

MINUTES
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
April 26, 2022 at 9:30 a.m.

Join Zoom Meeting

<https://highered-colorado-gov.zoom.us/j/85138731993?pwd=QTZCZWJMQ2JNNmtHNDc0RzFJU3pEUT09>

Board Members Present:

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

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 Justin Calliham;
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. Angie Paccione, Executive Director Colorado Department of Higher Education;
Michael Vente, Colorado Department of Higher Education;
Rachel Martinez, Turing School of Software and Design;
Natalie Duncan, Academy for Dental Assisting Careers;
Lisa Duffy, Cheeks Beauty Academy;
Natalie Robinson, Colorado Dental Assisting School;
Simone Smith, JBe Beauty Training Studio;
Debi Portararo, A-Plus Real Estate School;
Margaret Rosenau, School of Inner Health;
Jamie Jorgensen, Western States College of Construction;
Victoria Hartley, United College of Health and Beauty;
Eric Ortega, Western States College of Construction;

Dr. Kelly Thumm Moore, Lincoln College of Technology;
Melinda Besse, Boulder Massage Therapy Institute and Healing Spirits Massage Training Program;
Faisal Sarosh, 360Training.com;
Suzi Dennis, Northern Colorado Advanced Aesthetics Academy;
Colleen Lott, Lincoln College of Technology;
Gary Arnold, Western States College of Construction;
Melissa Vonde, Avalon Institute;
Heather Sherwood, Western States College of Construction;
Cameron Letterman, Elevate Salon Institute;
Nichol Andler, American Home Inspectors Training;
Monica Burton, Rocky Mountain Mechanical Contractors Association;
David Reff, General Assembly;
Dr. David A. Scott, IntelliTec College;
Mostafa Khattab, Western States College of Construction;
Pat Nelson, Elevate Salon Institute;
Michelle Allen, Lincoln College of Technology;
Gale Weber, Parelli Natural Horsemanship University;
Terri Spencer, Pima Medical Institute - Aurora;
Steve Speake, Springs Truck Driving School;
Lauren Richardson, Auguste Escoffier School of Culinary Arts;
Tracy Vroom, Rocky Mountain School of Animal Acupressure and Massage;
Jessica Mackie, Colorado Crane Operator School;
Joel Scimeca, IBMC – Fort Collins ;
Lisa Goyette, Kaplan Real Estate Education and Kaplan Financial Institute;
Nichol Andler, Mbition LLC dba American Home Inspectors Training;
Jamie Illingworth, Mbition LLC dba American Home Inspectors Training;
Ashley Seeley, Medical Sales College;
Sherrie Lewis, Paul Mitchell The School Colorado Springs and Paul Mitchell The School Denver;
Carrie Petersen, International Salon and Spa Academy,
Jon Cruz Penaflor Jr., Elysian Academy of Cosmetology;
Samantha Sherwin, Dr. Ida Rolf Institute;
Adam Eastman, Avalon Institute;
Dave Davia, Rocky Mountain Mechanical Contractors Association a sponsor of Western States College of Construction;

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 March 22, 2022 Minutes:

Following review and consideration of the March 22, 2022_regular 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 the following changes to the Agenda:

1. Remove item #2 from Section B – Consideration of Approval of Renewal
2. Remove item #2 from Other Business
2. Add Change of Ownership request to Other Business

Director / Staff Report

- COEO/Director Candler introduced the Division's new Program Specialist – Justin Calliham who will be replacing Program Specialist Carrie Harding.
- COEO/Director Candler and Deputy Director Kanaly announced the successful launch of DPOS Connect. Program Specialist Acosta provided a brief demonstration of the new online application for Board members and school users. Dr. Angie Paccione thanked the Division staff and expressed her enthusiasm for the capabilities and improvements this will provide for the Division and the schools. Michael Vente described how the partnership between DPOS Connect and the Eligible Training Provider List (ETPL) will be a valuable tool for reporting private occupational school data to the state of Colorado. This collaboration has also made the process of applying for ETPL easier for schools.

At this time, COEO/Director Candler left the meeting to attend the Spring NASASPS Conference.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. Springs Truck Driving School – Colorado Springs – MR

Program Specialist Recinos presented to the Board for review and consideration of a Provisional School Application to Operate and five programs. 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 April 26, 2022 and ending June 30, 2023 and the five programs: Class A CDL Tractor Trailer, Tractor Trailer Refresher, Class B CDL, Non-Tractor Trailer, and Special Review Program. The motion was seconded and carried.

2. JBe Beauty Training Studio – Denver – RA

Program Specialist Acosta presented to the Board for review and consideration of a Provisional School Application to Operate and the Permanent Makeup Fundamentals 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 Secretary Stevens motioned to approve the Provisional Certificate and program effective April 26, 2022 and ending June 30, 2023. The motion was seconded and carried.

3. Western States College of Construction – Denver – CH

Program Specialist Harding presented to the Board for review and consideration of a Provisional School Application to Operate and five programs: Electrician, HVACR Technician, Pipefitter, Plumber, and Sheet Metal. 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 effective April 26, 2022 and ending June 30, 2023 and conditionally approve the five programs with the requirement for the school to submit updated program approval forms reflecting the correct number of course hours. The motion was seconded and carried.

B. Consideration of Approval of Renewal

1. School of Inner Health – 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 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 conditionally approve the Standard Certificate of Approval for the period beginning July 1, 2022 and ending June 30, 2025 with the requirement that the school submit a new bond to the Division. The motion was seconded and carried.

2. American School of Dental Assisting – Fort Collins – 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 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. Bear Heart School of Massage – Fort Collins - 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.

4. United College of Health and Beauty - Englewood - 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 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.

5. Mbition LLC dba American Home Inspectors Training – Brookfield, WI - 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.

6. Colorado Trucking College – Denver - 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.

At this time, Board member Kearns recused herself.

7. IBMC – Fort Collins - 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, 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.

At this time, Board member Kearns rejoined the meeting.

8. Rocky Mountain School of Animal Acupressure and Massage – Longmont - 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.

9. Turing School of Software & Design - Denver - 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 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.

10. Avalon Institute – 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 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.

At this time, Board Secretary Stevens recused herself.

11. Aveda Institute Denver – 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 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.

At this time, Board Secretary Stevens rejoined the meeting.

12. Boulder Massage Therapy Institute – Boulder – 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, 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.

13. Colorado Dental Assisting School – 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 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.

14. Elevate Salon Institute – Westminster - 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, 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.

15. Elysian Academy of Cosmetology – Greely – 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, 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.

16. Healing Spirits Massage Training Program – Boulder – 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, 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.

17. She She University – Fort Collins – 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, 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.

Vice Chair Minic motioned to recess 10 minutes until 11:20 a.m. The motion was seconded and carried.

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

At this time, Board member Kearns recused herself.

1. IBMC – Fort Collins - MR

Program Specialist Recinos presented to the Board for review and consideration of a major revision to the AOS Degree – Medical Billing and Coding Specialist 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, Vice Chair Minic motioned to approve the previously mentioned major program revision effective April 26, 2022. The motion was seconded and carried.

2. IBMC – Greely – MR

Program Specialist Recinos presented to the Board for review and consideration of a major revision to the AOS Degree – Medical Billing and Coding Specialist 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, Vice Chair Minic motioned to approve the previously mentioned major program revision effective April 26, 2022. The motion was seconded and carried.

3. IBMC – Longmont – MR

Program Specialist Recinos presented to the Board for review and consideration of a major revision to the AOS Degree – Medical Billing and Coding Specialist 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, Vice Chair Minic motioned to approve the previously mentioned major program revision effective April 26, 2022. The motion was seconded and carried.

At this time, Board member Kearns rejoined the meeting.

Other Business:

1. 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 DPOS received the settlement check in late March, and the matter is now dismissed.

b. Mr. K's School of Floral Design

At its March 2022 meeting, the Board voted to issue a Final Agency Order revoking Mr. K's certificate of approval. That matter is being handled by conflicts counsel.

c. 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. Board Counsel has been in communication with the Boulder D.A.'s office, where the school was located before it closed, to pursue a potential criminal complaint. Board

Counsel learned through our process server that Ms. Young likely moved out of state to Wisconsin, so a civil action has been filed in Denver District Court, and Board Counsel will work on serving her in Wisconsin.

d. 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.

2. Change of Ownership Request for Board Opinion

Deputy Director Kanaly presented a request for a Board opinion from potential buyers of a currently approved real estate school. The potential buyers have some disciplinary actions on their record from the Real Estate Division. The buyers are requesting the Board to issue a preliminary opinion as to the likelihood of approving their change of ownership application.

Following review and consideration of each of the previous matters discussed during the regular portion of the meeting, Board member Wagner 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 matter: request to issue a preliminary Board opinion on a potential change of ownership application 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 11:38 a.m.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and Division staff at 11:40 am.

Summary of Return to Regular Session:

After the review and consideration of the matters previously mentioned, Chair Garibay resumed regular session at 11:57 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:

Change of Ownership Preliminary Board Opinion

Board members discussed the issue of no precedent existing to issue a preliminary opinion on any applications. Schools must follow procedures to submit applications to the Division for review. Chair

Garibay instructed Division staff to inform the potential buyers of the Board's decision to not issue a preliminary opinion on the change of ownership based on precedent.

Adjournment:

Board member Kearns motioned to adjourn the meeting at 12:08 p.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, May 24, 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.