

MINUTES
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
July 23, 2024 at 9:30 a.m.

Join Zoom Meeting
<https://higherred-colorado-gov.zoom.us/j/81618239779?pwd=f2nlax3Y0wbi4GO8DYzXMEvEZ9icjd.1>
Meeting ID: 816 1823 9779
Passcode: 535885

Board Members Present:

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

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:

Michael Beaty, IBMC College;
Jennifer Even, Southern Colorado Dental Academy;
Tom Bezak, IBMC College;
Meghan Jurado, ACI Learning Tech Academy;
Melissa Cannata, The CE Shop;
Daniel Slater, International Guide Academy;
Daryl Korinek, Altitude Real Estate Academy;
Chris Richards, Northern Colorado Dental Assistant School;
Stephan Rosen, Route Ready CDL Academy;
Tristan Tran, Colorado Beauty College;
Bryan Anderson, Route Ready CDL Academy;
Wayne Zellner, IBMC College; and
Igor Sergeev, Aplmed Academy

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 June 25, 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 welcomed new Board member Jen Hash to her first official meeting.
- COEO/Director Candler reported that the Division is working with CDLE to determine procedures for providers who fall outside of our Statute to determine eligibility for workforce funding.
- COEO/Director reported on the continued working relationship with DORA and the MOU in place covering the joint work conducted on behalf the residents of Colorado.
- COEO/Director reported Annual filings are due July 31, 2024.
- COEO/Director reported that the Fall conference for NASASPS is in September for regulators only to discuss current issues and resources with other states.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. RouteReady CDL Academy – Hudson – AB

Program Specialist Bentz presented to the Board for review and consideration of a Provisional School Application to Operate including two programs: 160 Hour Tractor Trailer Training and 75 Hour Straight Truck Training. 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 effective July 23, 2024, and ending June 30, 2026. The motion was seconded and carried.

2. Southern Colorado Dental Academy – Colorado Springs – AB

Program Specialist Bentz presented to the Board for review and consideration of a Provisional School Application to Operate including two programs: Dental Assistant Program and Expanded Functions Dental Assistant Program. 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 approve the Provisional Certificate effective July 23, 2024, and ending June 30, 2026. The motion was seconded and carried.

3. Northern Colorado Dental Assisting School – Greeley – MR

Program Specialist Recinos presented to the Board for review and consideration of a Provisional School Application to Operate including one program: Northern Colorado Dental Assisting School. 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 effective July 23, 2024, and ending June 30, 2026. The motion was seconded and carried.

4. Nueva Imagen Beauty School – Aurora – RA

Program Specialist Acosta presented to the Board for review and consideration of a Provisional School Application to Operate including five programs: Barber, Cosmetology, Esthetician, Hairstylist, and Nail Technician. 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 effective July 23, 2024, and ending June 30, 2026. The motion was seconded and carried.

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

1. ACI Learning Tech Academy – Centennial – AB

Program Specialist Bentz presented to the Board for review and consideration of three new programs each offered hybrid and classroom only: Cyber Security Analyst, IT Support Specialist, and Network 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, Secretary Wamser motioned to approve the new programs previously mentioned effective July 23, 2024. The motion was seconded and carried.

2. ACI Learning Tech Academy – Colorado Springs – AB

Program Specialist Bentz presented to the Board for review and consideration of three new programs each offered hybrid and classroom only: Cyber Security Analyst, IT Support Specialist, and Network 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, Secretary Wamser motioned to approve the new programs previously mentioned effective July 23, 2024. The motion was seconded and carried.

C. School Closures (No Action Required)

1. Elevate Salon Institute

The school has not enrolled students since the date of closure on 02/13/2024 and all available student and educational records are on deposit at the Division as of 5/27/2024.

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 is working on drafting a complaint for injunctive relief.

2. Taylor's CDL Training (no action)

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 prepared a complaint for injunctive relief which was filed on May 28, 2024. Counsel has also sent a proposed stipulation to Mr. Taylor's counsel, who has yet to respond.

3. IBMC – Greeley (action necessary)

At its June 25, 2024, Board meeting, the Board considered IBMC Greeley's application for renewal and determined the application was missing compiled financials from an independent public or certified public accountant. The Board voted to issue the School a notice of noncompliance and nonrenewal. The notice was issued on July 1, 2024, and IBMC submitted its compiled financials within the 14-day response deadline.

If the Board and Division are satisfied with the compiled financials, the Board may decide that IMBC has eliminated the reason(s) for the notice of nonrenewal and approve IBMC's renewal application.

4. International Guide Academy (action necessary)

At its June 25, 2024 Board meeting, the Board considered International Guide Academy's application for renewal and determined the application was missing compiled financials from an independent public or certified public accountant. The Board voted to issue the School a notice of noncompliance and nonrenewal. The notice was issued on July 1, 2024, and International Guide Academy submitted its compiled financials within the 14-day response deadline.

If the Board and Division are satisfied with the compiled financials, the Board may decide that International Guide Academy has eliminated the reason(s) for the notice of nonrenewal and approve IBMC's renewal application.

5. Aplmed Academy (action necessary)

At its June 25, 2024 Board meeting, the Board considered Aplmed Academy's application for renewal. As part of that review, the Division presented information that the School was not in compliance with the Board's Act and Rules, including, but not limited to, the following:

- Although the Board had approved the School to offer a 60-hour Phlebotomy program, the School has been providing a 40-hour Phlebotomy program. The School has never asked for program revision approval from the Division or Board.
- The School has been using an enrollment agreement that was not the approved enrollment agreement.
- The School's enrollment agreement required nonrefundable \$300 deposit.
- The School has not maintained records of complaints or grievances.
- The School was not able to produce transcripts when requested; instead, the School was creating some onsite.
- The School was not able to provide student attendance documentation.

- The School had no attendance documentation at the Division’s initial 2/28/24 site visit. During the follow up visit on 6/12/24, the School provided attendance records for 3 of the 7 students the Division requested to review.

The Board voted to issue a notice of noncompliance and nonrenewal. The notice was sent on July 1, 2024. The School requested an extension to respond until August 15, 2024 due to vacation. That request was denied. The School did not respond any further to the notice of noncompliance.

If the School fails to timely submit responsive information to the notice of noncompliance, the Board may vote to uphold the denial. The School will then have 60 days to request a hearing on the denial.

6. Colorado Beauty College (action necessary)

At its June 25, 2024, Board meeting, the Board considered Colorado Beauty College’s application for renewal. As part of that review, the Division presented information that the School was not in compliance with the Board’s Act and Rules, including, but not limited to, the following:

- At the time of a June 3, 2024, inspection, no instruction was taking place. The students were working independently on computers with little to no support or interaction. Neither textbooks nor other appropriate theory or practical training instruction or equipment were offered/available to the students.
- The School was unable to provide a student roster, or specific records requested. Records were disorganized and not securely stored. Records were placed in piles throughout the various countertops and rooms of the facility.
- The condition of the facility, equipment, and instructional materials were below minimum standards. The facility had multiple hygiene concerns.
- The School later provided a student roster identifying 61 students. With regard to student records inspected, the following was discovered:
 - 23 of the 61 records could not be located and/or provided for review;
 - Student Ha Thi Nguyen’s record was provided to us; however, she was not listed on the current roster.
 - Of the 39 records reviewed, the following was noted:
 - 18 had not attended any classes following enrollment
 - 19 student enrollment agreements had no “end/completion date”
 - All the attendance records in each student file seemed to have been signed off all at once (meaning same pen and handwriting for all dates that a student showed up for instruction). Mr. Tran said Ms. Cong used a notebook to track attendance and then transferred that info into the student records when she got time.
 - The school failed to provide skills completion tracking records for all students. Therefore, Division staff could not ascertain how many hours in each program section were completed.

The Board voted to issue a notice of noncompliance and nonrenewal. The notice was sent to the school on July 1, 2024, requesting student files going back to July 1, 2021, as well as curriculum for the programs, its enrollment agreement, catalogues, instructor history.

The School provided several of the requested records and provided files for approximately 62 students. However, the student files appear to be for students enrolled during 2024. No student files from prior to 2024 have been provided. The student files had minimal notes on tracking student progress and what training had been provided.

If the School has not eliminated the reasons for the notice of noncompliance, the Board may vote to uphold the denial of the School's renewal application. The School will then have 60 days to request a hearing on the denial. The Board may also choose to approve the renewal or renew the School subject to conditions.

7. Tave's Nail Academy (potential action necessary)

On July 25, 2023, (last July) the Board voted to non-renew the certificate of approval for Tave's Nail Academy. To resolve further administrative processes on the nonrenewal, the Board and Tave's entered into a stipulated agreement to allow Tave's to submit a new application for a provisional certificate within a certain amount of time to the Board and have the application fee waived. At its May 2024 meeting, the Board considered Tave's application for a provisional certificate, but the application was not complete and denied the application.

As part of the stipulated agreement, signed by Ms. Accardo on August 22, 2023, Tave's represented:

- I agree that I am not currently enrolling students in Tave's Nail Academy and that I will not enroll students until a provisional certificate of approval has been granted to Tave's Nail Academy by the Board.
- I agree that any students I was teaching at the time of nonrenewal will be offered the opportunity to train out or will be refunded any pre-paid unearned tuition.

The Division recently received a complaint from a student that received training from Tave's from approximately August 15, 2023, until November 17, 2023. The student reported that Tave's informed her the school was "on probation." The student did not pay tuition to Tave's but paid \$300 for a kit and books. The Division also learned that Tave's is still advertising on its website that it is accepting students.

Undersigned counsel sent a letter to Tave's on July 17, 2024, requesting that Tave's refund the student \$300 to resolve the complaint and to cease and desist advertising that the school is accepting students. After that letter was sent, the student-complainant reported that the student received a retaliatory phone call from Ms. Accardo's husband.

Because it appears that Tave's has trained students without a certificate of approval from the Board and is currently advertising that it is enrolling students, the Board may wish to issue a Cease-and-Desist Order to Tave's.

B. IBMC – Greeley

Secretary Wamser reported that she reviewed the compiled financials and approved them. Deputy Director Kanaly discussed the importance of submitting the compiled financials with the school's renewal application by the required deadline for the Division to efficiently and effectively complete the review of the application.

C. International Guide Academy

Secretary Wamser reported that she reviewed the compiled financials and approved them. Deputy Director Kanaly discussed the importance of submitting the compiled financials with the school's renewal application by the required deadline for the Division to efficiently and effectively complete the review of the application.

Board member Wagner motioned to table IBMC-Greeley and International Guide Academy to executive session. The motion was seconded and carried.

D. Colorado Beauty College

Following discussion with the school owner, Board member Wagner motioned to table Colorado Beauty College to executive session. The motion was seconded and carried.

E. Aplmed Academy

Following discussion with the school owner, Board member Wagner motioned to table Aplmed Academy to executive session. The motion was seconded and carried.

F. Tave's Nail Academy

Following discussion with Board Counsel, Board member Wagner motioned to table Tave's Nail Academy to executive session. The motion was seconded and carried.

G. Conditional Board Approval Updates

Deputy Director Kanaly reported on schools that were conditionally approved and how the Division is tracking the conditions being met.

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: Aplmed Academy, International Guide Academy, Colorado Beauty College, IBMC College – Greeley, Tave's Nail Academy, and Apprenticeship programs under CDLE 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 11:11 a.m.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and Division staff at 11:30 a.m.

Summary of Return to Regular Session:

Board member Cardona left the meeting during executive session at 12:42 p.m.

After the review and consideration of the matter previously mentioned, Chair Stevens resumed regular session at 12:45 p.m. The executive session recorder was turned off. The public session recorder was turned on and the 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:

IBMC College - Greeley

Following discussion regarding the school's response to the notice of noncompliance and nonrenewal and the importance of compliance with required deadlines, 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.

International Guide Academy

Following discussion regarding the school's response to the notice of noncompliance and nonrenewal and the importance of compliance with required deadlines, 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.

Colorado Beauty College

Following discussion regarding continued concerns about noncompliance with minimum standards, Secretary Wamser motioned to uphold the denial of the renewal of the school's Certificate of Approval and to direct Board Counsel to issue a summary suspension due to safety concerns for the students. The motion was seconded and carried.

Aplmed Academy, Inc.

Following discussion regarding concerns about the school's failure to respond to the Notice of Noncompliance and Nonrenewal, Board member Wagner motioned to motioned to uphold the denial of the renewal of the school's Certificate of Approval. The motion was seconded and carried.

Tave's Nail Academy

Following discussion regarding concerns about the school continuing to operate, Board member Wagner commented that the Board is comfortable with the Division attaching the bond and continuing to monitor the school.

Adjournment:

Secretary Wamser motioned to adjourn the meeting at 12:58 p.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, August 27, 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: higher.ed.colorado.gov/dpos.