

**MINUTES**  
**BOARD OF PRIVATE OCCUPATIONAL SCHOOLS**  
**December 1, 2015 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                      Joseph James Wolf                      Paul Garibay  
Richard Semakula                              Shelley Krovitz

Board Members Absent:

Arlene Rae Malay

Division Staff Present:

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

Division Staff Absent:

Bernadette Esquibel, Program Coordinator

Board Counsel Present:

Kimberly Spiering, Assistant Attorney General, Office of the Colorado Attorney General

Guests Present:

Pete Thrasher, Headwaters Institute  
Jessica Thrasher, Headwaters Institute  
Pat Nelson, Montage Academy  
Courtney Stevens, Montage Academy  
Staci Hegarty, Concorde Career College  
Dale LeMonds, Aveda Institute Denver  
Elizabeth Karsell Horne, Colorado School of Acting  
Arieann DeFazio, Spark Classes  
Jenny Rukavina, Rocky Mountain School of Animal Acupressure and Massage  
Tony V. Bang, Cosmo Beauty Academy, Inc.  
Dan Nguyen, Cosmo Beauty Academy, Inc.  
Kathryn Swartz, Solar Energy International  
Thomas Guerriero, CIT University, A Christian Institute, Inc.  
Andrea Faley, Department of Regulatory Agencies (DORA)  
Lauren Larson, Department of Regulatory Agencies (DORA)  
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 9:35 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 October 27, 2015 Minutes:

Following review and consideration of the October 27, 2015 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 introduced to the Board two representatives in attendance from the Department of Regulatory Agencies (DORA), Division of Professions and Occupations (DPO), Andrea Faley and Lauren Larson. She advised the Board that they were in attendance to discuss the Massage School of Colorado and requested the Board to allow this item to be moved to the beginning of the agenda for discussion.

### Director / Staff Report:

Director Candler informed the Board that the Annual Board Retreat was very successful and also added she will be discussing Rule changes with the Board as they progress.

### Massage School of Colorado - Broomfield

At its October 27, 2015 meeting, Director Candler informed the Board that the Division learned that the Colorado Office of Massage Therapy Licensure within the Department of Regulatory Agencies (DORA) had initiated action concerning licensed massage therapists who graduated from the Massage School of Colorado. DORA determined that the education received by these former students/graduates of the school has been deemed inadequate for continued licensure. Accordingly, the Office of Massage Therapy Licensure (DORA) has suspended licensure and practice by these former graduates, through stipulated agreements, until they successfully complete additional hours of training. As DORA has required this education under its own jurisdiction and enabling statute, it has been deemed exempt from DPOS regulatory oversight under section 12-59-104(1)(r). Director Candler and AAG Spiering informed the Board that counsel had drafted a Memorandum of Understanding (MOU) to be signed by the Office of Massage Therapy Licensure, DORA which explained that because the mandated additional hours of education related to graduates of MSC had not been approved by DPOS it was deemed as exempt from the jurisdiction of the Division of Private Occupational schools based on §12-59-104(1)(r); therefore, any actions or concerns related to this education shall be managed by DORA. The Board moved that a MOU was necessary to specifically address the unusual circumstances surrounding the mandated education and DORA's responsibility in managing the education.

As the Department of Regulatory Agencies (DORA) was not in agreement with entering the MOU, DORA's representatives, Andrea Faley and Lauren Larson agreed to address the Board's concerns at the meeting. After the Board confirmed that DORA has mandated 250 hours through expedited settlement agreements, it discussed their many concerns regarding the protection of the students and the schools involved in this matter. Specifically, the Board explained its concerns including the fact that schools and students were unclear as to what particular educational courses would meet the mandate and further noted that the students could not comply and continue practicing as a massage therapist until this was sorted out. Because the mandatory (250) hours was ordered by DORA, the Board felt it was important to clearly specify the parameters of this special circumstance so other schools did not believe they could offer education that was not approved by DPOS.

Ms. Larsen, Director of the Division of Professions and Occupations, addressed the Board and agreed that the private settlement agreements had an unintended public outcome; it has raised many concerns for schools considering offering the education as well as students who are finding it difficult to locate schools willing to provide the required education. However, Ms. Larsen suggested that the MOU was unnecessary because our respective Statutes clearly define our roles and authority. She also stated that she, as the Director of DPO, will have the discretion to approve the education required under each stipulated agreement.

The Board requested that a joint letter be issued, to communicate to schools and students, in lieu of the MOU which clearly defines the role of each agency. Both agencies agreed that some form of written documentation needed to be drafted. The Board directed Division staff to work with DORA cooperatively to find a solution.

New Business / Action Items:

A. Consideration of Approval Programs / Stand Alone Courses

1. Concorde Career College - Aurora

Program Specialist Googins presented to the Board for review and consideration three revised programs: Associate of Applied Science in Nursing, Practical Nursing and Associate of Applied Science in Nursing Bridge Program Option. A school representative was present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the revised programs, Mr. Wolf motioned to approve the above-referenced programs effective December 1, 2015. The motion was seconded and carried.

2. Intellitec College - Pueblo

Program Specialist Googins presented to the Board for review and consideration one new program: Automotive Technician Program. A school representative was not 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 December 1, 2015. The motion was seconded and carried.

3. Hollywood Hair Academy - Pueblo

Program Specialist Googins presented to the Board for review and consideration one new program: Barbering. A school representative was not 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 December 1, 2015. The motion was seconded and carried.

4. Montage Academy - Longmont

Program Specialist Googins presented to the Board for review and consideration one new stand alone course: Permanent Makeup. School representatives were present. 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-referenced course effective December 1, 2015. The motion was seconded and carried.

5. Aveda Institute Denver - Denver

Program Specialist Googins presented to the Board for review and consideration one new program: Barber Crossover. 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 December 1, 2015. The motion was seconded and carried.

6. Cosmo Beauty Academy, Inc. - Denver

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

Following review and consideration of the new program, Mr. Wolf motioned to approve the above-referenced program effective December 1, 2015. The motion was seconded and carried.

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

Program Specialist Googins presented to the Board for review and consideration three new programs and one new stand alone course: Small Animal Acupressure Level 1, Small Animal Acupressure Level 2, Small Animal Acupressure National Exam Module and Equine Behavior and Enrichment. A school representative was present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new programs and new course, Mr. Semakula motioned to approve the above-referenced programs and course effective December 1, 2015. The motion was seconded and carried.

B. Consideration of Approval of Provisional Certificate of Approval

1. Spark Classes - Boulder

Program Specialist Hill presented to the Board for review and consideration a new school with three new stand alone courses: Web Development, iOS Development and Growth Hacking. 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.

At the Board's October 27, 2015 meeting, the Board addressed concerns related to the school's advertising which guaranteed tuition reimbursement for students not placed in an internship after completion of the school's courses. The Board was concerned that the advertising was misleading and possibly constituted a deceptive trade or sales practice, specifically violating Rule VII. A. which states, "A guarantee of placement shall not be falsely promised or implied". The Board further explained that the school could not advertise or sell the internship if it was not part of their approved course. Therefore, the school would need to either: a) incorporate the internship as part of the offered program and define it in the school's curriculum and/or catalog so that students would understand the terms of the internship; or b) remove the internship advertising altogether. The Board voted to table the approval of the new school and courses until the school made a determination regarding which method was appropriate for their curriculum offerings. The school submitted a revised catalog and enrollment agreement and also updated their website removing the guarantee.

Following review and consideration of the new school and courses, Mr. Wolf motioned to approve the Provisional Certificate of Approval for the period beginning December 1, 2015 and ending June 30, 2017 and to approve the above-referenced courses. The motion was seconded and carried.

2. Headwaters Institute – Fort Collins

Program Specialist Googins presented to the Board for review and consideration a new school with one new program: Real Estate Pre-Licensing Course. 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 December 1, 2015 and ending June 30, 2017 and to approve the above-referenced program. The motion was seconded and carried.

### 3. CIT University, A Christian Institute, Inc. - Denver

Program Specialist Googins presented to the Board for review and consideration a new school with one new program: Sports Management. 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 and program, Mr. Semakula motioned to approve the Provisional Certificate of Approval for the period beginning December 1, 2015 and ending June 30, 2017 and to approve the above-referenced program. The motion was seconded and carried.

### 4. Colorado School of Acting – Centennial

Program Specialist Hill presented to the Board for review and consideration a new school with nine new stand alone courses: Acting for the Camera: Showbiz Kids, Acting for the Camera: Tweens, Acting for the Camera: Level 1, Acting for the Camera: Level 2, Acting for the Camera: Level 3, Acting for the Camera: Level 4, Voice Over Intensive, Summer Film Camp and LA Trip. 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 and courses, Mr. Semakula motioned to approve the Provisional Certificate of Approval for the period beginning December 1, 2015 and ending June 30, 2017 and to approve the above-referenced courses. The motion was seconded and carried.

### 5. Solar Energy International - Paonia

Program Specialist Hill presented to the Board for review and consideration a new school with six new programs and seventeen new stand alone courses: Residential and Commercial Photovoltaic Systems Certificate, Battery-Based Photovoltaic Systems Certificate, International and Developing World Applications Certificate, Renewable Energy Applications Certificate, Solar Professionals Trainer Certificate, Solar Business and Technical Sales Certificate and seventeen additional stand alone courses on file with the Division. 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.

Program Specialist Hill advised the Board that an onsite visit had not yet been completed due to the remote location of the school; however, one would be scheduled as soon as possible.

Following review and consideration of the new school, programs and courses, Mr. Wolf motioned to approve the Provisional Certificate of Approval for the period beginning December 1, 2015 and ending

June 30, 2017 and to approve the above-referenced programs and courses conditioned upon a satisfactory site visit. The motion was seconded and carried.

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

Program Specialist Googins reported the closing of Excel Driver Services in Grand Junction.

No action taken.

Other Business:

Massage School of Colorado - Broomfield

Mr. Steele, Board Chair, presented an update to the Board concerning the appeal filed by the Massage School of Colorado (MSC). He informed the Board that there was an error in the documents sent to Mr. Quinn and MSC stating the wrong date for appearance at the Board meeting. This matter will be addressed at their January 26, 2016 Board meeting allowing a representative from the school to appear. The Board will be represented by Conflicts Counsel through the appeal process. The Board requested a legal opinion be prepared concerning the process and timeframe for re-application of a closed school and the Board's authority for approval or denial.

After discussion, Mr. Wolf motioned to table the matter. The motion was seconded and carried.

Adjournment:

Mr. Semakula motioned to adjourn the meeting at 11:17 a.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday January 26, 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