

MINUTES
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
October 22, 2024 at 9:30 a.m.

Join Zoom Meeting
<https://highered-colorado-gov.zoom.us/j/81853455909?pwd=OxhbxRQqA30ifimaetjMvqG00u3pp3.1>
Meeting ID: 818 5345 5909
Passcode: 749795

Board Members Present:

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

Board Members Absent:

Ellen Wamser, Secretary

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;
Division Accountant Greg Simonds; and
Division Specialist Kristi Connors

Board Counsel Present:

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

Guests Present:

Joe Trussell, CDL 303;
Jessica Niemy, Galvanize;
Scott Maurer, CDL 303;
Lear Johnson, Durango Nail Academy;
Crystal Riggs, Durango Nail Academy;
Lauren Flanigan, Galvanize;
Carrie Cathey, International Salon and Spa Academy;
Tim Guana, Colorado Crane Operator School;
Troy Clark, Colorado Crane Operator School;
Paula Hirsch, Colorado Crane Operator School;
Michelle Hill, United States Truck Driving School;

Melissa Cannata, The CE Shop LLC;
Anissa Edwards, United States Truck Driving School;
Tanya Smith, Skin Addict School of Aesthetics;
Beverly Sotelo, general public;
John Whiteman, Colorado School of Clinical Herbalism; and
Chris Koehler, Nutrition Therapy Institute

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 September 24, 2024 regular 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 Center Beauty College to Other Business.

Deputy Director / Staff Report

- COEO/Director Candler reported that she attended and presented at the Fall Conference for NASASPS in Baltimore, Maryland. She attended a session discussing Artificial Intelligence and the possible uses for state regulators including financial analysis and reviews.
- COEO/Director Candler provided an update on the Mpower Career Training school closure. The Division has worked to ensure that students who entered into 3rd part student loans for their tuition have had these loans cancelled and will be free from this obligation.
- COEO/Director Candler reported on continued discussions with representatives from the Governor's office and Colorado Department of Labor and Employment regarding non-degree credentials.
- COEO/Director Candler reported on the Division's work to update or revise our Rules and Regulations for 2025 with a Stakeholder meeting scheduled for January 14, 2025.
- COEO/Director Candler reported that the Board's Annual Retreat will be held on January 14, 2025, immediately following the Stakeholder meeting.
- Deputy Director Kanaly reported that the Division is continuing to hold discussions with CDLE regarding apprenticeships.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. CDL 303 – Commerce City – AB

Program Specialist Bentz presented to the Board for review and consideration of a Provisional School Application to Operate including one program: Class A Combination CDL 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, Board member Wagner motioned to approve the Provisional Certificate effective October 22, 2024, and ending June 30, 2026. The motion was seconded and carried.

2. United States Truck Driving School – Fort Carson – AB

Program Specialist Bentz presented to the Board for review and consideration of a Provisional School Application to Operate including one program: Master Tractor Trailer Driver 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 October 22, 2024, and ending June 30, 2026. The motion was seconded and carried.

3. Durango Nail Academy – Durango – KS

Program Specialist Solis presented to the Board for review and consideration of a Provisional School Application to Operate including one program: 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, Board member Smith motioned to approve the Provisional Certificate effective October 22, 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. Colorado Crane Operator School – Frederick – AB

Program Specialist Bentz presented to the Board for review and consideration of one new program: Three Week Crane Operator 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 Wagner motioned to approve the new program previously mentioned effective October 22, 2024. The motion was seconded and carried.

2. True Safety Services – Greeley – AB

Program Specialist Bentz presented to the Board for review and consideration of a new program: Class B CDL. 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 October 22, 2024. The motion was seconded and carried.

3. Denver Ad School – Denver – MR

Program Specialist Recinos presented to the Board for review and consideration of three new programs: Art Direction Remote, Copywriting Remote, and Strategy Remote. 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 Hash motioned to approve the new programs previously mentioned effective October 22, 2024. The motion was seconded and carried.

4. The CE Shop, LLC – Greenwood Village – MR

Program Specialist Recinos presented to the Board for review and consideration of one program: 22-hour Colorado Mortgage Loan Originator Pre-Licensing. 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 stand-alone courses previously mentioned effective October 22, 2024. The motion was seconded and carried.

5. Colorado School of Clinical Herbalism – Lafayette – RA

Program Specialist Acosta presented to the Board for review and consideration of one program: Fundamentals of Medical Herbalism Online. 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 October 22, 2024. The motion was seconded and carried.

C. Surety Decrease (No Action Required)

Galvanize is requesting a decrease in surety amount from \$7,164,672 to \$2,005,000 due to declining enrollment over the past year. The Board requests Galvanize to submit additional financial information for review by Board Secretary Wamser to ensure the new enrollment numbers and operational costs will not have a negative effect on the school's financial stability.

School Closures (No Action Required)

1. American Real Estate College

The school has not enrolled students since the date of closure on 02/12/2024 and all available student and educational records are on deposit at the Division as of 09/26/2024.

2. Kantor & Company

The school has not enrolled students since the date of closure on 10/1/2024 and all available student and educational records are on deposit at the Division as of 10/22/2024.

3. U of Q Institute

The school has not enrolled students since the date of closure on 05/23/2023 and all available student and educational records are on deposit at the Division as of 10/22/2024.

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 that 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. The complaint was filed on August 30, 2024, and Counsel's office is working on serving the complaint.

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 resolve this case to Mr. Taylor's counsel, who has yet to respond. Because Taylors

CDL did not file a timely answer, the AG's office filed a motion for entry of default on October 15, 2024. Taylors CDL will have 21 days to respond to the motion for entry of default.

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. The School timely requested a hearing on the denial of its renewal application on September 18, 2024. A notice of charges was filed on October 5, 2024, and a hearing is currently set for December 16-17, 2024.

B. Ritually Rooted

Counsel provided an update on the status of Ritually Rooted. Based on complaints and an investigation by the Division, the Board voted to issue a Cease and Desist order which was issued in March 2024. The school responded with multiple unclear letters that did not seem to relate to the Cease and Desist order. The Division has continued to monitor this school and discovered that the school is still offering courses in direct conflict with the Cease and Desist order.

C. Skin Addict School of Aesthetics

Compliance Investigator Combs presented a summary of the investigation completed based on two complaints received regarding this school. The complaints allege that the school was providing advanced aesthetics courses like microneedling, lash extensions, chemical and manual exfoliation, and so forth, to unlicensed aesthetic students. The certificates of completion for these advanced courses would be provided to the students upon state licensure of the basic aesthetic students. These advanced trainings were also being taught prior to receiving official Board approval.

Following additional discussion with the school's owner, Tanya Smith, regarding how these students will be affected by the noncompliant practice of allowing unlicensed aesthetics students to take the advanced training courses, Board member Wagner motioned to move Colorado Beauty College, Springs Truck Driving School, Skin Addict School of Aesthetics, and Ritually Rooted to executive session. The motion was seconded and carried.

D. Conditional Board Approvals Update

Deputy Director Kanaly provided an update on conditional Board approvals. True Safety Services and Cyber Qubits, LLC have met the requirements and satisfied the conditions set for the conditional Board approval. The Division has changed the conditional approval to a full approval.

E. Center Beauty College

Deputy Director Kanaly provided information regarding Center Beauty College located in Pueblo, Colorado. The Division learned last week that the school has been evicted from the building that they were located in. Deputy Director Kanaly traveled to Pueblo and spoke with the owners of the building who confirmed the eviction for nonpayment of rent for the last 12 months. The eviction was completed by the local sheriff's office. Deputy Director Kanaly also had a phone conversation with the school owner who indicated that they are looking for a new location to operate. The school owner was reminded that operating in a new location could not begin until a change of location application and current financials were submitted and reviewed by the Division. A site visit of the new location also needs to be completed prior to approval of the application.

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: Colorado Beauty College, Skin Addict School of Aesthetics, Springs Truck Driving School, and Ritually Rooted 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 11:45 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 1:00 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:

Skin Addict School of Aesthetics

Chair Stevens expressed concern with the school not following licensure rules as set forth by the Department of Regulatory Agencies, DORA, and the misrepresentation of their student catalog when it comes to identifying only licensed students could enroll in the advanced training courses. These are violations of minimum standards pursuant to C.R.S. §23.64.112. Students are at risk of having their licensure suspended or revoked by DORA.

Board member Wagner motioned to direct Counsel to issue a notice of noncompliance for failure to meet minimum standards set forth in C.R.S. §23.64.112 and direct the school owner to provide a list of the potentially affected students to the Division. The motion was seconded and carried.

Ritually Rooted

Board member Wagner expressed concern that the school owner appears to be ignoring the previously issued Cease and Desist order and motioned to instruct Counsel to pursue a complaint for injunction. The motion was seconded and carried.

Adjournment:

Board member Smith motioned to adjourn the meeting at 1:09 p.m.. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, December 3, 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: higherred.colorado.gov/dpos.