

MINUTES
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
January 28, 2025 at 12:17 p.m.

Join Zoom Meeting
<https://higherred-colorado-gov.zoom.us/j/85617665617?pwd=SvtyLraEmBJp2wJMMV99yIXEzBUmEj.1>
Meeting ID: 856 1766 5617
Passcode: 949640

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;
Division Accountant Greg Simonds; and
Division Specialist Kristi Connors

Board Counsel Present:

Natalie Powell, Senior Assistant Attorney General, Office of the Colorado Attorney General; and
Paige Olson, Assistant Attorney General, Office of the Colorado Attorney General

Guests Present:

AJ Bayer, Flatiron School;
Michelle Hill, United States Truck Driving School;
Ben Shepherd, United States Truck Driving School;
Scott Mauer, CDL 303;
Ryan Minic, Pima Medical Institute;
Jennifer Briggie, U.S. Career Institute;
MaryAnn Terrones, LionGodz Tattoo Studio;
Joe Trussell, CDL 303;
Kirsten Frederick, Pima Medical Institute;
Tanya Smith, Skin Addict School of Aesthetics;
Kaleb Lukert, UCHHealth School of Radiologic Technology;
Natalie DiManna, Pima Medical Institute;

Rebecca Martin, Estes Park Massage School;
Desarae Marhofer, Beautiful You Skincare Academy;
Melissa Cannata, The CE Shop;
Carrie Cathey, International Salon and Spa Academy;
Christopher Cipoletti, Colorado Academy of Veterinary Technology;
Dana Richardson, Center Beauty College; and
Eric Allen, UCHealth School of Radiologic Technology

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by JoAnn Stevens, Chair, at 12:17 p.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 December 3, 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 reported no additions or changes to the agenda.

Deputy Director / Staff Report

- COEO/Director Candler reported on the Division meeting with Colorado Workforce Development Council to discuss the oversight of apprenticeships and pre-apprenticeships.
- COEO/Director Candler reported on the Division meeting with Colorado Department of Labor and Employment to discuss the future of the Eligible Training Provider List (ETPL) since it uses the same vendor as DPOS Connect to link providers and reduce duplicate applications.
- COEO/Director Candler announced that the Truck Driving Task Force has reconvened to ensure better oversight of commercial truck driving education, compliance matters, and truck driver safety concerns.
- COEO/Director Candler attended the Denver Against Trafficking Association meeting.
- COEO/Director Candler reported that Rulemaking for 2025 has concluded with the Board voting to approve proposed changes during the hearing held this morning.
- COEO/Director Candler reported on the start of the legislative session and that the Division is monitoring any new or proposed bills that could affect DPOS schools.
- COEO/Director Candler introduced the new Board Counsel – Paige Olson who will replace Natalie Powell. They will work together over the next few months to bring everyone up to speed on all on-going matters for the Board and Division.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. Estes Park Massage School – Estes Park - AB

Program Specialist Bentz presented to the Board for review and consideration of a Provisional School Application to Operate including one program: 650 hour Massage Therapy 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 January 28, 2025, and ending June 30, 2026. The motion was seconded and carried.

2. Beautiful You Skincare Academy – Colorado Springs – KS

Program Specialist Solis presented to the Board for review and consideration of a Provisional School Application to Operate including one program: Esthetics and nine stand-alone courses: Advanced Brow Skills, Brazilian Waxing, Chemical Peels, Dermaplaning, Eyelash Extensions, Lash Lifting & Tinting, Manual Resurfacing, Microneedling, and Permanent Makeup. 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 January 28, 2025, and ending June 30, 2026. The motion was seconded and carried.

3. LionGodz Tattoo Studio – Pueblo – MR

Program Specialist Recinos presented to the Board for review and consideration of a Provisional School Application to Operate including five programs: 132 Hour Permanent Makeup, Eyelash Extension, Eyelash Lift, Microblading, and Microshade. A school representative was present. A site visit was completed.

Following discussion with the school owner regarding instructional delivery of the online theory portion of the Permanent Makeup program, Board member Wagner motioned to move LionGodz Tattoo Studio to executive session. The motion was seconded and carried.

At this time, Board member Wagner left the meeting.

B. Consideration of Approval of Out-of-State Provisional Certificate

1. Flatiron School – New York, NY – BE

Program Specialist Assistant Esquibel presented to the Board for review and consideration of an Out-of-State Provisional School Application to Operate. A school representative was present. The school is approved by the home state of New York to operate.

Following review and consideration, Secretary Wamser motioned to approve the Provisional Certificate effective January 28, 2025, and ending June 30, 2025. The motion was seconded and carried.

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

1. CDL 303 – Commerce City – AB

Program Specialist Bentz presented to the Board for review and consideration of one new stand-alone course: RoadAware/CDL303 Mountain Ready Training. 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 previously mentioned course effective January 28, 2025. The motion was seconded and carried.

2. Pima Medical Institute - Denver - AB

Program Specialist Bentz presented to the Board for review and consideration of a new program: Ophthalmic Assistant. 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 January 28, 2025. The motion was seconded and carried.

3. Rocky Mountain Electrical Training Institute – Denver – AB

Program Specialist Bentz presented to the Board for review and consideration of one new stand-alone course: Fast Track Journeyman 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 new previously mentioned course effective January 28, 2025. The motion was seconded and carried.

4. UCHealth School of Radiologic Technology – Memorial Hospital – Colorado Springs – AB

Program Specialist Bentz presented to the Board for review and consideration of a major revision application for the stand-alone course: Computed Tomography. 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 major revision to the previously mentioned course effective January 28, 2025. The motion was seconded and carried.

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

Program Specialist Bentz presented to the Board for review and consideration of three new programs: Advanced Tractor Trailer Driver Program, Professional Tractor Trailer Driver Program, and Automatic Tractor Trailer Driver Program and one new stand-alone course: 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 approve the three previously mentioned programs effective January 28, 2025. The motion was seconded and carried.

Board member Hash motioned to table the stand-alone course previously mentioned to allow the school to work with Division staff for more clarification on how to move forward with this course. The motion was seconded and carried.

At this time, Board member Wagner rejoined the meeting.

6. Lash & Company – Centennial, Fort Collins, and Thornton – KS

Program Specialist Solis presented to the Board for review and consideration of one new stand-alone course at three locations: Nano Brows. 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 course previously mentioned at Lash & Company’s Centennial, Fort Collins, and Thornton locations effective January 28, 2025. The motion was seconded and carried.

School Closures (No Action Required)

1. ACI Learning Tech Academy - Centennial

The school has not enrolled students at this location since the date of closure on 1/20/2025. All student records will be maintained at the Colorado Springs location in a secure database.

2. ACRE School

The school has not enrolled students since the date of closure on 06/29/2024 and all available student and educational records are on deposit at the Division as of 1/14/2025.

3. Frequent Flyer Productions

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 11/21/2024.

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. The complaint was served on November 23, 2024, and the school did not timely answer. Counsel is finalizing a motion for default judgement that must be filed with the Court by February 3, 2025.

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. The court entered default judgement against Taylor's CDL on January 1, 2025, entering a permanent injunction against Taylors CDL from operating a private occupational school without approval from the Board. Taylors CDL did not timely appear the order.

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. The School did not file an answer. A hearing is set for September 29-30, 2025. Counsel will confer with the School before initiating default proceedings.

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 hearing was set for December 16-17, 2024. However, a few days before the hearing, the School decided to withdraw its request for a hearing. Thus, the Board's non-renewal of the School's certificate is final.

5. Tave's Nail Academy (no action)

Tave's Nail Academy closed over the summer of 2024 due to Ms. Accardo's passing. The Division has been working with former school representatives to obtain copies of records upon closure. While the school has uploaded some records, some records are still outstanding.

Per the Board's vote at its December 2024 meeting, Counsel and the Division have prepared a cover letter and subpoena to the school to seek to obtain the remaining records. The letter and subpoena are being finalized and will be sent out on January 24, 2025.

6. She She University (no action)

She She University has not submitted the required annual filings and quarterly assessments this past year resulting in fines that are as of this date, unpaid:

- Annual filings due 7/31/2024 – \$500 late fee
- Quarterly Assessment due 4/15/2024, 7/15/2024, 10/15/2024, and 1/15/2025 resulting in late fees of \$300, \$500, \$500, and \$500

Additionally, the School has failed to submit a notice of a change of location.

Per the Board's vote at its December 2024 meeting, Counsel and the Division have prepared a cover letter and subpoena to the school to seek clarification about whether the school is operating, and if not, to obtain the school's student records. The letter and subpoena are being finalized and will be sent out January 24, 2025.

7. Ritually Rooted (no action)

At its February 27, 2024 meeting, the Division informed the Board of investigation findings that Ritually Rooted is operating a private occupational school without Board approval. The Board voted to, and did, issue a Cease-and-Desist Order to Ritually Rooted on March 8, 2024.

The Division received information that Ritually Rooted continued to operate a private occupational school despite the Cease and Desist Order. At its meeting in October 2024, the Board voted to file a complaint for injunction against Ritually Rooted. Counsel filed the complaint for injunction against Ritually Rooted and the owner, Page Erickson, on January 23, 2025 in Delta County District Court Colorado. Counsel is working on completing service of the complaint.

8. Skin Addict – Action Necessary

At the Board's October 2024 meeting, the Division presented evidence of complaints against the Skin Addict School of Aesthetics. 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.

The Board voted to issue a Notice of Noncompliance for failure to meet minimum standards set forth in C.R.S. §23.64.112. The Notice of Noncompliance was issued on November 8, 2024, and the School provided some responsive information. A summary of the Notice of Noncompliance and the School's response is contained in a separate attorney-client privileged memorandum that is being provided along with this update. The separate memorandum also discusses the Board's options for next steps.

B. Skin Addict School of Aesthetics

Counsel provided a summary of the School's response to the Notice of Noncompliance and noted that responses were due by 5 pm MST, but the School provided some records after the deadline. There were numerous deficiencies noted with the student records the School submitted. Many student files were incomplete and do not contain dated certificates of completion, attendance records, or receipts of payment. Many of the enrollment agreements were not on approved forms. The School did provide a certificate of completion for one student for a teeth whitening course, although the School has not been approved to offer this course. The Board discussed the deficiencies outlined in Counsel's memo and concerns regarding the School's ability to maintain compliance with all Rules and Regulations that govern cosmetology education and licensure.

Board member Wagner motioned to move this School to executive session to confer with Counsel. The motion was seconded and carried.

C. Center Beauty College

Deputy Director Kanaly and Compliance Investigator Combs provided a summary of the Division's investigation conducted based on information received that the School was evicted from their location in October 2024 and complaints filed since that time. The School did submit a change of location application for their new location to operate. The School was notified of deficiencies with the application that needed to be corrected. Program Specialist Solis conducted a site visit of the location as is required but found

items that would not meet minimum standards to hold classes at this new location. This change of location application contains many noncompliant issues at this point for it to be approved by the Division.

Board member Smith motioned to move Center Beauty College to executive session to confer with Counsel. The motion was seconded and carried.

At this time, Secretary Wamser left the meeting.

D. Colorado Academy of Veterinary Technology

Deputy Director Kanaly provided a summary of the attorney-client privileged memo provided to the Board separately. This School went through a change of ownership in 2023. The Division was notified by the US Department of Education that this School was placed on Heightened Cash Monitoring Level 2 which means the USDOE is keeping a very close eye on the financial issues. The School owner confirmed that they were placed on cash monitoring due to their accreditor dropping their accreditation based on the School's composite score. The School owner has appealed the accreditor's decision and remains accredited until such time that the appeal is reviewed by the accreditor which should happen by March. The School has communicated to 20 students about the accreditation status and how it could affect the ability of the School to provide financial aid. The School is required to notify the Division within 7 days of any action which changes the School's status with the USDOE or any accrediting body which the School failed to do.

Board member Wagner motioned to move Colorado Academy of Veterinary Technology to executive session to confer with Counsel. The motion was seconded and carried.

E. 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. Colorado School of Clinical Herbalism, Avila's Barber School, Star V Learning Centers, St. Moritz Academy, Endura Healthcare Training, and Lash and Company Education Centennial all fulfilled the requirements of submitting quarterly financial statements to be reviewed. Secretary Wamser has reviewed the financials and approved these schools to be removed from the conditional approval and be granted full approval to operate.

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: LionGodz Tattoo Studio, Skin Addict School of Aesthetics, Center Beauty College, and Colorado Academy of Veterinary Technology 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 2:55 p.m.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and Division staff at 2:55 p.m.

Summary of Return to Regular Session:

After the review and consideration of the matters previously mentioned, Chair Stevens resumed regular session at 3:22 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:

LionGodz Tattoo Studio

Board member Wagner reiterated concerns of the teaching methodology and the length of time this application has been outstanding. The Division is here for support, but we put a lot of ownership on the schools to be in good standing and follow up when more communication is needed. Board member Wagner motioned to deny the application for LionGodz Tattoo Studio. The motion was seconded and carried.

Skin Addict School of Aesthetics

Chair Stevens discussed the Board's concerns about the School's inability to meet minimum standards, lack of quality record keeping, and putting students' licensure at risk due to the School's inability to comply with all education and licensure requirements. Board member Smith motioned to refer for a hearing the revocation of the certificate of approval to operate. The motion was seconded and carried.

At this time, Board member Cardona left the meeting.

Center Beauty College

Board member Smith motioned to direct Board Counsel to file a Notice of Noncompliance for Center Beauty College in order for the School to provide additional information on how it plans to come into compliance. The motion was seconded and carried.

Colorado Academy of Veterinary Technology

Chair Stevens expressed on behalf of the Board concern with the School's lack of reporting to the Division of actions taken by their accreditor and USDOE which directly impacts the students and their ability to continue their education. Board member Wagner motioned to issue a Notice of Noncompliance. The motion was seconded and carried.

At this time, the regular session of the Board meeting concluded, and the Board held its annual election of Board officers.

Adjournment:

Board member Wagner motioned to adjourn the meeting at 3:38 p.m. The motion was seconded and carried.

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