

MINUTES
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
February 27, 2024 at 9:30 a.m.

Join Zoom Meeting
<https://highered-colorado-gov.zoom.us/j/84913044325?pwd=WWVhQ0hXS3BaWkVVRTlxc3h1eE5OQT09>
Meeting ID: 849 1304 4325

Board Members Present:

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

Division Staff Present:

Chief Occupational Education Officer/Director Lorna Candler;
Deputy Director & Compliance Officer Mary Kanaly;
Compliance Investigator Lisa Combs;
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:

Joel Scimeca, IBMC College;
Barbara Kearns, IBMC College;
Carrie Cathey, International Salon and Spa Academy;
Hillary Hilliard, Denver Integrative Massage School (aka The School of Botanical & Medical Aesthetics);
Matthew Gentzler, Cosmo Beauty Academy;
Melissa Cannata; The CE Shop;
Ryan Lishner, Colorado School of Trades;
Jessi Ellis; Colorado School of Trades;
Tom Bezek, IBMC College;
Lan Than Nguyen, Cosmo Beauty Academy;
Mark Taylor, Taylor's CDL Training;
Michael Beaty, IBMC College;
Amy Chavez, Colorado School of Healing Arts;
Dr. Reo Leslie, Colorado School for Family Therapy;

Dr. Evelyn Leslie, Colorado School for Family Therapy;
Alma Lozano, Colorado School for Family Therapy;
Patty Westra, Stacey James Institute;
London Gibson, All Hands Dental Assisting School;
Lu Ries, The Academy of Facial Aesthetics;
Jenny Garland, The Academy of Facial Aesthetics;
Dallas Rasmussen, Oquirrh Mountain Phlebotomy School;
Allison Szabelski, Oquirrh Mountain Phlebotomy School;
Nicholas Stennet, Northwest Phlebotomy School;
Jamiyl Brown, Fadez Academy Barber College;
Kris Will, Colorado School of Healing Arts;
Jennifer Mongan, Academy of Natural Therapy; and
Katie Brigham, Academy of Natural Therapy;

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by JoAnn Stevens, Chair, at 9:33 a.m. The Board members, Division staff, and guests were introduced. Board roll call was taken. A quorum was present.

Consideration of Approval of Minutes:

Following review and consideration of the January 23, 2024 regular and executive session minutes, Board member Smith motioned to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

COEO/Director Candler requested to add the Training Assurance Foundation (TAF) to Other Business as item G to the agenda.

Director / Staff Report

- COEO/Director Candler reported that Chair Stevens and Board member Smith were confirmed by the Senate at a confirmation hearing yesterday.
- COEO/Director Candler reported that Vice Chair Kearns submitted a letter of resignation. The Division will be conducting a search for a replacement Board member.
- COEO/Director Candler reported Dr. Angie Paccione, Deputy Director Kanaly, and herself appeared before the House Education Committee on February 15, 2024, to testify in support of the Sunset Bill.
- COEO/Director Candler reported renewal applications were due February 15, 2024, for in-state schools with a certificate of approval that expires on June 30, 2024. All schools submitted their renewal application by the deadline.
- COEO/Director Candler reported that the Division has been working with other agencies including the Department of Motor Vehicles on compliance issues regarding truck driving.
- COEO/Director Candler spotlighted Concord Career College for their excellent work with pre-

surgical treatments for patients in developing countries. Auguste Escoffier is partnering with the food bank in Denver to help prepare nutritious meals for community members.

- COEO/Director Candler reported on notifications sent to a few schools regarding a Cybersecurity incident that occurred at the Department.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. Fadez Academy Barber College – Denver – KS

Program Specialist Solis presented to the Board for review and consideration of a Provisional School Application to Operate including one program: Barber Program. A school representative was present. A site visit completed. Deputy Director Kanaly provided a summary of her application review regarding disciplinary action taken by DORA relating to the school owner’s barber license.

Following discussion with the school owner, Secretary Wamser motioned to table the consideration of the application to executive session. The motion was seconded and carried.

2. Oquirrh Mountain Phlebotomy School – Colorado Springs – MR

Program Specialist Recinos presented to the Board for review and consideration of a Provisional School Application to Operate including two stand-alone courses: IV and Phlebotomy. A school representative was present. A site visit 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 approve the Provisional Certificate effective February 27, 2024 and ending June 30, 2025. The motion was seconded and carried.

3. Northwest Phlebotomy – Lakewood – MR

Program Specialist Recinos presented to the Board for review and consideration of a Provisional School Application to Operate including two stand-alone courses: IV Therapy and Phlebotomy. A school representative was present. A site visit completed. The Board discussed concerns regarding the number of hours for the Phlebotomy course.

Following discussion with the school representative, Board member Smith motioned to table the consideration of the application to executive session. The motion was seconded and carried.

4. Stacey James Institute – Littleton – RA

Program Specialist Acosta presented to the Board for review and consideration of a Provisional School Application to Operate including four programs: Barbering, Cosmetology, Esthetics, and Nails. A school representative was present. A site visit 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 effective February 27, 2024 and ending June 30, 2025. The motion was seconded and carried.

B. Consideration of Approval of Change of Ownership

1. All Hands Dental Assisting School – 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 review and consideration, Secretary Wamser motioned to conditionally approve the Change of Ownership effective February 27, 2024 and ending June 30, 2024 with the requirement for year-to-date financials submitted quarterly until profitability and stability are achieved. The motion was seconded and carried.

2. Cosmo Beauty Academy – Aurora – RA

Program Specialist Acosta presented to the Board for review and consideration of approval of change of ownership application. A school representative was present.

Following review and consideration, Secretary Wamser motioned to conditionally approve the Change of Ownership effective February 27, 2024 and ending June 30, 2025 with the requirement for year-to-date financials submitted quarterly until profitability and stability are achieved. The motion was seconded and carried.

C. Consideration of Approval of Renewal

1. Colorado Beauty RN dba The Academy of Facial Aesthetics – Castle Rock- 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 Wagner motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2024 and ending June 30, 2027. The motion was seconded and carried.

2. Lash and Company Education – Thornton – 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, Secretary Wamser motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2024 and ending June 30, 2027. The motion was seconded and carried.

3. Lash and Company Education – Centennial – 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, Secretary Wamser motioned to conditionally approve the Standard Certificate of Approval for the period beginning July 1, 2024 and ending June 30, 2027 with the requirement for year-to-date financials submitted quarterly until profitability and stability are achieved. The motion was seconded and carried.

4. Colorado School of Trades – 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 member Wagner motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2024 and ending June 30, 2027. The motion was seconded and carried.

5. All Hands Dental Assisting School – 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, Secretary Wamser motioned to conditionally approve the Standard Certificate of Approval for the period beginning July 1, 2024 and ending June 30, 2027 with the requirement for year-to-date financials submitted quarterly until profitability and stability are achieved. The motion was seconded and carried.

6. Denver Integrative Massage School (aka The School of Botanical & Medical Aesthetics) – 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 Smith motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2024 and ending June 30, 2027. The motion was seconded and carried.

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

Board member Smith recused herself at this time.

1. Colorado School of Healing Arts – Lakewood – AB

Program Specialist Bentz presented to the Board for review and consideration of one new program: Massage Therapy – 500 Hour. 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 program previously mentioned effective February 27, 2024. The motion was seconded and carried.

Board member Smith rejoined at this time.

2. Colorado School for Family Therapy – Aurora – AB

Program Specialist Bentz presented to the Board for review and consideration of one new program: Certificate in Parental Responsibility Evaluation. 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 February 27, 2024. The motion was seconded and carried.

3. Academy of Natural Therapy – Greeley – KS

Program Specialist Solis presented to the Board for review and consideration of three new programs: Esthetics 600-Hour Program, Massage 500 Hours, and Massage 600 Hours. 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 programs previously mentioned effective February 27, 2024. The motion was seconded and carried.

4. Star V Learning Centers – Colorado Springs – MR

Program Specialist Recinos presented to the Board for review and consideration of one new program: CompTIA Career Development Program and five new stand-alone courses: CompTIA Cybersecurity Analyst+, CompTIA Cloud+, CompTIA Linux+, CompTIA Server+, and Cisco Certified Network Associate (CCNA). 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 program and stand-alone courses previously mentioned effective February 27, 2024. The motion was seconded and carried.

E. School Closure Report (No Action Required)

1. Kim Robins Pilates

This school did not enroll any students since it began operating at this location.

2. Transpersonal Hypnotherapy Institute

Effective February 12, 2024, all available student and educational records were submitted electronically to the Division.

3. Well Animal Institute LLC dba K-9 Smiles

Effective January 24, 2024, all available student and educational records were submitted electronically to the Division.

4. Helten Institute of Real Estate Development dba Hired Schools

Effective January 25, 2024, all available student and educational records were submitted electronically to the Division.

5. 160 Driving Academy – Fruita

All student records will be maintained by the Denver location located at 6025 Parkway Dr., Commerce City, CO 80022.

Other Business:

A. Legal Update

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

1. 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.

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.

The Office of Administrative Courts issued an initial decision upon default, revoking National Beauty College's certificate. National Beauty College will have 30 days to file exceptions to the initial decision.

2. IBMC College

At its January 23, 2024 Board meeting, the Board learned that IBMC's surety bond had lapsed for a period of 12 days, starting on January 1, 2024. The Board voted to issue a notice of noncompliance to IBMC. IBMC responded to the Notice of Noncompliance. IBMC responds that the bond lapse was an oversight that will not occur again. IBMC believes bond currently covers all three campuses and is in a sufficient amount. The Board's options include:

- Take no action
- Issue the School a warning
- Issue a Fine/Fee, which is \$1,000 minimum plus \$50 a day
- File a Notice of Charges to Revoke the Certificate of Approval

B. IBMC College

Following discussion with school representatives regarding the response to the Notice of Noncompliance, Board member Smith motioned to table consideration of this matter to Executive session. The motion was seconded and carried.

C. United College of Health and Beauty

This school notified the Division of a change of ownership but had not submitted the change of ownership application by the deadline. The application was submitted today by the new owner. As a matter of law, the certificate of approval is suspended until the change of ownership application is approved by the Board.

D. Springs Truck Driving School

This school's renewal application was denied last year, and the school was notified of the requirement to complete the closure process. The school has been nonresponsive to all communications from the

Division and has not submitted student records. Board member Wagner motioned to table consideration of this matter to executive session. The motion was seconded and carried.

E. Taylor's CDL Training, LLC

Deputy Director Kanaly presented a summary of the investigation conducted by the Division regarding accepting self-pay students. Following discussion with the school representative, Board member Smith motioned to table consideration of this matter to executive session. The motion was seconded and carried.

F. Ritually Rooted

Compliance Investigator Combs presented a summary of the investigation conducted by the Division based on complaints received about this school operating without approval. Following discussion, Board member Smith motioned to table consideration of this matter to executive session. The motion was seconded and carried.

G. TAF

COEO/Director Candler presented a summary of the alternative instrument of surety – Training Assurance Foundation (TAF) – used by International Salon and Spa Academy as their surety. Following discussion with the school and TAF representative, Secretary Wamser motioned to table consideration of this matter to executive session. The motion was seconded and carried.

Following review and consideration of the previous matters discussed during the regular portion of the meeting, Secretary Wamser 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: Fadez Academy Barber College, Northwest Phlebotomy, IBMC College, Springs Truck Driving, Taylor's CDL Training, Ritually Rooter, and TAF 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 12:32 p.m.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and Division staff at 1:02 p.m.

Summary of Return to Regular Session:

After the review and consideration of the matter previously mentioned, Chair Stevens resumed regular session at 2:05 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:

Fadez Academy Barber College

Following review and consideration, Secretary Wamser motioned to conditionally approve the Provisional Certificate effective February 27, 2024 and ending June 30, 2025 with the requirement for the Division to conduct additional monitoring and site visits. The motion was seconded and carried.

Northwest Phlebotomy School

Board member Wagner raised concern regarding the school's curriculum and pass rates. Board member Wagner motioned to table consideration of this application to the next Board meeting to allow the Division to obtain more information about the Phlebotomy course. The motion was seconded and carried.

IBMC College

Secretary Wamser raised concern regarding the bond lapse at each campus. Secretary Wamser motioned to direct Board Counsel to issue a Notice of Fee of \$1,600 per campus for violation. The motion was seconded and carried.

Springs Truck Driving School

Board member Wagner raised concern regarding this school's lack of communication and past violations of statute. Board member Wagner motioned to direct Board Counsel to issue a subpoena for student records and to request the school to remove from its website and marketing materials reference to being an approved private occupational school. The motion was seconded and carried.

Taylor's CDL Training, LLC

Following discussion, Secretary Wamser motioned to direct Board Counsel to issue a subpoena and authorize Counsel to obtain an Injunction order. The motion was seconded and carried.

Ritually Rooted

Board member Wagner raised concern regarding the school's response to the Division. Board member Wagner motioned to direct Board Counsel to issue Cease and Desist order to the school. The motion was seconded and carried.

TAF

Following discussion, Secretary Wamser motioned to issue a Notice of Noncompliance to International Salon and Spa Academy to learn more about TAF as their instrument of surety to determine if this meets the statutory requirements. The motion was seconded and carried.

Adjournment:

Board member Wagner motioned to adjourn the meeting at 2:23 p.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, March 26, 2024, 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.