

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
February 27th, 2018 9:35 A.M.

Auraria Higher Education Campus
Tivoli Student Center, Room 320
900 Auraria Parkway, Denver, CO 80204

Board Members Present:

Paul Garibay, Chair; Timothy Brooks;
Shelley Krovitz; A. Richard Behbehani;
Arlene Rae Malay

Board Members Absent:

Ryan Minic, Chair

Division Staff Present:

Lorna Candler, Director;
Mary Kanaly, Deputy Director & Compliance Officer;
Lisa Hill, Program Coordinator;
April Cordova, Program Specialist;
Rachel Acosta, Program Specialist;
Amy Knoblauch, Data & Research Specialist;
Brad Uyemura, Compliance Investigator

Division Staff Absent:

Bernadette Esquibel, Program Specialist

Board Counsel Present- Telephonically at 10:27 A.M.:

Jacquelynn Rich Fredericks, Assistant Attorney General, Office of the Colorado Attorney General

Guests Present:

Elaine Ivan, UCH-Memorial Hospital School of Radiology Technology;
Kyle Spiller, Paul Mitchell the School Colorado Springs;
Ron Billings, Paul Mitchell the School Colorado Springs;
Gayla Henry, International Salon and Spa Academy;
Bailey Ames, Lash & Company;
Cara Sharpe, Pima Medical Institute
Meghan Jurado, LeaderQuest Holdings, LLC.;
Jennifer Strobl, LeaderQuest Holdings, LLC.;
Ivan Nikolaeff, Altierus Career College Colorado Springs;
Carissa Seger, Altierus Career College Thornton;
Suzanne Scales, CollegeAmerica;
Corinne C. Miller, Westland Beauty Academy;
Veronica Styles and Husband, Westland Beauty Academy;
Gianna Gary, College of International Esthetics

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 9:35 A.M. The Board members, Division staff and guests were introduced. Board roll call was taken. A quorum was present.

Consideration of Approval of the January 23, 2018 Minutes:

Following review and consideration of the January 23, 2018 meeting minutes, a motion was made by Ms. Malay to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda

No changes were made.

Director/ Staff Report:

Director Candler reported the following important item: Board Member, Robert Martin, recently passed away. Additionally, the Director explained that: Legal Counsel, Jacquelynn Rich Fredericks, has the flu and will only be joining telephonically for essential legal matters; DPOS has been working on fiscal impact notes for the Department of Higher Education; the confirmation for Board Member, Richard Behbehani, has been postponed; DPOS is re-evaluating Request For Proposal options; and the Department of Regulatory Agencies hosted a Town Hall Meeting regarding workplace streamlining efforts and how that would effect stakeholders.

Monthly Statistics

No statistics to report.

New Business/Action Items:

A. Consideration of Approval Programs/Stand Alone Courses

1. International Salon and Spa Academy – Colorado Springs - RA

Program Specialist Acosta presented to the Board for review and consideration of 2 Major Program Revisions: 1. HairStylist and 2. Barbering. 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 of the major program revisions previously mentioned, Ms. Malay approved the 2 major program revisions effective February 27th, 2018. The motion was seconded and carried.

B. Consideration of Renewal of Certificate of Approval

1. American Institute of Dental Assisting – Colorado Springs - AC

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was not 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 of the renewal, Ms. Malay motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2018 and ending June 30, 2021. The motion was seconded and carried.

2. Lash & Company – Thornton - AC

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. 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 of the renewal, Ms. Malay motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2018 and ending June 30, 2021. The motion was seconded and carried.

3. Pima Medical Institute – Colorado Springs - AC

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. 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 of the renewal, Ms. Malay motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2018 and ending June 30, 2021. The motion was seconded and carried.

4. Altierus Career College – Thornton - AC

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. 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 of the renewal, Mr. Brooks motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2018 and ending June 30, 2021. The motion was seconded and carried. Ms. Krovitz requested an update at the November Board Meeting regarding the 21 out of 24 school campus closures nationwide.

5. Altierus Career College – Colorado Springs - AC

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. 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 of the renewal, Ms. Malay motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2018 and ending June 30, 2021. The motion was seconded and carried.

6. Transpersonal Hypnotherapy Institute – Evergreen - LH

Program Coordinator Hill presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was not 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 of the renewal, Mr. Brooks motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2018 and ending June 30, 2021. The motion was seconded and carried.

7. LeaderQuest Holdings, Inc. – Englewood - LH

Program Coordinator Hill presented to the Board for review and consideration renewal of the school's Certificate of Approval. 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 of the renewal, Ms. Malay motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2018 and ending June 30, 2021. The motion was seconded and carried.

8. UCH-MHS School of Radiology Technology – Colorado Springs - LH

Program Coordinator Hill presented to the Board for review and consideration renewal of the school's Certificate of Approval. 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 of the renewal, Mr. Brooks motioned to conditionally approve the Standard Certificate of Approval provided that the surety level is increased to \$250,000. The motion was seconded and carried.

9. College of International Esthetics – Arvada - LH

At this time, Ms. Malay recused herself for the following Renewal of Certificate of Approval. A quorum was still present.

Program Coordinator Hill presented to the Board for review and consideration renewal of the school's Certificate of Approval. 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 of the renewal, Mr. Brooks motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2018 and ending June 30, 2021. The motion was seconded and carried.

At this time, Ms. Malay rejoined the Board for the remainder of the meeting.

B. Notification of School Closings / Change of Status (No action required)

1. IBMC – Colorado Springs - LH

Program Coordinator Hill reported the closure of IBMC Colorado Springs campus. Effective 10/31/2017, all available student and educational records are on deposit at the IBMC Ft. Collins campus.

2. Signature Beauty College - LH

Program Specialist Acosta reported the closure of Signature Beauty College. Effective 2/9/2018, all available student and educational records are on deposit at the Division of Private Occupational Schools, as required by C.R.S. § 23-64-125 of the Private Occupational Education Act of 1981.

Recess:

At 10:20 A.M. Mr. Brooks motioned for a brief recess. The motion was seconded and carried. At this time, Legal Counsel was connected to the meeting telephonically. At 10:27 A.M. the meeting was called to order by Board Chair, Paul Garibay.

Other Business:

1. Legal Update

Legal Counsel, Assistant Attorney General Jacquelynn Rich Fredericks, provided an update regarding the following items:

A stipulated agreement with Advanced Barbering Academy will be sent to the Board for review; The Board requested a re-service of the Notice of Noncompliance Nonrenewal to Next Dimensions;

Colorado Legal Services has agreed to address the Divisions concerns that current advertising suggest that the business/school is operating as an illegal school; Westland Beauty College received the Notice of Noncompliance and asked for an extension of time to file a Response. As

the Board has now received and considered the response, it may decide how they wish to proceed;

As the Board has now received and considered the Glenwood Beauty Academy response, it may consider how it wishes to proceed; and

CollegeAmerica provided an update in regards to an ACCSC site visit for Renewal of Accreditation. Further discussion will ensue on matters listed in the following section.

2. Glenwood Beauty Academy

Legal Counsel provided a status report and a summary of the Response to the Notice of Noncompliance.

Following Executive Session with the Board, Mrs. Krovitz motioned to issue a Notice of Charges. The motion was seconded and carried.

3. CollegeAmerica Update

CollegeAmerica representative, Suzanne Scales, noted that the school provided its update. No action taken.

4. Advanced Barbering Academy

Legal Counsel provided an update regarding the Stipulated Agreement draft. No action taken.

5. Westland Beauty Academy

Legal Counsel provided an update in regards to the Notice of Noncompliance. Deputy Director Kanaly provided a summary of the Response that was also provided to the Board in its entirety. Specifically, she highlighted that the Response from Westland Beauty Academy (WBA) showed that a document provided to a former student was altered; the student provided the original document to the Division which differed substantially from the altered copy supplementing the school's Response. Legal Counsel representing WBA responded to the claims made by the Division. The Division motioned to confer with counsel in Executive Session. The motion was seconded and passed.

After returning from Executive Session, the Board continued discussions. Thereafter, Ms. Krovitz made a motion to issue a Notice of Charges as the School had failed to overcome the reasonable cause for believing the school had been and continued to be in violation of the Act as noted in the Original Notice of Noncompliance; she further iterated that this does not stop communication between the Division and the School with respect to regular business or curing deficiencies noted. This motion was seconded and passed. Additionally, Ms. Krovitz motioned to issue a supplemental Notice of Noncompliance to address the additional findings of noncompliance (including a failure to provide all records of students) and additional findings of forgery; the school was allowed a 7 day response period to provide a complete and thorough submission of student records to the Division. The motions were seconded and carried. Incongruously, Westland Beauty Academy legal counsel requested the student names for the missing student records and the complaint that was submitted to the Division.

6. Signature Beauty College

The Division provided an update regarding Signature Beauty College operations, complaints and student records. No action taken.

7. American International Beauty College

The Division provided an update regarding the bond check that was received for student refunds. No action taken.

8. Annual Filings Discretion Ratification

Mr. Brooks made a motion to give discretion to the Division Director in regards to issuing fees for late Annual Filings submissions. The motion was seconded and carried.

9. Stakeholder Meeting Summary

The Division provided an update that a summary of all comments made at the Division Stakeholder Meeting will be sent to the Board for review before the Rulemaking Hearing that will immediately follow the March Board Meeting. No action taken.

After consideration and discussion of each of the previous matters discussed during the regular portion of the Board meeting, Mr. Brooks motioned to convene in executive session with the Board's attorney to seek legal advice pursuant to C.R.S. §24-6-402(3)(a)(II), on the following matters: Glenwood Beauty Academy, Westland Beauty Academy and Next Dimensions; and 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. At 11:00 A.M. the public session recorder was turned off.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and Division staff as deemed necessary at 11:01 A.M.

After the review and consideration of the matters previously mentioned, Mr. Garibay resumed the regular session at 11:27 A.M.

The executive session recorder was turned off.

The public session recorder was turned on and the general public was welcomed back.

Assistant Attorney General Rich Fredericks 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 what is believed to be attorney-client privileged discussions.

The Board held necessary public discussions of the matters discussed with Counsel in executive session and concluded the remainder of the Board's agenda items

Adjournment:

Mr. Brooks motioned to adjourn the meeting at 12:00 P.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, March 27, 2018, at 9:30 A.M. and will be held at:

Auraria Higher Education Campus
Tivoli Student Center, Room 320
900 Auraria Parkway, Denver, CO 80204
Telephone (303) 862-3001