

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

Join Zoom Meeting
<https://higherred-colorado-gov.zoom.us/j/81661225806?pwd=VUdXZWR3ma9OWOKbBmOb4zuNC2iv1o.1>
Meeting ID: 816 6122 5806
Passcode: 388025

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:

Lindsey Reese, Cook Street School of Culinary Arts;
Julia Costin, Cyber Qubits;
Kristen Marshall, Concorde Career College;
Christe Bomber, Hand & Stone Spa;
Joe Holzman, Rocky Mountain Electrical Training Institute;
Jeanette Drew, VKMD Institute of Medical Aesthetics;
Sue Kuhl, Concorde Career College;
Melissa Cannata, The CE Shop;
Dana Richardson, Center Beauty College;
Gurvirender Tejay, Cyber Qubits;
Pete Medd, Mpower Career Training;
Bill Wallick, Homeopathy School International;
Becky Ezzell, Keep Smart Books Academy; and
Rob Bobson, member of general public

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by JoAnn Stevens, Chair, at 9:31 a.m. The Board members, Division staff, and guests were introduced. Board roll call was taken. A quorum was present.

Consideration of Approval of Minutes:

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

Additions / Changes to the Agenda:

COEO/Director Candler requested to remove Skin Addict School of Aesthetics, Item #3 under Section B, from the agenda.

Director / Staff Report

- COEO/Director Candler reported that she has been asked to present at the Fall Conference for NASASPS and Deputy Director Kanaly has been asked to present at the WICHE conference and to participate in a white paper on non-degree credentials.
- COEO/Director reported on the abrupt closure of Mpower Career Training at the end of July. Relevant information was not provided in the school's provisional application. The Division is working with other affected states to find resolution to ultimately protect students.
- Deputy Director Kanaly reported on meeting held with DORA to maintain working relationship and schedule future meetings to continue working together.

New Business/Action Items:

A. Consideration of Approval of Change of Ownership

1. United College of Health and Beauty – Littleton – KS

Program Specialist Solis presented to the Board for review and consideration of approval of a Change of Ownership Application. A school representative was present.

Following review and consideration, Board member Wagner motioned to approve the Change of Ownership effective August 27, 2024 and ending June 30, 2025. The motion was seconded and carried.

2. Allure Academy – Gypsum – RA

Program Specialist Acosta presented to the Board for review and consideration of approval of a Change of Ownership Application. A school representative was present.

Following review and consideration, Secretary Wamser motioned to approve the Change of Ownership effective August 27, 2024 and ending June 30, 2025. The motion was seconded and carried.

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

1. Cyber Qubits, LLC – Greenwood Village – AB

Program Specialist Bentz presented to the Board for review and consideration of two new programs: Enterprise Cybersecurity Specialist and Enterprise Cybersecurity Management. 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 August 27, 2024. The motion was seconded and carried.

2. Rocky Mountain Electrical Training Institute – Denver – AB

Program Specialist Bentz presented to the Board for review and consideration of one new stand-alone course: Electric Motor Control. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration, Secretary Wamser motioned to approve the new stand-alone course previously mentioned effective August 27, 2024. The motion was seconded and carried.

3. Glenwood Beauty College – Glenwood Springs – KS

Program Specialist Solis presented to the Board for review and consideration of one new program: Cosmetology. 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 August 27, 2024. The motion was seconded and carried.

4. 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: Microneedling. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration, Secretary Wamser motioned to approve the new stand-alone course previously mentioned effective August 27, 2024. The motion was seconded and carried.

5. Concorde Career College – Aurora – MR

Program Specialist Recinos presented to the Board for review and consideration of two new programs: Sterile Processing Technician and Phlebotomy Technician. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration, Board member Wagner motioned to approve the new Sterile Processing Technician program and conditionally approve the Phlebotomy Technician program with the

requirement to change the Lab student/teacher ratio from 30:1 to 15:1 effective August 27, 2024. The motion was seconded and carried.

C. School Closures (No Action Required)

1. At-Home Professions

The school has not enrolled students since the date of closure on 07/31/2024. This school is a division of Weston Distance Learning who also oversees US Career Institute. Weston will continue to maintain and service all student records for this school.

2. KMG Academy

The school has not enrolled students since the date of closure on 04/29/2024 and all available student and educational records are on deposit at the Division as of 08/15/2024.

3. National School of Dental Assisting – Grand Junction

The school has not enrolled students since the date of closure on 05/06/2024 and all available student and educational records are on deposit at the Division as of 08/08/2024.

D. School Surety Decreases (No Action Required)

1. Keep Smart Books Academy – AB

Program Specialist Bentz presented to the Board a request for a surety decrease from \$100,000 to \$35,000 based on the pre-paid tuition over the past 12 months.

2. Cook Street School of Culinary Arts – AB

Program Specialist Bentz presented to the Board a request for a surety decrease from \$450,000 to \$425,000 based on the pre-paid tuition over the past 12 months.

3. Homeopathy School International – MR

Program Specialist Recinos presented to the Board a request for a surety decrease from \$45,000 to \$30,000 based on the pre-paid tuition over the past 12 months.

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 has drafted a complaint for injunctive relief, deposit of records, and civil penalties. Counsel is finalizing the draft complaint and plans to file it by end of next week.

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. Aplmed Academy (no action)

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.

At its July 2024 meeting, the Board voted to uphold the denial of the School’s renewal application. The School timely requested a hearing on the denial. Thus, Counsel is working on a notice of denial to file with the office of administrative courts to initiate the hearing process.

4. Colorado Beauty College (no action)

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.

At the Board's July 2024 meeting, the Board voted to deny the School's renewal application and summarily suspend the School's certificate of approval due to health and safety conditions of the school. The summary suspension order was sent to the School on July 26, 2024, and the School has until September 21, 2024, to request a hearing on the denial.

B. Listening Hands Seminar

Compliance Investigator Combs presented a summary of the investigation of a complaint of an unauthorized school. An unauthorized school letter was sent to the school instructing the school to submit an exemption request. The school owner has acknowledged receipt of the letter but has made no attempt to file an exemption request. Secretary Wamser motioned to move Listening Hands Seminar to executive session. The motion was seconded and carried.

C. Mpower Career Training

COEO/Director Candler presented a summary to date of the ongoing closure of this school. The Division has learned that the school did not provide information on the funding sources used to pay for tuition during their provisional application phase. The school used employer reimbursement agreements and 3rd party lenders to fund the tuition. The Division has evidence that the enrollment agreements were not signed by an approved agent which would make all agreements unenforceable in Colorado. The students are left holding the notes with no recourse available to them and possible harmful effects to their credit reports. The Division is asking for the notes to be cancelled so that the students will not be held responsible. Mpower has provided transcripts to the Division, but numerous students have reported inaccuracies exist. Secretary Wamser motioned to move Mpower Career Training 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: Listening Hands Seminar and Mpower Career Training 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 11:46 a.m.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and Division staff at 12:05 p.m.

Summary of Return to Regular Session:

After the review and consideration of the matter previously mentioned, Chair Stevens resumed regular session at 12:51 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:

Mpower Career Training

Following discussion regarding how to proceed with the school closure to protect students affected by the closure, Secretary Wamser motioned to authorize subpoenas for all necessary parties involved to obtain any and all records necessary to investigate and fully understand the matter at hand and direct counsel to confer with the consumer protection unit in the Attorney General's office to use their expertise in this matter as well. The motion was seconded and carried.

Listening Hands Seminar

Following discussion regarding the school's non-response to the unauthorized school letter and the lack of communication from the school, Secretary Wamser motioned to direct Counsel to issue a Cease and Desist order. The motion was seconded and carried.

Adjournment:

Board member Wagner 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, September 24, 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.