

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
April 26, 2016 9:30 A.M.

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

Board Members Present:

Steven W. Steele, Chair	Arlene Rae Malay	Joseph James Wolf
Richard Semakula	Shelley Krovitz	Paul Garibay
Timothy L. Brooks		

Division Staff Present:

Lorna Candler, Director	Mary Kanaly, Deputy Director & Compliance Officer
Bernadette Esquibel, Program Coordinator	Jessica Googins, Program Specialist
Lisa Hill, Program Specialist	April Cordova, Program Specialist
Loretta Perez, Administrative Assistant III	

Board Counsel Present:

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

Guests Present:

William Cotton, 5 Star CDL Academy
Cami Smith, 5 Star CDL Academy
John Chitty, Colorado School of Energy Studies
Casara Andre, Colorado School of Animal Massage
Karen Millsapps, International Academy of Elite Esthetics & Micropigmentation
Bret Fund, SecureSet Academy
Beth Hepler, Denver School of Massage Therapy – Westminster
Heather Jaques, Denver School of Massage Therapy – Westminster
Alicia Jacobs, International Dermal Institute
Kathleen Morrow, School of Inner Health
Margaret Rosenau, School of Inner Health
Michael Morgan, DaVinci Coders
Jan Wanger, DaVinci Coders
Aby Singhai, T3 Resources
Malathi Kumar, T3 Resources
Paulo Montreal, Cinco Brothers Barber School
Lauren Schlucht, Phlebotomy Training Specialists
Rheannon McDonald, Apex College of Veterinary Technology
Angela Grosso, Boulder Massage Therapy Institute
Marie Kuo, Holmes College
Ken Liu, Holmes College
Joanna Shea, Galvanize, Inc.
Helen Grigg, Healing Spirits Massage Training Program
Jessica VanAntwerp, Healing Spirits Massage Training Program
Ed Powers, RefactorU
Sean Daken, RefactorU
Jenny Rukavina, Rocky Mountain School of Animal Acupressure & Massage
Jace Martin, SecureSet Academy
Joyce Mlynarik, Midwest Dental Assistants School
Michael Swain, Midwest Dental Assistants School

Michael Gorman, Phlebotomy Training Specialists
Jill Kristin Berkana, Berkana Institute of Massage Therapy
Inta Morris, Chief Advocacy and Outreach Officer, Department of Higher Education

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Steven W. Steele, Chair, at 9:32 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 March 22, 2016 Minutes:

Following review and consideration of the March 22, 2016 meeting minutes, a motion was made by Mr. Wolf to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

Director Candler informed the Board that we had one change to the Agenda, under Action Item, "D" Consideration of Approval Provision Certificate of Approval, number "7" Phlebotomy Training Specialists, Arvada, this is a new school, a second location, we would like to move that to Action Item "B" Consideration of Renewal of Certificate of Approval "6", so they can be taken together.

Director Report:

Director Candler announced that we have a new Board Member Mr. Timothy L. Brooks, welcome.

Director Candler and Deputy Director Kanaly attended the NASASPS conference in Austin, Texas and received a lot of good information.

ITT Technical Institute is dealing with mounting pressure from MA lawsuits around 1.1 million dollars; our concern is that we currently have two ITT Technical Institutes, Aurora and Westminster. ITT is also under scrutiny from its accreditor, ACICS.

On a positive note, we have been working very closely with DORA, our sister agency, on a monthly basis, which is working very well.

Lastly, we want to introduce our new Attorney General Jacquelynn Rich Fredericks, welcome. Our current Attorney General Kimberly Spiering, will be moving on to a new position. The Division and Board thanks Kimberly for her counsel and guidance and wish her the very best in her new endeavors.

New Business/Action Items:

A. Consideration of Approval Programs / Stand Alone Courses

1. Apex College of Veterinary Technology – Colorado Springs

Program Specialist Googins presented to the Board for review and consideration one new program; Veterinary Technology. A school representative was present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new program, Mr. Semakula motioned to approve the above-referenced program effective April 26, 2016. The motion was seconded and carried.

2. SecureSet Academy - Denver

Program Specialist Googins presented to the Board for review and consideration one new program; CORE Evening Program. School representatives were present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new program, Ms. Malay motioned to approve the above-referenced program effective April 26, 2016. The motion was seconded and carried.

3. International Academy of Elite Esthetics and Micropigmentation - Englewood

Program Specialist Hill presented to the Board for review and consideration two new stand alone courses: 1. Dermaplaning, and 2. Eyelash Extensions. A School representative was present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new courses, Ms. Malay motioned to approve the above-referenced courses effective April 26, 2016. The motion was seconded and carried.

4. IBMC College – Colorado Springs, Greeley and Longmont

Mr. Steele recused himself from this matter only. A quorum was still present.

Program Specialist Hill presented to the Board for review and consideration one new program: Medical Office Administration. A school representative was present. The Board determined that the school has adequate surety coverage for all three locations.

Following review and consideration of the new program for all three locations, Mr. Wolf motioned to approve the above-referenced program effective April 26, 2016. The motion was seconded and carried.

B. Consideration of Renewal of Certificate of Approval

1. Denver School of Massage Therapy - Westminster

Program Specialist Googins presented to the Board for review and consideration renewal of the school's Certificate of Approval. School representatives were 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, 2016 and ending June 30, 2019. The motion was seconded and carried.

2. Rocky Mountain School of Animal Acupressure and Massage - Elizabeth

Program Specialist Googins 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, 2016 and ending June 30, 2019. The motion was seconded and carried.

3. Galvanize, Inc., - Denver

Program Specialist 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, 2016 and ending June 30, 2019. The motion was seconded and carried.

4. Galvanize, Inc., - Boulder

Program Specialist 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. Semakula motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2016 and ending June 30, 2019. The motion was seconded and carried.

5. DaVinci Coders - Westminster

Program Specialist Hill presented to the Board for review and consideration renewal of the school's Certificate of Approval. School representatives were 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, 2016 and ending June 30, 2019. The motion was seconded and carried.

6. Phlebotomy Training Specialists, LLC - Denver

Program Specialist 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. Wolf motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2016 and ending June 30, 2019. The motion was seconded and carried.

D. Consideration of Approval of Provisional Certificate of Approval

1. Phlebotomy Training Specialists - Arvada

Program Specialist Hill presented to the Board for review and consideration a new school with one new program: Certified Phlebotomy Technician Class. School representatives were present. The Board determined that the school has adequate surety coverage at this time and can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the new school and program, Mr. Wolf motioned to approve the Provisional Certificate of Approval for the period beginning April 26, 2016 and ending June 30, 2017 and to approve the above-referenced program. The motion was seconded and carried.

B. Consideration of Renewal of Certificate of Approval

7. School of Inner Health – Colorado Springs

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. School representatives were 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. Semakula motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2016 and ending June 30, 2019. The motion was seconded and carried.

8. International Dermal Institute - Englewood

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, 2016 and ending June 30, 2019. The motion was seconded and carried.

9. RefactorU - Boulder

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. School representatives were 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, 2016 and ending June 30, 2019. The motion was seconded and carried.

10. Colorado School of Energy Studies - Boulder

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, 2016 and ending June 30, 2019. The motion was seconded and carried.

11. Berkana Institute of Massage Therapy - Denver

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, 2016 and ending June 30, 2019. The motion was seconded and carried.

C. Consideration of Renewal of Certificate of Approval with Programs

1. Boulder Massage Therapy Institute - Boulder

Program Specialist Googins presented to the Board for review and consideration renewal of the school's Certificate of Approval and one revised course, Essential 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 of the renewal and revised course, Ms. Malay motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2016 and ending June 30, 2019 and the above-referenced course effective April 26, 2016. The motion was seconded and carried.

2. Holmes College - Denver

Program Specialist Googins presented to the Board for review and consideration renewal of the school's Certificate of Approval and one new program, Urban Environmental Preservation Program. School representatives were 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 and new program, Ms. Malay motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2016 and ending June 30, 2019 and the above-referenced program effective April 26, 2016. The motion was seconded and carried.

3. Phlebotomy Learning Center of Denver, Inc., - Denver

Program Specialist Googins presented to the Board for review and consideration renewal of the school's Certificate of Approval and one revised program, Phlebotomy. 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 and new program, Mr. Semakula motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2016 and ending June 30, 2019 and the above-referenced program effective April 26, 2016. The motion was seconded and carried.

4. Healing Spirits Massage Training Program - Boulder

Program Specialist Hill presented to the Board for review and consideration renewal of the school's Certificate of Approval and three revised courses: 1. Preventing and Correcting Common Foot Issues, 2. Comfort Touch in the Seated Position and 3. The Kistner Method. School representatives were 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 and revised courses, Ms. Malay motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2016 and ending June 30, 2019 and the above-referenced courses effective March 22, 2016. The motion was seconded and carried

D. Consideration of Approval of Provisional Certificate of Approval

1. Colorado School of Animal Massage – Wheat Ridge

Program Specialist Googins presented to the Board for review and consideration a new school with two new programs: 1. Basic Small Animal Massage Certification; and 2. Advanced Small Animal Therapeutic Massage; and six standalone courses: 1. Therapeutic Massage for animal Hospice Care; 2. Therapeutic Massage for Post-Surgical Patients; 3. Therapeutic Massage for Shelter/Rescue Animals; 4. Therapeutic Massage for Canine Athletes; 5. Therapeutic Massage for Neurologic Diseases; and 6. Therapeutic Massage for Orthopedic Disease. A School representative was present. The Board determined that the school has adequate surety coverage and can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the new school with programs and courses, Mr. Semakula motioned to approve the Provisional Certificate of Approval for the period beginning April 26, 2016 and ending June 30, 2017 and to approve the above-referenced programs and courses. The motion was seconded and carried.

2. Cinco Brothers Barber School - Greeley

Program Specialist Googins presented to the Board for review and consideration a new school with one new program: Barbering. School representatives were present. The Board determined that the school has adequate surety coverage at this time and can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the new school and program, Ms. Malay motioned to approve the Provisional Certificate of Approval for the period beginning April 26, 2016 and ending June 30, 2017 and to approve the above-referenced program. The motion was seconded and carried.

3. 5 Star CDL Academy, LLC – Grand Junction

Program Specialist Googins presented to the Board for review and consideration a new school with five new programs: 1. 5SCVT-I Commercial Vehicle Training; 2. 5SCVT-II Commercial Vehicle Training; 3. 5SCVT-II-B Commercial Vehicle Training – CDL Class “B”; 4. 5SCVT-III Commercial Vehicle Training; and 5. 5SFLT-V Forklift Training; and two standalone courses: 1. 5SFLT-VI Forklift Training; and 2. 5SCVT-IV Evaluations & Recommended Training. School representatives were present. The Board determined that the school has adequate surety coverage and can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the new school with programs and courses, Mr. Wolf motioned to approve the Provisional Certificate of Approval for the period beginning April 26, 2016 and ending June 30, 2017 and to approve the above-referenced programs and courses. The motion was seconded and carried.

4. T3 Resources - Englewood

Program Specialist Hill presented to the Board for review and consideration a new school with three new courses: 1. Basic Computer Course; 2. Selenium using JAVA; and 3. Quality Assurance. School representatives were present. The Board determined that the school has adequate surety coverage and can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the new school with programs and courses, Ms. Malay motioned to approve the Provisional Certificate of Approval for the period beginning April 26, 2016 and ending June 30, 2017 and to approve the above-referenced courses. The motion was seconded and carried.

5. Midwest Dental Assistants School - Denver

Program Specialist Hill presented to the Board for review and consideration a new school with two new programs: 1. Dental Administration; and 2. Dental Assisting; and one standalone course: Dental X-ray. School representatives were present. The Board determined that the school has adequate surety coverage and can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the new school with programs and course, Ms. Malay motioned to approve the Provisional Certificate of Approval for the period beginning April 26, 2016 and ending June 30, 2017 and to approve the above-referenced programs and course. The motion was seconded and carried.

6. Midwest Dental Assistants School – Colorado Springs

Program Specialist Hill presented to the Board for review and consideration a new school with two new programs: 1. Dental Administration; and 2. Dental Assisting; and one standalone course: Dental X-ray. School representatives were present. The Board determined that the school has adequate surety coverage and can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the new school with programs and course, Ms. Malay motioned to approve the Provisional Certificate of Approval for the period beginning April 26, 2016 and ending June 30, 2017 and to approve the above-referenced programs and course. The motion was seconded and carried.

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

Program Specialist Hill reported the closing of Everest College - Aurora.

No action taken.

Ms. Malay motioned to break at 11:18a.m. The motion was seconded and carried.

Mr. Semakula motioned to reconvene at 11:35 a.m. The motion was seconded and carried.

Other Business Information Only:

Assessment Update: At the last meeting we discussed the notices of noncompliance related to untimely payment of assessment fees and the Board granted the Division authority to issue such notices of noncompliance. So far we have collected one \$500.00 fine and we have not heard back from the other four schools. As the fines are due today, if any of these schools fail to pay the fine by close of business today, the Division will bring the school(s) before the Board at the next meeting.

The Division sent out a postcard for the 3rd quarter 2016, which was due on April 15, 2016. The postcard specified the consequences of untimely payment of assessment fees. Additionally, this information has been posted on our web site. At this time we have fifteen schools that have not timely paid; we will be issuing notices of noncompliance as soon as we get further clarification.

Director Candler gave an update on the monthly stats of March, 2016 (please see attached memorandum). Annual stats will be provided in July of 2016, at the close of the fiscal year.

Director Candler advised the Board that the Division has conducted investigations and have information that may require legal actions; the Division has discussed each with our AAG and believe it may be prudent for the Board to seek legal advice while considering the available options and next steps.

Ms. Malay motioned to convene in executive session to confer with the Board's attorney and to seek legal advice pursuant to §24-6-402(3)(a)(II), C.R.S, to receive legal advice regarding International Institute of Cosmetics and American International Beauty College noncompliance with minimum standards specified in the Private Occupational School Act, C.R.S. 12-59-101 et seq. and the Rules and Regulations, 8 CCR 1504-1. The motion was seconded and carried.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director and division staff as deemed necessary.

Members of the public left the room during executive session.

The public session tape was turned off at 11:44 a.m.

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

Ms. Malay reconvened the public session meeting at 12:44 p.m.

International Institute of Cosmetics - Denver

The Board conducted a thorough review of the Memorandum, dated April 25, 2016, prepared by the Deputy Director and considered further information presented concerning International Institute of Cosmetics.

After considering and discussing the investigative reports and observations made by the Division throughout the course of several visits and interviews, the Board determined it had probable cause to believe that the International Institute of Cosmetics students is in violation of one or more provisions of our Act. Specifically, it found that students are not receiving the education for which they bargained and further finds that the school is not meeting minimum standards, and noted the programs are not structured and presented as approved by the Board. It appears that the school's focus is on the students being able to pass the exam as opposed to actually learning and retaining the skills. The Board highlighted the following deficiencies and concerns: poor quality of education, absence of approved instructors, performance of unsupervised client services, student files missing progress reports, method of operating school harmful to student's success in the industry and the schools inability to maintain minimum standards to operate a private occupational school. The Board reiterated that the school was obligated to provide programs approved by the Board and specified that competency based learning would not be permitted.

After consideration and discussion, Mr. Steele motioned to issue a Notice of Noncompliance to the school based on the noted concerns and to request a response from the school. The Board directed the Attorney General to prepare the Notice of Noncompliance specific to C.R.S. 12-59-106 (C)(D)(F)(G)(H) (I); and C.R.S. 12-59-17(D). The Board noted that if the school does not respond timely and/or appropriately overcome the numerous violations cited, the school may be summarily suspended. The motion was seconded and carried.

The Board conducted a thorough review of the Memorandum dated April 25, 2016, prepared by the Deputy Director, and the information presented regarding American International Beauty College.

After further consideration, Mr. Steele motioned to direct the Attorney General to issue an administrative subpoena to American International Beauty College for all of their records on campus or off campus. The motion was seconded and carried.

CIT University (Thomas Guerriero): The Division outlined the proceedings whereby the Division sent the summary suspension to the school owner via email and by U.S. mail but all correspondence has been returned. Upon locating the address of the federal penitentiary where Mr. Guerriero is imprisoned, the Division re-sent the notice and explained that Mr. Guerriero will be given time to respond. If he does not reply, we will summarize all efforts made to contact the school owner in a Motion to Dismiss which will be filed with the Administrative Courts. Pursuant to the Summary Suspension Order, the school has been closed.

Adjournment:

Mr. Semakula motioned to adjourn the meeting at 12:51 p.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday May 24, 2016, 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