

MINUTES
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
April 25, 2023 at 9:30 a.m.

Join Zoom Meeting

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Meeting ID: 823 8824 9577

Board Members Present:

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

Division Staff Present:

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

Division Staff Absent:

Chief Occupational Education Officer/Director Lorna Candler;

Board Counsel Present:

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

Guests Present:

Sue Kim, Adjudicatory Counsel, State of Colorado;
Steve Chandler, TIGI Hairdressing Academy Legacy;
Liz White, Digital Workshop Center;
Monique Turek, Solar Energy International;
Reyjina Jiron, Kings and Queens Barber Academy;
Melissa Cannata, The CE Shop;
Dr. Reo Leslie, Colorado School for Family Therapy;
Dr. Evelyn Leslie, Colorado School for Family Therapy;
Alma Lozano, Colorado School for Family Therapy;
Dawn Lewis, Full Circle School Inc; and

Aaron Diem, Real Estate College of Colorado

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 March 28 and April 10, 2023 Minutes:

Following review and consideration of the March 28 and April 10, 2023 regular and executive session minutes, Vice Chair Kearns motioned to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

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

Director / Staff Report

- Deputy Director Kanaly reported that Ellen Wamser, Jessica Wagner, and Scott Cardona were confirmed by the legislature on April 19, 2023.
- Deputy Director Kanaly and COEO/Director Candler will be attending the NASASPS Spring Conference in Phoenix, Arizona the first week of May which will include sessions on financial stability, record keeping, and much more.
- Renewal season is in full swing with program specialists completing site visits to schools around the state. There are 54 remaining schools to go before the Board for approval before June 30, 2023.

Other Business:

A. Perfect Massage School

Chair Stevens provided the Board an update on the status of the case to date. The Board previously reviewed Perfect Massage School's (Applicant) application for a certificate to operate a private occupational school and referred it for denial based on failure to satisfy legal requirements. The matter was filed with the Office of Administrative Courts and Applicant failed to answer the Notice for Grounds for Denial. Default was entered with no response from the Applicant and the Administrative Law Judge issued the Initial Decision Upon Default. Today, the Board addresses this matter as the final step in the formal proceeding regarding the Application. The question before the Board is whether to adopt the Initial Decision and its recommendation to deny the Application. Sue Kim is present as Adjudicatory Counsel from the Attorney General's Office to advise the Board in this proceeding and drafting any orders needed.

Following review and consideration of this matter discussed during the regular portion of the meeting, Vice Chair Kearns motioned to convene in executive session with the Board's Adjudicatory Counsel to seek legal advice pursuant to C.R.S. §24-6-402(3)(a)(II), in the matter of Perfect Massage 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 Board of Private Occupational Schools convened in executive session with its Adjudicatory Counsel, and Division Specialist Kristi Connors at 9:48 a.m.

Summary of Return to Regular Session:

After review and consideration of the matter previously mentioned, Board members, Adjudicatory Counsel, and Division Specialist Connors returned to regular session at 10:19 am. The executive session recorder was turned off.

Following executive session, the Board resumed its agenda as follows:

Perfect Massage School

Following discussion regarding the multiple attempts made by the Board and the Division to contact the school owner and designated agent regarding the Notices and Decisions with no response from the School. Vice Chair Kearns motioned to adopt the Initial Decision Upon Default in its entirety, order Denial of the Application, issue a Final Agency Order, and authorize the Board Chair to sign the Written Order on behalf of the Board. The motion was seconded and carried.

New Business/Action Items:

A. Consideration of Approval of Renewal

1. ACI Learning – Colorado Springs – AB

Program Specialist Bentz 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 Wamser motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026. The motion was seconded and carried.

2. CDL Certifiers/CDL Trainers – Grand Junction – AB

Program Specialist Bentz 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 Minic motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026. The motion was seconded and carried.

3. Colorado School for Family Therapy – Aurora – AB

Program Specialist Bentz 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 Kearns motioned to conditionally approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026, with the requirement for the school to submit quarterly financial statements (balance sheet and income statement) until net profitably and stability is shown. The motion was seconded and carried.

4. Diagnostic Medical Sonography Program at UCHealth University of Colorado Hospital – Aurora – AB

Program Specialist Bentz 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 Kearns motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026. The motion was seconded and carried.

5. Digital Workshop Center- Fort Collins - AB

Program Specialist Bentz 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 Minic motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026. The motion was seconded and carried.

6. Solar Energy International – Paonia – AB

Program Specialist Bentz 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 Wamser motioned to conditionally approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026, with the requirement for the school to submit quarterly financial statements (balance sheet and income statement) until net profitably and stability is shown. The motion was seconded and carried.

7. Beautiful You Skincare Academy – Littleton – KS

Program Specialist Solis 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 Kearns motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026. The motion was seconded and carried.

8. Beautiful You Skincare Academy – Pueblo – KS

Program Specialist Solis 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 Kearns motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026. The motion was seconded and carried.

9. Cheeks Beauty Academy – Loveland – KS

Program Specialist Solis 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 Wamser motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026. The motion was seconded and carried.

10. Designing Beauty Academy – Windsor – KS

Program Specialist Solis 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 Minic motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026. The motion was seconded and carried.

11. Western States College of Construction – Denver PF/HV – KS

Program Specialist Solis 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 Kearns motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026. The motion was seconded and carried.

12. Full Circle School Inc. – Aurora – 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, Vice Chair Kearns motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026. The motion was seconded and carried.

13. MacIntosh Real Estate School, Inc. – Lakewood – 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 Wamser motioned to conditionally approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026, with the requirement for the school to submit quarterly financial statements (balance sheet and income statement) until net profitably and stability is shown. The motion was seconded and carried.

14. Real Estate College of Colorado – Front Range – Colorado Springs – 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, Vice Chair Kearns motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026. The motion was seconded and carried.

15. Cinco Brothers Barber School – Greely – 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 Kearns motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026. The motion was seconded and carried.

16. Colorado Dental Assisting School – Colorado Springs – 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 Wamser motioned to conditionally approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026, with the requirement for the school to submit quarterly financial statements (balance sheet and income statement) until net profitably and stability is shown. The motion was seconded and carried.

17. Colorado Dental Assisting School – Thornton – 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 Minic motioned to conditionally approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026, with the requirement for the school to submit quarterly financial statements (balance sheet and income statement) until net profitably and stability is shown. The motion was seconded and carried.

18. Colorado School of Clinical Herbalism – Lafayette – 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 Wamser motioned to conditionally approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026, with the requirement for the school to submit quarterly financial statements (balance sheet and income statement) until net profitably and stability is shown. The motion was seconded and carried.

19. Paul Mitchell The School Denver – Denver – 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 Kearns motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026. The motion was seconded and carried.

20. TIGI Hairdressing Academy Legacy – Colorado Springs – 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 Minic motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026. The motion was seconded and carried.

21. United Beauty College – Denver – 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 Kearns motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2023 and ending June 30, 2026. The motion was seconded and carried.

B. School Closure Report (No Action Required)

1. Empire Real Estate School

Deputy Director Kanaly reported that the school has not enrolled students since 2018 and all students have completed training.

Effective April 5, 2023, all available student educational records were submitted electronically to the Division.

Other Business:

B. Legal Update

The Board's Counsel, Senior Assistant Attorney General Natalie Powell, updated the Board on the following items:

1. Real Estate Training Center (no action required)

The 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 is now considered closed and it must provide the required student and financial records under statute and board rule. At the Board's February 2023 meeting, a school representative Joseph Hackett, attended and represented he was working on collecting the records. The Board voted to issue a 30-day warning letter and subpoena for the records. Counsel and the Division sent the 30-day warning letter and subpoena for the records to Mr. Hackett on March 23, 2023, giving a deadline of April 21, 2023, to provide the records. The school owner has been in contact with the Division regarding the turning over the records and the deadline will be extended.

2. National Beauty College

At its February 2023 meeting, the Division presented the Board with information that it received a complaint that National Beauty College was offering unauthorized internships. After completing an unannounced visit to the school to further investigate, the Division found evidence that National Beauty College was failing to meet numerous other statutory minimum standards. In particular, evidence suggested the school did not appear to be maintaining adequate student records and was completing attendance and transcripts before students actually attended courses or completed their coursework.

The Board voted to issue a notice of noncompliance to the School. Counsel and the Division sent the Notice of Noncompliance on March 8, 2023, and the School responded on March 23, 2023. The information the School provided by the March 23, 2023 deadline is provided along with this legal update. The School attempted to provide additional information on Friday March 24, 2023, but was informed it will not be considered as it was provided after the deadline.

At its March 28, 2023 meeting, the Board voted to pursue a notice of charges to revoke the School's certificate of approval due to its belief the School was operating in violation of the Board's act. Then, upon receipt of inspection information from another state agency, the Board voted at an interim meeting on April 10, 2023, to summarily suspend the School's certificate to operate. Board counsel is currently working on the Notice of Charges and will have it finalized and filed with the Office of Administrative Courts by Friday, April 28, 2023.

3. 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 CVTC a notice of noncompliance and subpoena for records. On October 14, 2022, the Division issued the Notice of Noncompliance and Subpoena. Mr. Euglow, the owner, did not respond to the Notice of Noncompliance or the subpoena.

At its December 2022 Board meeting, the Board voted to instruct counsel to send a letter to Mr. Euglow to see if will voluntarily provide records and complete the closure process. The letter was sent on January 20, 2023, and included a voluntary surrender affidavit.

Mr. Euglow returned the affidavit of voluntary surrender on February 23, 2023. He provided some information on student contact information, but he has not provided all of the records requested. The current deadline to provide all of the required records is April 24, 2023. Board Counsel sent him a reminder email on April 3, 2023, but he did not respond. There was no response from Mr. Euglow by the deadline, the Board may wish to issue a 30-day warning letter and Subpoena.

C. Commercial Vehicle Training Center

Following review and discussion of this matter, Board member Minic motioned to direct Board Counsel to issue a 30-day warning letter and Subpoena to Mr. Euglow to provide the school's student records to the Division. 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, May 23, 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.