

MINUTES
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
May 28, 2024 at 9:30 a.m.

Join Zoom Meeting

<https://higherred-colorado-gov.zoom.us/j/82992312593?pwd=T1dLQnpKRmpaLzBnZ0U5V09DSjU2Zz09>

Meeting ID: 829 9231 2593

Passcode: 942469

Board Members Present:

JoAnn Stevens, Chair;
Ellen Wamser, Secretary;
Jessica Wagner (joined the meeting at 9:50 a.m.);
Scott Cardona; and
Chris Smith;

Board Members Absent:

Chad J. Nash

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:

Brandon Lyon, Denver Real Estate School;
Charles Coleman, Denver Real Estate School;
Jessica Hartman, St. Moritz Academy;
Kate Bradford, The Hair & Skin Refinery;
Peggy Rayburn, IntelliTec College;
Tave Accardo, Tave's Nail Academy;
Jen Hash, Lincoln College of Technology;
Tammy Keyes, Foundation Billing and Medical Coding, LLC;
Edvard Mushiev, Lincoln College of Technology;
Neitha Schneider, Tave's Nail Academy;
Kristina Arellano, IntelliTec College;
Apolonia Rockwell, True Safety Services;
Patrick Armbrust, Armbrust Real Estate Institute;

Jennifer Mongan, Academy of Natural Therapy;
Kristy Martinez, IntelliTec College;
David O'Brien, Mpower Career Training;
Michael Pena, True Safety Services;
Meagan Reynolds, Rise Aesthetic Institute;
Lauren Carr, Rise Aesthetic Institute;
Ryan Reynolds, Rise Aesthetic Institute;
Meghan Jurado, ACI Learning;
Marty Langederfer, St. Moritz Academy;
Wayne Zellner, IntelliTec College;
Logan Croissant, Academy of Natural Therapy;
Jeff McGrath, Mpower Career Training;
Carrie Cathey, International Salon and Spa Academy; 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 April 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 reported no additions or changes to the agenda today.

Director / Staff Report

- COEO/Director Candler reported that the Sunset Bill passed the legislative process, and the Division will continue for another 11 years.
- COEO/Director Candler reported that Governor Polis has appointed new Board member Jennifer Hash representing Lincoln College of Technology to start July 2024.
- COEO/Director Candler reported that a bill was introduced during the legislative session to increase the minimum number of hours required for licensure from 500 to 650 hours. This change is scheduled to be effective July 1, 2024. Schools will need to submit a new program or a revision to the current program for approval by the Board. The Division is working with the Governor's office to find a solution to the short implementation time frame.
- Deputy Director Kanaly reported on pre-apprenticeship programs being approved by Colorado Department of Labor to be included on the ETPL and receive funding.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. Rise Aesthetic Institute – Colorado Springs – KS

Program Specialist Solis presented to the Board for review and consideration of a Provisional School Application to Operate including four stand-alone courses: Chemical Peel, Injections, Manual Resurfacing and Exfoliation, and Microneedling and one program: Esthetics. A school representative was present. A site visit completed.

Following review and consideration, Board member Smith motioned to approve the Provisional Certificate effective May 28, 2024 and ending June 30, 2025. The motion was seconded and carried.

2. Denver Real Estate School

Program Specialist Recinos presented to the Board for review and consideration of a Provisional School Application to Operate including two stand-alone courses: Colorado Real Estate Pre-licensing Course offered hybrid and 100% online. A school representative was present. A site visit completed.

Following review and consideration, Secretary Wamser motioned to conditionally approve the Provisional Certificate effective May 28, 2024 and ending June 30, 2025 with the requirement to provide the student contact list for American Real Estate College which was provided to Mr. Lyon by the conservatorship lawyers. The motion was seconded and carried.

A. Consideration of Approval of Renewal

1. Foundation Billing and Medical Coding, LLC – Johnstown – 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. St. Moritz Academy – Centennial – 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.

3. True Safety Services – Greeley – 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.

Due to missing information from the application, Secretary Wamser motioned to table the consideration of the application until the June Board meeting. The motion was seconded and carried.

4. Medisense – Peyton – 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.

5. The Hair and Skin Refinery – Loveland – 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.

6. Western States College of Construction – Denver PL – 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 – Denver SM – KS

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.

8. Armbrust Real Estate Institute – 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, 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.

9. Lincoln College of Technology – 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, 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. Mpower Career Training – Greenwood Village – 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. Avila's Barber School – Fort Collins – 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 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.

12. Higher Elevation Healing Arts School, LLC – Gypsum – 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.

13. Semion Academy – 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, 2024 and ending June 30, 2027. The motion was seconded and carried.

14. The Rita B Institute – 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.

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

1. ACI Learning Tech Academy – Colorado Springs – AB

Program Specialist Bentz presented to the Board for review and consideration of a major revision to the PMP Project Management Professional Certification stand-alone 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, Secretary Wamser motioned to approve the revision to the stand-alone course previously mentioned effective May 28, 2024. The motion was seconded and carried.

2. ACI Learning Tech Academy – Centennial – AB

Program Specialist Bentz presented to the Board for review and consideration of a major revision to the PMP Project Management Professional Certification stand-alone 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, Secretary Wamser motioned to approve the revision to the stand-alone course previously mentioned effective May 28, 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 a new program: Massage 650-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 Smith motioned to approve the new program previously mentioned effective May 28, 2024. The motion was seconded and carried.

4. IntelliTec College – Grand Junction – KS

Program Specialist Solis presented to the Board for review and consideration of a new program: 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, Secretary Wamser motioned to approve the new program previously mentioned effective May 28, 2024. The motion was seconded and carried.

5. IntelliTec College – Pueblo – KS

Program Specialist Solis presented to the Board for review and consideration of a new program: 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, Secretary Wamser motioned to approve the new program previously mentioned effective May 28, 2024. The motion was seconded and carried.

6. Skill Distillery – Greenwood Village – KS

Program Specialist Solis presented to the Board for review and consideration of a new stand-alone course: Java Full-Stack Programming Part Time. 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 revision to the program previously mentioned effective May 28, 2024. The motion was seconded and carried.

7. Vail Valley Dental Assisting School – Eagle – MR

Program Specialist Recinos presented to the Board for review and consideration of two new stand-alone courses: Dental Radiology Program and EFDA 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, Secretary Wamser motioned to approve the two new stand-alone courses previously mentioned effective May 28, 2024. The motion was seconded and carried.

At this time, Chair Stevens recused herself.

8. Aveda Institute – Denver – RA

Program Specialist Acosta presented to the Board for review and consideration of a major revision to the Cosmetology 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 Cardona motioned to approve the revision to the program previously mentioned effective April 23, 2024. The motion was seconded and carried.

At this time, Chair Stevens rejoined the meeting.

D. School Closures (No Action Required)

1. National Beauty College

The school has not enrolled students since the date of closure on 08/23/2023 and all available student and educational records are on deposit at the Division as of 5/10/2024.

2. Institute for the Psychology of Eating

The school has not enrolled students since the date of closure on 05/01/2024 and all available student and educational records are on deposit at the Division as of 5/08/2024.

3. Centriq Training

This is an out-of-state school so all student records will be maintained by the home state.

Other Business:

A. Legal Update

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

1. Springs Truck Driving School (no action)

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

requested an extension of time until April 15, 2024, to deliver the records, and did deliver some records by that date. Further, the records demonstrated the School was accepting students with Workforce Innovation Opportunity Act Funding which is not considered employer paid training, and thus not exempt from approval.

The Board voted to issue a Cease and Desist order to the School as well as pursue a complaint for injunction and civil penalties for failure to deposit records. The Division issued the Cease and Desist order on or about May 7, 2024. Since that time, the School has uploaded additional records, but not all required records. Counsel will also work to prepare a complaint for injunctive relief.

2. 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 responded with some documents and a cover letter from its attorney. The attorney general's office is currently preparing a complaint for injunctive relief which should be filed on May 28, 2024.

B. Tave's Nail Academy

Deputy Director Kanaly summarized the stipulated agreement the Division entered into with Tave's Nail Academy in August 2023 due to the decision by the Board to deny the School's renewal application. The stipulated agreement required the School to submit a provisional application, and all required compliant attachments within 60 days from the effective date of the agreement. If the provisional application is not submitted within 60 days with all required compliant attachments, the fee will not be waived. The School did submit the application within 60 days but did not submit all required compliant attachments. The Division has been working with the School to bring all required documents into compliance, but there are still multiple deficiencies with the application.

Board member Wagner motioned to deny the provisional application due to failure to comply with the requirements of the stipulated agreement. The motion was seconded and carried.

Adjournment:

Secretary Wamser motioned to adjourn the meeting at 11:53 a.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, June 25, 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.