

MINUTES
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
May 24, 2022 at 9:30 a.m.

Join Zoom Meeting

<https://highered-colorado-gov.zoom.us/j/82109652415?pwd=HChpX5lUXdGgUpCK3FfuVC-5REu6Xk.1>

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 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:

Tess Cavellier, 160 Driving Academy;
Sean Lujan, American Dream Real Estate School;
Todd Codrey, American Dream Real Estate School;
Jessica Mackie, Colorado Crane Operator School;
Craig Hautamaki, Colorado Crane Operator School;
Lindsey Reese, Cook Street School of Culinary Arts;
Vince Roach, Flatiron School;
Monica Sanborn, Phlebotomy Training Specialists;
Danielle Johnston, Denver Dental Assistant School;
Haylee Stephens, Denver Dental Assistant School;
Jessica Clarke, JC Styles Salon Academy;
Wayne Zellner, IntelliTec Colleges;
Alexis Amburgey, United Training Academy;
Janet Perry, At-Home Professions;
Jill Suarez, Allure Academy Cosmetology Arts;
Deborah Alberto, Colorado Springs School of Massage;

Debi Portararo, A Plus Real Estate School;
Joe Deering, New Horizons of Colorado Springs;
Jill Berkana, Berkana Institute of Massage Therapy;
Jennie Smith, Dogs' Own Grooming School;
Katie Zeppetelli, Vail Institute of Pilates;

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 9:31 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 April 26, 2022 Minutes:

Following review and consideration of the April 26, 2022 regular and executive session meeting minutes, Board member Kearns motioned to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

Deputy Director Kanaly reported there are no changes or additions to the Agenda.

Director / Staff Report

Deputy Director Kanaly reported:

- Deputy Director Kanaly and COEO/Director Candler attended the NASASPS conference in New Orleans. As the President of NASASPS, COEO/Director Candler was involved in planning and organizing as well as presenting throughout the conference. She was also part of the Keynote Panel that provided an overview of the toolkit that Colorado has been working on in conjunction with the Federation of State Massage Therapy Boards (FSMTB). Lorna mentioned that it is the great work of this team that has put Colorado on the map as a strong and capable regulatory body who is willing to handle the most difficult cases in order to protect the students and citizens of this state
- COEO/Director Candler also had an opportunity to present at the FSMTB conference in Clearwater FL. This was an opportunity to speak about the toolkit with an audience of national massage therapy Board and other stakeholders.
- DPOS Connect launched successfully on April 19, 2022, and has been operating, for the most part, smoothly.
- The Division is busy with renewal applications and it is all hands on deck as we work to finish this renewal cycle at the June Board meeting. Last week, the DPOS team conducted 10 site visits.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. New Horizons Colorado – Colorado Springs – MR

Program Specialist Recinos presented to the Board for review and consideration of a Provisional School Application to Operate. 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 May 24, 2022 and ending June 30, 2023 and the five programs: Preparatory Program for A+ Certification, Preparatory Program for Network+ Certification, Preparatory Program for Security+ Certification, Preparatory Program for Certified Information Systems, and Preparatory Program for Microsoft Azure Fundamentals. The motion was seconded and carried.

2. The Beauty Collective Academy – Lakewood - MR

Program Specialist Recinos presented to the Board for review and consideration of a Provisional School Application to Operate, two programs, 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 discussion regarding the requirements for the Esthetics program, Board member Kearns motioned to table the approval of the Application to Operate. The motion was seconded and carried.

B. Consideration of Approval of Renewal

1. Dogs Own Grooming School - Loveland – 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, 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. A Plus Real Estate School – Westminster – 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. At Home Professions – 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 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.

4. Blackfox Training Institute – Longmont – 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 Wagner 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. Denver Dental Assisting School – 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, 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. IntelliTec College – Colorado Springs – 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 approve the Standard Certificate of Approval for the period beginning July 1, 2022 and ending June 30, 2025. The motion was seconded and carried.

7. Heritage School of Interior Design – Denver – AC

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. 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 Nash recused himself.

8. American Dream Real Estate School – Arvada - 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.

9. American Dream Real Estate School – Cortez – 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 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.

At this time, Board member Nash rejoined the meeting.

10. Phlebotomy Training Specialists – 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.

11. Allure Academy – Eagle - 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.

12. Berkana Institute of Massage Therapy – Longmont – 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.

13. JC Styles Salon Academy – Centennial – 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.

14. Stacy James Institute – Parker – 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.

15. 160 Driving Academy – Commerce City – JC

Program Specialist Calliham 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 discussion, Vice Chair Minic motioned to table the consideration of the Standard Certificate of Approval until the June Board meeting after the school provides current financial documentation. The motion was seconded and carried.

16. Vail Institute of Pilates – Avon – JC

Program Specialist Calliham 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.

17. The Beauty Collective Academy – Lakewood - MR

Consideration of the approval of the Provisional Certificate was revisited at this time. Following further review and discussion, Board Secretary Stevens motioned to conditionally approve the Provisional Certificate to Operate with the requirement to submit the revised program form for the Esthetics program to the Division.

Vice Chair Minic motioned to recess 15 minutes until 11:15 a.m. The motion was seconded and carried.

The meeting was called back to order at 11:31 a.m. by Chair Garibay.

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

1. United Training Academy – Aurora – AC

Program Specialist Cordova presented to the Board for review and consideration of five new programs: Cisco Networking, IT Desktop Networking and Infrastructure, IT Desktop Networking and Security, IT Networking Security and Infrastructure, and Microsoft Cloud Desktop Administration. 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 five new programs effective May 24, 2022. The motion was seconded and carried.

2. Colorado Crane Operator School – Frederick – AC

Program Specialist Cordova presented to the Board for review and consideration of three new stand-alone courses: 4-Day Certified Rigger and Signaller Workshop, 5-Day Tower Crane Operator Workshop, and 4-Day Mobile Crane Operator Workshop. 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 three new stand-alone courses effective May 24, 2022. The motion was seconded and carried.

3. Flatiron School – Denver – AC

Program Specialist Cordova presented to the Board for review and consideration of a new program: Product Design. 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 May 24, 2022. The motion was seconded and carried.

4. Cook Street School of Culinary Arts – Denver - JC

Program Specialist Calliham presented to the Board for review and consideration of one new program: Evening Hospitality Management. 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 program effective May 24, 2022. 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. 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. Only outstanding issue is to obtain the student records.

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. 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.

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.

2. CDL Safety School Request

Deputy Director Kanaly presented a request from CDL Safety School for an exemption from the statutory requirement of submitting the school's compiled Financial Information as part of the renewal process. Board member Wamser provided clarification that obtaining compiled financials requires the lowest form of CPA involvement with a school's financial statements to ensure they are provided in a specific format for submittal to the Division for review. Chair Garibay encouraged all schools to work with the Division to propose future rule changes, but the Board is not in a position to be able to entertain an exemption to the rule as recommended by Board Counsel..

3. Colorado Springs School of Massage

Compliance Investigator Uyemura presented a summary of the complaint submitted to the Division in 2021 and the investigation. The Division was notified that a verdict by the Office of Administrative Courts was rendered in favor of the complainant which resulted in the license of Mr. Alberto being revoked by DORA. The Board will consider the renewal of the school's Certificate of Approval at the June Board meeting.

Following review and consideration of the previous matter discussed during the regular portion of the 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 matter: Colorado Springs School of Massage 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 11:58 a.m.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and Division staff at 12:01 p.m.

Summary of Return to Regular Session:

After the review and consideration of the matter previously mentioned, Chair Garibay resumed regular session at 12:38 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:

Colorado Springs School of Massage

Board members discussed concerns regarding Mr. Alberto being present at the school. Chair Garibay motioned to issue a notice of noncompliance to the school based on the owner possibly violating the moral turpitude requirement of C.R.S. §23-64-12 with respect to minimum standards and asked the school to respond to the Notice of Noncompliance by removing Mr. Alberto from the record as owner of the school, prohibit Mr. Alberto from the premises of the school in any capacity as he no longer meets the requirements to be an instructor or agent, and to provide a full refund to the complainant to provide a pathway for continued operation as a school. The motion was seconded and carried.

Adjournment:

Board member Kearns motioned to adjourn the meeting at 1:00 p.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, June 28, 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.