

MINUTES
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
September 27, 2022 at 9:30 a.m.

Join Zoom Meeting
<https://highered-colorado-gov.zoom.us/j/83722645005?pwd=REIKcHBEVTJyQUVNMXFtV21OMGQzQT09>

Board Members Present:

Ryan Minic, Chair;	JoAnn Stevens, Vice Chair;
Scott Cardona;	Chad J. Nash;
Barbara Kearns; and	Ellen Wamser

Board Members Absent:

Jessica Wagner

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:

Pace Wilson, The Pilates Center;
Joseph Lyon, American Real Estate College;
Kevin Kildow, Synergy CDL Solutions, LLC;
Jessica Hartman, St. Moritz Academy;
Norma Velasquez, Synergy CDL Solutions, LLC;
Michel Slover, St. Moritz Academy;
Monica Sanborn, Phlebotomy Training Specialists;
Joel Scimeca, IBMC;
Marty Langenderfer, St. Moritz Academy;
Melissa Cannata, American Home Inspectors Training by The CE Shop;
Ryan Paulus, The CE Shop;
Kyle Drewry, Northwest Phlebotomy School;
Christe Bomber, Mpower Career Training;

John Pifer, The Bartending School;
Enedina Beltran, The Bartending School;
Fonda Dunlap, Executive Security International; and
Vince Roach, Flatiron School

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 August 23, 2022 Minutes:

The August 23, 2002 Board meeting minutes were omitted from the Board packet for review and will be included on the October Board agenda for consideration of approval.

Additions / Changes to the Agenda:

COEO/Director Candler reported the addition of Synergy CDL Solutions, LLC to item number 7 under Other Business.

Director / Staff Report

COEO/Director Candler reported:

- The Division is preparing for the Annual Board Retreat scheduled for November 15, 2022.
- The Division is resuming monthly truck driving task force meetings with state and federal regulator partners.
- The Division is working with the state agency IDS to complete the digitization of all paper documents.
- The Division has completed the first round of redlines for the Rulemaking process that will be presented to the Board in November.
- COEO/Director Candler and Deputy Director Kanaly attended the NASASPS Fall Conference for state regulators which included discussions on apprenticeships, bonds, and unauthorized private occupational schools.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. St. Moritz Academy – Centennial – 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 September 27, 2022 and ending June 30, 2024. The motion was seconded and carried.

2. Mpower Career Training – Greenwood Village - 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, Vice Chair Stevens motioned to approve the Provisional Certificate effective September 27, 2022 and ending June 30, 2024. The motion was seconded and carried.

3. Phlebotomy Training Specialists – Fort Collins – 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 Wamser motioned to approve the Provisional Certificate effective September 27, 2022 and ending June 30, 2024. The motion was seconded and carried.

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

At this time, Board member Kearns recused herself.

1. IBMC College – Fort Collins – MR

Program Specialist Recinos presented to the Board for review and consideration of two new programs: Computer Systems Technician – Associate Degree and Computer Systems Technician – Diploma. 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 two new programs previously mentioned effective September 27, 2022. The motion was seconded and carried.

2. IBMC College – Greely – MR

Program Specialist Recinos presented to the Board for review and consideration of two new programs: Computer Systems Technician – Associate Degree and Computer Systems Technician – Diploma. 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 Stevens motioned to approve the two new programs previously mentioned effective September 27, 2022. The motion was seconded and carried.

3. IBMC College – Longmont – MR

Program Specialist Recinos presented to the Board for review and consideration of two new programs: Computer Systems Technician – Associate Degree and Computer Systems Technician – Diploma. 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 Stevens motioned to approve the two new programs previously mentioned effective September 27, 2022. The motion was seconded and carried.

At this time, Board member Kearns rejoined the meeting.

4. Digital Workshop Center – Fort Collins - AB

Program Specialist Bentz presented to the Board for review and consideration of one new program: QuickBooks Bookkeeper Certificate. 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 new program previously mentioned effective September 27, 2022. The motion was seconded and carried.

5. Rocky Mountain Electrical Institute – Denver – AB

Due to a late submission of the program application, Board member Kearns motioned to move the consideration of revision to the program to the end of the Board meeting to allow time for review of the application. The motion was seconded and carried.

6. Lash & Company Education – Fort Collins – KS

Program Specialist Solis 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 member Stevens motioned to approve the major revision to the Esthetics program effective September 27, 2022. The motion was seconded and carried.

Program Specialist Solis presented to the Board for review and consideration of one new stand-alone course: Volume Eyelash Extensions. 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 course previously mentioned effective September 27, 2022. The motion was seconded and carried.

7. Lash & Company Education – Thornton – KS

Program Specialist Solis presented to the Board for review and consideration of one new stand-alone course: Volume Eyelash Extensions. 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 course previously mentioned effective September 27, 2022. The motion was seconded and carried.

C. 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. Program Specialist Recinos reported on the delinquent items remaining to be submitted for the change of ownership application. Board member Kearns motioned to table discussion of the conditional approval to executive session for further discussion. The motion was seconded and carried.

2. Executive Security International

Conditional approval requirement to submit compiled financials to the Division by this Board meeting. Deputy Director Kanaly reported that the additional financial documents were submitted and sent to Board member Wamser for review. All requirements for conditional approval have been met.

3. Rocky Mountain Electrical Institute

Conditional approval requirement to submit change of location application and four major program revisions by this Board meeting. Deputy Director Kanaly reported that the program application to revise the method of delivery to 100% online was submitted and all requirements for conditional approval have been met. The major program revision application will be considered for approval under Other Business, item number 8.

4. American Real Estate College

Conditional approval requirements included scheduled site visits at three and six months which and submittal of program revisions. The Division completed the three month check in as

required by the school's Improvement Plan. The school submitted the required program revision applications for review to the Division. The Division is continuing to monitor as required.

D. School Closures Report (No Action Required)

1. Jack Zamora MD Aesthetic Institute - Denver

Deputy Director Kanaly reported that the school has not enrolled students since the date of closure on July 1, 2022, and all students have completed training.

Effective September 22, 2022, all available student and educational records are on deposit at the Division.

2. Blue Light LLC – Colorado Springs

Deputy Director Kanaly reported that the school has not enrolled students since the date of closure on July 1, 2022, and all students have completed training.

This school never enrolled any students since their certificate to operate was approved.

3. Flatiron School - Denver

Deputy Director Kanaly reported Flatiron School is consolidating its presence in Denver by closing this entity and combining operations and education with the Flatiron School currently operating at the same location. No students have been enrolled at this location since 09/16/2021.

Effective 09/16/2022, all available student and educational records are being maintained at the remaining Flatiron School location. Flatiron School will maintain the current bond in place and cancel the old bond that covered both the closed Denver and Colorado Springs locations. Chair Minic motioned to approve the bond change for Flatiron school. The motion was seconded and carried.

E. Schools Failed to Renew in 2022 Closure Update (No Action Required)

1. Assist to Succeed – Colorado Springs

Deputy Director Kanaly reported that the Division was successful in contacting the school and has started the closure process.

2. The School of Tennis Management – Denver

Deputy Director Kanaly reported that the school only enrolled a maximum of five students and the Division sent a final correspondence to request these student records to complete the closure process. Board member Kearns motioned to direct Board counsel to submit a subpoena

to the school if no response is received to the most recent letter. 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. 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. Board Counsel has requested a second extension of time to serve her in Wisconsin but has been unable to successfully serve her. Board Counsel recommends to discuss further in executive session.

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. Perfect Massage did not timely file a response, so Board Counsel is preparing a motion for default.

c. Synergy CDL Solutions

At its August 2022 meeting, the Board had several questions about whether the School complied with the Board's minimum standards. The Board voted to deny the provisional application and issue a notice of noncompliance. The Division issued the Notice of Noncompliance on September 2, 2022. Synergy CDL Solutions provided response on September 16, 2022. The Board will have the options to approve the school without conditions, approve the school with conditions, or affirm the original denial. Board Counsel recommends to discuss further in executive session.

2. Flatiron School was previously discussed under Section E.

3. The Pilates Center – Boulder has requested a bond reduction due to lower student enrollment and submitted a new surety calculation to the Division for review. Board member Wamser motioned to approve the bond reduction from \$60,557 to \$30,000. The motion was seconded and carried.

4. Commercial Vehicle Training Center abruptly ceased operating without notice to students or the Division. Board member Kearns motioned to direct Board Counsel to issue a notice of noncompliance for failure to meet the minimum standards to operate. The motion was seconded and carried. Board member Kearns motioned to direct Board Counsel to issue a subpoena for all student records to be turned over to the Division. The motion was seconded and carried.

5. Northwest Phlebotomy School was holding trainings in the Denver area and have been operating without authorization. The Division sent two letters requesting the school provide information regarding the curriculum and training offered. The Division did not receive any response from the school. Chair Minic recommended to discuss further in executive session.

6. Oquirrh Mountain Phlebotomy School was holding trainings in the Denver area and have been operating without authorization. The Division sent two letters requesting the school provide information regarding the curriculum and training offered. The Division did not receive any response from the school. Board member Kearns motioned to move discussion to executive session. The motion was seconded and carried.

7. Synergy CDL Solutions was presented during the legal update. Vice Chair Stevens motioned to move discussion to executive session. The motion was seconded and carried.

8. Rocky Mountain Electrical Training Institute application for major program revision was sent to the Board to review during the meeting. Board member Wamser motioned to approve the major revision to the RMETI Main Electrical Program effective September 27, 2022. The motion was seconded and carried.

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: The Bartending School, Rock Creek Laser, Synergy CDL Solutions, Northwest Phlebotomy School, and Oquirrh Mountain Phlebotomy School 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 11:59 a.m.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and Division staff at 12:15 p.m.

Summary of Return to Regular Session:

After the review and consideration of the matter previously mentioned, Chair Minic resumed regular session at 1:11 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:

Northwest Phlebotomy

Following discussion regarding additional concerns regarding the unauthorized operation of the school in Colorado, Board member Kearns motioned to direct Counsel to issue a Cease and Desist order pursuant to C.R.S. §23-64-131. The motion was seconded and carried. The Board also cautioned the school that if it continues to operate, the Board can direct Counsel to pursue a preliminary injunction, restraining order, or fines.

Oquirrh Mountain Phlebotomy School

Following discussion regarding additional concerns regarding the unauthorized operation of the school in Colorado, Board member Kearns motioned to direct Counsel to issue a Cease and Desist order pursuant to C.R.S. §23-64-131. The motion was seconded and carried. The Board also cautioned the school that if it continues to operate, the Board can direct Counsel to pursue a preliminary injunction, restraining order, or fines.

The Bartending School

Following discussion regarding the school's conditional approval, Vice Chair Stevens motioned to extend the conditional approval with the requirement for the school to submit all delinquent items for the change of ownership application to the Division by October 11, 2022 for review. The motion was seconded and carried.

Rock Creek Laser

Following discussion, Vice Chair Stevens motioned to direct Board Counsel to dismiss the civil complaint without prejudice. The motion was seconded and carried.

Synergy CDL Solutions

Following discussion regarding responses to the Notice of Noncompliance, Board member Kearns motioned to approve the Provisional Certificate with the requirement that the school owner sign a stipulated agreement prepared by Board Counsel stating that Alicia and Brian Larson will not be involved in the operation of the school including no interaction with students and no access to student funds and the school will be subject to unannounced site visits by the Division. The Provisional Certificate will be effective on the date the signed Stipulated Agreement is received and will expire June 30, 2024. The motion was seconded and carried.

Adjournment:

Board member Wamser motioned to adjourn the meeting at 1:39 p.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, October 25, 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: higherred.colorado.gov/dpos.

