

**BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
BOARD MEETING
August 26, 2014 9:30 A.M.**

The Private Occupational Schools Board convened at the Auraria Higher Education Campus, Tivoli Student Center, Room 320, 900 Auraria Parkway, Denver, CO 80204. Steven W. Steele, Chair, called the meeting to order at 9:32 A.M. and greeted guests. The Board members, Division staff and guests were introduced. Board roll call was taken. A quorum and a two-third majority of the Board members were present.

Board Members Present:

Steven W. Steele, Chair	Arlene Rae Malay	Joseph James Wolf
Richard Semakula	Shelley Krovitz	Jean Robinson
Ledy Garcia-Eckstein		

Division Staff Present:

Lorna Candler, Director Officer	Mary Kanaly, Deputy Director & Compliance Bernadette Esquibel, Program Coordinator
Renee Belisle, Program Specialist	Voni Oerman, Program Specialist
Karla Viteri, Program Specialist	Loretta Perez, Administrative Assistant

Board Counsel Present:

Heidi Dineen, Senior Assistant Attorney General, Office of the Colorado Attorney General

Guests Present:

Caxy Coome, College of International Esthetics - Denver
Tracy Bolsinger, Esthetic Education Pathways – Greenwood Village
Monique Mannino, Esthetic Education Pathways – Greenwood Village
Todd Cordrey, American Dream Real Estate School – Arvada
Suzanne Leduc, New America College – Denver
Qiu (Quinn) Qinglin, Massage School of Colorado – Broomfield
Heather DeLange, Academic Policy Officer, Department of Higher Education – Denver
Julie Poppen, Communications Manager, Department of Higher Education – Denver

Guests Present Via Telephone:

Ann O'Connell, RefactorU - Boulder

Approval of the July 22, 2014 Board Meeting Public Session Minutes:

The Board reviewed the July 22, 2014, meeting minutes. Ms. Malay moved for approval of the minutes as read. The motion was seconded and passed.

Approval of the July 22, 2014 Public Rulemaking Board Meeting Minutes:

The Board reviewed the July 22, 2014, Public Rulemaking meeting minutes. Mr. Wolf moved for approval of the minutes as read. The motion was seconded and passed.

Additions / Changes/ Corrections to the Agenda:

Director Candler made changes under Other Business: 1. CollegeAmerican; 2. Massage School of Colorado; 3. Tech Lectures; 4. Intellitec College; and 5. RefactorU.

Staff Report:

None

A. Consideration of Approval Programs / Stand Alone Courses

1. New America College - Denver

Program Specialist Esquibel brought to the Board’s attention for review consideration one new program, English for Healthcare, proposed by New America College, Denver. A school representative was present. Based upon the Board’s consideration and determination that the above-referenced program for New America College, 925 S. Niagara Street, Suite 140, Denver, CO 80224 can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and with the Division’s minimum requirements, Mr. Semakula moved to approve the above-referenced program effective August 26, 2014. The motion was seconded and unanimously passed.

B. Consideration of Approval of Provisional Certificate of Approval

1. Esthetic Education Pathways – Greenwood Village

Program Specialist Oerman brought to the Board’s attention for consideration, Esthetic Education Pathways, Greenwood Village, a new school with one program: Basic Esthetics and two stand-alone courses: (1)Microdermabrasion; and (2) Chemical Peel Resurfacing. School representatives were present. The school satisfied the Board’s inquiry. Upon determining that the school is in compliance with the required surety level in the amount of \$49,800; that the school submitted a bond in the amount of \$50,000; and that the school can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and in compliance with the Division’s minimum requirements, Ms. Malay in a combined motion moved that a Provisional Certificate of Approval be granted to Esthetic Education Pathways, 6535 S. Dayton Street, Suite 2820, Greenwood Village, CO 80111 for the period beginning August 26, 2014, ending June 30, 2016, and that the program and courses before the Board be approved. The combined motion was seconded and unanimously passed.

2. American Dream Real Estate School - Arvada

Program Specialist Viteri brought to the Board’s attention for consideration, American Dream Real Estate School, Arvada, a new school with one new program: Colorado Real Estate Broker Pre-Licensing Course. A school representative was present. The school satisfied the Board’s inquiry. Upon determining that the school is in compliance with the required surety level in the amount of \$46,750; that the school submitted a bond in the amount of \$50,000; and that the

school can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and in compliance with the Division's minimum requirements, Ms. Malay in a combined motion moved that a Provisional Certificate of Approval be granted to American Dream Real Estate School, 6384 Wier Way, Arvada, CO 80403, for the period beginning August 26, 2014, ending June 30, 2016, and that the program before the Board be approved. The combined motion was seconded and unanimously passed.

C. Notification of School Closings (no action required)

As an informational item only Program Specialist Viteri reported the closing of one school OnLine Trading Academy, Northglenn, this was a second location. She confirmed that all student records will remain at the Denver Location at 7525 E. Hampden, Suite 525, Denver, CO 80231.

Other Business:

1. CollegeAmerica – Bond/Irrevocable Letters of Credit

Director Candler provided an update on CollegeAmerica's noncompliance with the bond requirements. The Board also discussed continued concerns with advertising.

Motion made by Mr. Wolf to convene in executive session to confer with the Board's attorneys and to seek legal advice pursuant to §24-6-402(3)(a)(II), C.R.S, to receive legal advice regarding College America's noncompliance with the bond requirements specified in the Private Occupational School Act, C.R.S. 12-59-101 et seq. and the Rules and Regulations, 8 CCR 1504-1 and to discuss continued concerns with advertising and marketing.

Motion passes. The Board of Private Occupational Schools will convene in executive session with its attorney of record and the Division Director and division staff as deemed necessary.

The Chair of the Board, Steven Steele must recuse himself from this matter in order to prevent any appearances of impropriety.

Steven Steele will leave the room with all members of the public during the executive session.

Please turn off the public session tape. {Public leave the room and close door}. 9:50 a.m.

Please substitute the executive session tape for the public session tape at this time and turn on the executive session tape 9:51a.m.

The attorney-client privilege discussion has concluded and this executive session is adjourned. Please remove the executive session tape and mark as August 26, 2014, Executive Session, 10:21 a.m.

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

After further discussion, a Motion was made by Ms. Malay that the Board take action against CollegeAmerica for lapsing their surety bond and for continued concerns that CollegeAmerica's Advertising is misleading and violated the spirit of the Stipulation and Agreement the school entered with the Board. The Board directed the Division to work with the Ag's office to issue a Notice of Noncompliance seeking probation. The Motion was seconded and passed.

Board Member Ledy Garcia-Eckstein, left the meeting at 10:45 A.M.

2. Massage School of Colorado – Noncompliance Matters

Director Candler detailed concerns that the Massage School of Colorado had violated and appeared to be violating the Act and Rules governing the Division and Board. Specifically, Ms. Candler addressed concerns raised by the Federation of Massage Therapy and DORA which created reasonable suspicion that students were being certified before receiving appropriate education and credentials. The Director provided a summary of observations made by joint agencies and law enforcement entities as well as the findings of the unannounced visit to the School.

Motion made by Mr. Wolf to convene in executive session to confer with the Board's attorneys and to seek legal advice pursuant to §24-6-402(3)(a)(II), C.R.S, regarding noncompliance matters concerning the Massage School of Colorado (and may also discuss separate noncompliance matters related to Tech Lectures). The Board will seek legal advice as to options available based on reasonable belief that Massage School of Colorado (and Tech Lectures) has been and/or continues to be in violations of the Private Occupational School Act, C.R.S. 12-59-101 et seq. and the Rules and Regulations, 8 CCR 1504-1 have occurred.

Motion passes. The Board of Private Occupational Schools will convene in executive session with its attorney of record and the Division Director and division staff as deemed necessary.

Please turn off the public session tape. {Public leave the room and close door}. 10:40 A.M.

Please substitute the executive session tape for the public session tape at this time and turn on the executive session tape.

The Board is now in executive session with its attorneys after publicly announcing this executive session to confer with its attorneys to receive legal advice on Massage School of Colorado pursuant to section 24-6-402(3)(a)(II).

Please turn on the executive session tape.

The attorney-client privilege discussion has concluded and this executive session is adjourned. Please remove the executive session tape and mark as August 26, 2014/Executive Session, 10:59 A.M.

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

The matter concerning the Massage School of Colorado – Noncompliance Matters returned to regular public session.

Mr. Quinn, appearing on behalf of his school, was given the opportunity to address the Board members. He presented his explanation for the matters of non-compliance that the Board had identified as its primary concerns. At the conclusion of its deliberation on the public record, the Board voted to summarily suspend the Massage School of Colorado citing numerous noncompliance concerns including: offering modalities of massage that are not approved by the state; failure to teach the program as advertised including but not limited to meeting the required hours necessary for certification by the Federation of Massage Therapy and licensure by DORA; failure to maintain enrollment agreement reflecting consistent charges for the programming offered; and several concerns with the health and safety of the school as well as its location within another questionable business entity. Ms. Malay motioned that the Board seek summary suspension and revocation of the Schools certificate to operate as a school in the State of Colorado. Motion was seconded and passed.

3. Tech Lectures – Denver

The Division has effectuated the surrender of Tech Lectures certificate to operate as a Private Occupational School in Colorado. However, because the owner, Joe Medina, has recently posted advertising on Craig’s List to “tutor” students for the National Examination for Pharmacy Tech, the Board deemed it important to address Mr. Medina at its next meeting to ensure Mr. Medina understands what offerings will/will not fall under the regulation of DPOS.

4. Intellitec College Pueblo

Upon receiving several complaints from students at Intellitec College in Pueblo, Mary Kanaly and Voni Oerman visited the school to address the matters of noncompliance. The school responded immediately to the concerns and provided assurances that each of the violations would be remedied. This resolution ensures that the complaint process can be effective in resolving matter efficiently and rapidly. The Division will continue to monitor to confirm all standards continue to be met.

5. RefactorU – Alternative Bond Proposal

Ann O’Connell, RefactorU – Boulder was present via telephone. One of our newer Tech Boot camp schools has proposed alternative bond arrangements for the Boards consideration. Given the changes emerging in the Private Occupation Landscape, securing bond may be more difficult, thus the Board considered how to continue ensuring protection for the students we serve.

Legal counsel opined that the mechanism for securing the proposed bond through a trust ws not necessarily problematic but the amount secured was insufficient. The Board advised Ms. O’Connell of various options it had to bill students so that the required bond amount would be more manageable.

Adjournment:

There being no other business, Ms. Malay motioned to adjourn the Board meeting. The motion was seconded and duly passed. The Board of Private Occupational Schools' Meeting of August 26, 2014, adjourned at 11:35 A.M.

The next regularly scheduled meeting of the Board is Tuesday September 23, 2014, 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) 866-2723