

**MINUTES**  
**BOARD OF PRIVATE OCCUPATIONAL SCHOOLS**  
**October 26, 2021 at 9:32 a.m.**

Join Zoom Meeting

<https://us06web.zoom.us/j/82891402263?pwd=VlVnY3JvQjIHVER5RXc0eDdydG85UT09>

Meeting ID: 828 9140 2263

Find your local number: <https://us06web.zoom.us/u/kbQ3RclV0z>

Board Members Present:

Paul Garibay, Chair; Ryan Minic, Vice Chair;  
JoAnn Stevens, Secretary; Ellen Wamser; and  
Jessica Houtz

Board Members Absent:

Barbara Kearns; 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 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:

Dr. Kelly Moore, Lincoln College of Technology;  
Dwayne Isbell, Lincoln College of Technology;  
Cara Sharpe, Pima Medical Institute;  
Charles Tweedy, Careers World Wide;  
Bryan Anderson, Careers World Wide;  
Sterling Wooten, Lincoln College of Technology;  
Michael Mulholland, Accent Beauty Academy;  
Beverly Sotelo, Lincoln College of Technology;  
Steve Steele, IBMC College;  
Diana Gunderson, IBMC College;

Gianna Barry, Accent Beauty Academy;  
Mike Rudinsky, Galvanize;  
Crista Wray, Galvanize;  
Curtis Schlak, Galvanize;  
Christine Nguyen, Galvanize;  
Amy Capwell, member of General Public;  
Ashley Kacenjar, Galvanize;  
Steve Speake, Springs Truck Driving School;  
John Richardson, Center Beauty College;  
Dana Richardson, Center Beauty College;  
Junlong Zhu, Perfect Massage School;  
Mingyu Zhu, Perfect Massage School; and  
Chunan Jiang, Perfect Massage School

#### 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 September 28, 2021 Minutes:

Following review and consideration of the September 28, 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:

- Updated the Board on Dr. Angie Paccione's proposal to use HB21-1330 funds which have been designated for public higher education institutions to potentially follow the student to private occupational schools to provide education in high needs jobs including health care and IT fields. The Division is working jointly to prepare a proposal for the HB21-1330 Task Force. The Board may want to ask legal questions in executive session.
- Reported that DPOS has launched the rulemaking process. In preparation for the regulatory deadline of November 1<sup>st</sup>, Program Specialist Harding, Deputy Director Mary Kanaly and COEO/Director Candler are identifying the rules to be addressed for the regulatory agenda in order for the rules to be adapted in 2022.
- Reported that COEO/Director Candler and Deputy Director Kanaly attended the Fall 2021 NASASPS virtual conference and highlighted the information shared by other states and a session on financial stability.
- Updated the Board on the Anti-Human Trafficking toolkit grant and the positive feedback that has been received so far.

- COEO/Director Candler and Deputy Director Kanaly met with Jennifer Lockwood from DORA to discuss the sunset of the Massage Therapy Act. They provided input and suggestions for strengthening the Act.
- Deputy Director Kanaly updated the Board regarding a notice sent out to all schools regarding the launch of the new IT system in early January 2022. The schools were alerted that the Division will not be accepting any paper applications after December 1, 2021. However, renewals for the 2022 cycle will be paper applications and accepted as usual. Deputy Director Kanaly asked that schools send any applications to the Division as early as possible, or they may be returned and need to wait until the new system is launched. Reminded schools to send User ID information to Division Specialist Kristi Connors.
- Reported that all schools except for two submitted quarterly assessments by the deadline.
- The Division is finalizing plans for the annual Board retreat and will be held in-person at the History Colorado Center on November 16, 2021, to complete orientation and training with Board Counsel and discuss topics more in-depth. The December Board meeting will be held the first Tuesday of December.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. Perfect Massage School - Westminster – CH

Program Specialist Harding presented to the Board for review and consideration of a Provisional Application to operate. A school representative was present. A site visit was completed. Deputy Director Kanaly presented to the Board additional outstanding issues and concerns regarding the school's application. Following discussion with the school representative, Vice Chair Minic motioned to move Perfect Massage School to executive session for consultation with Board Counsel. The motion was seconded and carried.

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

1. Accent Beauty Academy – Denver – MK

Deputy Director Kanaly presented to the Board for review and consideration of one new program: Esthetician. 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 new program effective October 26, 2021. The motion was seconded and carried.

2. Galvanize – Denver Platte – MK

Deputy Director Kanaly presented to the Board for review and consideration of one new program: Hack Reactor Software Engineering with JavaScript and Python. Deputy Director Kanaly also presented to the Board for review and consideration one major program revision: Military Career Skills Program – Web Development Online Immersive. 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 new program and major program revision effective October 26, 2021. The motion was seconded and carried.

### 3. IBMC – Fort Collins – MK

Deputy Director Kanaly presented to the Board for review and consideration of one new program: Pharmacy Technician Diploma. Deputy Director Kanaly also presented to the Board for review and consideration one major program revision: Pharmacy Technician AOS Degree. 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, Secretary Stevens motioned to approve the new program and major program revision effective October 26, 2021. The motion was seconded and carried.

### 4. IBMC – Greely – MK

Deputy Director Kanaly presented to the Board for review and consideration of one new program: Pharmacy Technician Diploma. Deputy Director Kanaly also presented to the Board for review and consideration two major program revisions: Paralegal Studies and Pharmacy Technician AOS Degree. 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 new program and the two major program revisions effective October 26, 2021. The motion was seconded and carried.

### 5. IBMC – Longmont – MK

Deputy Director Kanaly presented to the Board for review and consideration one new program: Pharmacy Technician Diploma. Deputy Director Kanaly also presented to the Board for review and consideration one major program revision: Pharmacy Technician AOS Degree. 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, Vice Chair Minic motioned to approve the new program and major program revision effective October 26, 2021. The motion was seconded and carried.

### 6. Lincoln College of Technology – Denver – MK

Deputy Director Kanaly presented to the Board for review and consideration eight new programs: Air Conditioning, Refrigeration & Heating Systems Technology, Custom Design and Fabrication, Automotive Service Technology, Automotive Service Management Technology, Diesel and Truck Service with Alternative Fuels Technology, Diesel and Truck Service Management Technology, Diesel and Truck

Service Technology, and Air Conditioning, Refrigeration & Heating Systems Technology Service Management. 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 eight new programs effective October 26, 2021. The motion was seconded and carried.

At this time, Vice Chair Minic recused himself.

#### 7. Pima Medical Institute – Aurora – AC

Program Specialist Cordova presented to the Board for review and consideration four major program revisions: Dental Assistant, Healthcare Administration Certificate, Medical Assistant, and Veterinary Assistant. 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 four major program revisions effective October 26, 2021. The motion was seconded and carried.

#### 8. Pima Medical Institute – Colorado Springs – AC

Program Specialist Cordova presented to the Board for review and consideration four major program revisions: Dental Assistant, Healthcare Administration Certificate, Medical Assistant, and Veterinary Assistant. 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 four major program revisions effective October 26, 2021. The motion was seconded and carried.

#### 9. Pima Medical Institute – Denver – AC

Program Specialist Cordova presented to the Board for review and consideration five major program revisions: Dental Assistant, Healthcare Administration Certificate, Medical Assistant, Occupational Therapy Assistant, and Veterinary Assistant. 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 four major program revisions: Dental Assistant, Medical Assistant, Occupational Therapy Assistant, and Veterinary Assistant effective October 26, 2021. The motion was seconded and carried. Board member Wamser motioned to conditionally approve the major revision to the Healthcare Administration Certificate program provided that the Board packet is corrected to show the correct campus.

At this time, Vice Chair Minic rejoined the meeting.

### C. Consideration of Approval Change of Ownership

#### 1. Center Beauty College – Pueblo – CH

Program Specialist Harding 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, Vice Chair Minic motioned to approve the change of ownership from Leasa Wood to Dana and John Richardson effective October 26, 2021. The motion was seconded and carried.

### D. Notification of School Closure (No Action Required)

#### 1. College of International Esthetics, Inc. – Arvada – MK

Deputy Director Kanaly reported that the school has not enrolled students since the date of closure on May 18, 2020, and all students have completed training.

Effective September 30, 2021, all available student and educational records are on deposit at the Division.

#### 2. Galvanize, Inc. – Boulder – MK

Deputy Director Kanaly reported that the school has not enrolled students since the date of closure on September 10, 2021, and all students have completed training.

Effective September 10, 2021, all records for Boulder students will be transferred to Galvanize, Inc. – Denver Platte.

#### 3. Life Time Academy – Centennial – MK

Deputy Director Kanaly reported that the school has not enrolled students since the date of closure on July 27, 2021, and all students have completed training.

All student records will be maintained by the Life Time Academy corporate office in Chanhassen, Minnesota.

#### 4. Life Time Academy – Colorado Springs – MK

Deputy Director Kanaly reported that the school has not enrolled students since the date of closure on July 27, 2021, and all students have completed training.

All student records will be maintained by the Life Time Academy corporate office in Chanhassen, Minnesota.

#### 5. Life Time Academy – Westminster – MK

Deputy Director Kanaly reported that the school has not enrolled students since the date of closure on June 30, 2021, and all students have completed training.

All student records will be maintained by the Life Time Academy corporate office in Chanhassen, Minnesota.

#### 6. Vegan Fusion Culinary Academy – Boulder – MK

Deputy Director Kanaly reported that the school never enrolled students while in business and all recruitment of students has ceased

No student records were deposited with the Division as the school did not enroll any students.

#### 7. America's Academy of Coaching, Counseling and Hypnotherapy – Greenwood Village – CH

Program Specialist Harding reported that the school has not enrolled students since the date of closure on June 30, 2021, and all students have completed training.

Effective September 30, 2021, all available student and educational records are on deposit at the Division.

### **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. Parties will set a trial date and discuss possibility of early settlement.

##### 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. As directed at the September Board meeting, Board Counsel sent a 30-day warning letter to the school with a deadline of November 5, 2021, to provide all remaining records.

d. 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. QS Academy did provide the required student records to the Division.

e. 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. AACCH did provide the required student records to the Division and ceased advertising.

2. Springs Truck Diving School

Compliance Investigator Uyemura reported to the Board the results of an investigation regarding the school continuing to operate with an expired certificate of approval. He was able to determine the school is currently recruiting new students and continuing to offer classes while out of compliance with the statute.

Following review and further consideration, Chair Garibay motioned to move Springs Truck Driving School to executive session. The motion was seconded and carried.

3. Careers World Wide

Compliance Investigator Uyemura reported to the Board the results of an investigation regarding the school continuing to operate with an expired certificate of approval. He was able to determine the school is currently recruiting new students and continuing to offer classes while out of compliance with the statute.

Following review and further consideration, Vice Chair Minic motioned to move Careers World Wide to executive session. The motion was seconded and carried.

Following review and consideration of each of the previous matters discussed during the regular portion of the Board meeting, Chair Garibay asked for a motion to convene in executive session at 11:51 a.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: Perfect Massage School, Springs Truck Driving School, Careers World Wide, and HB21-1330 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 public session recorder was turned off.

Vice Chair Minic motioned to recess and resume in executive session at 12:20 p.m. 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 at 12:23 p.m.

After the review and consideration of the matters previously mentioned, Chair Garibay resumed regular session at 1:35 p.m. The Board corrected its motion to enter executive session. The corrected motion was made by Vice Chair Minic. The corrected 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.

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:

#### Perfect Massage School

Following discussion in public session regarding concerning issues with the school's application and individuals connected to the school, Vice Chair Minic motioned to deny the application and issue a notice of noncompliance based on reasonable belief the school does not comply with minimum standards due to its affiliation with other massage parlors of questionable reputation and lack of moral turpitude as required in C.R.S. §23-64-112 (1)(l), the school does not have inadequate instructional staff as required by C.R.S. §23.64.112 (1)(e), and the school's failure to provide the Division the recruitment literature as required by C.R.S. §23.64.112 (1)(i). The motion was seconded and carried.

#### Springs Truck Driving School

Following discussion in public session, Chair Garibay motioned to issue a Cease and Desist notice to Springs Truck Driving School to stop training self-pay students. The motion was seconded and carried.

#### Careers World Wide

Following discussion in public session, Vice Chair Minic motioned to issue a Cease and Desist notice to Careers World Wide to stop training self-pay students. The motion was seconded and carried.

#### HB21-1330

Following discussion in public session, Chair Garibay directed the Division to send a survey to schools to assess interest in participating in the proposal.

Adjournment:

Vice Chair Minic motioned to adjourn the meeting at 2:13 p.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, December 7, 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: [highered.colorado.gov/dpos](https://highered.colorado.gov/dpos).