

MINUTES
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
May 23, 2023 at 9:30 a.m.

Join Zoom Meeting

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Meeting ID: 862 6515 5920

Board Members Present:

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

Board Members Absent:

Scott Cardona

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:

Joe Deering, New Horizons Colorado;
Justin Lancaster, New Horizons Colorado;
Carrie Peterson, International Salon & Spa Academy;
Paul Lingo, Independent Electrical Contractors Rocky Mountain;
Marilyn Stansberry, Independent Electrical Contractors Rocky Mountain;
Kori Hemans, Independent Electrical Contractors Rocky Mountain;
Kim Green, Advanced Therapy Institute of Touch;
Joanne Lang, Lang Institute of Canine Massage;
Kelli Hutchins, The Pilates Center;
Pace Wilson, The Pilates Center;
Melissa Cannata, The CE Shop;
Scott Smith, UHealth School of Radiologic Technology University of Colorado Hospital;
Peggy Sue Schmoldt, Academy of Cosmetology Arts;

Nikki Alvaran, Colorado Institute of Massage Therapy;
Brenda Maloukis, Colorado Institute of Massage Therapy;
Bailey Ames, Lash & Company Education;
Rachel Waggoner, The Beauty Collective Academy;
Stephanie Herman, Acuity Institute LLC;
Henrietta Harvey, Assist to Succeed;
Jesse Farnlof, Colorado Real Estate School;
Ashley Kacencjar, Galvanize, Inc.;
Barbara Seideneck, Homeopathy School International;
Simone Smith, JBe Beauty Training Studio LLC;
Ray Fluken, Rocky Mountain Laser College;
Rita Bellino, The Rita B Institute; and
Steven Davis, Keep Smart Books Academy

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 April 25, 2023 Minutes:

Following review and consideration of the April 25, 2023 regular and executive session minutes, Board Secretary Wamser 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 that Ellen Wamser, Jessica Wagner, and Scott Cardona were confirmed by the legislature on April 19, 2023.
- Board member Ryan Minic will be retiring from the Board on June 27, 2023. The governor has appointed Chris Smith as his replacement and has reappointed Board Chair Stevens to a second term.
- Director Candler advised the Board that at their April Board meeting and formal proceeding with Adjudicatory Counsel, the Board did adopt the Initial Decision with respect to Perfect Massage School
- COEO/Director Candler and Deputy Director Kanaly attended the Spring NASASPS conference in Phoenix, Arizona which included sessions on financial stability.
- Renewal season continues with program specialists completing all remaining site visits to schools around the state. There are 33 remaining schools to go before the Board for approval before June 30, 2023.
- Director Candler announced the retirement of Compliance Investigator Brad Uyemura as of June 30, 2023.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. Independent Electrical Contractors Rocky Mountain – South Campus – Littleton – MR

Program Specialist Recinos presented to the Board for review and consideration of a Provisional School Application to Operate including one new program: IECRM Apprenticeship. 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 Kearns motioned to approve the Provisional Certificate and previously mentioned educational offerings effective May 23, 2023 and ending June 30, 2024. The motion was seconded and carried.

B. Consideration of Approval of Renewal

1. Advanced Therapy Institute of Touch – 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, 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.

2. Lang Institute for Canine Massage – Loveland – 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.

3. The Pilates Center – Boulder – 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 change the verbiage from Internship to Mentorship in all published materials including an addendum to the enrollment agreement noting the change in verbiage. The motion was seconded and carried.

4. UCHealth School of Radiologic Technology 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, 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.

5. Academy of Cosmetology Arts – Denver – 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.

6. Colorado Institute of Massage Therapy – Colorado Springs – 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.

7. Lash & Company Education – Fort Collins – 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.

8. The Beauty Collective Academy – Lakewood – 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 Wagner 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. Acuity Institute LLC – Denver – 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 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.

10. Assist to Succeed – Pueblo – 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 updated income statement projections for the remainder of 2023. The motion was seconded and carried.

11. Colorado Real Estate School – 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, 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.

12. Galvanize, Inc – Denver Platte – 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. Homeopathy School International – Loveland – 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. Independent Electrical Contractors Rocky Mountain – Northglenn – 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 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.

15. Independent Electrical Contractors Rocky Mountain – Fort Collins – 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 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.

16. New Horizons Colorado – 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, 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. JBe Beauty Training Studio LLC – 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, Board member Wagner 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.

18. Rocky Mountain Laser College – Lakewood – 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.

19. The Rita B Institute – Basalt – 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.

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

1. Keep Smart Books Academy – Fort Collins – AB

Program Specialist Bentz presented to the Board for review and consideration of two new programs: Intro to Bookkeeping and Payroll and Advanced Bookkeeping and Payroll. 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 Kearns motioned to approve the new programs previously mentioned effective May 23, 2023. The motion was seconded and carried.

At this time Board member Minic recused himself.

2. Pima Medical Institute – Denver – AB

Program Specialist Bentz presented to the Board for review and consideration of one revised program: Physical Therapist Assistant. 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 revised program previously mentioned effective May 23, 2023. The motion was seconded and carried.

Board member Minic rejoined the meeting.

3. Academy of Cosmetology Arts - Denver – KS

Program Specialist Solis presented to the Board for review and consideration of two revised programs: Nail Technician Hybrid Program and Esthetician Hybrid 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, Vice Chair Kearns motioned to approve the revised programs previously mentioned effective May 23, 2023. The motion was seconded and carried.

Other Business:

A. Legal Update

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

1. Commercial Vehicle Training Center (no action required)

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 he would 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 was April 24, 2023. Board Counsel sent him a reminder email on April 3, 2023, but he did not respond.

At its April 2023 meeting, the Board voted to send CVTC a 30-day warning letter and subpoena. Counsel and the Division sent a 30-day warning letter and subpoena to Mr. Euglow on May 17, 2023, making his response deadline June 16, 2023.

2. 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 turning over the records and the deadline will be extended.

3. National Beauty College (no action required)

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, the 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 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 filed the Notice of Charges with the Office of Administrative Courts on Friday, April 28, 2023. The school's response will be due May 29, 2023. A conference to schedule the hearing is set for June 13, 2023.

Adjournment:

Board member Minic motioned to adjourn the meeting at 11:57 a.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, June 27, 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: higher.colorado.gov/dpos.