

MINUTES
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
September 26, 2023 at 9:30 a.m.

Join Zoom Meeting

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Meeting ID: 820 5679 1279

Board Members Present:

JoAnn Stevens, Chair
Barbara Kearns, Vice Chair;
Ellen Wamser, Secretary;
Scott Cardona;
Chad J. Nash
Chris Smith; and
Jessica Wagner

Division Staff Present:

Chief Occupational Education Officer/Director Lorna Candler;
Compliance Investigator Lisa Combs;
Program Specialist Rachel Acosta;
Program Specialist Martha Torres-Recinos;
Program Specialist Austin Bentz;
Program Specialist Assistant Bernadette Esquibel; and
Division Specialist Kristi Connors

Division Staff Absent:

Deputy Director & Compliance Officer Mary Kanaly; and
Program Specialist Kerrie Solis

Board Counsel Present:

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

Guests Present:

Kristy Martinez, IntelliTec College;
Sherry Parker, IntelliTec College;
Mary Reynolds, United States Truck Driving School – Fountain & Wheat Ridge;
Robert Brown, United States Truck Driving School – Fountain & Wheat Ridge;
Amanda Batter, Denver Institute of Medical Aesthetics;
Jill Berkana, Berkana Institute of Massage Therapy; and
Melissa Cannata, The CE Shop LLC

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 August 22, 2023 Minutes:

Following review and consideration of the August 22, 2023 regular session minutes, Board member Cardona motioned to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

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

Director / Staff Report

- COEO/Director Candler reported Deputy Director Kanaly is absent from today's meeting to attend the Fall NASASPS Conference in Salt Lake City, Utah for regulators.
- COEO/Director Candler reported Deputy Director Kanaly and Compliance Investigator Combs met with Kate Anderson, Department of Labor, to discuss exemptions and WIOA funding.
- COEO/Director Candler reported Sunset review is currently ongoing as required by our Statute. Saul Larsen, Department of Regulatory Agencies, provided a draft report to COEO/Director Candler to review prior to submittal to the legislature.
- COEO/Director Candler reported the Division is working with the Real Estate Division of DORA to clarify for some other entities that qualifying programs do fall under the Division's jurisdiction.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. Denver Institute of Medical Aesthetics – Littleton – RA

Program Specialist Acosta presented to the Board for review and consideration of a Provisional School Application to Operate including three stand-alone courses: Introduction to Neurotoxins, Introduction to Dermal Filler, and Advanced Dermal Filler. 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, Secretary Wamser motioned to approve the Provisional Certificate and previously mentioned educational offerings effective September 26, 2023 and ending June 30, 2025. The motion was seconded and carried.

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B. Consideration of Approval of Change of Ownership

1. Colorado Academy of Veterinary Technology – Colorado Springs – MR

Program Specialist Recinos presented to the Board for review and consideration of approval of change of ownership application. A school representative was present. Following discussion with the school representative regarding a yes answer to a disclosure question on the application, Board member Cardona motioned to move Colorado Academy of Veterinary Technology to Executive Session. The motion was seconded and carried.

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

1. United States Truck Driving – Fountain – AB

Program Specialist Bentz presented to the Board for review and consideration of two new stand-alone courses: ELDT BTW Passenger Endorsement Training and ELDT BTW School Bus Endorsement Training and two new programs: ELDT Class BP and ELDT Class BPS. 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, Secretary Wamser motioned to approve the new stand-alone courses and programs previously mentioned effective September 26, 2023. The motion was seconded and carried.

2. United States Truck Driving – Wheat Ridge – AB

Program Specialist Bentz presented to the Board for review and consideration of five new stand-alone courses: Automatic Restriction Removal RTR-400 Training, ELDT BTW Passenger Endorsement Training, ELDT HazMat Endorsement, Professional ELDT Theory and CLP, and ELDT BTW School Bus Endorsement Training and three new programs: ELDT Class B, ELDT Class BP, and ELDT Class BPS. 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, Secretary Wamser motioned to approve the new stand-alone courses and programs previously mentioned effective September 26, 2023. The motion was seconded and carried.

3. Berkana Institute of Massage Therapy – Longmont – RA

Program Specialist Acosta presented to the Board for review and consideration a major revision to the Massage Therapy Certification 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 member Wamser motioned to approve the major revision to the Massage Therapy Hybrid Certification program effective September 26, 2023. The motion was seconded and carried.

4. BASI Pilates – Greenwood Village – RA

Program Specialist Acosta presented to the Board for review and consideration of one new program: Comprehensive 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 new program previously mentioned effective September 26, 2023. The motion was seconded and carried.

At this time, Vice Chair Kearns recused herself.

5. IntelleTec College – Grand Junction – BE

Program Specialist Assistant Esquibel presented to the Board for review and consideration of one new program: Electrical Technician. 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 Cardona motioned to approve the new program previously mentioned effective September 26, 2023. The motion was seconded and carried.

Vice Chair Kearns rejoined the meeting.

D. School Closure Report (No Action Required)

1. General Assembly

Division Specialist Connors reported that the school has transitioned to an out-of-state institution and will maintain the student records for Colorado students.

Effective June 27, 2023, students may send an email to studentverification@generalassembly.com to request their records.

2. Aurora College

Division Specialist Connors reported that the school has not enrolled students for many months and chose not to renew this year.

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

3. Crestone Healing Arts Center

Division Specialist Connors reported that the school owner retired after 27 years.

Effective September 6, 2023, all available student and educational records were submitted electronically to the Division.

4. National School of Dental Assisting – Aurora

The school owner elected to not renew their certificate of approval during the 2023 renewal period and has not enrolled any new students at this location since the date of closure.

Effective January 1, 2023, all student and educational records are available on the school’s website at www.schoolofdentalassisting.com.

5. Lighthouse Labs

The out-of-state school has not enrolled any Colorado students since the date of Board approval on June 27, 2023.

6. Ruseto College

The school owner passed away.

Effective September 6, 2023, all available student and educational records were submitted electronically to the Division.

7. Grey’s Academy

The school has not enrolled any students since the date of Board approval on March 22, 2022.

8. Academy for Dental Assisting Careers - Littleton

The school owner elected to not renew their certificate of approval during the 2023 renewal period for this location.

Effective July 1, 2023, all student and educational records are available by contacting natalieduncan.adac@gmail.com as the other school locations in Longmont, Greely, and Fort Collins are remaining open.

9. Pagosa Springs Cosmetology Institute

The school has not enrolled any students since the date of Board approval on October 25, 2022.

10. Mile High Modern Beauty Academy

The school owner elected to not renew their certificate of approval during the 2023 renewal period and has not enrolled any new students since the date of closure.

Effective August 8, 2023, all available student and educational records were submitted electronically to

the Division.

11. Lashed5280

The school owner elected to not renew their certificate of approval during the 2023 renewal period and has not enrolled any new students since the date of closure.

Effective September 15, 2023, all available student and educational records were submitted electronically to the Division.

12. CompTIA Tech Career Academy

The out-of-state school has not enrolled any Colorado students since the date of closure and all student records will be maintained by the home state of Illinois.

13. Carla's Barbershop

The school owner elected to not renew their certificate of approval during the 2023 renewal period and has not enrolled any new students since the date of closure.

Effective September 17, 2023, all available student and educational records were submitted electronically to the Division.

14. Internet Technology University

The school owner elected to not renew their certificate of approval during the 2023 renewal period and has not enrolled any new students since the date of closure.

Effective September 20, 2023, all available student and educational records were submitted electronically to the Division.

Other Business:

A. Conditional Board Approval Update

- a. Allo Doula has met conditions imposed by the Board.
- b. Assist to Succeed – Pueblo has met conditions imposed by the Board.

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) had closed without warning to students. The Board voted to issue a notice of noncompliance and 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. Mr. Euglow, school 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 request voluntary surrender of records and complete the closure process. Mr. Euglow signed the affidavit on February 24, 2023, and provided limited details on student contact information. The deadline to provide all of the required records was April 24, 2023. 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. As of June 22, 2023, Mr. Euglow provided some records to the Division, but the records did not include student transcripts/certificates of completion. Mr. Euglow then represented that he has subsequently uploaded additional records. The Division is still reviewing additional records provided.

2. National Beauty College – Potential Action

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.

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.

Counsel filed a 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 has been set for April 29-30, 2024. Counsel's office filed a motion for default. After serving the motion, the School responded by email that it is permanently closed.

Although a default judgment will likely be entered, Counsel has prepared a potential stipulated agreement to propose to the School to settle the case. Settlement may still save some time and expense of going through the process of potential exceptions and a final board order. Board input and approval is sought before proposing the stipulated agreement to the School.

3. Colorado Advanced Esthetics – Potential Action

At its June 2023 Board meeting, the Board considered Colorado Advanced Esthetics' (CAE) application for renewal and determined 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, making the deadline to respond to July 24, 2023. At its July 25, 2023 meeting, the Board considered CAE's response to the notice of noncompliance and voted to uphold the denial of the renewal application. CAE timely requested a hearing.

Board Counsel and Deputy Director Kanaly met with the School to discuss a potential stipulated agreement. A proposed stipulated agreement is provided along with this legal update for the Board's review, and we will be seeking the Board's input and approval. In particular, Counsel would like the Board's input on whether it would like to impose a Fine and the Fine amount as part of the Stipulated Agreement.

Vice Chair Kearns motioned to take a ten-minute break. The motion was seconded and carried.

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: Colorado Academy of Veterinary Technology, National Beauty College, 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 10:47 a.m.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and Division staff at 10:56 a.m.

Summary of Return to Regular Session:

After the review and consideration of the matters previously mentioned, Chair Stevens resumed regular session at 11:34 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:

Colorado Academy of Veterinary Technology

Following discussion regarding concerns about the yes answer to a disclosure question on the Change of Ownership application and financial stability, Secretary Wamser motioned to approve the change of ownership with the following conditions: the school must submit quarterly financial statements and student rosters for each cohort to the Division for review. The motion was seconded and carried.

National Beauty College

Following discussion regarding the school's decision to close, Vice Chair Kearns motioned to approve the Stipulated Agreement and to delegate authority to COEO/Director Candler to sign the Agreement once signed by the school owner. The motion was seconded and carried.

Colorado Advanced Esthetics

Following discussion regarding the various violations associated with the school's renewal application, Board member Wagner motioned to approve the Stipulated Agreement and to delegate authority to COEO/Director Candler to work with Board Counsel to determine appropriate fine or fee and to sign the Agreement once signed by the school owner. The motion was seconded and carried.

Adjournment:

Vice Chair Kearns motioned to adjourn the meeting at 11:44 a.m. The motion was seconded and carried.

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