

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
September 28, 2021 at 9:32 a.m.

Join Zoom Meeting

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Meeting ID: 860 1647 4301

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Board Members Present:

Paul Garibay, Chair;	Ryan Minic, Vice Chair;
JoAnn Stevens, Secretary;	Ellen Wamser;
Barbara Kearns;	Jessica Houtz; and
Chad J. Nash	

Division Staff Present:

Chief Occupational Education Officer/Director Lorna Candler;
Deputy Director & Compliance Officer Mary Kanaly;
Compliance Investigator Bradlee Uyemura;
Program Specialist Rachel Acosta;
Program Specialist April Cordova;
Program Specialist Carrie Harding;
Program Specialist Jonathan Rendon;
Program Specialist Assistant Bernadette Esquibel; and
Division Specialist Kristi Connors

Board Counsel Present:

Natalie Powell, Senior Assistant Attorney General, Office of the Colorado Attorney General

Guests Present:

Ryan Lishner, Colorado School of Trades;
Kathleen Vossenber, Auguste Escoffier School of Culinary Arts;
Eileen Kantor, Kantor & Company Academy;
Donald Cotham, Auguste Escoffier School of Culinary Arts;
Bob Scherner, Auguste Escoffier School of Culinary Arts;
Jennifer Burrell, Auguste Escoffier School of Culinary Arts;
Elaine Ivan, UHealth School of Radiologic Technology – University of Colorado Hospital;
Gregory Pierce, United Training Academy;
Suzi Dennis, Northern Colorado Advanced Aesthetics Academy;
Miles Mitchell, Auguste Escoffier School of Culinary Arts;
Carla Arellano, Carla’s Barbershop;
Jamie Fiely, United Training Academy;

Michael Mulholland, Accent Beauty Academy;
Anne Lanute, Auguste Escoffier School of Culinary Arts; and
Leah Harris, UCHHealth School of Radiologic Technology – University of Colorado Hospital

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 9:32 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 24, 2021 Minutes:

Following review and consideration of the August 24, 2021 regular and executive session meeting minutes, Secretary Stevens made a motion to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

COEO/Director Candler reported that there were no changes or additions to the agenda.

Director / Staff Report

COEO/Director Candler reported the following:

- Executive Director Dr. Angie Paccione joined the meeting to welcome new Board member Nash and thank him for his willingness to serve. Dr. Paccione also issued a challenge to everyone to find a way to share resources between the public and private schools. Many programs with high demand jobs are at capacity and she is asking for the Division and Board members to propose out-of-the-box ideas on different ways to use federal dollars allocated to public college and university students at private occupational schools.
- Introduced new Board member Chad J. Nash and highlighted his education and experience he will bring to the Board.
- Introduced guest Mike Roberts from the Colorado Office of Veterans Education and Training. Their office and the Division are working on forming a collaborative partnership to share information to ensure these critical students are being served in the best possible way.
- Recognized Program Specialist Rendon for completing a difficult school closure and assisting students to have access to their advanced training certificates
- Reported on her attendance at the NGA roundtable on anti-human trafficking and the critical role the Division and the Board have with our oversight authority to regulate private occupational schools and protect the citizens of Colorado.
- Announced the Division received a grant from the Seldin/Haring-Smith Foundation to create a toolkit for state regulators to use to help identify possible human trafficking.
- Announced the NASASPS Fall Conference will be held October 13-14, 2021 virtually.
- Reminder that the Annual Board Retreat is scheduled for November 16, 2021.
- Deputy Director Kanaly discussed the Board memo sent out prior to the meeting regarding Rock Creek Laser to be addressed during Other Business.

- Deputy Director Kanaly provided an update on the new online software tool which should be ready to go live in late October/early November. Three weeks before the launch date, the Division will stop accepting paper applications in order to complete the migration of school data to the new IT system.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. Kantor & Company Academy – Boulder – CH

Program Specialist Harding presented to the Board for review and consideration of a Provisional Certificate. A school representative was present. A site visit was completed. 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, Secretary Stevens motioned to approve the Provisional Certificate with the condition of creating an acknowledgment for students to sign to show they understand the requirements for licensure and obtaining their certificate of completion effective September 28, 2021 and ending June 30, 2023. The motion was seconded and carried.

2. UCHealth School of Radiologic Technology – University of Colorado Hospital – CH

Program Specialist Harding presented to the Board for review and consideration of a Provisional Certificate. A school representative was present. A site visit was completed. 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, Vice Chair Minic motioned to approve the Provisional Certificate effective September 28, 2021 and ending June 30, 2023. The motion was seconded and carried.

3. Carla's Barbershop LLC – Castle Rock – JR

Program Specialist Rendon presented to the Board for review and consideration of a Provisional Certificate. A school representative was present. A site visit was completed. 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, Board member Wamser motioned to approve the Provisional Certificate effective September 28, 2021 and ending June 30, 2023. The motion was seconded and carried.

B. Consideration of New Program(s)/Stand-Alone Course(s) or Major Revisions

1. Skill Distillery – Greenwood Village – AC

Program Specialist Cordova presented to the Board for review and consideration of one new program: Java Full Stack Programming Part-time. 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, Board member Kearns motioned to approve the new program effective September 28, 2021. The motion was seconded and carried.

2. Northern Colorado Advanced Aesthetics Academy – Loveland – RA

Program Specialist Acosta presented to the Board for review and consideration of five new stand-alone courses: Dermal Fillers, Advanced Dermal Fillers and Cannula, Enhanced Injectables Skills, Lipo Dissolution, and Neurotoxin. 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, Board member Kearns motioned to approve the new program effective September 28, 2021. The motion was seconded and carried.

3. Auguste Escoffier School of Culinary Arts – Boulder – JR

Program Specialist Rendon presented to the Board for review and consideration of three new programs and four new stand-alone courses: Diploma in Holistic Nutrition and Approaches to Wellness, Diploma in Holistic Nutrition and Wellness, Associate of Occupational Studies in Holistic Nutrition and Wellness, GE185 Advanced Holistic Nutrition, HW155 Nutritional Cooking and Special Diets I, HW160 Nutritional Cooking and Special Diets II, and HW180 Coaching Techniques and Practices. 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, Board member Wamser motioned to approve the three new programs as previously mentioned effective September 28, 2021. The motion was seconded and carried. Board Member Wamser motioned to approve the previously mentioned four new stand-alone courses effective September 28, 2021. The motion was seconded and carried.

C. Consideration of Approval Change of Ownership

1. Colorado School of Trades – Lakewood – JR

Program Specialist Rendon presented to the Board for review and consideration an application for change of ownership. 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, Board member Houtz motioned to approve the change of ownership from Sawtooth, Inc. to Colorado School of Trades effective September 28, 2021. The motion was seconded and carried.

At 11:08 a.m. Vice Chair Minic motioned for a recess. The motion was seconded and carried.

At 11:28 a.m. Chair Garibay called the meeting back to order.

Other Business:

1. Legal Update

The Board's Counsel, Natalie Powell, updated the Board on the following items:

a. CDL College

- i. On May 10, 2021, Board Counsel remitted a pre-litigation conferral and demand for compliance to The Hartford. They maintain their denial. On May 24, Board Counsel filed the Complaint in Denver District Court. The Board's Complaint was served on Hartford, and Hartford filed an Answer on September 16, 2021.

b. Mr. K's Floral Design School of Denver

- i. Board Counsel filed Notice of Charges with the Office of Administrative Courts on May 19, 2021. Mr. K's owner did not file an Answer to the Notice of Charges, as required, within 30 days. On July 22, 2021, Board Counsel filed a Motion for Default, requesting that default be entered. On August 26, 2021, the ALJ entered default. Board Counsel is waiting upon the ALJ to enter findings of fact and conclusions of law.

c. Rock Creek Laser & Esthetics

- i. On June 30, 2021, the school owner signed the Affidavit of Voluntary Surrender of its Certificate of Approval. The school has 60 days to provide electronic copies of required records to the Division. The school provided some of the requested records, but not all. The Board may want to consider potential legal remedies if complete and compliant records are not provided to the Division by a set date.

d. United Training Academy

- i. The Board considered a change of ownership application from United Training Academy at its July 27, 2021 meeting. The Board asked for additional information from United Training Academy and for legal review by Board Counsel, to clarify the franchise agreement, purchase agreements, and settlement between the prior franchisee and franchisor. Board Counsel provided a separate attorney-client privileged memorandum for the Board's review on August 23, 2021. United Training Academy provided some additional information to the Division for review.

e. QS Academy

- i. QS Academy's certificate of approval expired on June 30, 2021. The Division has been seeking student records as required upon closure. At the August Board meeting, it voted to provide notice to the school that if complete and compliant records were not provided by October 1, 2021, the Board would seek legal actions as allowed by law. Board Counsel sent the notice on September 13, 2021.

Counsel for QS Academy responded that they would work on getting the outstanding records to the Division.

f. America's Academy of Coaching, Counseling and Hypnotherapy (AACCH)

- i. AACCH's certificate of approval expired on June 30, 2021. The Division has been seeking student records as required upon closure. At the August Board meeting, it voted to provide notice to the school that if complete and compliant records were not provided by October 1, 2021, the Board would seek legal actions as allowed by law. Board Counsel sent the notice on September 13, 2021. To date, no response has been received.

2. United Training Academy – Aurora – AC

Deputy Director Kanaly updated the Board on the Change of Ownership application for United Training Academy at the Aurora location. United Training Academy officially withdrew their Change of Ownership application for the Colorado Springs location. The Division and Board Counsel have reviewed all of the additional information submitted by the school as requested by the Board.

Following review and further consideration, Vice Chair Minic motioned to approve the Change of Ownership for United Training Academy with the condition that the school provides quarterly financial documents to the Division for review. The motion was seconded and carried.

3. Rock Creek Laser and Esthetics

Deputy Director Kanaly provided an update on the transfer of student records required to be deposited with the Division by September 1, 2021. To date, records for only 29 out of 422 graduated students have been deposited with the Division. The school's bond is set to expire in November, so the Division is working to get three students refunds they are due. Chair Garibay motioned to table Rock Creek to executive session. The motion was seconded and carried.

4. America's Academy of Coaching, Counseling and Hypnotherapy (AACCH)

Chair Garibay motioned to table AACCH to executive session. The motion was seconded and carried.

5. College of International Esthetics

Deputy Director Kanaly updated the Board on the status of the student records being deposited at the Division. One box of student records in paper format for the prior two years were delivered to the Division. The school owner notified the Division of her plan to hand deliver the remaining paper student records on September 29, 2021.

Following review and consideration of each of the previous matters discussed during the regular portion of the Board meeting, Vice Chair Minic motioned to convene in executive session at 12:03 p.m. with the Board's Counsel to seek legal advice pursuant to C.R.S. §24-6-402(3)(a)(II), on the following matters: Rock Creek Laser and Academy of Coaching, Counseling and Hypnotherapy 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 public session 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 at 12:03 p.m.

After the review and consideration of the matters previously mentioned, Chair Garibay resumed regular session at 12:26 p.m. The executive session recorder was turned off. The public session recorder was turned on and the general public was welcomed back.

Senior Assistant Attorney General Natalie Powell, 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 in what is believed to be attorney-client privileged discussions.

Following executive session, the Board resumed its agenda as follows:

Rock Creek

Following discussion in public session regarding the deadlines the School was given to submit student records including transcripts and certificates of completion for the years of 2019 and 2020, a motion was made by Vice Chair Minic to direct Board Counsel to issue a 30-day letter of warning to turn over the required records or potentially face civil and/or criminal liabilities for failure to comply as well as directing Board Counsel to follow up with the district attorney in preparation for a noncompliance. The motion was seconded and carried.

AACCH

Recent communication from the school to the Division indicates the school is still operating and recruiting students without an approved certificate of operation. Chair Garibay motioned to issue a Cease and Desist notice including warning of possible penalties if the school continues to operate and mandate school to submit a new provisional application to the Division or submit required student records for closure within 14 days of receipt of notice.

Adjournment:

Board Member Kearns motioned to adjourn the meeting at 12:43 p.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, October 26, 2021, at 9:30 a.m. and will be held via the web conference application, Zoom; meeting details will be posted on the Division's website: higherred.colorado.gov/dpos.