

**MINUTES**  
**BOARD OF PRIVATE OCCUPATIONAL SCHOOLS**  
**February 22 at 9:30 a.m.**

Join Zoom Meeting

<https://highered-colorado-gov.zoom.us/j/86454323729?pwd=MHR1eHdtRUZvL0xlc9jcUJOQ2JQdz09>

Meeting ID: 864 5432 3729

Find your local number: <https://highered-colorado-gov.zoom.us/j/86454323729>

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;  
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;  
Kristy Estrada, IntelliTec College;  
Wayne Zellner, IntelliTec College;  
Tammy Sue Keyes, Foundation Billing and Medical Coding, LLC  
Desarae Marhofer, Beautiful You Skincare Academy;  
Lisa Goyette, Kaplan Financial and Kaplan Real Estate Education;  
Kevin Kildow, Synergy CDL Solutions;  
Margaret Rosenau, School of Inner Health;

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 9:30 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 January 25, 2022 Minutes:

Following review and consideration of the January 25, 2022 regular and executive session meeting minutes, Board Secretary Stevens motioned to approve the minutes as written. The motion was seconded and carried.

#### Additions / Changes to the Agenda:

There were no additions or changes to the agenda.

#### Director / Staff Report

COEO/Director Candler reported the following:

- COEO/Director Candler provided an update regarding the mediation for CDL College lawsuit. Vice Chair Minic represented the Board during the mediation. A favorable settlement was reached between the parties.
- COEO/Director Candler reported on meetings that have been on-going with the Division, DORA, and SAA regarding apprenticeships.
- COEO/Director Candler announced the Senate confirmation date of February 24, 2022 for Board member Nash.
- Deputy Director Kanaly provided a status of the 2022 renewal applications that were due February 15, 2022. Out of 71 schools required to submit a renewal, only 11 schools had yet to submit. Program specialists are reaching out to these schools to determine what their status is.
- Deputy Director Kanaly provided an update on the progress of the new IT system. Staff are scheduled to finish final testing of all applications this week. Data migration of all historical data will begin as soon as final testing is completed. The Division will verify the imported data and manually enter program details.

#### New Business/Action Items:

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

###### 1. Beautiful You Skincare Academy – Littleton – MR

Program Specialist Recinos presented to the Board for review and consideration of a Provisional School Application to operate a second campus, one program, and nine stand-alone courses. 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 for the Littleton campus effective February 22, 2021 and ending June 30, 2023, and the Esthetics Program and nine stand-alone courses: Permanent Make-Up, Eyelash Extensions,

Dermaplaning, Chemical Peels, Microneedling, Microdermabrasion, Brazilian Waxing, Advanced Brow Skills, and Lash Lifting and Tinting effective February 22, 2022. The motion was seconded and carried.

## 2. Careers World Wide – Keenesburg - AC

Program Specialist Cordova presented to the Board for review and consideration of a Provisional School Application to Operate. A school representative was not present. A virtual 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 Kearns motioned to approve the Provisional Certificate effective February 22, 2022 and ending June 30, 2023. The motion was seconded and carried.

## B. Consideration of Approval of Renewal

### 1. CDL Certifiers/CDL Trainers – Colorado Springs - CH

Program Specialist Harding presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was not present. A site visit was conducted. The Board determined 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, 2022 and ending June 30, 2025. The motion was seconded and carried.

### 2. Kaplan Financial Institute – Centennial – 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 was conducted. The Board determined 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, 2022 and ending June 30, 2025. The motion was seconded and carried.

### 3. Kaplan Real Estate Education – Centennial – 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 was conducted. The Board determined 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, 2022 and ending June 30, 2025. The motion was seconded and carried.

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

### 1. School of Inner Health – Denver – AC

Program Specialist Cordova presented to the Board for review and consideration of one new stand-alone course: Introduction to Biodynamic Craniosacral Therapy – 3 Day Online. 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 Secretary Stevens motioned to approve the previously mentioned new stand-alone course effective February 22, 2022, based on the condition that Division staff review the school's academic catalog to ensure the language is clear for any prospective student that the course is introductory to a future certificate. The motion was seconded and carried.

### 2. IntelliTec College – Grand Junction – AC

Program Specialist Cordova presented to the Board for review and consideration of one new program: Cosmetology. 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 previously mentioned new program effective February 22, 2022. The motion was seconded and carried.

### 3. Beautiful You Skincare Academy – Pueblo - MR

Program Specialist Recinos presented to the Board for review and consideration of a major revision to the Esthetics program. 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 Secretary Stevens motioned to approve the previously mentioned major program revision effective February 22, 2022. The motion was seconded and carried.

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

### 1. The School of Floral Arts, LLC – Denver - CH

Program Specialist Harding reported that the school has not enrolled students since the date of closure on January 7, 2022, and all students have completed training.

Effective February 15, 2022, 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. A trial date has been set for October 31, 2022. The parties participated in a mediation on February 2, 2022. A copy of the proposed settlement and release were sent to the Board. The Board will need to vote on whether to approve the 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. 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.

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.

## 2. Mr. K's Floral Update

Division Specialist Connors reported that the Initial Decision was served on January 27, 2022 to Mr. K's Floral and no response has been received by the Division. Conflicts counsel will be notified of status and should be on next Board meeting agenda.

## 3. Rulemaking Update

Deputy Director Kanaly reported that the rulemaking process has concluded with the AG submitting approval of the proposed rules and they will go into effect on April 1, 2022.

## 4. In-Person Board Meetings

Discussion was held regarding the possibility of returning to in-person Board meetings. Board members and Division staff will continue to discuss at future board meetings.

Summary prior to Executive Session:

Following review and consideration of each of the previous matters discussed during the regular portion of the 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: CDL College and Rock Creek Laser 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 10:34 a.m.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and Division staff at 10:38 am.

Summary of Return to Regular Session:

After the review and consideration of the matters previously mentioned, Chair Garibay resumed regular session at 11:02 a.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:

CDL College

Board member Wamser provided input on the settlement including the possibility that if the settlement was not accepted, further legal costs could be incurred and the students could receive nothing. Board member Kearns supported Board member Wamser and stated it is in the best interest of the students to accept the settlement agreement. Following additional discussion in public session, Board member Wamser motioned to accept the \$36,500 mediated settlement agreement and allow COEO/Director Candler to sign the settlement release agreement on behalf of the Board. The motion was seconded and carried.

Rock Creek Laser

Following discussion in public session, Board Counsel confirmed the civil complaint will be filed and will discuss criminal complaint with the Boulder District Attorney's office.

Adjournment:

Vice Chair Minic motioned to adjourn the meeting at 11:21 a.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, March 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: [higher.ed.colorado.gov/dpos](https://higher.ed.colorado.gov/dpos).