

MINUTES
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
March 26, 2024 at 9:30 a.m.

Join Zoom Meeting

<https://highered-colorado-gov.zoom.us/j/85236362711?pwd=ZE1OSjJkb0tYYTNraUR6YnBFVnhkQT09>

Meeting ID: 852 3636 2711

Board Members Present:

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

Board Members Absent:

Scott Cardona

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 Kerrie Solis; and
Division Specialist Kristi Connors

Division Staff Absent:

Deputy Director & Compliance Officer Mary Kanaly; and
Program Specialist Assistant Bernadette Esquibel

Board Counsel Present:

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

Guests Present:

Carrie Cathey, International Salon and Spa Academy;
Jesse Farnlof, Colorado Real Estate School;
Tina Cavaliere, Hands On School of Massage;
Monica Vanderbeek, Pima Medical Institute;
Debbie Saiz, Pueblo School of Cosmetology;
Anna Deherrera, Pueblo School of Cosmetology;
Suzi Dennis, Northern Colorado Advanced Aesthetics Academy;
Theresa Emery, Excel Driver Services;
Kaleb Lukert, UCHHealth School of Radiologic Technology;
Gabi Emery, Excel Driver Services;

Nicholas Stennet, Northwest Phlebotomy School;
Melissa Cannata, The CE Shop LLC;
Byung Choo, Max Beauty School;
Eulee Wood, Max Beauty School;
Christine Liebe, Lotus Education Institute;
Tabitha Bump, ACE Surgical Assisting;
Danielle Massagee, UCHealth School of Radiologic Technology;
Alberto Herrera, Western States College of Construction;
Danielle Johnston, Zollege Healthcare Career School;
Kelsie Dunham, VKMD Institute of Medical Aesthetics;
Heather Sherwood, Western States College of Construction;
Chris Koehler, Nutrition Therapy Institute;
Lisa Chavez, Pueblo School of Cosmetology; and
Sean Wyatt, Western States College of Construction

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 February 27, 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 remove items 9 and 12 from Section B and items B and C from Other Business. COEO/Director Candler requested to add International Salon and Spa Academy/Training Assurance Foundation (TAF) to Other Business as new item B to the agenda.

Director / Staff Report

- COEO/Director Candler reported that Deputy Director Kanaly and Program Specialist Assistant Esquibel are both out on medical leave.
- COEO/Director Candler reported that program specialists have been on the road completing site visits around the state.
- COEO/Director Candler reported Dr. Angie Paccione, Deputy Director Kanaly, and CDHE senior staff visited the Colorado School of Healing Arts for a tour and information about their programs from Board member Smith.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. 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 Wagner motioned to deny the Provisional School Application to Operate and amended her motion to direct Board Counsel to issue a Notice of Noncompliance and Denial. The motion was seconded and carried.

B. Consideration of Approval of Renewal

1. Ace Surgical Assisting, Inc – Greenwood Village – 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, 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.

2. Excel Driver Services – Henderson – 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, 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. Lotus Education Institute – Golden – 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, 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. Pima Medical Institute – 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, 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.

5. UCHealth School of Radiologic Technology – Memorial Hospital – 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 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.

6. Hands On School of Massage LLC – Grand Junction – 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.

7. Western States College of Construction – 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 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.

8. Zollege Healthcare Career School – Greenwood Village – 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, 2024 and ending June 30, 2027. The motion was seconded and carried.

9. Zollege Healthcare Career School – Westminster – 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.

10. Nutrition Therapy Institute – Arvada – 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 approve the Standard Certificate of Approval for the period beginning July 1, 2024 and ending June 30, 2027. The motion was seconded and carried.

11. Empire Beauty School – Aurora – 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, 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.

12. Empire Beauty School – Littleton – 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, 2024 and ending June 30, 2027. The motion was seconded and carried.

13. Northern Colorado Advanced Aesthetics Academy – Loveland – 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, 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.

14. Max International Beauty School – Aurora – 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, 2024 and ending June 30, 2027. The motion was seconded and carried.

15. Pueblo School of Cosmetology – Pueblo – 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, 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.

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

1. VKMD Institute of Medical Aesthetics – Colorado Springs - KS

Program Specialist Solis presented to the Board for review and consideration of one new stand-alone course: Dermaplane Certification. 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 conditionally approve the new stand-alone course previously mentioned effective March 26, 2024 with the requirement for year-to-date financials submitted quarterly until profitability and stability are achieved. The motion was seconded and carried.

2. Colorado Real Estate School – Aurora – MR

Program Specialist Recinos presented to the Board for review and consideration of two new stand-alone courses: Broker Reactivation Course and Brokerage Administration. 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 program previously mentioned effective March 26, 2024. 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. National Beauty College (no action required)

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 (no action required)

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. After reviewing IMBC's response to the notice of noncompliance the Board voted at its February 27, 2024 meeting to issue IMBC a notice of fee for \$4,800 (or \$1,600 per campus with three campuses). IBMC timely paid the fee on March 8, 2024.

3. Springs Truck Driving School (no action required)

At its February 27, 2024 meeting, the Division informed the Board that Springs Truck Driving School still had not turned over required records upon closure. The Board denied the School's renewal application, effectively closing the school as of June 30, 2023. The Division also informed the Board that the School was advertising on its website that it was regulated by the Board.

The Board voted to issue a subpoena duces tecum to the School. Lisa Combs personally served the subpoena on March 19, 2024. The subpoena requests the records in 14 days. A cover letter also demanded the school cease advertising that it is regulated by the Board. The School has

since reached out to the Division, inquiring about potentially pursuing an application for approval.

4. Taylor's CDL Training (no action required)

At its February 27, 2024 meeting, the Division informed the Board of its investigation into Taylors' CDL Training, and that investigation had uncovered that the School was accepting self-pay students, and thus operating a private occupational school without approval. The School subsequently applied for exemption, which the Division denied.

Because the Board had issued a cease-and-desist letter to a prior iteration of the School (Randy Lopez CDL, which was owned by Mark Taylor's father), the Board voted to pursue a preliminary injunction against the School. The Board also approved issuing a subpoena duces tecum to the School to seek additional records.

The subpoena duces tecum was served on Friday March 15, 2024, and the School has 14 days to respond. My office is also currently preparing a complaint for an injunction. An attorney for the School has reached out as well.

5. Ritually Rooted (no action required)

At its February 27, 2024 meeting, the Division informed the Board of investigation findings that Ritually Rooted is operating a private occupational school without Board approval. The Board voted to issue a Cease-and-Desist Order to Ritually Rooted. The Cease-and-Desist Order was drafted and the Division did have it served by the Delta County Sheriff's Office.

6. International Salon and Spa Academy/TAF (no action required)

At its February 27, 2024 meeting, the Division informed the Board of some issues related to the International Salon and Spa's bond, which the school indicated was covered through the TAF Fund. Due to concerns that the TAF Fund did not satisfy the Board's statutory requirements for bonds, the Board voted to issue a Notice of Noncompliance to the School.

The School responded to the Notice of Noncompliance on March 20, 2024, which is provided to the Board for consideration. The School has also indicated that it now has a surety bond in place, which it also attaches at the end of its response to the Notice of Noncompliance.

B. International Salon and Spa Academy/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. 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, Chair Stevens 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 matter: International Salon and Spa

Academy/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 11:17 a.m.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and Division staff at 11:18 a.m.

Summary of Return to Regular Session:

After the review and consideration of the matter previously mentioned, Chair Stevens resumed regular session at 11:48 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:

International Salon and Spa Academy/TAF

Following discussion with the school and TAF representative regarding the administration of TAF as an alternative instrument of surety, Secretary Wamser motioned to table this matter to the next Board meeting to determine if this meets the statutory requirements for an alternative surety. The motion was seconded and carried.

Adjournment:

Board member Wagner motioned to adjourn the meeting at 12:13 p.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, April 23, 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.