

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
AUGUST 23, 2016 9:36A.M.

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

Board Members Present:

Arlene Rae Malay, Chair	Joseph James Wolf
Richard Semakula	Timothy L. Brooks

Board Members Absent:

Shelley Krovitz	Paul Garibay
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Division Staff Present:

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

Board Counsel Present:

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

Guests Present:

Dr. Reo Leslie, Colorado School for Family Therapy
Dr. Evelyn Leslie, Colorado School for Family Therapy
Marc David, Institute for the Psychology of Eating
Eric Juhlin, CollegeAmerica
Ivan Nikoluety, Everest College
Margaret Rosenau, School of Inner Health
Kris Jeffreys, New Horizon Computer Learning Centers
Howard Kenison, Esq, Lindquist & Vennum, LLP
Suzanne Scales, CollegeAmerica
Carissa Seger, Everest College
Karen Martiz, Lash Blvd

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Arlene Rae Malay, Chair, at 9:40 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 July 26, 2016 Minutes:

Following review and consideration of the July 26, 2016 meeting minutes, a motion was made by Mr. Semakula to approve the minutes as written. The motion was seconded and carried.

Consideration of Approval of the July 26, 2016 Executive Session Minutes:

Following review and consideration of the July 26, 2016 executive session meeting minutes, a motion was made by Mr. Brooks to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

None

Director Report:

Director Candler announced that unfortunately our Board Chair, Steve Steele, has tendered his resignation as his responsibilities with his schools have become increasingly more demanding. We were so fortunate to have Steve serve as an excellent leader. He was an inspiration to the Division, Board members and the other schools owners. We are in the process of finding a replacement Board Member. The qualifications are that you have to be operator or owner of a Title IV school.

Secondly we received word that Zenith is under show cause from ACICS, which we just received yesterday, so the Division will be monitoring them very closely to find out what steps are next.

ACICS will also do a change of ownership for Redstone College, just a matter of business, so it doesn't really raise any flags.

The Division has been extremely busy we have about ten open investigations and several cases pending, the Division is also in the process of responding to a very large subpoena as well as also an open record request.

We also have a lot to discuss under "Other Business".

New Business/Action Items:

A. Consideration of Approval Programs / Stand Alone Courses

1. Everest College – Thornton

Program Specialist Esquibel presented to the Board for review and consideration two new programs: 1. Computer Information Technology – Diploma; and 2. Computer Information Technology – Degree (AAs). School representatives were present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new programs, Mr. Semakula motioned to approve the above-referenced programs effective August 23, 2016. The motion was seconded and carried.

2. New Horizons Computer Learning Center – Colorado Springs and Englewood (DTC)

Program Specialist Esquibel presented to the Board for review and consideration one new program: Medical Office Administration Associate. 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 August 23, 2016. The motion was seconded and carried.

3. Northern Colorado Truck Driving Academy – Fort Collins

Program Specialist Googins presented to the Board for review and consideration one new course: Hourly One-On-One Road & Field Training. A school representative was available by telephone. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new course, Mr. Wolf motioned to approve the above-reference course effective August 23, 2016. The motion was seconded and carried.

B. Consideration of Approval of Provisional Certificate of Approval

1. Lash Blvd - Westminster

Program Specialist Cordova presented to the Board for review and consideration a new school with one new program: Classic Eyelash Extensions. A School representative was 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. Brooks motioned to approve the Provisional Certificate of Approval for the period beginning August 23, 2016, and ending June 30, 2018, and to approve the above-referenced program. The motion was seconded and carried.

2. Pure Skin Holistic School - Durango

Program Specialist Cordova presented to the Board for review and consideration a new school with one new program: Esthetician Program. A School representative was available by telephone. 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 August 23, 2016, and ending June 30, 2018, and to approve the above-referenced program. The motion was seconded and carried.

C. Consideration of Change of Ownership

1. School of Inner Health – Colorado Springs

Program Specialist Cordova presented to the Board for review and consideration a change of ownership. 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 change of ownership, Mr. Semakula motioned to approve the Change of Ownership Certificate of Approval. The motion was seconded and carried.

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

1. Empire Beauty School - Lakewood
2. Core Dynamics Pilates

No action taken.

Other Business:

1. Modern Institute of Reflexology – Wheat Ridge

The school has not fully complied with the Board's previous requests to remove all references to "doctor" and "master degrees" from his website and any of his other writings. The school owner was not present for the meeting. Mr. Wolf motioned not to renew the school's Certificate of Approval and instruct staff to call on the bond and hold the funds for an indefinite period. The motion was seconded and carried.

2. The Institute for the Psychology of Eating – Longmont

The school has complied with the Board's previous requests to make changes concerning the term "psychology". The school owner was present with legal counsel. Mr. Wolf motioned to approve the school's Standard Certificate of Approval. The motion was seconded and carried.

3. Arts and Education Hairdressing & Laser College – Superior

The school notified the Division that it will be closing. The Division received a complaint from one student and is working with the school to resolve this complaint by suggesting that the school give a full refund. The school's \$100,000 bond expires on August 27, 2016. The Division has filed Notice of Intent to make a claim on the existing \$100,000 bond. The school has agreed to set aside an additional \$25,000 bond for 1-2 years for possible future claims and has agreed to refund the student. Mr. Wolf motioned to call on the bond for sufficient funds for any remaining student disputes at the end of business on August 26, 2016. The motion was seconded and carried.

4. CollegeAmerica – All Locations

School Representative Eric Juhlin was present. The Board reviewed a request to reduce the bond at the July 26, 2016, board meeting. Board member Joseph Wolf, the financial representative, was not present and the Board also requested additional information which has been provided to the Board. The Board determined that the information would be sufficient at this time, however, the Board directed the Division to check the pre-paid tuition calculations provided by the school and the statistics against a number of student contracts to ensure that the data provided is substantiated. Mr. Wolf motioned to approve request to reduce the amount of the LOC. The motion was seconded and carried.

Additionally, the Division filed a Notice of Intent to File a Claim ("Letter of Intent") on the school's Letter of Credit ("LOC") due to fact that neither the school nor the bond company timely provided a written instrument demonstrating that the bond was current for the following year; under our statute this verification must be provided in advance of the expiry date because any school who has a bond that is not renewed within 15 days prior to the expiration date is subject to revocation. The Board has instructed the Division to file a Notice of Intent to make claim upon the bond if verification is not timely received in order to protect the students.

The last verification the Division received for Denver and Ft. Collins campus shows the LOC expired on August 31, 2015. Mr. Juhlin disputed portions of the Letter of Intent. The Board instructed staff to change the language in the Notice of Intent it sends. Furthermore, the Board requested that the Division send a letter to the school's bank stating that our practice is to send a notice of intent when

we do not have current bond verification and to further specify that there were no actual claims on the school's LOC.

5. RN Medispa Academy of Cosmetology – Greeley

The Board previously issued a Cease and Desist Order ("C&D") for operating after the school's Certificate of Approval expired. When the Division went to the school to collect all records as required by our law, Division members noted that additional records existed which were not provided. Even when the Division members specifically asked to review and collect the remaining records, the school owner refused to produce them. The Board Chair made a record that she received the letter from the school owner. Mr. Wolf motioned to post the C&D on door of the school on a Tuesday, notify the District Attorney for possible criminal action, and coordinate with the department of Regulatory Agencies including the Colorado Medical Board, the Board Nursing, and the Office of Barber and Cosmetology. The motion was seconded and carried.

6. American International Beauty College - Denver

A Notice of Noncompliance was previously issued to American International Beauty College, giving the school until August 15, 2016, to respond. When no response was received from the school by August 15, 2016, the Division followed up and the school requested additional time. A response was received on August 17, 2016. Mr. Semakula motioned to file Notice of Charges with the Office of Administrative Courts. The motion was seconded and carried.

7. International Institute of Cosmetics - Denver

A Notice of Noncompliance was previously issued to International Institute of Cosmetics. The response was reviewed by Board, a Notice of Charges was filed with AOC, and the hearing is now set and scheduled for October. The school did not file answer to the Notice of Charges within the required 30 days. The Assistant Attorney General conferred with the attorney representing the school, and they agreed to allow the school to file an answer. The case is scheduled to go to hearing.

7. CIT University, A Christian Institute, Inc. – Denver

A default decision has been granted on Christian Institute.

Adjournment:

Mr. Semakula motioned to adjourn the meeting at 10:51 A.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday September 27, 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