

**MINUTES**  
**BOARD OF PRIVATE OCCUPATIONAL SCHOOLS**  
**April 27, 2021 9:35 a.m.**

Join Zoom Meeting

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Meeting ID: 942 9496 7468

Find your local number: <https://zoom.us/u/adRXm4HoI2>

Board Members Present:

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

Division Staff Present:

Director/Chief Occupational Education Officer 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:

Jacquelynn Rich Fredericks, First Assistant Attorney General, Office of the Colorado Attorney General; and  
Natalie Powell, Senior Assistant Attorney General, Office of the Colorado Attorney General

Guests Present:

Flo McLean, Empire Beauty School – Littleton;  
Michael Mulholland, Accent Beauty Academy;  
Kelly Moore, Lincoln College of Technology;  
Dwayne Isbell, Lincoln College of Technology;  
Noah Walstrom, InspectionGo Academy;  
Erica Roybal, Permanent Makeup Aesthetics Academy;  
Timothy Bolton, Frying Pan Anglers School;  
Leslie Ballentine, U.S. Career Institute;  
Monica Sanborn, Phlebotomy Training Specialists;  
Jose Alberto, Colorado Springs School of Massage;  
Janet Perry, U.S. Career Institute;  
Rebecca Piltingsrud, The CE Shop;

Cindy Humphreys, American Institute of Dental Assisting;  
Anne Salisbury, Transpersonal Hypnotherapy Institute;  
Susan Jelinek, Muscle Activation Techniques;  
Linda Farrington, Medisense;  
Jean Martin, Colorado School of Trades;  
Chanele Hall, Cuttin' Up Beauty Academy;  
David Afman, Armbrust Real Estate Institute;  
Micah McDougle, Paul Mitchell the School Colorado Springs;  
Jennifer Briggie, U.S. Career Institute;  
Karren Hall, Cuttin' Up Beauty Academy;  
Beverly Sotelo, Lincoln College of Technology;  
Jessica Clark, general public;  
Mary Matsutani, IBMC;  
Alex Hayes, general public;  
Erin Abrams, Empire Beauty Academy;  
Francis Giglio, Lincoln College of Technology; and  
Amy Capwell, general public

#### Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 9:35 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 March 23, 2021 Minutes:

Following review and consideration of the March 23, 2021 regular session meeting minutes, Vice Chair Minic made a motion to approve the minutes as written. The motion was seconded and carried.

#### Additions / Changes to the Agenda:

- Director/COEO Candler requested discussion of Other Business be moved to the start of the meeting and to add discussion of a legislative matter and a jurisdictional matter to Other Business which will require legal advice from Counsel in executive session. Also requested to add to Other Business as Item 3 on the agenda, the topic of temporary waivers for schools regarding COVID-19 quarantines.

#### Director / Staff Report:

Director/COEO Candler reported the following:

- The Division hired Kristi Connors to fill the vacant Division Specialist position.
- Deputy Director Kanaly alerted the Board that the agenda will grow over the next two months with renewals and staff is doing an excellent job managing the volume along with all their other duties and projects.
- New school applications continue to come in at a higher level than historically seen which will require the Division's increased time and attention.

- Program Specialist Cordova and Program Specialist Acosta continue to complete testing of Division's new IT platform. Once launched this summer, it will change the way schools submit applications and will change the way the Division conducts business.

## Other Business

### 1. Legal Update

The Board's Counsel, Jacquelynn Rich Fredericks, updated the Board on the following items:

- a. Worldwide College of Auctioneering
  - i. On October 27, 2020, the Board voted to issue a Notice of Bond Lapse and a Notice of Noncompliance. On December 2, 2020 Counsel provided the Notice(s) to the Division for review and to provide additional necessary factual data. Copy resent February 17, 2021, for Division's additional review. The Division will mail the Notice to the school imminently.
- b. CDL College
  - i. In 2019, the Division made claim on the bond which was denied by Hartford. In July 2020, the Board voted to issue a demand letter and civil complaint. The Division submitted additional documents and information to Counsel for inclusion in the complaint. Counsel provided a final draft to the Division for review. Counsel to file Complaint in Denver District Court.
- c. Integrity CDL
  - i. On January 28, 2020, the Board voted to issue a Notice of Noncompliance. The Notice was issued to the school on February 24, 2020. The school responded and the Division reviewed the response. Counsel to issue letter to the school.
- d. Mr. K's Floral Design School of Denver
  - i. The Division voted to issue a Notice of Noncompliance and Nonrenewal on December 8, 2020. Counsel drafted the Notice and shared with the Division for review on January 5, 2021. The Division issued the Notice to the school on February 18, 2021. The Division received two emails in response. Director/COEO Candler asked the school directly for response to the specific requirements spelled out in the Notice of Noncompliance. After multiple conversations, the school has not been able to demonstrate financial stability for the past year. Does Board wish to proceed with Notice of Charges?
- e. Rock Creek Laser & Esthetics Institute
  - i. On August 25, 2020, the Board voted to issue a Subpoena Duces Tecum. The School responded to the Subpoena Duces Tecum and the Division reviewed the records obtained. Compliance Investigator Uyemura prepared a written summary of the Division's review for the Board at their January 26, 2021 Board meeting. The Board voted to issue a Notice of Noncompliance based on reasonable belief student files were lacking in the required content and detail. The school's new attorney was given a two-week extension deadline of April 22, 2021. Division has not had opportunity to review school's attorney response. The Division will provide a written summary of school's response in

advance of next Board meeting for Board to consider potential action.

Motion to table discussion of Mr. K's Floral Design School of Denver to executive session by Vice Chair Minic. The motion was seconded and carried.

## 2. Colorado Springs School of Massage

Compliance Investigator Uyemura provided a summary of a complaint and the Division's investigation to date which is currently in the preliminary stage. Division provided the Board a copy of the Stipulation Agreement between the Department of Regulatory Agency (DORA) and the instructor to voluntarily suspend his license while the DORA investigation proceeds. The instructor is also the Director/Owner of the school. A new instructor has been approved to teach the classes so the school can continue operating. The school director, Jose Alberto, was present at the meeting.

Motion to table discussion of Colorado Springs School of Massage to executive session by Board Member Kearns. The motion was seconded and carried.

## 3. Waivers

Director/COEO Candler has fielded inquiries from schools asking if the Board would be willing to consider a temporary waiver for a school in the event they need to suspend in-person or hybrid classes due to a positive COVID-19 test. Board's Counsel discussed the framework of a possible temporary waiver. The purpose of the temporary waiver would be based on Governor's Executive Orders for the short term. Director/COEO Candler discussed recommendations from the Division including the necessity to create a check-in point for the school, to give schools the ability to make good decisions to benefit public health and education, and to allow guardrails to be put in place to protect students by ensuring schools cannot use this waiver to deliver only remote learning. Counsel discussed the advantages for the schools and the Division to have documentation of good faith on how the response to positive COVID-19 test is being addressed. Chair Garibay recommended the Division work with Counsel to draft language to present to the Board for review at the May meeting.

### New Business/Action Items:

#### Consideration of Approval of Provisional Certificate

##### 1. Permanent Makeup Aesthetics Academy – Denver - RA

Program Specialist Acosta presented to the Board for review and consideration of a Provisional Certificate of Approval and consideration of four stand-alone courses: 1. 132-hour Permanent Makeup, 2. Advanced Lips, 3. Advanced Eyeliner, 4. Advanced Eyebrows. A school representative was present.

Following review and consideration, Secretary Stevens motioned to approve the Provisional Certificate of Approval effective April 27, 2021 ending June 30, 2022 and to approve the four new stand-alone courses. The motion was seconded and carried.

##### A. Consideration of Approval of Out of State Provisional Letter of Approval

1. InspectionGo Academy – Gilbert, AZ – MK

Deputy Director Kanaly presented to the Board for review and consideration of an Out of State Provisional Letter of Approval. A school representative was present.

Following review and consideration, Board Member Kearns motioned to approve the Out of State Provisional Letter of Approval effective July 1, 2021 ending June 30, 2022. The motion was seconded and carried.

B. Consideration of Approval of Renewal Certificate

1. Armbrust Real Estate Institute – Denver – AC

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. A site visit had been conducted. 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 renewal, Board Member Wamser motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2021 and ending June 30, 2024. The motion was seconded and carried.

2. Medisense - Peyton – AC

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. A virtual site visit is scheduled to be conducted. 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 renewal, Vice Chair Minic motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2021 and ending June 30, 2024, conditioned upon a favorable site visit being completed. The motion was seconded and carried.

3. Frying Pan Anglers Guide School – Basalt – AC

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. A virtual site visit is scheduled to be conducted. 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 renewal, Board Member Kearns motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2021 and ending June 30, 2024, conditioned upon a favorable site visit being completed. The motion was seconded and carried.

4. Transpersonal Hypnotherapy Institute – Evergreen – RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. A site visit had been conducted. 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 renewal, Board Member Kearns motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2021 and ending June 30, 2024. The motion was seconded and carried.

5. American Institute of Dental Assisting – Colorado Springs – RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. A site visit had been conducted. 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 renewal, Board Secretary Stevens motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2021 and ending June 30, 2024. The motion was seconded and carried.

6. Cuttin'Up Beauty Academy - Denver – RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. A site visit had been conducted. 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 renewal, Board Member Wamser motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2021 and ending June 30, 2024. The motion was seconded and carried.

7. Empire Beauty Academy - Aurora – RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. A site visit had been conducted. 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 renewal, Board Member Kearns motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2021 and ending June 30, 2024. The motion was seconded and carried.

8. Empire Beauty School – Littleton – RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the

school's Certificate of Approval. A school representative was present. A site visit had been conducted. 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 renewal, Board Member Kearns motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2021 and ending June 30, 2024. The motion was seconded and carried.

9. Paul Mitchell The School Colorado Springs – Colorado Springs – RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. A site visit had been conducted. 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 renewal, Board Member Kearns motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2021 and ending June 30, 2024. The motion was seconded and carried.

10. Colorado School of Trades – Lakewood – JR

Program Specialist Rendon presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. A site visit had been conducted. 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 renewal, Vice Chair Minic motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2021 and ending June 30, 2024. The motion was seconded and carried.

11. Phlebotomy Training Specialist – Colorado Springs – JR

Program Specialist Rendon presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. A site visit had been conducted. 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 renewal, Board Member Wamser motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2021 and ending June 30, 2024. The motion was seconded and carried.

12. Lincoln College of Technology – Denver – JR

Program Specialist Rendon presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. A site visit had been conducted. 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 renewal, Vice Chair Minic motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2021 and ending June 30, 2024. The motion was seconded and carried.

### 13. IBMC College – Greely – JR

At this time, Board Member Kearns recused herself from the Board.

Program Specialist Rendon presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. A site visit had been conducted. 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 renewal, Vice Chair Minic motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2021 and ending June 30, 2024. The motion was seconded and carried.

Board Member Kearns rejoined the Board.

At this time, Legal Counsel, Jacquelynn Rich Fredericks stepped away from the meeting.

At 11:50 a.m. Board Member Krovitz motioned for a recess. The motion was seconded and carried.

At 12:00 p.m. Chair Garibay called the meeting back to order.

At this time, Legal Counsel, Jacquelynn Rich Fredericks rejoined the meeting.

### C. Consideration of Approval of Renewal Certificate with New Program(s)/Stand-Alone Course(s)

#### 1. US Career Institute – Fort Collins – AC

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval and consideration of one new program: Medical Administrative Assistant. A school representative was present. A site visit had been conducted. 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 renewal, Board Member Houtz motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2021 and ending June 30, 2024. The motion was seconded and carried.

Following review and consideration of the new program, Board Member Kearns motioned to approve the previously mentioned new program effective April 27, 2021. The motion was seconded and carried.



D. Notification of School Closure (no action required)

1. Muscle Activation Techniques – Englewood – CH

Effective January 1, 2021, all available student and educational records will be maintained by Broadview University on the school's national digital platform, as required by C.R.S § 23-64-125 of the Private Occupational Education Act of 1981.

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 with the Board's Counsel to seek legal advice pursuant to C.R.S. §24-6-402(3)(a)(II), on the following matters: Mr. K's Floral Design School of Denver, Rock Creek Laser and Esthetics, possible legislative issue, and a jurisdictional concern 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 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 12:11 p.m.

After the review and consideration of the matters previously mentioned, Chair Garibay resumed regular session at 1:05 p.m. The executive session recorder was turned off. The public session recorder was turned on and the general public was welcomed back.

First Assistant Attorney General, Jacquelynn 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 in what is believed to be attorney-client privileged discussions.

Director/COEO Candler left the meeting following executive session.

Chair Garibay provided a correction to the previous motion to move to executive session regarding schools to be discussed in executive session. Colorado Springs School of Massage should have been included as was previously discussed in Other Business.

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

Mr. K's Floral Design School of Denver

Following discussion in public session, Vice Chair Minic motioned to issue a Notice of Charges due to an inadequate response to the Notice of Noncompliance. The motion was seconded and carried.

Colorado Springs School of Massage

Following discussion in public session, Vice Chair Minic motioned to ask the owner of the school to provide an attestation to the Board pursuant to §23-64-108(1)(d), §23-64-108(1)(f) and §23-64-109 clarifying his role with the school during the pendency of the voluntary Stipulation with DORA. The motion was seconded and carried. Statement will be drafted by Counsel and sent to the Division for review.

Adjournment:

Board Member Kearns motioned to adjourn the meeting at 1:14 p.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, May 25, 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).