

MINUTES
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
August 23, 2022 at 9:30 a.m.

Join Zoom Meeting

<https://highered-colorado-gov.zoom.us/j/86500139311?pwd=UmFwWlQ1dThPamZva0hLRWY1bXVaQT09>

Board Members Present:

Ryan Minic, Chair;	JoAnn Stevens, Vice Chair;
Scott Cardona;	Chad J. Nash;
Jessica Wagner;	Barbara Kearns; 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 Martha Torres-Recinos;
Program Specialist Austin Bentz;
Program Specialist Kerrie Solis;
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:

Jenny Garland, The Academy of Facial Aesthetics;
Danielle Kulp, The Academy of Facial Aesthetics;
Megan Willford, Sage Truck Driving Schools;
James McCloskey, American Real Estate College;
Kathleen Vossenber, Auguste Escoffier School of Culinary Arts;
Steve Riehs, IEC and Sage Truck Driving Schools;
Elena Thomas Faulkner, National Institute for Medical Assistant Advancement;
Donald Cotham, Auguste Escoffier School of Culinary Arts;
Michelle Zagorski, IEC and Sage Truck Driving Schools;
Melissa Cannata, American Home Inspectors Training by The CE Shop;
Norma Velasquez, Synergy CDL Solutions, LLC;
Kevin Kildow, Synergetic Staffing, LLC;
Enedina Beltran, The Bartending School;

John Piff, The Bartending School; and
Brandon Lyon, American Real Estate College

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Ryan Minic, 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 July 26, 2022 Minutes:

Following review and consideration of the July 26, 2022_regular session meeting minutes, Board member Wamser motioned to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

COEO/Director Candler reported no additions or changes to the Agenda.

Director / Staff Report

COEO/Director Candler reported:

- The Division has hired new program specialist Kerrie Solis who brings knowledge about apprenticeships and is currently training with all members of Division staff.
- Updates and new functionality to DPOS Connect are coming soon to enhance user experience and efficiency.
- Division is working with Integrated Document Solutions, a state agency, to reduce our paper footprint by digitizing all paper records.
- Division is working with DORA and the State Apprenticeship Office regarding programs containing work-based learning and the apprenticeship model.
- Deputy Director Kanaly reported that Division staff has started the rulemaking process by reviewing the current rules for possible changes.
- Deputy Director Kanaly reported that COEO/Director Candler and herself will be attending the Fall NASASPS conference for regulators from sister state agencies in September.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. Synergy CDL Solutions, LLC – Brighton – MR

Program Specialist Recinos presented to the Board for review and consideration of a Provisional School Application to Operate and one 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 Wamser motioned to table Synergy CDL Solutions to executive session. The motion was seconded and carried.

2. The Academy of Facial Aesthetics – Castle Rock –AB

Program Specialist Bentz 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 August 23, 2022 and ending June 30, 2024. The motion was seconded and carried.

B. Consideration of Approval of Change of Ownership

1. Sage Technical Services – Grand Junction – AB

Program Specialist Bentz presented to the Board for review and consideration of a Change of Ownership Application. 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 change of ownership from The Sage Corporation to IEC US Holdings, Inc effective August 23, 2022. The motion was seconded and carried.

1. Sage Technical Services – Henderson – AB

Program Specialist Bentz presented to the Board for review and consideration of a Change of Ownership Application. 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 change of ownership from The Sage Corporation to IEC US Holdings, Inc effective August 23, 2022. The motion was seconded and carried

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

1. Auguste Escoffier School of Culinary Arts – Boulder – MR

Program Specialist Recinos presented to the Board for review and consideration of two new programs. 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 Food Entrepreneurship program effective August 23, 2022. The motion was seconded and carried.

Following review and consideration, Board member Wamser motioned to approve the Food Entrepreneurship Associate Degree program effective August 23, 2022. The motion was seconded and carried.

2. National Institute for Medical Assistant Advancement – Denver – AB

Program Specialist Bentz presented to the Board for review and consideration a new stand-alone course: Immunizations for New Vaccinators. 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 course effective August 23, 2022. The motion was seconded and carried.

D. Conditional Board Approvals Update

1. The Bartending School

Conditional approval requirement included incorporating the student attendance/withdrawal policy and submit a change of ownership application. COEO Candler reported that the school has updated the policy, but is still working on the change of ownership. Board member Wagner motioned to extend the conditional approval requirement deadline to the September Board meeting. The motion was seconded and carried.

2. Executive Security International

Conditional approval requirement to submit compiled financials to the Division by this Board meeting. Board member Wamser motioned to extend the conditional approval requirement deadline to the September Board meeting to submit current enrollment data and year to date financials. The motion was seconded and carried.

3. Rocky Mountain Electrical Institute

Conditional approval requirement to submit change of location application and four major program revisions by this Board meeting. Change of location application was approved by the Division, but the school submitted only one major program revision to change the method of delivery. Vice Chair Stevens motioned to extend conditional approval to the September Board meeting. The motion was seconded and carried.

4. Skill Distillery

Conditional approval requirement to provide compiled financials to the Division. School provided compiled financials to the Division. Board member Wamser reviewed and had no concerns regarding the compiled financials, conditions for approval were met.

5. American Real Estate College

Conditional approval requirements included scheduled site visits at three and six months which and submittal of program revisions. The Division is continuing to work with the school to update school documents and submit updated program applications.

E. School Closures Report (No Action Required)

1. Be Here Now Massage Yoga Bodywork – Fort Collins – MK

Deputy Director Kanaly reported that the school has not enrolled students since the date of closure on February 12, 2022, and all students have completed training.

Effective June 4, 2022, all available student and educational records are on deposit at the Division.

2. Flatiron School – Colorado Springs – MK

Deputy Director Kanaly reported that the school has not enrolled students since the date of closure on July 30, 2022, and all students have completed training.

Effective July 30, 2022, all available student and educational records are being maintained at the Flatiron School – Denver location.

3. Mr. K's Floral Design School of Denver – Denver - MK

Deputy Director Kanaly reported that the school has not enrolled students since the date of closure on March 25, 2022, and all students have completed training.

Effective August 3, 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. 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. 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 has requested a second extension of time to serve her in Wisconsin.

b. 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 filed a Notice of Denial with Office of Administrative Courts on July 21, 2022 and school has 30 days to file a response. If no response is filed, Board Counsel will pursue default.

c. Colorado School for Guides and Outdoorsman

At its June 2022 meeting, the Division informed the Board that Colorado School for Guides and Outdoorsman was continuing to operate as a private occupational school even though it has not had a valid Certificate of Approval since June 30, 2019. Based on information presented by the Division, the Board voted to issue a Cease and Desist Order to the School. On July 20, 2022, the Division sent the Order to the School via email and U.S. Mail, certified return receipt. Division followed up with the school and confirmed that the School has revised its curriculum to offer only avocational training.

d. CDL Safety School

At its June 2022 meeting, the Board voted to issue CDL Safety School a Notice of Noncompliance and Nonrenewal because the School did not submit its financial documents reviewed by a CPA to the Division. In further correspondence with the School, the School owner indicated he may be willing to voluntarily close the School to public students. As a result, Board Counsel drafted and sent an Affidavit of Voluntary Surrender to the School to consider. School executed Affidavit on August 15, 2022 and will have 60 days to complete the closure process.

Following review and consideration of the previous matters discussed during the regular portion of the meeting, Vice Chair Stevens 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: Synergy CDL Solutions 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 10:50 a.m.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and Division staff at 11:02 p.m.

Summary of Return to Regular Session:

After the review and consideration of the matter previously mentioned, Chair Minic resumed regular session at 11:39 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:

Synergy CDL Solutions

Following discussion regarding additional concerns with the school's provisional application, Board member Kearns motioned to deny the application for provisional certificate of approval due to failure to meet, or failure to establish that it meets, one or more of the Board's minimum standards including C.R.S. § 23-64-112(1) (c), (d), (e), and (l) and issue a notice of noncompliance. The motion was seconded and carried.

Adjournment:

Board member Wagner motioned to adjourn the meeting at 11:36 a.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, September 27, 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.