

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
December 3rd, 2019 10:03 A.M.

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

Board Members Present:

Paul Garibay, Chair;
Ryan Minic, Vice Chair;
Shelley Krovitz;
JoAnn Stevens (telephonically);
Chris Reister

Board Members Absent:

A. Richard Behbehani;

Division Staff Present:

Mary Kanaly, Deputy Director & Compliance Officer;
Rachel Acosta, Program Specialist;
Carrie Harding, Program Specialist;
Jonathan Rendon, Program Specialist;
Brad Uyemura, Compliance Investigator;
Amy Knoblauch, Data & Research Specialist

Division Staff Absent:

Bernadette Esquibel, Program Specialist Assistant
Lorna Candler, Director;

Board Counsel Present:

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

Guests Present:

Karla K Avila, Avila's Barber School;
Lindsey Reese, Cook Street School of Culinary Arts;
Denise Mitchell, Tuana European Beauty Academy;
Camelia Kong, Colorado Massage Therapy Institute;
Scott Lewis, Colorado Massage Therapy Institute;
Emily Stenley, The Tech Academy Denver;
Mariam Belton, The Tech Academy Denver;
Hyung Joon Choe, Colorado Department of Higher Education;
Peter Gilkey, Colorado Denver Dental Assistant School;
Michael Mulholland, Accent Beauty Academy;
Elena Thomas Faulkner, National Institute for Medical Assistant Advancement;
Jarred McNeely, Colorado School of Trades;
Jacquelyn Edie, Alandi Ayurveda Gurukula

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 10:03 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 22nd, 2019 Minutes:

Following review and consideration of the October 22, 2019 meeting minutes, Mr. Minic made a motion to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

Action items will be discussed before Other Business items.

Director/ Staff Report:

Deputy Director Kanaly reported the following to the Board:

- As the Vice President of NASASPS, Director Candler is in New Orleans for the NASASPS Board Meeting to prepare for the upcoming annual conference;
- Jonathan Rendon is in attendance for the Board meeting as the newest Program Specialist for the Division. His previous employment includes working as a Coordinator for the Workforce Center and a Manager of Student Success at American Sentinel University;
- The Department of Higher Education has created a handout to display the Roadmap to Affordability goals for the Department. A copy has been given to the Board;
- DPOS is a part of a Human Trafficking task force and will provide updates to the Board.

New Business/Action Items:

A. Consideration of Approval of Programs/Stand- Alone Courses

1. Academy of Natural Therapy – Greeley - AC

Program Specialist Cordova presented to the Board for review and consideration the following two new stand-alone courses: 1. Zoo-120 Equine Massage Therapy; and 2. Reiki-100 Reiki 1 & 2. Additionally, Program Specialist Cordova presented to the Board the COMTA accreditation action letter that informed the Division and Board that the school is no longer on financial monitoring. A school representative was not present at this time. Mr. Minic motioned to table the matter to call the school representative and ask additional questions.

Once the school representative was available via telephone and after review and consideration, Mr. Minic motioned to conditionally approve the previously mentioned stand-alone courses provided that; the bond is reviewed for accuracy; students are notified that there is a separate classroom for the Zoo – 120 Equine Massage Therapy stand-alone course; and the insurance policy for the school is reviewed to ensure that the separate classroom is covered by the insurance policy. The motion was seconded and carried.

2. Cook Street School of Culinary Arts – Denver - CH

Program Specialist Harding presented to the Board for review and consideration the following new program: Evening Professional Culinary Program. A school representative was present.

Following review and consideration, Mrs. Krovitz motioned to conditionally approve the previously mentioned new program provided that students are made aware of the program differences in the catalog between the evening and day programs. The motion was seconded and carried.

3. National Institute of Medical Assistant Advancement – Denver - CH

Program Specialist Harding presented to the Board for review and consideration the following two new stand-alone courses: 1. Interprofessional Team-Based Care; and 2. Quality Improvement Making the Data Count. 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, Mr. Minic motioned to approve the previously mentioned new stand-alone courses. The motion was seconded and carried.

4. United College of Health and Beauty – Englewood - CH

Program Specialist Harding presented to the Board for review and consideration the following three new stand-alone courses: 1. Dermal Needling Course; 2. Laser and Light Therapy Training and Certification; and 3. Neuromodulator and Dermal Filler Injection Training. A school representative was not 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, Mr. Reister motioned to approve the previously mentioned new stand-alone courses. The motion was seconded and carried.

5. Tuana European Beauty Academy – Fort Collins - RA

Program Specialist Acosta presented to the Board for review and consideration the following two major revisions to a stand-alone course: 1. Advanced European Cutting and Styling; 2. Advanced European Color. 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, Mr. Minic motioned to approve the previously mentioned major revision to a new stand-alone course. The motion was seconded and carried.

B. Consideration of Approval of Provisional Certificate

1. Colorado Dental Assistant Academy – Greeley – AC

Program Specialist Cordova presented to the Board for review and consideration of a Provisional Certificate. A school representative was present.

Following review and consideration, Mrs. Krovitz motioned to conditionally approve the Provisional certificate provided that the application for provisional certificate states that Thomas Ince is the sole owner and that Sam Gilkey and Carly Werling are removed. The motion was seconded and carried.

2. Colorado Dental Assistant Academy – Boulder – AC

Program Specialist Cordova presented to the Board for review and consideration of a Provisional Certificate. A school representative was present.

Following review and consideration, Mrs. Krovitz motioned to conditionally approve the Provisional certificate provided that the application for provisional certificate states that Thomas Ince is the sole owner and that Sam Gilkey and Carly Werling are removed. The motion was seconded and carried.

3. Colorado Dental Assistant Academy – Greenwood Village – AC

Program Specialist Cordova presented to the Board for review and consideration of a Provisional Certificate. A school representative was present.

Following review and consideration, Mrs. Krovitz motioned to conditionally approve the Provisional certificate provided that the application for provisional certificate states that Thomas Ince is the sole owner and that Sam Gilkey and Carly Werling are removed. The motion was seconded and carried.

4. Denver Dental Assistant School – Westminster - AC

Program Specialist Cordova presented to the Board for review and consideration of a Provisional Certificate. 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, Mrs. Krovitz motioned to approve the Provisional certificate for the period beginning December 3, 2019 and ending June 30, 2021. The motion was seconded and carried.

5. The Tech Academy Denver – Denver - CH

Program Specialist Harding presented to the Board for review and consideration of a Provisional Certificate. 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, Mr. Minic motioned to approve the Provisional certificate for the period beginning December 3, 2019 and ending June 30, 2021. The motion was seconded and carried.

6. Alandi Ayurveda Gurukula – Boulder - CH

Program Specialist Harding presented to the Board for review and consideration of a Provisional Certificate. 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, Mr. Minic motioned to approve the Provisional certificate for the period beginning December 3, 2019 and ending June 30, 2021. The motion was seconded and carried.

7. Avila's Barber School – Fort Collins - RA

Program Specialist Acosta presented to the Board for review and consideration of a Provisional Certificate. A school representative was present.

Following review and consideration, Mr. Minic motioned to conditionally approve the Provisional certificate provided that the Financial Expert on the Board, Richard Behbehani reviews and approves the school's financials. The motion was seconded and carried.

8. Colorado Massage Therapy Institute – Denver - MK

At this time, Board Member JoAnn Stevens joined the Board telephonically.

Deputy Director Kanaly presented to the Board for review and consideration of a Provisional Certificate. A school representative was present. Deputy Director Kanaly provided a memo to the Board and informed them that there was a relationship between Camelia Kong, the school's owner, and individuals that had been disciplined by the Board in the past for selling credentials to students. Ms. Kong denied any relationship however, she later agreed that she knew the individuals. The location of the school was to be located at a business, China Massage, that is a known prostitution location confirmed by the Federal Bureau of Investigations. Deputy Director Kanaly informed the Board that the attempted site visit completed for the school exhibited many deficiencies. Information was available for the Board's review that was obtained from RubMaps, a website that the Federal law enforcement uses for arrest warrants.

The school representatives addressed the Board regarding the lack of equipment and the relationship between Ms. Kong and the individuals charged with selling credentials.

Division Counsel addressed the representatives with questions regarding the location, contact information and employees working at China Massage. Counsel continued to question the school representatives about the reviewed services found online on RubMaps.

Following review and consideration, Mr. Minic motioned to table the matter for Executive Session. The motion was seconded and carried.

At 12:12 P.M. Mr. Minic motioned for a recess. The motion was seconded and carried.

At 12:21 P.M. Chair Garibay called the meeting back to order.

Other Business:

1. Legal Update

Legal Counsel, Jacquelynn Rich Fredericks, updated the Board on the following items:

- a. CollegeAmerica
 - i. Pursuant to the Board's authorization, the Parties engaged in settlement discussions and have reached an accord. Mrs. Krovitz motioned to move CollegeAmerica to Executive Session.
- b. Greater Pueblo Dental Assisting School
 - i. The respondent offered to voluntarily surrender their certificate. An Affidavit of Voluntary Surrender was executed by the Owner on October 21, 2019. On October 23, 2019, the Board filed a voluntary dismissal of the pending litigation in light of the School's Voluntary Surrender. The Office of Administrative Courts entered an Order dismissing the case that same day.
- c. Westland Beauty Academy
 - i. A copy of the Final Settlement Agreement has been signed by the Owner, and the Board Chair must sign to finalize the Agreement. Copies of the checks to the three student complainants have been received, and the originals are being sent to Counsel's attention for conveyance to the complainants by the Division. The Board must vote to adopt the Agreement as a Final Agency Action/Order of the Board and dismiss the litigation before the Office of Administrative Courts. Following review and discussion, Mrs. Krovitz motioned to adopt the Westland Order. The motion was seconded and carried.

2. Xtreme Lashes

Deputy Director Kanaly reported to the Board that due to the recent rule change and after further review of the school's curriculum, the practice of lash extensions is within the scope of practice for cosmetology and esthetics. No action taken.

3. Academy of Natural Therapy COMTA Commission Action Letter

The matter was previously discussed. No action taken.

At this time, the Board discussed Other Business item #5, CDL College.

4. CDL College

Counsel reported to the Board that correspondence has been sent to the bonding company explaining why denial is inappropriate and that a call with the insurer is scheduled for 2:00 P.M. immediately following the Board Meeting.

5. CollegeAmerica Update

Deputy Director Kanaly reported to the Board that the last update received from CollegeAmerica was from October 24th. At the October Board meeting, the CollegeAmerica representative stated that he was not aware of any changes.

Following review and consideration of each of the previous matters discussed during the regular portion of the Board meeting, Mr. Minic motioned to convene in executive session with the Board's attorney to seek legal advice pursuant to C.R.S. §24-6-402(3)(a)(II), on the following matters: CollegeAmerica and Colorado Massage Therapy Institute and in consideration of relevant parts of the Private Occupational School Act, C.R.S. §23-64-101 et seq. and the Rules and Regulations, 8 CCR 1504-1. The motion was seconded and carried. The public session recorder was turned off.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and Division staff at 12:46 P.M.

After the review and consideration of the matters previously mentioned, Chair Garibay resumed regular session at 1:11 P.M.

The Executive Session recorder was turned off.

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

Assistant Attorney General Rich Fredericks affirmed for the record that this Executive Session was for the sole purpose of providing legal advice to the Board and to otherwise engage in good faith in what is believed to be attorney-client privileged discussions.

Following Executive Session the Board resumed its agenda as follows.

Colorado Massage Therapy Institute

The Board expressed their dissatisfaction regarding the conditions of the physical location for the school. Furthermore, the Board and counsel had questions for the Division regarding the catalog, enrollment agreement and evaluator reports which Deputy Director Kanaly answered. The school representative addressed additional concerns brought up by the Board. Vice Chair Minic motioned to deny the approval based on the reasonable belief that the school may not be capable or prepared to start a school or even operate a school based on the site visit conducted by Deputy Director Kanaly which concluded that the school did not have an adequate classroom or supplies that a student may need pursuant to C.R.S. §23-64-114 and 23-64-118(1) and 23-64-118(3).

CollegeAmerica

Following discussion in public session, Mr. Reister motioned to approve the Stipulated Agreement as the Final Agency Order of the Board. The motion was seconded and approved. Counsel stated for the public record that paragraph 22 states that this agreement does not supplant or otherwise displace any prior agreements that the Board has made with the school. Additionally, paragraph 29 indicates that the Board is able to continue its regular monitoring

functions over the school with respect to all other matters. The Board continued discussion by directing the Division to contact the school to inquire about the lack of updates provided and to address any accreditation changes with the school.

Adjournment:

Mr. Reister motioned to adjourn the meeting at 1:30 P.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, January 28, 2020, 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