

MINUTES
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
March 22, 2022 at 9:30 a.m.

Join Zoom Meeting

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Meeting ID: 837 9731 6642

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Board Members Present:

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

Board Members Absent:

JoAnn Stevens, Secretary

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:

Michael Mulholland, Accent Beauty Academy;
Jesse Farnlof, McIver Real Estate School;
Samantha Sherwin, Dr. Ida Rolf Institute;
Linsey Reese, Cook Street School of Culinary Arts;
Catherine Philip-Rogers, The Salon Professional Academy;
Dani Swaine, The Salon Professional Academy;
Marie Ingle, DollFace Advanced Education;
Cindy Lloyd, Well Animal Institute LLC dba K-9 Smiles;
Traci Lisk, Academy of Massage Essentials;
Candice Bailey, member of the public;

Matthew Carter, Carter Truck Driving Academy;
Shenika Carter, Carter Truck Driving Academy; and
Tammy Sue Keyes, Foundation Billing and Medical Coding, LLC

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.

Director / Staff Report

COEO/Director Candler reported the following:

- The Division is continuing work on the new IT system and have moved forward with the migration of school data and are getting closer to launch. This new system will be linked to the Eligible Training Provider List which provides opportunities for programs that meet certain criteria to obtain funding.
- The Division is in the process of hiring a new Program Specialist.
- COEO/Director Candler presented to the Federation of State Massage Therapy Board about investigations involving human trafficking the Division has worked on with multiple agencies.
- COEO/Director Candler and Deputy Director Kanaly will be attending the NASASPS Spring Conference in April.
- Program Specialist Acosta attended the 2022 DORA School Meeting Overview.
- The Division is reviewing the requirements of the new Federal regulations for truck driving schools and will be posting guidance on the website.

Consideration of Approval of the February 22, 2022 Minutes:

Following review and consideration of the February 22, 2022_regular and executive session meeting minutes, Vice Chair Minic motioned to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

COEO/Director Candler noted updated pages for the Board packet and one additional program for Dr. Ida Rolf were sent out to Board members prior to the meeting.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. DollFace Advanced Education – Colorado Springs - CH

Program Specialist Harding presented to the Board for review and consideration of a Provisional School Application to Operate, one program, and five 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 Kearns motioned to approve the Provisional Certificate effective March 22, 2022 and ending June 30, 2023, the five stand-alone courses: Dermaplaning, Microneedling/Microchanneling, Microdermabrasion, Microblading/Power Brows, and Lash Lift/Brow Lamination and to conditionally approve the Permanent Makeup program with the requirement to revise the program outline to meet DORA standards. The motion was seconded and carried.

2. Carter Truck Driving Academy – Aurora – CH

Program Specialist Harding presented to the Board for review and consideration of a Provisional School Application to Operate, two programs: ELDT CDL Class A and ELDT CDL Class B, and two stand-alone courses: ELDT Hazardous Materials Endorsement and ELDT Refresher Driver Training. 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, programs, and stand-alone courses effective March 22, 2022 and ending June 30, 2023. The motion was seconded and carried.

3. Grey's Academy – Colorado Springs – RA

Program Specialist Acosta presented to the Board for review and consideration of a Provisional School Application to Operate and three stand-alone courses: Certified Aesthetics Laser Operator, Advanced Laser Operator, and Radiofrequency Microneedling. 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 and stand-alone courses effective March 22, 2022 and ending June 30, 2023. The motion was seconded and carried.

4. Kings & Queens Barber Academy – Colorado Springs – RA

Program Specialist Acosta presented to the Board for review and consideration of a Provisional School Application to Operate and one program: Barber Program. 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 Kearns motioned to approve the Provisional Certificate and one program effective March 22, 2022 and ending June 30, 2023. The motion was seconded and carried.

B. Consideration of Approval of Renewal

1. Cook Street School of Culinary Arts – Denver - CH

Program Specialist Harding presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was 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, Board member Wamser 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. McIver Real Estate School – Denver - CH

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 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 Wamser 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. Pikes Peak School of Real Estate – 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 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.

4. Well Animal Institute LLC dba K-9 Smiles - Broomfield - CH

Program Specialist Harding presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was 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, Board member Wamser 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.

5. The Salon Professional Academy – 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 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.

6. Colorado Academy of Veterinary Technology – Colorado Springs - MR

Program Specialist Recinos presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was 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, 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. Academy of Massage Essentials – Colorado Springs – CH

Program Specialist Harding presented to the Board for review and consideration of one new program: The Natural Connection to Holistic Health – Herbal Certificate 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 Wamser motioned to approve the previously mentioned new program effective March 22, 2022. The motion was seconded and carried.

2. U of Q Institute – Colorado Springs – AC

Program Specialist Cordova presented to the Board for review and consideration of four new stand-alone courses: Advanced Topics: Hydraulic Brakes (ADVB), Advanced Topics: Dropper Posts (ADVD), Advanced Topics: Suspension (ADVS) and e-Bike Fundamentals and two major program revisions: Professional Bicycle Service and Bicycle Assembly and Maintenance (BAM). 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 stand-alone courses and major revisions to two programs effective March 22, 2022. The motion was seconded and carried.

3. Digital Workshop – Fort Collins - AC

Program Specialist Cordova presented to the Board for review and consideration one new program: Blueprint Program and a major revision to Video Design Certificate 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 member Wamser motioned to approve the previously mentioned new program and the major program revision effective March 22, 2022. The motion was seconded and carried.

At this time, Vice Chair Minic recused himself.

4. Pima Medical Institute – Colorado Springs - AC

Program Specialist Cordova presented to the Board for review and consideration one major revision to the Pharmacy Technician 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 member Wamser motioned to approve the previously mentioned major program revision effective March 22, 2022. The motion was seconded and carried.

5. Pima Medical Institute – Denver - AC

Program Specialist Cordova presented to the Board for review and consideration one major revision to the Pharmacy Technician 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 member Kearns motioned to approve the previously mentioned major program revision effective March 22, 2022. The motion was seconded and carried.

At this time, Vice Chair Minic rejoined the meeting.

At this time, Board member Kearns recused herself.

6. Dr. Ida Rolf Institute – Boulder - AC

Program Specialist Cordova presented to the Board for review and consideration one new program: Advanced Roling Certification 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 member Wamser motioned to approve the previously mentioned new program effective March 22, 2022. The motion was seconded and carried.

At this time, Board member Kearns rejoined the meeting.

D. Notification of School Closure (No Action Required)

1. John Casablancas Modeling and Career Center – Denver - CH

Program Specialist Harding reported that the school has not enrolled students since the date of closure on November 24, 2021, and all students have completed training.

Effective November 24, 2021, all available student and educational records are being maintained by John Casablancas on the school's national digital platform.

2. Headwaters Institute – Fort Collins - CH

Program Specialist Harding reported that the school has not enrolled students since the date of closure on December 31, 2021, and all students have completed training.

Effective March 2, 2022, all available student and educational records have been deposited with the Division.

Vice Chair Minic motioned to recess until 11:00 a.m. The motion was seconded and carried.

Other Business:

At this time, Board Counsel Natalie Powell recused herself from the Board meeting.

At this time, Conflicts Counsel Sue Kim joined the Board meeting.

1. Mr. K's Floral

The Board's Conflicts Counsel, Sue Kim, provided the Board a summary of the status of the case. Vice Chair Minic motioned to revoke the Certificate for Mr. K's Floral Design School, adopt the initial decision upon default in its entirety, and issue a final agency order. The motion was seconded and carried. Vice Chair Minic motioned to authorized Chair Garibay to sign the final agency order on behalf of the Board. The motion was seconded and carried.

At this time, Conflicts Counsel excused herself from the Board meeting.

At this time, Board Counsel Natalie Powell rejoined the Board meeting.

2. Legal Update

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

a. CDL College

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. The parties executed the settlement agreement and once the Division receives the settlement check, the parties will file a stipulation for dismissal of the case.

b. Rock Creek Laser & Esthetics

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.

c. Perfect Massage

At its October 26, 2021 meeting, the Board denied an application for a provisional certificate of approval based on information presented by the Division and issued a notice of noncompliance. At its January 25, 2022 meeting, the Board considered the school's response and voted to uphold the denial. On February 22, 2022, the school timely requested a hearing on the Board's denial of its application. Board Counsel will draft a Notice of Charges/Denial to file with Office of Administrative Courts to commence the hearing process.

3. Conditional Approval

a. US Career Institute – Program Specialist Cordova reported that the school completed required stipulation and will move to full approval.

b. School of Inner Health - Program Specialist Cordova reported that the school completed required stipulation and will move to full approval.

4. KMG Academy Monitoring

Program Specialist Harding reported to the Board that the school has provided monthly monitoring data to the Division as requested at the July 2021 Board meeting. Vice Chair Minic motioned to extend the monthly financial monitoring for the next six months and requested the school provide the same information in addition to the balance sheets each month. The motion was seconded and carried.

Adjournment:

Board member Kearns motioned to adjourn the meeting at 11:42 a.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, April 26, 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: highereducation.colorado.gov/dpos.