenda:

Director Parker advised the Board of three additional time critical agenda items and asked they be considered before all other agenda items: (1) Consideration of a program for Accent Learning System, Inc. - Aurora, which was tabled at the October 26, 2010 regular Board meeting; (2) a surety compliance matter concerning Noble School of Cosmetology – Colorado Springs; and (3) the application for a change of location concerning ABC Bartending Schools – Denver.

It was the will of the Board to take these three items out of the published agenda order.

C. Consideration of Approval Programs/Stand Alone Courses

1. Accent Learning System, Inc. - Aurora

Program Specialist Viteri brought to the Board's attention for review and consideration one new program, Dialysis Technician Certification Program, proposed by Accent Learning System, Inc., Aurora. A school representative was not available. Based upon the Board having determined that the above-referenced program for Accent Learning System, Inc., 1450 S. Havana, Suite 232, Aurora, CO 80012 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. Douglass moved to approve the above-referenced new program effective November 4, 2010. The motion was seconded and unanimously passed.

D. Student Complaints/Matters of Non Compliance/ Legal Action

1. Nobel School of Cosmetology – Colorado Springs

Director Parker provided a summary to the Board concerning Nobel School of Cosmetology, Colorado Springs. No school representative was present. The Director reported that in the course of the School responding to a number of filed student complaints (all currently under investigation) the owner admitted that there is no surety bond or other coverage in place, as is required by statute. In addition, the owner refused to supply some student records related to two of the active complaints. After discussion and due deliberation, Mr. Douglass motioned to temporarily table this matter while the Division again attempts contact with the bank that issued the initial surety bond and provide supplemental information. Mr. Douglass further motioned that if necessary an interim board meeting be held to address the matter once the surety information is clarified. The combined motion was seconded and unanimously passed.

E. Change of Location

1. ABC Bartending School – Denver

Director Parker and Deputy Director Roberts reported to the Board concerns relating to an Application of a Change of Location for ABC Bartending School. The Division cited an October 22, 2010 application submitted by the school and the results of a November 2, 2010 on-site inspection conducted by Division staff of the proposed location, which is

inside another competitor, Estrela Bartending School as having led to the concerns including questionable student recruitment practices. The Division requested Board review and formal action regarding the Change of Location request. The Board indicated it would like to consult with its legal counsel before further determining an appropriate action. Mr. Sirbu called for a motion to convene into executive session pursuant to §24-6-402(3) (a)(II), C.R.S., for the purpose of conferring with the Board's attorney regarding legal options available concerning ABC Bartending School and to receive legal advice on specific questions related thereto, and pursuant to §24-6-402(3)(a)(III); and to discuss personnel data required to be kept confidential pursuant to section §12-59-105.4. Ms. Rovig so motioned; Mr. Narvaez seconded; and the motion to convene into Executive Session was duly passed. The regular public board meeting recorder was turned off, and the Board of Private Occupational School convened into executive session at 10:45 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 having concluded, the public session of the Board meeting reconvened at 11:13 A.M. The executive session recorder was stopped and the regular public meeting recorder was turned on.

Assistant Attorney General Candler 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 an attorney-client privileged discussion or complaint matters required to be kept confidential.

After due deliberation and discussion, a motion was made by Mr. Narvaez to direct the Division to send a Notice of Non Compliance, denying at this time the change of location application to ABC Bartending School, and to give the school a brief, but reasonable time to respond. The motion was seconded and unanimously passed.

The Board briefly at 11:15 A.M. and reconvened at 11:29 A.M. A quorum was present.

A. Annual Business: (noticed agenda resumed)

2. Fees

Pursuant to section 12-59-116, C.R.S., the Board by rule shall establish fees for the direct and indirect cost for administration of the Private Occupation Education Act (the "Act"). The Division is entirely cash-funded (no general fund appropriation) through statutorily authorized fees which are established by the Board and paid by the private occupational schools. Statute requires the Board to establish a fee schedule that reflects the direct and indirect cost of administering the Act. On an annual basis the Division and Board are to review the current fees and make any necessary adjustment in the amount of the fees assessed.

Having reviewed the final/ending budget figures for the last FY 09-10 and budget allocation for this fiscal year's budget with the Department's controller, the Division is recommending that the Board make no adjustment to its current fees.

Mr. Douglass motioned that after reviewing and considering budget information provided by the Division that no adjustments be made to the current fee schedule which took effect on March 1, 2009. The motion was seconded and unanimously passed.

3. Discussion of Potential Statutory, Rulemaking or other Policy Matters:

a. Extension of statutorily required Criminal Background checks for School owners, agents, officers, etc.

Deputy Director raised for discussion a proposal to expand the current statutory criminal background checks beyond what is now required (only for instructors of minor aged students), in light of certain compliance matters which arose this past year, and for additional protection of students. The Board reviewed national data showing how other comparable state regulators treat such matters. The Board by consensus identified that it was open to such a statutory extension, particularly in respect to all school owners; sales agents; and directors/officers of schools.

b. Proposed Sunset Provision for Division/Board

Director Parker informed the Board that the Department of Higher Education through its Executive Director, D. Rico Munn, is proposing legislation in this session which if passed would designate the Division/Board as a "sunset agency". After discussion and due deliberation Mr. Douglass motioned that the Division be directed to draft a letter to Executive Director Munn, for review and signature by the Board or its designated representative, which expresses the Board's perspective about the proposed sunset legislation, and which invites an opportunity to discuss the matter. The motion was seconded and passed unanimously.

The Board recessed for lunch at 12:29 P.M. Mr. Douglass left the meeting at this time; however a quorum was still present. The Board reconvened at 1:18 P.M.

4. Board Ethics/Responsibilities and the Open Meetings Act

Assistant Attorney General Candler presented to the Board a review of the Colorado Open Meetings Law; an update of the state statutes concerning public entity executive session parameters; and led a general discussion about Board ethics and related topics regarding conflicts or appearances of a conflict of interest. Best practices for Board and its members was also suggested.

5. Medical Marijuana School

Assistant Attorney General Candler presented information to the Division and its Board regarding Medical Marijuana & DPOS Licensees. The presentation identified current state and federal laws regarding medical marijuana in the context of its use for educational purposes by occupation schools like those regulated by the Colorado Division of Private Occupational Schools (DPOS).

Specific issues were also discussed, including the Division/Board's responsibilities, and the potential liabilities of schools wanting to provide hands-on training on medical

marijuana-related businesses through the possession of medical marijuana and visitations/field trips with students to medical marijuana growing facilities.

6. Report on Division Activities:

a. Student Complaints / Enforcement Activities

Deputy Director Roberts provided an Annual Status Report concerning complaints filed against schools; administrative investigations; and related enforcement activities.

b. Instructor Background Checks and Annual Filings

Deputy Director Roberts provided an Annual Status Report concerning criminal background checks for instructors at schools which recruit/train minors. Once again, the applicable schools are 100% compliant.

c. School Closures and surety bond claims

Director Parker presented an update on school closures and the amount of student refunds that have been paid out under the statutory surety bond process.

Tom Narvaez excused himself from the meeting at 2:35 P.M., but a quorum was still present.

d. Unlicensed Schools

Director Parker provided an Annual Status Report concerning the number of unlicensed schools identified this past year as operating without Board approval in Colorado; the number that became licensed; and those found to be statutorily exempt from regulation.

e. Out of State Schools

Program Specialist Belisle reported on the status of Out of State Schools.

f. School Renewals for 2011

Director Parker gave an update on the number of schools up for renewal in 2011.

7. Other Business/Discussion Items:

Director Parker announced that the Division will be hosting the 2011 Conference of the National Association of State Administrators and Supervisors of Private Schools (NASASPS). It will be held at the Brown Palace Hotel - Denver, from May 1 through May 4, 2010. More information will be provided to the Board at a later date.

ADJOURN

There being no further business or matters for discussion, a motion was made by Ms. Hall to adjourn. The motion was seconded and carried. The Board's Annual Planning Meeting adjourned at 3:09 P.M.