

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
February 25th, 2020 9:35 A.M.

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

Board Members Present:

Paul Garibay, Chair;	Barbara Kearns;
Ryan Minic, Vice Chair;	JoAnn Stevens;
Shelley Krovitz;	Chris Reister;
Ellen Wamser	

Board Members Absent:

Division Staff Present:

Lorna Candler, Director
Mary Kanaly, Deputy Director & Compliance Officer (present at 9:47 A.M.);
Brad Uyemura, Compliance Investigator;
April Cordova, Program Specialist;
Rachel Acosta, Program Specialist;
Carrie Harding, Program Specialist;
Jonathan Rendon, Program Specialist;
Amy Knoblauch, Data & Research Specialist

Division Staff Absent:

Bernadette Esquibel, Program Specialist Assistant

Board Counsel Present:

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

Guests Present:

Bonnie Babcock, Integrity CDL Academy;
Richard Morgan, Integrity CDL Academy;
Kiersten Murdoch, Center for Excellence and Higher Education;
Joel Scimeca, Center for Excellence and Higher Education;
Jarred McNeely, Colorado School of Trades;
Mary Gordy, Center for Excellence and Higher Education, CollegeAmerica;
Eric Juhlin, Center for Excellence and Higher Education;
Bill Ojile, Armstrong Teasdale (Center for Excellence and Higher Education);
Michael Mulholland, Accent Beauty Academy;
Gina Simpson, Colorado School of Healing Arts;
Chris Smith, Colorado School of Healing Arts;
Dianne Powell, Allied Health Career Training;
Altaf Siddiqui, Aurora College;
Bailey Ames, Lash and Company

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 9:36 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 February 25th, 2020 Minutes:

Following review and consideration of the February 25th, 2019 meeting minutes, Mr. Reister made a motion to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

No additions or changes were made.

Director/ Staff Report:

Director Candler reported to the Board the following:

- Deputy Director Kanaly testified in favor of House Bill 1280 that will provide the Department of Higher Education the ability to collect student-level data from Occupational Schools. This will allow the Division to count credentials earned from occupational schools that will be included in the Higher Education landscape;
- Director Candler urged schools to join the Eligible Training Provider List;
- The Division is hosting the Senior Business Analyst, Doreen Wong, from Intellect who is an IT vendor that will be building a new Information Management system for the Division. Ms. Wong will be conducting a Discovery Week to map out the scope of the project;
- 2020 is a Census year thus, Director Candler encouraged Division schools and their students to fill out the Census.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate

1. Lash & Company – Thornton - AC

Program Specialist Cordova presented to the Board for review and consideration the following six new stand-alone courses: 1. Advanced IPL; 2. Cosmetic Laser; 3. Microneedling; 4. Chemical Peels; 5. Dermaplaning; and 6. Cosmetic Injectables. 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, Ms. Stevens motioned to approve the previously mentioned new stand-alone courses. The motion was seconded and carried.

2. Aurora College – Aurora - CH

Program Specialist Harding presented to the Board for review and consideration the following new program: Expanded Duties Dental Auxiliary. 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 program. The motion was seconded and carried.

B. Consideration of Approval of Provisional Certificate

1. Allied Health Career Training, LLC. – Lakewood - 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. Reister motioned to approve the Provisional certificate for the period beginning February 25, 2020 and ending June 30, 2021. The motion was seconded and carried. Mr. Minic made a strong recommendation to add an Externship component to the program when demand increases.

C. Consideration of Approval of Change of Ownership

1. Colorado School of Healing Arts - Lakewood - CH

Program Specialist Harding presented to the Board for review and consideration of Change of Ownership. A school representative was present.

Following review and consideration, Mr. Minic motioned to table the review and approval of Change of Ownership until the May 2020 Board Meeting to receive a status update. The Board would like to have more information about the transfer of ownership as the legal actions taken to transfer the ownership have not been finalized. The motion was seconded and carried.

2. OCL Real Estate, LLC dba American Home Inspectors Training – Brookfield - CH

Program Specialist Harding presented to the Board for review and consideration of Change of Ownership. A school representative was present telephonically. 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, Ms. Krovitz motioned to approve the Change of Ownership, effective February 25, 2020. The motion was seconded and carried.

B. Consideration of Approval of Renewal

1. Designing Beauty Academy – Windsor - CH

Program Specialist Harding presented to the Board for review and consideration renewal of the school's Certificate of Approval. 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 of the renewal, Mr. Minic motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2020, and ending June 30, 2023. The motion was seconded and carried.

At 10:40 A.M., Mr. Minic motioned for a recess. The motion was seconded and carried.

At 10:53 A.M., Chairmen Garibay called the meeting back into session.

Other Business:

1. Legal Update

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

- a. CDL College
 - i. On November 6, 2019, Counsel submitted a letter to Hartford, the insurance company, arguing that the Division was entitled to the bond it had placed a hold on in order to make whole/remunerate student complainants. Since that time, Counsel continues to work with Hartford to provide additional information and legal argument in support of the Division's claim to the bond for the purpose of renumeration of students, including conveying the Division's chart of student complaints on February 4, 2020.
- b. CollegeAmerica
 - i. On January 28, 2020, the Board voted to issue a Cease and Desist Order, a Notice of Noncompliance, and a Subpoena Duces Tecum. On January 31, 2020, the Cease and Desist was issued. On February 10, 2020, the Notice of Noncompliance was issued. On February 12, 2020, the Subpoena Duces Tecum was issued. On February 14, 2020, Director Candler and Counsel met with Counsel for CollegeAmerica, Mr. Bill Ojile at DPOS's offices.
- c. Colorado Massage Therapy Institute
 - i. On December 3, 2019, the Board voted to issue a Notice of Noncompliance regarding this School's application. On January 10, 2020, the Notice of Noncompliance was issued to the School. On January 28, 2020, the Board voted to issue a Notice of Charges. The Notice of Charges was filed with the Office of Administrative Courts on February 18, 2020. A Setting Conference is scheduled for March 10, 2020.
- d. Integrity CDL Academy
 - i. On January 28, 2020, the Board voted to issue a Notice of Noncompliance. On February 24, 2020, the Notice of Noncompliance was issued.
- e. Westland Beauty Academy

- i. The Board adopted the Agreement as a Final Agency Action/Order of the Board during its December of 2019 meeting. Recently, the School notified the nine permanent makeup students of the supplemental 52 hours of training. However, some students complained to the Division that they lacked sufficient notice in advance of the supplemental training to take time off of work and arrange for childcare. Therefore, the School has agreed to offer another option for the supplemental training: 3/24, 3/25, 3/26, 3/27, 4/1, 4/2, 4/3. Written notice regarding this training will be issued from both the School and the Division. The Board must vote to approve modification to the last line of paragraph 28 to afford the School the opportunity to extend the additional training dates to its former students. The final clause of Paragraph 28 would be modified to read: "within 126 days of this order." Once the Board is advised that all requirements of the Agreement have been met, then, the Board must vote to dismiss the litigation before the Office of the Administrative Courts. Following review and discussion of the legal update provided, Mr. Minic motioned to modify the Agreement to include the previously mentioned statement for paragraph 28. The motion was seconded and carried.

2. CollegeAmerica

A School representative was present. Director Candler reported to the Board that the School sent a monthly update that reflects no significant changes since the last update. Following review and discussion, the Board decided that the matter should be moved to Executive Session.

3. Westland Beauty Academy

The matter was previously discussed.

4. Integrity CDL Academy

A School representative was present. Director Candler reported to the Board that the School has notified the Division that the School will be closing. Director Candler discussed the requirement to surrender the School's Certificate of Approval and to deposit student records with the Division. Following review and discussion, the Board decided that the matter should be moved to Executive Session.

5. CDL College

The matter was previously discussed. No action taken.

At this time, Mr. Reister motioned to move CollegeAmerica and Integrity CDL Academy into Executive Session. The motion was seconded and carried.

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 Integrity CDL Academy 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 11:30 A.M.

After the review and consideration of the matters previously mentioned, Chair Garibay resumed regular session at 12:03 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.

Integrity CDL Academy

The Board strongly recommended the School work with the Division to provide information on how the School determined whether that the students it agreed to teach were ready and able to benefit from the education provided by the School. No further formal action taken by the Board.

CollegeAmerica

The School representative provided a statement to the Board. The Board had questions regarding the cessation of enrollment at the CollegeAmerica Colorado campuses and the lack of communication for that decision to the Division. The Board also had questions concerning the lack of representation at the previous Board Meeting.

Director Candler inquired why the School elected not to communicate relevant and important information to the Division that would/could directly impact the financial stability of the school and the minimum standards that the Division and Board are responsible for upholding. The Board provided the School representative, Eric Juhlin, an opportunity to respond to the Board and Division's concerns. The Division and Board continued to question the School representative regarding the reasoning for not communicating the decision to cease enrolling at CollegeAmerica Colorado campuses. Mr. Juhlin stated that he did not know why and then asserted that there were no requirements to notify the Division of the decision to cease enrollment.

Additionally, the Board had questions regarding the Enrollment Agreement given to students that notifies the student that their courses could be administered online. Board Member Kearns questioned the School representative if all programs were approved to be offered online. The School representative stated that the only institution that is fully online is Independence University. The Board, Division, Counsel and the School representative had further discussion regarding the approval and difference between hybrid and BlendEd program delivery.

Counsel continued with questions regarding the NC-SARA agreement with the School. The School representative reported that the institution, Stevens-Henager, has a main campus in Utah and asserted that there are several locations that the Department of Education and the Accrediting Body would call Branch Campuses. Independence University is a Branch Campus location of the Stevens-Henager main campus in Utah. The State of Utah designated the Utah Board of Regents to be the Utah NC-SARA authorizing entity for NC-SARA participation eligibility. Independence University has been authorized to participate in NC-SARA and the School representative continued to report to the Board that Utah and Colorado participate in NC-SARA. The School representative represented that the Colorado Commission on Higher Education has adopted the NC-SARA definition of physical presence and further asserted, to that end, that Independence University does not meet the requirements for physical presence in the state of Colorado. The School representative stated that the School is willing to provide any information requested by the Board or Division. No further action taken by the Board during the meeting.

Supplementary/Ancillary Education Questionnaire

Deputy Director Kanaly reported to the Board the newly created Supplementary/Ancillary Education Questionnaire to allow individuals to apply for an exemption for Continuing Education courses that meet the rule requirements. Deputy Director Kanaly explained that the impetus for this form stems from the recent rule change that clarifies the definition for Supplementary/Ancillary Education. Following review and discussion by the Board, Deputy Director Kanaly confirmed with Counsel that a motion is not needed to distribute the form to the public thus the Division will move forward with publishing the form. No action taken.

Adjournment:

Mr. Minic motioned to adjourn the meeting at 1:07 P.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, March 24, 2020, at 9:30 A.M. and will be held telephonically with the following log in information:

Please click the following link to join the Zoom Meeting from your computer

<https://zoom.us/j/223090231>

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