

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

Join Zoom Meeting

<https://highered-colorado-gov.zoom.us/j/82929716125?pwd=bkRRSmVrTTdZcUxRa3B6RVlqaWdldz09>

Meeting ID: 829 2971 6125

Board Members Present:

JoAnn Stevens, Chair;
Ellen Wamser, Secretary;
Scott Cardona;
Chad J. Nash;
Jessica Wagner; and
Chris Smith (joined at 9:45 a.m.)

Board Members Absent:

Barbara Kearns, Vice Chair

Division Staff Present:

Chief Occupational Education Officer/Director Lorna Candler;
Deputy Director & Compliance Officer Mary Kanaly;
Program Specialist Rachel Acosta;
Program Specialist Martha Torres-Recinos;
Program Specialist Austin Bentz;
Program Specialist Kerrie Solis; and
Program Specialist Assistant Bernadette Esquibel

Division Staff Absent:

Compliance Investigator Lisa Combs; and
Division Specialist Kristi Connors

Board Counsel Present:

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

Guests Present:

Carrie Petersen, International Salon & Spa Academy;
Kristy Martinez, IntelliTec College;
Nick Yunker, Northern Colorado Truck Driving Academy;
Monica Sanborn, Phlebotomy Training Specialists;
Sarah Lind, Allo Doula Academy;
Michael Beaty, IBMC;
Wayne Zellner, IntelliTec College;
Randy Lopez, Randy Lopez CDL Testing & Training;
Mark Taylor, Randy Lopez CDL Testing & Training;
Jessica Martinac, Designing Beauty Academy;
Terri Lind, Allo Doula Academy;
Melissa Cannata, The CE Shop;
Sarah Dominguez, Allo Doula Academy;
Quyen Nguyen, HQ Brows Academy;
Eileen Kantor, Kantor & Company Academy;

Tave Accardo, Tave's Nail Academy;
Erica Roybal, Permanent Makeup Aesthetics Academy;
Jacqueline Stallman, LSO Training;
Michael Mulholland, Accent Beauty Academy;

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by JoAnn Stevens, Chair, at 9:30 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 May 23, 2023 and June 27, 2023 Minutes:

Director Candler announced that due to staffing and IT issues, the May and June Minutes will be available for review and approval at the Board's August 22, 2023 meeting.

Additions / Changes to the Agenda:

Deputy Director Kanaly reported the following additions to the agenda under "Other Business": Springs Truck Driving School, Tave's Nail Academy and Colorado Advanced Esthetics.

Director / Staff Report

- Director Candler introduced and welcomed the Board's newest member, Christine Smith, Colorado School of Healing Arts.
- Director Candler asked that everyone send positive thoughts and wishes to Kristi Connors, Division Specialist.
- Deputy Director Kanaly advised she would have an update on Conditional Approvals to report to the Board at the end of the agenda.
- Deputy Director Kanaly welcomed the Division's new Compliance Investigator, Lisa Combs. She will be in attendance at the Board's August 22, 2023 meeting.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. Randy Lopez CDL Testing & Training - Loveland – AB

Program Specialist Bentz presented to the Board for review and consideration of a Provisional School Application to Operate including one program: CDL Class A. 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 conditionally approve the Provisional Certificate and previously mentioned educational offering effective July 25, 2023 and ending June 30, 2025 with the requirement that Division staff conduct site visits for compliance and closely monitor student files for 12 months. The motion was seconded and carried.

2. Allo Doula Academy – Westminster - KS

Program Specialist Soils presented to the Board for review and consideration of a Provisional School Application to Operate including one course: Certified Professional Doula Training Course. 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 Wagner motioned to conditionally approve the Provisional Certificate and previously mentioned educational offering effective July 25, 2023 and ending June 30, 2025 with the requirement that the school work with Division staff to clarify the internship requirements by the August 2023 Board meeting. The motion was seconded and carried.

3. HQ Brows Academy – Lakewood - RA

Program Specialist Acosta presented to the Board for review and consideration of a Provisional School Application to Operate including four courses: 132 Hour Permanent Make up, Advanced PMU – Eyeliner Course, Advanced PMU – Lip Blushing and Advanced PMU – Ombre Brows. 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 July 25, 2023 and ending June 30, 2025. The motion was seconded and carried.

B. Consideration of Approval of Renewal

1. Kantor & Company Academy – Boulder - 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.

C. Consideration of Approval of Change of Ownership

1. Phlebotomy Training Specialists – Colorado Springs - 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 Secretary Wamser motioned to approve the change of ownership effective July 25, 2023. The motion was seconded and carried.

2. Phlebotomy Training Specialists – 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 Secretary Wamser motioned to approve the change of ownership effective July 25, 2023. 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 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 effective July 25, 2023. The motion was seconded and carried.

4. Phlebotomy Training Specialists – Thornton - 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 Secretary Wamser motioned to approve the change of ownership effective July 25, 2023. The motion was seconded and carried.

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

1. Northern Colorado Truck Driving Academy – Fort Collins – AB

Program Specialist Bentz presented to the Board for review and consideration of one new course: Introduction to CDL B Driving. 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 course previously mentioned effective July 25, 2023. The motion was seconded and carried.

2. Designing Beauty Academy - Windsor – KS

Program Specialist Solis presented to the Board for review and consideration of three new courses: Chemical Peel Course, Electric File Certification and Manual Resurfacing 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 Secretary Wamser motioned to approve the new courses previously mentioned effective July 25, 2023. The motion was seconded and carried.

3. IntelliTec College - CS – KS

Program Specialist Solis presented to the Board for review and consideration of two new programs: Cosmetologist and Massage Therapy. 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 new programs previously mentioned effective July 25, 2023. The motion was seconded and carried.

4. Permanent Makeup Aesthetics Academy – Denver - RA

Program Specialist Acosta presented to the Board for review and consideration of one new program: 600 Hour Esthetician 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 Secretary Wamser motioned to approve the new program previously mentioned effective July 25, 2023. The motion was seconded and carried.

Other Business:

A. Conditional Board Approval Update

Deputy Director Kanaly provided the following update to the Board regarding renewals that were approved conditionally since April 25, 2023. Of the 21 conditional approvals, 13 remain on quarterly financial reporting until profitability and stability have been met. Five have met the requirements of the conditional approval; Atma Buti, Glo Academy, LSO Training, Dollface Advanced Education and Phoenix Strategies, Inc. The last three schools continue to be monitored until conditions have been met; further financial review for Careers World Wide, mentorship printed materials for The Pilates Center and financial review for IBMC College – Longmont.

B. 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 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 and provided some information on student contact information, but did not provide all of the records requested.

At its April 2023 meeting the Board voted to issue a 30-day warning letter and subpoena to CVTC which was sent on May 17, 2023. As of June 22, 2023, Mr. Euglow provided some records to the Division but the records did not include student transcripts/certificates of completion. Division staff is still working to review records for compliance.

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 was extended. Mr. Hackett has been in touch with the Division concerning providing the records.

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, 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 filed the Notice of Charges with the Office of Administrative Courts on April 28, 2023. The School did not respond to the Notice of Charges and did not attend the conference to set a hearing date. A hearing date has been set for April 29-30, 2024. Counsel is preparing a motion for default.

4. Randy Lopez CDL Testing and Training (no action required)

At its June 2023 Board meeting, the Division presented evidence to the Board that the School was accepting self-pay students even though it has not received a certificate to operate by the Board.

The Board voted to issue a Cease and Desist Order to the School which was sent to the School on July 7, 2023. The School received approval to operate on July 25, 2023.

5. Springs Truck Driving School (potential action required)

At its June 2023 Board meeting, the Board considered the School's application for renewal and determined that the School did not timely submit financial information as required by Board rules. Further, upon a site inspection it was revealed that the School was not maintaining proper transcripts for students. The Board voted to issue the School a notice of noncompliance and nonrenewal. The notice was issued on July 7, 2023 with the response due July 21, 2023. The School did not respond.

6. Tave's Nail Academy (potential action required)

At its June 2023 Board meeting, the Board considered the School's application for renewal and determined that the application was missing necessary information, such as compiled financials from an independent public or certified public accountant, a corrected/updated surety calculation form and rider documentation, corrected catalogue, and corrected enrollment agreement. Additionally, site visits uncovered that items were not in compliance with minimum standards. The school was missing attendance records, student grades, transcripts, and other items. The Board voted to issue the School a notice of noncompliance and nonrenewal. The notice was issued on July 10, 2023 with the response due July 24, 2023. The School's response was incomplete.

7. Colorado Advanced Esthetics (potential action required)

At its June 2023 Board meeting, the Board considered the School's application for renewal and determined that the application was missing necessary information, such as the renewal application was incomplete, the surety calculation form and rider needed corrections, the catalog was not compliant, the student complaint language was not updated in the School's catalogue and enrollment agreement, and the instructor applications were not properly completed. Further, it was determined the School was still offering a 725 hour unapproved course as the course purports to allow students to complete advanced training before receiving their license. The Board voted to issue the School a notice of noncompliance and nonrenewal. The notice was issued on July 10, 2023 with the response due July 24, 2023. The School's response was received without corrections to the application.

Following review and consideration of the previous matters discussed during the regular portion of the meeting, Board member Wagner 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: Springs Truck Driving School, Tave's Nail Academy and Colorado Advanced Esthetics 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 12:08 p.m.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and Division staff at 12:13 p.m.

Summary of Return to Regular Session:

After the review and consideration of the matters previously mentioned, Chair Stevens resumed regular session at 12:57 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:

Springs Truck Driving School

Following discussion regarding the School's failure to respond and to eliminate noncompliance issues noted in the Notice of Noncompliance. Secretary Wamser motioned to uphold the denial of the renewal and asked Board Counsel to initiate a hearing if the School requests a hearing. The motion was seconded and carried.

Tave's Nail Academy

Following discussion regarding the School's incomplete response and missing items noted in the Notice of Noncompliance not being received. Secretary Wamser motioned to uphold the denial of the renewal and asked Board Counsel to initiate a hearing if the School requests a hearing. The motion was seconded and carried.

Colorado Advanced Esthetics

Following discussion regarding the School's response and outstanding corrections to the application noted in the Notice of Noncompliance. Secretary Wamser motioned to uphold the denial of the renewal and asked Board Counsel to initiate a hearing if the School requests a hearing. The motion was seconded and carried.

Adjournment:

Secretary Wamser motioned to adjourn the meeting at 1:06 p.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, August 22, 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: higherred.colorado.gov/dpos.