

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
October 24th, 2017 9:33 A.M.

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

Board Members Present:

Shelley Krovitz, Chair;	Ryan Minic;
Paul Garibay;	Robert E. Martin
Timothy L. Brooks, Vice Chair	Arlene Rae Malay
A. Richard Behbehani	

Board Members Absent:

Division Staff Present:

Lorna Candler, Director	
Mary Kanaly, Deputy Director & Compliance Officer	
Lisa Hill, Program Coordinator	Amy Knoblauch, Data & Research Specialist
April Cordova, Program Specialist	Bernadette Esquibel, Program Specialist
Brad Uyemura, Compliance Investigator	

Division Staff Absent:

Board Counsel Present:

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

Guests Present:

Ron Billings, Paul Mitchell The School- CS
Bill Chrismer, Academy of Barbering Arts
Julie Bufferbauger, Academy of Barbering Arts
Jean Rodriguez, Academy of Barbering Arts
Adina Martinez, Academy of Barbering Arts
Joel Scimeca, College America-FC
Kristy McNear, College America-FC

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Ms. Shelley Krovitz, Chair, at 9:30 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 September 26, 2017 Minutes:

Following review and consideration of the September 26, 2017 meeting minutes, a motion was made by Mr. Brooks to approve the minutes as written. The motion was seconded and carried.

Consideration of Approval of the September 26, 2017 Executive Session Minutes:

Following review and consideration of the September 26, 2017 executive session minutes, a motion was made by Mr. Brooks to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda

A numbering clarification was made to the Agenda regarding Other Business items.

Director/ Staff Report:

Director Candler reported the following:

1. Introduction of the newest Program Specialist, Rachel Acosta;
2. The launch of the DPOS RFP for a new Information Management System
3. A DPOS statutory housing change of Title 12 to Title 23
4. Rulemaking matters to be discussed at the Annual Retreat

Monthly Statistics

No statistics to report.

New Business/Action Items:

A. Consideration of Approval Programs/Stand Alone Courses

1. Academy of Barbering Arts- Denver

Program Specialist Cordova presented to the Board for review and consideration of 1 major program: The 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 Mr. Martin motioned to approve the Barber Program effective October 24th, 2017. The motion was seconded and carried.

2. Paul Mitchell the School- Colorado Springs

Three program approvals were tabled from the September meeting: 1. Cosmetology 2.Barbering and 3.Hairstylist. 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.

After review and consideration Mr. Minic motioned to approve the previously mentioned programs effective October 24th, 2017 using a roll call vote. The motion was seconded and carried.

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

Program Coordinator Hill reported the closing of the Westminster campus for Spartan College of Aeronautics & Technology. Student records have been deposited at the main campus in Broomfield, CO. Program Coordinator Hill also reported the closing of Spark Classes in Boulder,

CO. Effective October 19, 2017, all available student and educational records are on deposit at the Division of Private Occupational Schools.

Other Business:

1. Legal Update

Legal Counsel, Jacquelynn Rich Fredericks reported legal updates regarding the following matters:

- a. Four Notices of Noncompliance and Nonrenewals and awaiting responses for three Notices;
- b. A Notice of Noncompliance regarding Minimum Standards was issued;
- c. The voluntarily relinquishment of approval for Westline Academy of Barbering;
- d. Ms. Malay motioned to ratify the stipulated agreement for Academy of Barbering Arts with an initiation date of October 24, 2017;
- e. Notices of Charges are on file with the Office of Administrative Courts for Majestic Vocational Center. No response has been received at this time.
- f. Counsel updated the board regarding OBC Counsel communication
- g. Bankruptcy Legal Counsel for Heritage College has issued a subpoena for student financial records. Additionally Heritage Counsel has negotiated payout agreements with the Division for prepaid unearned tuition amounts. Mr. Minic motioned to approve the agreements. The motion was seconded and carried
- h. The bylaws will be discussed at the Annual Board Retreat

2. Glenwood Beauty Academy

The school Director, Karen Fiolkowski, was contacted via telephone for the Board's discussion regarding financial matters. Mr. Minic motioned to table the matter to Executive Session. The motion was seconded and carried.

At this time Mr. Minic motioned to take a five minute break at 10:55. The motion was seconded and carried and the tape recorder was turned off.

At 11:02 A.M. the tape recorder was turned on and Mr. Brooks motioned to convene in executive session with the Board's attorney to seek legal advice pursuant to §24-6-402(3)(a)(II), C.R.S, Glenwood Beauty Academy; and in consideration of relevant parts 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. At 11:04 the recorder was turned off.

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 11:05 A.M.

After the review and consideration of the matters previously mentioned, Ms. Krovitz resumed open session at 11:24 A.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 good faith what is believed to be attorney-client privileged discussions.

The Board resumed discussions of the matters discussed in executive session in the regular session and concluded the remainder of the Board's agenda items

Glenwood Beauty Academy was contacted via telephone. After review and discussion of the previously mentioned matter, Mr. Brooks motioned to issue a Notice of Noncompliance to attach the existing bond to substantiate the adequacy of the financials; to submit the latest financial aid audit; and to establish how the school calculates prepaid unearned tuition. The motion was seconded and carried.

3. Accent Learning Systems, Inc.

Director Candler updated the Board that the Division has received a response from the school. Director Candler reported that more information is needed. Mr. Minic requested more information regarding the Pharmacy Tech Program lab hours. Mr. Brooks made a motion to table the matter until the December Board Meeting. The motion was seconded and carried.

4. Love Christian Fellowship Educational Center

Director Candler updated the Board regarding school operations and late status for paying their assessment fee. Mr. Martin motioned to issue a Notice of Noncompliance for failure to pay their late fee and to offer operational advice to the school. The motion was seconded and carried.

5. OBC Rules

Director Candler reported to the Board the Division's recommendation to create a statement to stress the importance of occupational school involvement with the Department of Regulatory Agencies' new rule change that affects barber and cosmetology programs. Mr. Behbehani motioned to adopt a statement that would be presented to the Department of Regulatory Agencies regarding minimum standards towards barber and cosmetology subject matter. The motion was seconded and carried.

6. Quarterly Assessments

Program Coordinator Hill presented to the Board a brief report regarding Quarterly Assessments. Ms. Malay made a motion to issue notices of fines sent to the schools that have failed to pay quarterly assessments. The motion was seconded and carried.

7. Electronically Executed School Bond Verifications

Concerns were discussed regarding the new method of electronically executed school bond verifications. No action needed.

8. November Board Retreat

Details were discussed regarding the Annual Board Meeting Retreat on November 14, 2017 at Galvanize- Platte.

Adjournment:

Ms. Malay motioned to adjourn the meeting at 12:00 P.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday December 5, 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
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