

MINUTES
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
December 3, 2024 at 9:30 a.m.

Join Zoom Meeting
<https://higherred-colorado-gov.zoom.us/j/87362064039?pwd=RLWUblGKIPT6u4q8CbK8HBhVlhTwHU.1>
Meeting ID: 873 6206 4039
Passcode: 767635

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
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

Division Staff Absent:

Compliance Investigator Lisa Combs

Board Counsel Present:

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

Guests Present:

Heather Sherwood, Western States College of Construction;
Kelli Kocak, Star V Learning Centers;
Joe Deering, Star V Learning Centers;
Donald Cotham, Auguste Escoffier School of Culinary Arts;
Kathleen Ahearn, Auguste Escoffier School of Culinary Arts;
Lory Nasalroad, Western States College of Construction;
Jennifer Burrell, Auguste Escoffier School of Culinary Arts;
Chris Koehler, Nutrition Therapy Institute;
Carrie Cathey, International Salon and Spa Academy;
Lauren Flanigan, Galvanize;
Christopher Cipoletti, Colorado Academy of Veterinary Technology;

Monique Turek, Solar Energy International;
Danielle Johnston, Zollege Healthcare Career School;
Nancy West, Zollege Healthcare Career School;
Crystal May, Zollege Healthcare Career School;
Lauren Richardson, Auguste Escoffier School of Culinary Arts;
Michael Brook, Opus Colorado College of Music;
Pete Gilkey, Zollege Healthcare Career School;
Margarita Menchaca, Zollege Healthcare Career School;
Andre Gilliland, Western States College of Construction;
Ally Biernat, Digital Workshop Center;
Stu Crair, Digital Workshop Center;
Melissa Cannata, The CE Shop;
Wendy Knapp, Solar Energy International;
Dana Richardson, Center Beauty College;
Sam Ogah, ZICT; and
Jessica Niemy, Galvanize

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 October 22, 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.

Deputy Director / Staff Report

- COEO/Director Candler reported that the Annual Board Retreat will potentially be on January 14, 2025, as well as the stakeholder meeting. Please watch for the notice about the stakeholder meeting to be posted on the Division's website and emailed to all schools.
- COEO/Director Candler announced she will be presenting a panel discussion about Anti-Human Trafficking at the international CLEAR symposium on December 4, 2024 to bring more awareness to this issue.
- Deputy Director Kanaly announced that 2025 Renewal applications will be available in DPOS Connect for all in-state schools with a certificate of approval that expires in 2025 on January 22, 2025.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. Colorado Springs Medical Assistant School – Colorado Springs - KS

Program Specialist Solis presented to the Board for review and consideration of a Provisional School Application to Operate including one program: Medical Assistant Hybrid. 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 December 3, 2024, and ending June 30, 2026. The motion was seconded and carried.

2. Denver Medical Assistant School – Lakewood - KS

Program Specialist Solis presented to the Board for review and consideration of a Provisional School Application to Operate including one program: Medical Assistant Hybrid. 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 December 3, 2024, and ending June 30, 2026. The motion was seconded and carried.

3. Loveland Dental Assistant School – Loveland – KS

Program Specialist Solis presented to the Board for review and consideration of a Provisional School Application to Operate including one program: Dental Assistant Hybrid. 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 December 3, 2024, and ending June 30, 2026. The motion was seconded and carried.

4. Loveland Medical Assistant School – Loveland – KS

Program Specialist Solis presented to the Board for review and consideration of a Provisional School Application to Operate including one program: Medical Assistant Hybrid. 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 December 3, 2024, and ending June 30, 2026. The motion was seconded and carried.

5. Pueblo Medical Assistant School – Pueblo – KS

Program Specialist Solis presented to the Board for review and consideration of a Provisional School Application to Operate including one program: Medical Assistant Hybrid. 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 December 3, 2024, and ending June 30, 2026. The motion was seconded and carried.

6. Western States College of Construction – Colorado Springs – KS

Program Specialist Solis presented to the Board for review and consideration of a Provisional School Application to Operate including one program: Sheet Metal 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 December 3, 2024, and ending June 30, 2026. The motion was seconded and carried.

7. Opus Colorado College of Music – Boulder - MR

Program Specialist Recinos presented to the Board for review and consideration of a Provisional School Application to Operate including two programs: Artist Diploma in Music Performance and Performance Certificate in Music Performance. 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 December 3, 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. Digital Workshop Center – Fort Collins - AB

Program Specialist Bentz presented to the Board for review and consideration of four major revision applications: Digital Marketing Certificate, Frontend Web Development Bootcamp, Data Analytics Certification, and UX Design Certificate. 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 major revisions previously mentioned effective December 3, 2024. The motion was seconded and carried.

2. Solar Energy International – Paonia - AB

Program Specialist Bentz presented to the Board for review and consideration of a new stand-alone course: PVOL095: Introduction to Operations and Maintenance for Large-Scale PV Systems - 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 Smith motioned to approve the new stand-alone course previously mentioned effective December 3, 2024. The motion was seconded and carried.

3. United States Truck Driving School – Wheat Ridge – AB

Program Specialist Bentz presented to the Board for review and consideration of four new programs: Advanced Tractor Trailer Driver Program, Professional Tractor Trailer Driver Program, Automatic Tractor Trailer Driver Program, and ELDT Theory and Commercial Learners Permit (CLP) Course – Self Pace. 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 table discussion of the new programs previously mentioned until the January 2025 Board meeting. The motion was seconded and carried.

4. ZICT LLC dba Zoe Innovation Cloud Technology – Denver – AB

Program Specialist Bentz presented to the Board for review and consideration of one new program: AI/ML Mastery & AWS ML Associates Exam Prep. 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 December 3, 2024. The motion was seconded and carried.

5. Lash and Company Education – Centennial – KS

Program Specialist Solis presented to the Board for review and consideration of one new stand-alone course: Dermaplaning and one major revision to the Microneedling 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 new stand-alone course and major revision previously mentioned effective December 3, 2024. The motion was seconded and carried.

6. Lash and Company Education – Fort Collins – KS

Program Specialist Solis presented to the Board for review and consideration of four new stand-alone courses: Dermaplaning, Advanced Dermal Fillers, Intro to Dermal Fillers, and Advanced Botulinum Toxin and one major revision to the Intro to Botulinum Toxin 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, Board member Smith motioned to approve the new stand-alone courses and major revision previously mentioned effective December 3, 2024. The motion was seconded and carried.

7. Lash and Company Education – Thornton – KS

Program Specialist Solis presented to the Board for review and consideration of one major revision to the Microneedling 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, Board member Hash motioned to approve the major revision previously mentioned effective December 3, 2024. The motion was seconded and carried.

8. Auguste Escoffier School of Culinary Arts – Boulder - MR

Program Specialist Recinos presented to the Board for review and consideration of four new stand-alone courses: CU 102 – Culinary Foundations I, CU 103 – Culinary Foundations II, PA 103 – Fundamentals of Baking and Pastry I, and PA 105 – Fundamentals of Baking and Pastry II. 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 courses previously mentioned effective December 3, 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. Secretary Wamser reviewed additional financial information provided by the schools and determined that the request is reasonable.

School Closures (No Action Required)

1. Starkey International Institute

The school has not enrolled students since the date of closure on 05/23/2024 and all available student and educational records are on deposit at the Division as of 10/28/2024.

2. Blades and Fades Barber Academy

The school has not enrolled students since the date of closure on 06/30/2024 and all available student and educational records are on deposit at the Division as of 11/6/2024.

Board member Wagner motioned to take a 15 minute recess. The motion was seconded and approved.

The meeting resumed at 12:20 p.m.

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. The court entered default against Taylor's CDL on November 12, 2024. Counsel is drafting a motion for entry of default judgment, asking the court to enter a permanent injunction upon 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. The notice of charges was filed on October 31, 2024. The School's answer is due December 2, 2024. A hearing setting conference is scheduled for December 12, 2024.

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. Springs Truck Driving School

Counsel noted that this is a matter of high importance for the Board due to concern that the school may be still operating and is possibly opening a new location in southern Colorado. The injunction has been served, and we will move forward with the complaint for injunction, civil penalties, and deposit of records.

C. She She University

Deputy Director Kanaly provided an update on the status of She She University. The school owner sold the salon where the school was located. The Division has tried numerous times to contact the school owner to obtain an update about the location of the school or if the owner intends to close the school. The Division has received no response to any attempts. The Division recommends that Board direct Counsel to issue a letter and subpoena to the school to obtain the school records if the school is closed. Board member Wagner motioned to direct Counsel to issue a letter to She She University explaining the appropriate closing process and the payment of incurred fines that have accumulated. The motion was seconded and carried.

D. Tave's Nail Academy

Deputy Director Kanaly updated the Board on the school's progress with the closure process. The school did submit some student records, but not all records as required. Board member Hash motioned to direct Counsel to issue a letter and subpoena to Tave's Nail Academy to secure the remaining student records. The motion was seconded and carried.

E. Skin Addict School of Aesthetics

Counsel presented an update on this school's response to the notice of noncompliance that the Board voted to issue at the October Board meeting. The notice of noncompliance was sent to the school on November 8, 2024, with a due date for the school to submit a response of November 22, 2024, at 5:00 p.m. The school submitted its response to the Division on that date, but not until 5:30 p.m. Due to the holiday week, Counsel did not have ample time to review the school's response. Board member Smith motioned to table Skin Addict School of Aesthetics to the January Board meeting. The motion was seconded and carried.

F. Center Beauty College

Deputy Director Kanaly provided information regarding Center Beauty College located in Pueblo, Colorado. As was reported at the last Board meeting, following eviction from the school's approved location in Pueblo, Colorado, they submitted a change of location application. However, the application needs some corrections and is missing critical components. The Division has received some complaints from students about the sudden and unexpected, temporary closure of the school. The Division asked the school owner to submit copies of the communication the school has had with students to verify that students are aware of the situation and understand that no classes can be held at this time.

G. Conditional Board Approvals Update

Deputy Director Kanaly provided an update on the status of schools who were granted Conditional Board Approvals for their renewal applications. Alandi Ayurveda Gurukula and VKMD Institute of Medical Aesthetics both fulfilled the requirements of submitting quarterly financial statements to be reviewed. Secretary Wamser has reviewed the financials and approved these two schools to be removed from the conditional approval and be granted full approval to operate.

Colorado Academy of Veterinary Technology has submitted quarterly financial statements and financial projections for review. Secretary Wamser motioned to extend the conditional approval to the January 28, 2025 Board meeting with the requirement for the school to submit the full set of financials for 2024. The motion was seconded and carried.

Star V Learning Centers was granted an extension of their conditional Board approval at the June 25, 2024 Board meeting and submitted additional financial statements for review. Secretary Wamser motioned to extend the conditional approval to the January 28, 2025 Board meeting with the requirement for the school to submit the full set of financials for 2024. The motion was seconded and carried.

Adjournment:

Board member Cardona motioned to adjourn the meeting at 1:19 p.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, January 28, 2025, 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.