

**MINUTES**  
**BOARD OF PRIVATE OCCUPATIONAL SCHOOLS**  
**January 25 at 11:45 a.m.**

Join Zoom Meeting

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Meeting ID: 879 7197 8105

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Board Members Present:

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

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 Carrie Harding;  
Program Specialist April Cordova;  
Program Specialist Martha Torres-Recinos; and  
Division Specialist Kristi Connors

Division Staff Absent:

Program Specialist Assistant Bernadette Esquibel

Board Counsel Present:

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

Guests Present:

Kelly Moore, Lincoln College of Technology;  
Carrie Petersen, International Salon and Spa Academy;  
Lisa Goyette, Kaplan Financial and Kaplan Real Estate Education;  
Christie Bomber, Allied Health Career Institute;  
Tammy Sue Keyes, Foundation Billing and Medical Coding, LLC;  
Jennifer Briggie, U.S. Career Institute; and  
Kristen Will, Colorado School of Healing Arts

### Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 11:45 a.m. following the Rulemaking Hearing. The Board members, Division staff, and guests were introduced. Board roll call was taken. A quorum was present.

### Consideration of Approval of the December 7, 2021 Minutes:

Following review and consideration of the December 7, 2021 regular and executive session meeting minutes, Board member Kearns made a motion to approve the minutes as written. The motion was seconded and carried.

### Additions / Changes to the Agenda:

COEO/Director Candler added three schools to the New Business section of the agenda: Kaplan Financial Institute, Kaplan Real Estate Education, and U.S. Career Institute.

### Director / Staff Report

COEO/Director Candler reported the following:

- COEO/Director Candler attended a strategy workshop for NASASPS to discuss the organization's mission, goals, and strategies for accomplishing each. This meeting addressed financial stability, increasing visibility, and building partnerships with key co-regulators including the new administration in the Federal government.
- Update regarding the launch of the new IT system planned for January. The Division has continued to work tirelessly but has experienced significant delays and roadblocks. There will be further delay to the launch of the new system.
- Deputy Director Kanaly provided more details on the progress of the new IT system including testing all the electronic applications for functionality, data migration, and data entry by the Program Specialists including entering program details for each school. The Division will send out communication with details on how and when to submit applications given the delays in launching our IT system.
- The stakeholder meeting was held on January 14, 2022. The Division presented the stakeholders' comments on the proposed rule changes to the Board prior to the Rulemaking Hearing which was held just prior to the Board meeting this morning.

### New Business/Action Items:

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

##### 1. Kaplan Financial Institute – Centennial – AC

Deputy Director Kanaly presented to the Board for review and consideration of a Provisional School Application to Operate. The school's certificate of approval lapsed due to missed renewal in 2020. A school representative was present. A site visit was completed. A motion was made by Vice Chair Minic to table the discussion of Kaplan Financial Institute and Kaplan Real Estate Education to executive session. The motion was seconded and carried.

## 2. Kaplan Real Estate Education – Centennial - AC

Deputy Director Kanaly presented to the Board for review and consideration of a Provisional School Application to Operate. The school's certificate of approval lapsed due to missed renewal in 2020. A school representative was present. A site visit was completed. A motion was made by Vice Chair Minic to table the discussion of Kaplan Financial Institute and Kaplan Real Estate Education to executive session. The motion was seconded and carried.

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

### 1. U.S. Career Institute – Fort Collins – AC

Program Specialist Cordova presented to the Board for review and consideration of one new program: Substance Abuse 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 Kearns motioned to approve the previously mentioned new program effective January 25, 2022, based on the condition that Division staff review the school's academic catalog to ensure the language is clear for any prospective student as to the duration of the course of study. The motion was seconded and carried.

### **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. A trial date has been set for October 31, 2022. The parties have a mediation scheduled via Zoom on February 2, 2022, with Vice Chair Minic representing the Board.

##### 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. The ALJ entered an initial decision in November 2021. This matter has now been assigned to adjudicatory counsel, or conflicts counsel, to advise the Board. A motion was made by Chair Garibay to table the discussion of Mr. K's Floral to executive session. The motion was seconded and carried.

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 had 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. The school did not provide any additional records and Board Counsel is drafting a civil complaint and contacting the D.A. to determine if they are willing to pursue a criminal complaint.

d. Perfect Massage School

- i. At its October 26, 2021 meeting, the Board considered an application for a provisional certificate of approval by Perfect Massage School. Based on information presented by the Division, the Board voted to deny the application and issue a Notice of Noncompliance. Board Counsel prepared the Notice of Noncompliance, and the Division sent it via mail and email to Perfect Massage on December 1, 2021. Perfect Massage provided a response on December 14, 2021. A motion was made by Vice Chair Minic to table the discussion of Perfect Massage School to executive session. The motion was seconded and carried.

2. College of International Esthetics

Deputy Director Kanaly updated the Board on the closure process for College of International Esthetics. All student records have been received by the Division and the final refund check was forwarded to the student.

3. Paul Mitchell – Colorado Springs

Deputy Director Kanaly provided an update regarding the COVID-19 policy for temporary change in method of delivery or closure. The Division received a complaint from a student regarding the school's temporary closure due to COVID without notification to students or the Division. A letter of warning will be sent to the school.

Summary prior to Executive Session:

Following review and consideration of each of the previous matters discussed during the regular portion of the Board member Wamser 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: Kaplan Financial Institute, Kaplan Real Estate Education, Mr. K's Floral, and Perfect Massage School 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.

At 1:00 p.m., Vice Chair Minic motioned to take a recess and reconvene in executive session at 1:15 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 1:15 p.m.

#### Summary of Return to Regular Session:

After the review and consideration of the matters previously mentioned, Chair Garibay resumed regular session at 2:30 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:

#### Kaplan Financial Institute

Following discussion in public session, Board member Kearns motioned to approve the Provisional Certificate retroactively effective July 1, 2020 and ending June 30, 2022. The motion was seconded and carried.

#### Kaplan Real Estate Education

Following discussion in public session, Board member Wamser motioned to approve the Provisional Certificate retroactively effective July 1, 2020 and ending June 30, 2022. The motion was seconded and carried.

#### Mr. K's Floral Design School

Chair Garibay discussed the school's right to due process and confirmed for the Board members that the Division will serve notice to Mr. K's Floral of the Initial Decision. The school will have 30 days to respond, and the Board will seek guidance from Conflicts Counsel to advise the Board and Division on the next steps of the legal process. Chair Garibay also confirmed for the record that no substantive issues were discussed with Board counsel, only explanation of the process in general.

#### Perfect Massage School

Following discussion in public session, Board member Kearns motioned to uphold the denial of the application for Provisional Certificate to Operate. The motion was seconded and carried. Board Counsel outlined the next steps for the school as set forth in the Notice of Noncompliance. The school has sixty days from today to request in writing a formal hearing.

Adjournment:

Vice Chair Minic motioned to adjourn the meeting at 2:48 p.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, February 22, 2022, 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).