

**MINUTES**  
**BOARD OF PRIVATE OCCUPATIONAL SCHOOLS**  
**September 25, 2018 9:33 A.M.**

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

Board Members Present:

Paul Garibay, Chair;	Chris Reister;
Ryan Minic, Vice Chair;	Shelley Krovitz;
Tim Guerrero;	Arlene Rae Malay (telephonically)

Board Members Absent:

Richard Behbehani

Division Staff Present:

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

Division Staff Absent:

Bernadette Esquibel, Program Specialist Assistant

Board Counsel Present:

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

Guests Present:

Dr. Kelly Moore, Lincoln College of Technology;  
Byung Choo, Max International Beauty School;  
Youngui Choo, Max International Beauty School;  
Desiree Sanchez, Functional Strength Pilates;  
Kiersten Murdoch, CollegeAmerica;  
Sharnie Maple, CollegeAmerica;  
Eulee Wood, Max International Beauty School;  
Eric Juhlin, CollegeAmerica;  
Joel Scimeca, CollegeAmerica;  
Ron Billings, Paul Mitchell the School Colorado Springs;  
Lorri Axelsen, Lash Savvy;  
Suzanne Scales, CollegeAmerica;  
Jessica Salazar, Office of the Attorney General;  
Inta Morris, Colorado Department of Higher Education;

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 9:33 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 August 28, 2018 Minutes:

Following review and consideration of the August 28, 2018 meeting minutes, a motion was made by Mr. Minic to approve the minutes as written. The motion was seconded and carried.

#### Additions / Changes to the Agenda

No changes were made to the Agenda.

#### Director/ Staff Report:

Director Candler reported the following items:

- Board Member, Arlene Rae Malay will join the Board telephonically for Other Business;
- College Application Month is this month;
- There was a recent surge of Accreditation Council Actions presented to the Division;
- Spartan College of Aeronautics and Technology has received the School of Distinction Award presented by ACCSC;
- Director Candler and Deputy Director Kanaly will be attending the NASASPS Fall Regulators Conference in Philadelphia, Pennsylvania;
- The October Board Meeting will be in Room 640
  - o However, it should be noted that new information was brought to the Board during the meeting thus, the next Board Meeting will be in the same room
- The Annual Retreat date is set for the 16<sup>th</sup> of November and will be held at the Colorado Department of Higher Education
- Director Deputy, Mary Kanaly and Program Specialist, Rachel Acosta will attend the National Interstate Council of State Board of Cosmetology Conference

#### New Business/Action Items:

##### A. Consideration of Approval of Provisional Certificate of Approval

###### 1. Functional Strength Pilates – Lone Tree - LH

Program Coordinator Hill presented to the Board for review and consideration of a Provisional Certificate. A school representative was present.

Following review and consideration of the Provisional Certificate, Mr. Minic motioned to table the approval of the Provisional Certificate to receive a bond for the school. The motion was seconded and carried.

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

### 1. Lizzie's Beauty Shop – Durango - CH

Program Specialist Harding presented to the Board for review and consideration of one new program: Esthetician. A school representative was not 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, Mrs. Krovitz motioned to approve the revision effective September 25, 2018. The motion was seconded and carried.

### 2. Vyne Education – Brentwood - CH

Program Specialist Harding presented to the Board for review and consideration of 2 new programs: 1. Parkinson's Rehab Teams: Moving Beyond a One-Size-Fits-All Approach and 2. Treating the Shoulder Complex: Advances in Conservative & Post-Op Management. A school representative was not present.

Following review and consideration of the new programs, the matter was tabled in order to contact the school to ask questions telephonically.

### 3. Lash Savvy – Colorado Springs - AC

Program Specialist Cordova presented to the Board for review and consideration of one new program: Online Volume Course. 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, Mr. Reister motioned to approve the previously mentioned program effective September 25, 2018.

### 4. Vyne Education – Brentwood – CH

At this time, Vyne Education was contacted for the Board to ask questions.

Following review and consideration of the new programs, Mr. Minic motioned to conditionally approve the previously mentioned programs provided that the school changes the pre-requisite requirement language from Bachelors degrees to "be licensed in the field of study." The motion was seconded and carried.

## C. Notification of School Closing/Change of Status (no action required)

1. National Institute of First Assisting – Centennial – BE/LH
  - a. All records are on deposit with the Division

## Other Business Items

At this time Board Member, Arlene Rae Malay joined the Board telephonically.

### 1. Accreditation Actions

#### a. Glenwood Beauty Academy

- i. Following review and discussion of the incomplete response provided by Glenwood Beauty Academy, Mrs. Krovitz motioned to file a Notice of Charges with the Office of Administrative and to issue a subpoena for the remaining student records. The motion was seconded and carried.

#### b. Ecotech/Virginia College

- i. The Division provided the Board all of ECA's communication related to the closure and train out of Virginia Colleges as well as the teach-out plan specific to Ecotech. This was an information item; no action was taken.

#### c. Bel Rae Institute of Animal Technology

- i. ACCSC is requiring Bel Rae Institute of Animal Technology to submit additional documents that evidences the school's compliance with ACCSC advertising standards. This requirement is due to an anonymous complaint that was submitted to ACCSC. No action taken.

#### d. College America

- i. Following review and discussion of the System-Wide Probation status provided by ACCSC for College America, Mr. Guerrero motioned to table the matter to Executive Session. The motion was seconded and carried.

### 2. Bond Review

#### a. Lincoln College of Technology

- i. Information is still needed so the matter was tabled. No action taken.

### 3. Legal Update

#### a. Greater Pueblo Dental Assisting School

- i. A Notice of Noncompliance Nonrenewal was issued; Counsel is waiting for a response; the response will be provided to the Board for its consideration at the October Board Meeting.

#### b. Max International Beauty School

- i. A Notice of Noncompliance and Nonrenewal was issued to the school; a response was received; a Stipulated Agreement was issued to resolve the remaining issues with the school records. Mr. Reister motioned to accept the Stipulated Agreement. The motion was seconded and carried.

#### c. Command Cuts Academy of Barbering

- i. A Notice of Noncompliance and Nonrenewal was issued to the school; a response was received; a Notice of Charges was filed with the Office of Administrative Courts and the hearing will be scheduled.

#### d. Trucker USA College

- i. An Emergency Summary Suspension was issued to obtain and preserve the records; a Notice of Charges was filed with the Office of Administrative Courts, a hearing was scheduled for November; a Stipulated Agreement was issued and Counsel is waiting for a response
- e. Westland Beauty Academy
  - i. A Notice of Noncompliance was issued and a response was provided; a supplemental Notice of Noncompliance and subpoena was issued; the school has requested to enter into a Stipulated Agreement
- f. Glenwood Beauty Academy
  - i. The matter was previously discussed in Other Business. No action taken at this time.

At this time, Mr. Minic motioned for a recess. The motion was seconded and carried.

Following the recess and after consideration and discussion of the each of the previous matters, Mr. Minic 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, regarding College America 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.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and division/department staff as deemed necessary at 11:15 A.M.

The executive session recorder was turned on and members of the public left the room during executive session.

A motion was made by Mr. Reister to resume open session at 12:00 P.M. The motion was seconded and carried.

The executive session recorder was turned off.

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.

#### G. Review of Items Discussed in Executive Session

##### 1. College America

The programs were conditionally approved in August. CEHE failed to meet the condition. The Board noted the same, and accordingly the programs were not approved. In response to ACCSC's System-Wide Probation Order issued against CEHE, the Division requested the Notice mandated by ACCSC to all (Colorado) CEHE students. In response to the Division's request, Mr.

Juhlin provided, and the Board reviewed and discussed the Notice that CEHE sent to (Colorado) CEHE students, verification the notice was sent, and supplemental materials provided to CEHE (CollegeAmerica) administrators and employees including correspondence directives and FAQ's prepared to script all conversations related to the System-Wide Probation. The Board raised concerns that CEHE's Notice and supplemental materials appeared to be misleading to current and prospective students; the Board noticed their specific concerns orally and provided CEHE an opportunity to revise the Notice and materials to ensure that students were compliant with Colorado's Act and Rules and Regulations.

Adjournment:

Mr. Guerrero motioned to adjourn the meeting at 12:22 P.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday October 23, 2018, 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