

**BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
BOARD MEETING**

December 8, 2009 9:30 A.M.

The Colorado Private Occupational Schools Board convened at the Auraria Higher Education Campus, Tivoli Student Center, Room 640, 900 Auraria Parkway, Denver, CO 80204.

Chair Robert Martin called the meeting to order at 9:50 A.M. and greeted guests. The Board members, Division staff and guests were introduced. Board roll call was taken and a quorum was present.

Board Members Present:

Robert Martin, Chair
Buddy Douglass

Jerry Sirbu
Tom Narvaez

Board Members Present Via Telephone:

Lisa Bennison Noll, Vice Chair

Winnifred Rovig

Board Members Absent:

Karen Hall

Division Staff Present:

Jim Parker, Director
Renee Belisle, Program Specialist
Bernadette Esquibel, Program Specialist

Georgia Roberts, Deputy Director
Voni Oerman, Program Specialist
Loretta Perez, Administrative Assistant

Board Counsel Present:

Lorna Candler, Assistant Attorney General, Office of the Colorado Attorney General

Guests Present:

Dr. David Edlund, Dental Careers of Colorado, LLC – Lakewood
Charmaine Williams, Englewood Cosmetology Trades – Englewood
Arne Utke, Englewood Cosmetology Trades – Englewood
Kristie Berg, Academy for Dental Assistant Careers – Greeley
Liana Solovey, Mile High Medical Academy – Denver
Michelle Bonny, Mile High Medical Academy – Denver
Loven Ellison, Mile High Medical Academy – Denver
Paul Aivds, Mile High Medical Academy – Denver
Tom Lucas, Estrela Bartending School - Denver

Approval of the October 27, 2009 Board Meeting Minutes:

The Board reviewed the Minutes of the October 27, 2009 Board meeting. Mr. Douglass motioned for approval of the minutes as read. The motion was seconded and passed.

Approval of the October 27, 2009 Executive Session Meeting Minutes:

The Board reviewed the Minutes of the October 27, 2009 Executive Session Meeting Minutes. Mr. Narvaez motioned for approval of the minutes as read. The motion was seconded and passed.

Approval of the November 5, 2009 Annual Board Meeting Minutes:

Tabled until the January 26, 2010, Board Meeting.

Additions / Changes to the Agenda:

There were no additions to the agenda. However, the Director's Report was moved to the end of the agenda to be presented under "Other Business", just before Agenda Item "D. Student Complaints / Matters of Non-Compliance / Legal Action."

Staff Report:

Specialist Oerman reported that the compliance matter concerning I Deal 21 Casino School, identified at the October 27, 2009 Board Meeting, have been corrected, recorded and are on file.

New Business / Action Items:

A. Consideration of Approval of Provisional Certificate of Approval

1. Academy for Dental Assisting Careers - Greeley

Program Specialist Belisle brought to the Board's attention for consideration Academy for Dental Assisting Careers, Greeley, a new school with one proposed program, Dental Assisting and three stand alone courses. The proposed stand alone courses are: (1) Nitrous Oxide Administration; (2) EDDA I; and (3) EDDA II. A school representative was present. The school satisfied the Board's inquiry. Upon determining that the school is in compliance with the required bond amount in the amount of \$23,300; that the school submitted a bond in the amount of \$23,300; 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, Mr. Sirbu, in a combined motion, moved that a Provisional Certificate of Approval be granted to Academy for Dental Assisting Careers, 1640 25th Avenue, Suite C, Greeley, CO 80634 for the period beginning December 8, 2009 and ending June 30, 2011, and that the above-referenced new program and stand alone courses be approved effective December 8, 2009, contingent upon the discussed changes being made. The combined motion was seconded and unanimously passed.

2. Dental Careers of Colorado, LLC - Lakewood

Program Specialist Oerman brought to the Board's attention for consideration, Dental Careers of Colorado, LLC, Lakewood, a new school with one proposed program, Concepts In Dental Assisting. A school representative was present. The school satisfied the Board's inquiry. Upon determining that the school is in compliance with the required bond in the amount of \$23,950; that the school submitted a bond in the amount of \$30,000; 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, Mr. Douglass, in a combined motion, moved that a Provisional Certificate of Approval be granted to Dental Careers of Colorado, LLC, 7425 W. Hampden Avenue, Lakewood, CO 80227 for the period beginning December 8, 2009 and ending June 30, 2011, and that the above-referenced new program be approved effective December 8, 2009, contingent upon the discussed corrections being made. The combined motion was seconded and unanimously passed.

3. Englewood Cosmetology Trades – Englewood

Program Specialist Oerman brought to the Board's attention for consideration, Englewood Cosmetology Trades, Englewood, a new school with three proposed programs: (1) Hairstylist; (2) Cosmetology; and (3) Barbering. School representative were present. The school satisfied the Board's inquiry. Upon determining that the school is in compliance with the required bond in the amount of \$60,000; that the school submitted a bond in the amount of \$100,000; 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, Mr. Douglass, in a combined motion, moved that a Provisional Certificate of Approval be granted to Englewood Cosmetology Trades, 3200 S. Acoma Street, Englewood, CO 80110 for the period beginning December 8, 2009 and ending June 30, 2011, and that the above-referenced new programs be approved effective December 8, 2009, contingent upon the discussed corrections being made. The combined motion was seconded and unanimously passed.

4. Cross Country Education, LLC – Brentwood, TN

Program Specialist Esquibel brought to the Board's attention for consideration, Cross Country Education, LLC, Brentwood, TN, a new school with twelve proposed stand alone courses: (1) Asperger's Syndrome; (2) OSHA 2010 Compliance and Training for Medical and Dental; (3) Therapeutic Approaches to Dementia; (4) The ABCs of Medical Coding: Everything You Need to Know for Optimal Reimbursement; (5) Children's Health and Nutrition: Evidence-Based Interventional for Increasing Common Pediatric Concerns; (6) Personality Disorders in Social Work and Health Care; (7) Physical and Occupational Therapy on a Shoestrings Budget: Using everyday objects to achieve extraordinary results; (8) Effective Treatment of Common Cervical and Upper Thoracic Pain Conditions; (9) Effective Neurological Management of Sensory Processing Disorder; (10) Parent Empowerment: Counseling Parents in Positive Child-Rearing Practices; (11) Assessment and Treatment of Cognitive Communication Disorders in the Neurologically; and (12) CDT Dental Coding and Reimbursement Updated: Identifying Common Practice Mistakes. A school representative was available by telephone. Upon determining that the school is in compliance with the required bond in the amount of \$5,000; that the school submitted a bond in the amount of \$5,000; 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, Mr. Sirbu, in a combined motion, moved that a Provisional Certificate of Approval be granted to Cross Country Education, LLC, 9020 Overlook Blvd., Suite 140, Brentwood, TN 37207 for the period beginning December 8, 2009 and ending June 30, 2011, and that the above-referenced new stand alone courses be approved effective December 8, 2009. The combined motion was seconded and unanimously passed.

B. Consideration of Approval Programs/Stand Alone Courses

1. Estrela Bartending School, LLC - Denver

Program Specialist Belisle brought to the Board's attention for review and consideration one new program Bartending Program, proposed by Estrela Bartending School, LLC, Denver. A school representative was present. Based upon the Board having determined that the above-referenced program for Estrela Bartending School, LLC, 925 S. Niagara Street, Suite 510, 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. Douglass moved to approve the above-referenced new program effective December 8, 2009. The motion was seconded and unanimously passed.

2. Hairfusion - Durango

Program Specialist Belisle brought to the Board's attention for review and consideration one new stand alone course, Microdermabrasion, proposed by Hairfusion, Durango. A school representative was available by telephone. Based upon the Board having determined that the above-referenced stand alone course for Hairfusion, 150 West 10th Street, Durango, CO 81301 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, Ms. Rovig moved to approve the above-referenced new stand alone course effective December 8, 2009. The motion was seconded and unanimously passed.

3. Collinson Massage School – Colorado Springs

Program Specialist Belisle brought to the Board's attention for review and consideration two new stand alone courses: (1) Reflexology; and (2) Reiki I, proposed by Collinson Massage School, Colorado Springs. A school representative was available by telephone. Based upon the Board having determined that the above-referenced stand alone courses for Collinson Massage School, 2163 N Academy Blvd., Colorado Springs, CO 80909, 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. Narvaez moved to approve the above-referenced new stand alone courses effective December 8, 2009. The motion was seconded and unanimously passed.

4. IntelliTec Medical Institute – Colorado Springs

Program Specialist Oerman brought to the Board's attention for review and consideration one new program Massage Therapist Certificate Program (MS-C01), proposed by IntelliTec Medical Institute, Colorado, Springs. No school representative was available. Based upon the Board having determined that the above-referenced program for IntelliTec Medical Institute, 2345 N. Academy Blvd., Colorado Springs, CO 80909 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. Narvaez moved to approve the above-referenced

new program effective December 8, 2009. The motion was seconded and unanimously passed.

5. Green Mountain School of Yoga – Arvada

Program Specialist Esquibel brought to the Board's attention for review and consideration one new program, Advanced Yoga Teacher Training, proposed by Green Mountain School of Yoga, Arvada. No school representative was available. Based upon the Board having determined that the above-referenced new program for Green Mountain School of Yoga, 8566 Five Parks Drive, Arvada, CO 80005, 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. Douglass moved to approve the above-referenced new program effective December 8, 2009, contingent upon the discussed corrections being made. The motion was seconded and unanimously passed.

C. Notification of School Closings

The Division informed the Board of the following recent school closures:

1. Crown of Splendor Institute - Ridgway
2. Crazy Horse International Salon & Training Center - Durango

Other Business:

Director Parker presented the Division Quarterly Report for FY-09-10 – 1st Qtr, which runs from July 1, through September 30, 2009.

D. Student Complaints/Matters of Non Compliance/Legal Action

1. Mile High Medical Academy – Denver

Director Parker and Board Counsel, Assistant Attorney General Candler, updated the Board in regard to a current matter of non-compliance arising out of an active student complaint filed in respect to Mile High Medical Academy, Denver, and other related matters. School representatives were present.

Mr. Sirbu recused himself from Board participation in this particular agenda item, citing a concern about an appearance of a conflict of interest. Then, Mr. Sirbu left the room. A two-thirds majority of the board was still present.

Mr. Martin, Chair, called for a motion to convene in executive secession pursuant to §24-6-402(3) (a)(II), C.R.S., in order to confer with the Board's attorney for the purpose of receiving legal advice concerning legal options which may be available to the Board; to discuss other legal questions related thereto, and pursuant to §24-6-402(3)(a)(III); and to discuss the active student complaint which entails personnel and other matters required to be kept confidential pursuant to section §12-59-105.4. Mr. Douglass so motioned; it was seconded; and duly passed. Members of the general public left the meeting room. The regular public board meeting recorder was turned off, and the Board of Private Occupational School duly convened into executive session at 10:29

A.M., for the purposes described above as requiring confidentiality. No member of the general public was present. The executive session recorder was turned on.

Executive session having concluded, the public session of the Board meeting reconvened at 11:30 A.M. and the regular public meeting recorder was turned on. Members of the general public were invited to once again attend and school representatives were once again present. Assistant Attorney General Candler affirmed for the public record that the Executive Session was for the sole purpose of providing legal advice to the Board and to otherwise engage in what in good faith is believed to be an attorney-client privileged discussion or student complaint matters required to be kept confidential.

After due deliberation and discussion, Mr. Douglass motioned that the Board instruct Director Parker to Issue an Order of Summary Suspension to Mile High Medical Academy, pursuant to section C.R.S. §12-59-113(3) and C.R.S. §24-4-104(4), citing that the Board has grave concerns about the school's financial stability and its ability to continue to enroll and operate at this time. The Board also cited as a basis for the motion serious concern for the student protection and the Board's obligation to protect the students interests under the circumstances presented.

Furthermore, the Private Occupational Schools Board having determined, based upon reasonable belief that Mile High Medical Academy has violated or is violating provisions of Title 12, Article 59, C.R.S., and the Rules and Regulations concerning the Private Occupation Education Act, Mr. Douglass further motioned to instruct the Board's legal counsel to go forward and issue a Notice of Charges and to set for hearing in respect to the previously identified matters of non-compliance; citing in this motion that the Board authorizes the Office of the Attorney General to commence such legal action as appropriate, in a court of competent jurisdiction pursuant to §§12-4-104(4) and §12-59-113(3), C.R.S., in order to enforce compliance. The combined motion was seconded by Mr. Narvaez and passed unanimously.

Adjournment

Having no further business, Mr. Narvaez moved for adjournment. The motion was seconded and passed. The Board meeting adjourned at 12:31 P.M.

The next regularly scheduled meeting of the Board is Tuesday, January 26, 2010, 9:30 A.M. and will be held at:

Auraria Higher Education Campus
Tivoli Student Center, Room 640
900 Auraria Parkway
Denver, CO 80204