

MINUTES
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
December 6, 2022 at 9:30 a.m.

Join Zoom Meeting

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Meeting ID: 885 4506 8657 `

Board Members Present:

JoAnn Stevens, Chair;
Ellen Wamser, Secretary;
Scott Cardona;
Ryan Minic; and
Jessica Wagner

Board Members Absent:

Barbara Kearns, Vice Chair; and
Chad J. Nash

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:

Ryan Paulus, The CE Shop;
Marquelle Nield, Phlebotomy Training Specialists;
Danielle Gordanier, Rocky Mountain School of Dental Assisting;
Dr. Paul Bigus, Rocky Mountain School of Dental Assisting;
Becky Ezzell, Keep Smart Books Academy;
Melissa Rodriguez, Vail Valley Dental Assisting School;
Bryan Anderson, Careers World Wide;

Victoria Brown, Careers World Wide;
Josh Tweedy, Careers World Wide;
Suzi Dennis, Northern Colorado Advanced Aesthetics;
Steve Chandler, TIGI Hairdressing Academy;
Christy Haeuptle, IBMC College;
Erica Roybal, Permanent Makeup Aesthetics Academy;
Lauren Carr, VKMD Institute of Medical Aesthetics;
Kelsie Cameron, VKMD Institute of Medical Aesthetics;
Dr. Matthew Dunham, VKMD Institute of Medical Aesthetics;
Melissa Cannata, American Home Inspectors Training;
Brandon Lyon, American Real Estate College;
Carrie Petersen, International Salon and Spa Academy;
Joel Scimeca, IBMC College;
Daniel Schulte, Western States College of Construction;
Heather Sherwood, Western States College of Construction;
Brian Summers, Western States College of Construction; and
Danielle Johnston, Denver Dental Assistant School

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by JoAnn Stevens, 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 October 25, 2022 Minutes:

Following review and consideration of the October 25, 2022 regular session minutes, Board member Minic motioned to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

COEO/Director Candler reported additions to Other Business: Item #3 will be Northwest Phlebotomy Schools and Item #4 will be Oquirrh Mountain Phlebotomy School.

Director / Staff Report

COEO/Director Candler reported:

1. Program Specialist Bentz has received the first Renewal application of the 2023 renewal cycle.
2. The Division is preparing a report of accomplishments for Governor Polis' first term in office including the launch of DPOS Connect, the publishment of the Anti-Human Trafficking Tool Kit for use by other state agencies, and continued enforcement of Private Occupational School Act for the protection of Colorado students using the regulatory authority granted by our Statute including issuing a warrant for arrest of a school owner.

3. Deputy Director Kanaly reported that based on the Rule change two years ago requiring schools to report graduate and equity data, this data will be included next year's Return of Investment report published by the Department.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. VKMD Institute of Medical Aesthetics – Colorado Springs – KS

Program Specialist Solis presented to the Board for review and consideration of a Provisional School Application to Operate including one program: Esthetics and two stand-alone courses: Microdermabrasion and Chemical Peel. 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 Wamser motioned to approve the Provisional Certificate and previously mentioned educational offerings effective December 6, 2022 and ending June 30, 2024. The motion was seconded and carried.

2. Western States College of Construction – Grand Junction (Sheet Metal) – KS

Program Specialist Solis presented to the Board for review and consideration of a Provisional School Application to Operate including one program: Sheet Metal Technician. 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 Minic motioned to approve the Provisional Certificate and previously mentioned educational offering effective December 6, 2022 and ending June 30, 2024. The motion was seconded and carried.

3. Western States College of Construction – Grand Junction (Plumbing/Pipefitting) – KS

Program Specialist Solis presented to the Board for review and consideration of a Provisional School Application to Operate including two programs: Plumber and Pipefitter. 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 Minic motioned to approve the Provisional Certificate and previously mentioned educational offerings effective December 6, 2022 and ending June 30, 2024. The motion was seconded and carried.

4. Rocky Mountain School of Dental Assisting – Loveland – MR

Program Specialist Recinos presented to the Board for review and consideration of a Provisional School Application to Operate including one program: Dental Assisting. 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 Minic motioned to conditionally approve the Provisional Certificate and previously mentioned educational offering with the requirement that the school complete the DPOS Bond Form by January 10, 2023 effective December 6, 2022 and ending June 30, 2024. The motion was seconded and carried.

B. Consideration of Approval of Change of Ownership

1. TIGI Hairdressing Academy Legacy – Colorado Springs – RA

Program Specialist Acosta 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 Secretary Wamser motioned to approve the change of ownership from Chandler Salon LLC to Chandler Salon LLC effective December 6, 2022. The motion was seconded and carried.

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

1. Careers World Wide – Keenesburg – AB

Program Specialist Bentz presented to the Board for review and consideration of one new program: CDL Straight Truck Training. 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 Minic motioned to approve the new program previously mentioned effective December 6, 2022. The motion was seconded and carried.

2. Keep Smart Books Academy – Fort Collins – AB

Program Specialist Bentz presented to the Board for review and consideration of two new programs: Advanced Bookkeeping and Payroll and Intro to Non-Profit Organizations and Non-Profit Bookkeeping Procedures and two new stand-alone courses: Managerial Reporting and How to Implement and On-the-Job Training and Occupational Bookkeeping Clean-up. 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 Wamser motioned to approve the two new programs and two new stand-alone courses previously mentioned effective December 6, 2022. The motion was seconded and carried.

3. Denver Dental Assistant School - Westminster- KS

Program Specialist Solis presented to the Board for review and consideration of a major revision to the program: Dental Assistant Hybrid. 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 Wagner motioned to approve the major revision previously mentioned effective December 6, 2022. The motion was seconded and carried.

4. IBMC College – Longmont – MR

Program Specialist Recinos presented to the Board for review and consideration of one new stand-alone course: Eyelash Extension Training. 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 Minic motioned to conditionally approve the new stand-alone course previously mentioned effective December 6, 2022 with the requirement the school change to student to teacher ratio from 20:1 to 10:1. The motion was seconded and carried.

5. IBMC College – Greeley – MR

Program Specialist Recinos presented to the Board for review and consideration of one new stand-alone course: Eyelash Extension Training. 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 Minic motioned to conditionally approve the new stand-alone course previously mentioned effective December 6, 2022 with the requirement the school change to student to teacher ratio from 20:1 to 10:1. The motion was seconded and carried.

6. IBMC College – Fort Collins – MR

Program Specialist Recinos presented to the Board for review and consideration of one new stand-alone course: Eyelash Extension Training. 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 Minic motioned to conditionally approve the new stand-alone course previously mentioned effective December 6, 2022 with the requirement the school change to student to teacher ratio from 20:1 to 10:1. The motion was seconded and carried.

7. Phlebotomy Training Specialists – Fort Collins – MR

Program Specialist Recinos presented to the Board for review and consideration of one new stand-alone course: ECG Training. 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 Wagner motioned to approve the new stand-alone course previously mentioned effective December 6, 2022. The motion was seconded and carried.

8. Phlebotomy Training Specialists – Thornton – MR

Program Specialist Recinos presented to the Board for review and consideration of one new stand-alone course: ECG Training. 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 Wagner motioned to approve the new stand-alone course previously mentioned effective December 6, 2022. The motion was seconded and carried.

9. Phlebotomy Training Specialists – Denver – MR

Program Specialist Recinos presented to the Board for review and consideration of one new stand-alone course: ECG Training. 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 Wagner motioned to approve the new stand-alone course previously mentioned effective December 6, 2022. The motion was seconded and carried.

10. Phlebotomy Training Specialists – Colorado Springs – MR

Program Specialist Recinos presented to the Board for review and consideration of one new stand-alone course: ECG Training. 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 Wagner motioned to approve the new stand-alone course previously mentioned effective December 6, 2022. The motion was seconded and carried.

11. Vail Valley Dental Assisting School – Eagle – MR

Program Specialist Recinos presented to the Board for review and consideration of a major revision to the Dental Assisting stand-alone course. 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 Minic motioned to approve the major revision previously mentioned effective December 6, 2022. The motion was seconded and carried.

12. Northern Colorado Advanced Aesthetics Academy – Loveland – RA

Program Specialist Acosta presented to the Board for review and consideration of five new stand-alone courses: Advanced Permanent Makeup – Latex Skills, Advanced Permanent Makeup – Machine Nano Hair Strokes, Kinetic Resurfacing Machine Aided Lymphatic Drainage, Oncology Skincare, and Teeth Whitening and Smile Gems. 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 Wamser motioned to approve the five new stand-alone courses previously mentioned effective December 6, 2022. The motion was seconded and carried.

13. Permanent Makeup Aesthetics Academy – Denver – RA

Program Specialist Acosta presented to the Board for review and consideration of two new stand-alone courses: Introduction to Cosmetic Injection Therapy and Laser Training. 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 Wamser motioned to approve the two new stand-alone courses previously mentioned effective December 6, 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.

E. School Closures Report (No Action Required)

1. Assist to Succeed – 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.

Effective November 1, 2022, all available student and educational records were submitted electronically to the Division.

2. Career Coders, LLC

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 November 15, 2022, all available student and educational records were submitted electronically to the Division.

3. CDL Safety School

Deputy Director Kanaly reported that the school has not enrolled students since the date of closure on August 16, 2022, and all students have completed training.

Effective November 6, 2022, all available student and educational records were submitted electronically to the Division.

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. The Boulder D.A.s office has issued a warrant for Ms. Young as of September 9, 2022

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 anticipate a default judgement issued soon.

2. 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 was represented by counsel and did not respond to the Notice or the Subpoena. However, Board Counsel reached out to the attorney who responded that he was not representing Mr. Euglow. Board Counsel recommends discussing this school in executive session to determine next steps.

3. Northwest Phlebotomy School

The Division previously reported to the Board a summary of the investigation completed regarding the illegal operation of this school. The Board directed the Division to issue a Cease and Desist order. The school owner agreed to cease operations and advertising in Colorado. The school has submitted a user request for DPOS Connect to submit a provisional application.

4. Oquirrh Mountain Phlebotomy School

The Division previously reported to the Board a summary of the investigation completed. The Board directed the Division to issue a Cease and Desist. The school owner agreed to cease operations and advertising in Colorado. Deputy Director Kanaly recommends discussing this school in executive session to determine next steps.

Following review and consideration of the previous matters discussed during the regular portion of the meeting, Board member 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 matters: Commercial Vehicle Training Center 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 11:06 a.m.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and Division staff at 11:12 a.m.

Summary of Return to Regular Session:

After the review and consideration of the matter previously mentioned, Chair Stevens resumed regular session at 11:36 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:

1. Commercial Vehicle Training Center

Following discussion regarding the importance of the school owner providing student records to the Division and completing the closure process, Board member Minic motioned to direct Board Counsel send a letter to the school owner to encourage them to voluntarily comply with turning over the student records and complete the closure process. The motion was seconded and carried.

2. Oquirrh Mountain Phlebotomy

Following discussion regarding concern the school is operating without a certificate of approval or an approved exemption, Board Secretary Wamser motioned to direct Board Counsel to issue a preliminary injunction and temporary restraining order if the Division determines that the school is continuing to violate C.R.S. §23-64-113. The motion was seconded and carried.

Adjournment:

Board member Minic motioned to adjourn the meeting at 11:43 a.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, January 24, 2023 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.