

**MINUTES**  
**BOARD OF PRIVATE OCCUPATIONAL SCHOOLS**  
**January 23<sup>rd</sup>, 2018 9:41 A.M.**

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

Board Members Present:

Paul Garibay, Chair; Ryan Minic, Vice Chair;  
Shelley Krovitz; A. Richard Behbehani

Board Members Absent:

Arlene Rae Malay; Timothy L. Brooks;  
Robert E. Martin

Division Staff Present:

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

Division Staff Absent:

Board Counsel Present:

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

Guests Present:

Thomas Wicke, Concorde Career College  
Rebecca Piltingsrud, The CE Shop  
Corinne Miller, Westland Beauty Academy  
Sue Kuhl, Concorde Career College  
Joel Scimeca, CollegeAmerica  
Ron Billings, Paul Mitchell the School Colorado Springs

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 9:41 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 December 5, 2017 Minutes:

Following review and consideration of the December 5, 2017 meeting minutes, a motion was made by Mr. Behbehani to approve the minutes as written. The motion was seconded and carried.

## Additions / Changes to the Agenda

Numbering was changed and there was an addition of three items to the Other Business section of the Agenda: Colorado Academy of Veterinary Technology, Signature Beauty College and Ecotech

### Director/ Staff Report:

No Director Report at this time.

### Monthly Statistics

No statistics to report.

### New Business/Action Items:

#### A. Consideration of Approval Programs/Stand Alone Courses

##### 1. The CE Shop- Greenwood Village - AC

Program Specialist Cordova presented to the Board for review and consideration of 2 new program: 1. 120-Hour Colorado Real Estate Licensing Course for Out-Of-State Licenses and 2. 72-Hour Colorado Continuing Education Recovery 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 of the major program revisions, Ms. Krovitz motioned to approve the 120 and 72 hour programs effective January 23<sup>rd</sup>, 2018. The motion was seconded and carried.

##### 2. Concorde Career College – Aurora - RA

Program Specialist Acosta presented to the Board for review and consideration of 2 major program revisions: 1. Medical Assistant and 2. Medical Office Administration. 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, Mr. Minic motioned to conditionally approve the programs so long as documentation is provided that a prerequisite for a High School diploma is reflected with the course description in the catalog. The motion was seconded and carried.

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

Program Specialist Acosta reported the closing of 5 Star CDL Academy in Grand Junction. Effective 12/18/2017, 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.

Other Business:

1. Glenwood Beauty Academy

Director Candler provided an update regarding Glenwood Beauty Academy financials. Mr. Minic motioned to move the matter to executive session in order to seek legal advice from Counsel. The motion was seconded and carried. Following executive session, Mr. Minic motioned to table the matter until the February Board Meeting to review additional information.

2. CollegeAmerica Monthly Update

Director Candler notes that the school had provided its update. No action needed.

3. Accent Learning Systems, Inc.

Counsel, Jacquelynn Rich Fredericks provided a brief status update including a brief report that the school owner had fully executed an affidavit in which he relinquished his due process rights in favor of voluntary relinquishment of two programs. Mrs. Krovitz made a motion to accept the voluntary relinquishment of two program approvals: Dialysis and Pharmacy Technician. The motion was seconded and carried.

4. Connecting Points School of Massage Therapies

Jacquelynn Rich Fredericks provided a brief status update including a brief report that the school owner had fully executed an affidavit in which he relinquished his due process rights in favor of voluntary closing the school. Mrs. Krovitz made a motion to accept the voluntary relinquishment of the school's certificate of approval. The motion was seconded and carried.

5. Advanced Barbering Academy

Director Candler and Deputy Director Kanaly reported that the school had provided a thorough and thoughtful response to the Notice of Noncompliance issued by the Board; the response conveyed that several of the violations had been cured and proposed additional viable solutions to cure the remaining deficiencies in an acceptable time frame. Mrs. Krovitz motioned to move the matter to executive session in order to seek legal advice from Counsel. The motion was seconded and carried.

Following executive session, Mrs. Krovitz motioned to pursue a stipulated agreement in lieu of litigation. The motion was seconded and carried.

6. Westland Beauty Academy

The Division and counsel provided a detail status report including the fact that the school had not acted in accordance with representations it made to the Board at a prior meeting. Moreover, the school's counsel challenged the Division and Board's authority to request records via subpoena when in fact the Division had authority to request and review the records even without the subpoena. Because the school requested an extension on the Response deadline, the Division requested additional time to assess the response. Mrs. Krovitz motioned to move the matter to executive session in order to seek legal advice from Counsel. The motion was seconded and carried.

Following executive session, the Board determined that they will continue to review information provided. No further action was taken.

#### 7. OBC Notice and Proposed MOU

Division staff and legal counsel provided an update. No action was taken.

At 11:15 AM, Mr. Minic made a motion to take a brief recess. The motion was seconded and carried. The meeting was called back to order by Board Chair, Paul Garibay, at 11:22 AM.

#### 8. Rules

Lisa Hill discussed the rule making hearing process and time line. The Division requested that the Board determine whether it was satisfied with submitting the redlined version of rules the Division sent to the Board for review. Mr. Minic made a motion to move forward with the rulemaking process including holding a stakeholder hearing. The motion was seconded and carried.

#### 9. Bylaws

Mr. Minic made a motion to approve the proposed changes to the Bylaws. The motion was seconded and carried.

#### 10. Update of Illegal Schools

The Division informed the Board that there was nothing new to report since the matter was previously discussed in the December Board Meeting.

#### 11. Legal Update

Legal Counsel submitted an update to the Board regarding the following schools and other matters: Next Dimensions, Lotus Aesthetics International College, Advanced Barbering Academy, Connecting Points School of Massage Therapies, Accent Learning Systems, Westland Beauty Academy, Love Christian Fellowship Educational Center, Glenwood Beauty Academy, Majestic Vocational Training Center, Colorado Legal Studies, Heritage, Policy 14, and Rulemaking. Mr. Behbehani made a motion to adopt the Judge Norwood's Initial Decision Upon Default in POS 2017-0001 regarding Majestic Vocational Center. The motion was seconded and carried.

After consideration and discussion of each of the previous matters discussed during the regular portion of the Board meeting, Mr. Minic 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, Advanced Barbering Academy, Westland Beauty Academy, and Signature Beauty College; 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 11:38 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 11:38 A.M.

After the review and consideration of the matters previously mentioned, Mr. Garibay resumed the regular session at 12:04 P.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

#### 12. Signature Beauty College

Following executive session, Mr. Behbehani motioned to issue a subpoena for all student records from Signature Beauty College. The motion was seconded and carried

#### 13. Update of Illegal Schools

No action taken.

#### 14. Annual Filings

The Board deemed it most reasonable and efficient to grant the Division Director discretion in determining the proper category for purposes of the issuance of fees. It is anticipated that the Board will ratify its decision regarding this issue by a formal motion during the February Board Meeting.

#### 15. Colorado Academy of Veterinary Technology

The Division provided an update regarding the Department of Education's findings for CAVT. No action taken.

16. Ecotech

Director Candler provided an updated regarding the 45% retention rate for the Business Administration Program. No action taken.

Adjournment:

Mr. Minic motioned to adjourn the meeting at 12:20 P.M. The motion was seconded and carried.

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