

MINUTES
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
October 25, 2022 at 9:30 a.m.

Join Zoom Meeting

<https://higher-ed-colorado-gov.zoom.us/j/84945312585?pwd=cmJFOUVBbUhhclJ6eExzanBJaC9TZz09>

Meeting ID: 849 4531 2585

Board Members Present:

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

Division Staff Present:

Chief Occupational Education Officer/Director Lorna Candler;
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

Division Staff Absent:

Deputy Director & Compliance Officer Mary Kanaly

Board Counsel Present:

Natalie Powell, Senior Assistant Attorney General, Office of the Colorado Attorney General

Guests Present:

Becky Ezzell, Keep Smart Books Academy;
Melissa Cannata, American Home Inspectors Training by The CE Shop;
Danielle Johnston, Pueblo Medical Assistant School;
Kate Bradford, The Hair and Skin Refinery;
Tanya Smith, Skin Addict School of Aesthetics;
Ryan Paulus, The CE Shop;
Bob Bobson, General Public;
Enedina Beltran, The Bartending School; and
John Pifer, The Bartending 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 and September 27, 2022 Minutes:

Following review and consideration of the August 23 and September 27, 2022 regular and executive session minutes, Vice Chair Stevens motioned to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

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

Director / Staff Report

COEO/Director Candler reported:

- Through DPOS Connect, the Division will be assessing late fees for schools that have not submitted Quarterly Assessments or their Annual Filings in a timely manner.
- The Department is in the process of hiring a new Chief Financial Officer.
- The Division is continuing to work towards its goal of reducing our paper footprint and has transported 170 banker boxes of documents to a sister agency for digitization.
- The Division has been investigating a few illegal schools to ensure compliance with all state regulations.
- A new opportunity for DPOS schools is available at the Department, Path4Ward, which provides grants to high school students who would like to pursue private occupational education. One DPOS school is currently participating in this program.
- The Annual Board retreat will be held on November 15, 2022, which will include Board elections for Chair, Vice Chair, and Secretary.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. Lash and Company Education – Centennial – KS

Program Specialist Solis 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 October 25, 2022 and ending June 30, 2024. The motion was seconded and carried.

2. The Hair and Skin Refinery – Loveland – KS

Program Specialist Solis 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 October 25, 2022 and ending June 30, 2024. The motion was seconded and carried.

3. Pagosa Springs Cosmetology Institute – Pagosa Springs – KS

Program Specialist Solis 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 October 25, 2022 and ending June 30, 2024. The motion was seconded and carried.

4. Pueblo Medical Assistant School – Pueblo – 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 conditionally approve the Provisional Certificate with the requirement to update the maximum student to teacher ratio for lab to 6:1 effective October 25, 2022 and ending June 30, 2024. The motion was seconded and carried.

5. Skin Addict School of Aesthetics – Grand Junction – 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 Wamser motioned to approve the Provisional Certificate effective October 25, 2022 and ending June 30, 2024. The motion was seconded and carried.

6. Keep Smart Books Academy – Fort Collins – 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 Wamser motioned to approve the Provisional Certificate effective October 25, 2022 and ending June 30, 2024. The motion was seconded and carried.

B. Consideration of Approval of Change of Ownership

1. The Bartending School – Denver – MR

Program Specialist Recinos 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 Bartending School Inc. to Absolute Mixology DBA The Bartending School effective October 25, 2022. The motion was seconded and carried. The school has met all conditions required for the renewal of its Certificate to Operate.

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

1. American Real Estate College – Wheat Ridge - MR

Program Specialist Recinos presented to the Board for review and consideration of two new programs: 168 Hour Colorado Broker (Real Estate Agent) Course – Online Classes and 168 Hour Colorado Broker (Real Estate Agent) Course – Live Classes. A school representative was not 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 two new programs previously mentioned effective October 25, 2022. The motion was seconded and carried.

D. Conditional Board Approvals Update

1. American Real Estate College

Conditional approval requirements included scheduled site visits at three and six months and submittal of new program applications. The Division completed the three months check in as required by the school's Improvement Plan. The school submitted the required program applications for review to the Division and were approved previously during this Board meeting. The Division is continuing to monitor as required.

2. KMG Academy

Conditional approval requirements from the 2021 renewal application included providing financial documentation and status of their PPP loan. Board member Wamser reviewed the financial records and reported no issues were found. The school has met all conditions required for the renewal of its Certificate to Operate.

E. School Closures Report (No Action Required)

1. The School of Tennis Management – Denver

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

Effective October 5, 2022, all available student and educational records were submitted electronically to the Division.

2. MountainHeart School of Bodywork and Transformation – Crested Butte

COEO/Director Candler reported that the school has not enrolled students since the date of closure on September 13, 2022, and all students have completed training.

Effective October 5, 2022, all available student and educational records were submitted electronically to the Division.

3. The Salon Professional Academy – Grand Junction

COEO/Director Candler reported that the school has not enrolled students since the date of closure on May 12, 2022, and all students have completed training.

Effective August 8, 2022, all available student and educational records were submitted electronically to the Division.

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

1. Assist to Succeed – Colorado Springs

School owner is working with the Division to provide student records and complete the closure process.

Other Business:

1. Legal Update

The Board's Counsel, Senior Assistant Attorney General 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. The Board voted to dismiss the civil complaint without prejudice at the September meeting. This notice to dismiss without prejudice was filed so the Board can re-file the complaint again if Ms. Young is able to be located for service.

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 or entered an appearance. Default was entered on October 18, 2022 and the school will have 10 days to move to set aside the default.

c. Northwest Phlebotomy School

At its September 2022 meeting, the Division presented the Board with evidence that Northwest Phlebotomy School was operating a private occupational school in Colorado without approval and without exemption. The Board voted to issue a Cease and Desist order. On October 4, 2022, the Division issued a Cease and Desist Order to the School. The School has indicated that it has currently ceased operations and will apply for approval.

d. Oquirrh Mountain Phlebotomy School

At its September 2022 meeting, the Division presented the Board with evidence that Oquirrh Mountain Phlebotomy School was operating a private occupational school in Colorado without approval and without exemption. The Board voted to issue a Cease and Desist order. On October 4, 2022, the Division issued a Cease and Desist Order to the School. The Division has not heard from the School since the Order was issued.

e. Commercial Vehicle Training Center

At its September 2022 meeting, the Division presented the Board with evidence that the Commercial Vehicle Training Center (CVTC), an approved school, had moved locations to Fort Lupton, Colorado without notifying the Board and had closed without warning to students. The Board voted to issue a Notice of Noncompliance and a Subpoena for records. On October 14, 2022, the Division issued the Notice of Noncompliance and Subpoena. The Subpoena requested documents be produced by October 21, 2022. The owner, Mr. Euglow, responded by email that he has an attorney and Board Counsel will reach out to discuss status.

2. CDL Safety School

CDL Safety School surrendered its Certificate to Operate in August 2022 and had 60 days to turn over student records to the Division. The school owner is in process of completing this process.

3. Real Estate Training Center

Real Estate Training Center submitted a change of ownership application in April 2022. The Division reviewed the application and discovered a few issues which were concerning including missing financial information for the parent company, a sales agent located in Colorado, and, of most concern, the required disclosure questions contained omissions and/or misinformation regarding criminal history. The Division made the determination to deny the application and not move it forward to the Board for review. The School owner was offered the opportunity to attend this Board meeting to discuss the application, however, no representative is present today. The school owner is considering the options with regards to moving forward.

Adjournment:

Board member Kearns motioned to adjourn the meeting at 10:45 a.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, December 6, 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.