

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
February 26, 2019, 2019 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;	Chris Reister (telephonically);
Ryan Minic, Vice Chair;	Richard Behbehani;
Tim Guerrero;	Arlene Rae Malay;
Shelley Krovitz	

Board Members Absent:

Division Staff Present:

Lorna Candler, Director;
Mary Kanaly, Deputy Director & Compliance Officer;
Lisa Hill, Program Coordinator; Brad Uyemura, Compliance Investigator;
Rachel Acosta, Program Specialist;
April Cordova, Program Specialist;
Amy Knoblauch, Data & Research Specialist

Division Staff Absent:

Bernadette Esquibel, Program Specialist Assistant;
Carrie Harding, Program Specialist

Board Counsel Present:

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

Guests Present:

Debi Portararo, A Plus Real Estate Schools;
Rob Stevenson, Cheeks Beauty Academy;
Amy Stevenson, Cheeks Beauty Academy;
Eric Roybal, Mile High Modern Beauty Academy;
Oxana Hull, Mile High Modern Beauty Academy;
Dan Milne, Cortiva Institute;
Margaret Rosenau, School of Inner Health;
Jesse Alkire, Denver Ad School;
Heather Vanisko, Denver Ad School;
Joel Scimeca, CollegeAmerica;
Kate Wilkinson, CollegeAmerica;
Tracy Vroom, Rocky Mountain School of Animal Accupressure and Massage;
Brad Wilson, The Bartending School Inc.

Call to Order:

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

Following review and consideration of the January 22, 2019 meeting minutes, a motion was made by Ms. Malay to approve the minutes as written. The motions were seconded and carried.

Additions / Changes to the Agenda

Other Business Item #1, Legal Update, was moved to #7. #5, CollegeAmerica, was moved to #1. Rules Discussion was also added to Other Business Items. The Other Business Items section of the agenda was discussed prior to New Business/Action Items to vote with a quorum on rescinding the Notice of Noncompliance issued to CollegeAmerica.

Director/ Staff Report

Director Candler reported the following items:

- CDHE is highlighting "wins" for the Department through the communications' division DHE download. Last month, Pima Medical Institute was highlighted for their partnership and support of a new business; the school raised a grant to seed the business operations and Occupational Therapy program staff and students assisted in designing the work space, equipment and providing services to the employees and business.
- The Executive Director, Dr. Angie Paccione will be touring some of our Occupational Schools;
- The rulemaking process will take place over the next few months;
- Program Specialists have been working diligently and the renewal Season is going well; only a few schools did not renew this year.

Other Business Items

1. CollegeAmerica

Director Candler provided the Board with the basic timeline of events involving CollegeAmerica's communication to students regarding the System-Wide Probation Order which resulted in the Board's initial decision to issue a Notice of Noncompliance in October of 2018. CollegeAmerica provided supplemental information after that vote but before a Notice was issued. Therefore, the Board revisited the matter in December, but did not reach a decision regarding whether to amend or withdraw its prior notice because the Board split 3-3. The Board therefore took the matter up once more in February to determine whether to proceed with the October Notice, to amend the Notice, or to withdraw the Notice. CollegeAmerica representatives participated in the discussion.

After discussion and consideration, Ms. Malay motioned to discuss the matter in Executive Session to receive legal advice. The motion was seconded and carried.

After review and discussion of the matters Mr. Minic motioned to convene in executive session with the Board's attorney to seek legal advice pursuant to §24-6-402(3)(a)(II), C.R.S, regarding CollegeAmerica 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 Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and division/department staff as deemed necessary at 10:25 A.M.

The executive session recorder was turned on and members of the public left the room during executive session.

After review and consideration of the previously mentioned matters in executive session, the 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 purpose of providing legal advice to the Board and to otherwise engage in attorney-client privileged discussions.

The Board resumed regular session business.

Following additional discussion during the public session, Ms. Malay made a motion to amend the Board's October of 2018 Order to issue the Notice of Noncompliance to CollegeAmerica. A roll call vote was taken with all Board Members in favor of the motion with the exception of Mr. Reister.

At this time, Mr. Reister left the Board however a quorum was still present.

New Business/Action Items:

A. Consideration of Approval of Provisional Certificate of Approval

1. Mile High Modern Beauty Academy – Denver - LH

Program Coordinator Hill 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, Ms. Malay motioned to approve the Provisional Certificate effective February 26, 2019. The motion was seconded and carried.

2. Denver Ad School – Denver - LH

Program Coordinator Hill 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 effective February 26, 2019. The motion was seconded and carried.

B. Consideration of Approval of Change of Ownership

1. Cheeks Beauty Academy – Loveland - LH

Program Coordinator Hill 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 conditionally approve the Change of Ownership provided that the school provides a Balance Sheet for calendar year 2018. The motion was seconded and carried.

2. Rocky Mountain School of Animal Acupressure and Massage – Littleton - RA

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

Following review and consideration, Mr. Behbehani motioned to conditionally approve the Change of Ownership provided that the school provides a purchase agreement for Coriander Inc. with a signed statement from the previous owner that all liabilities will transfer. The motion was seconded and carried.

C. Consideration of Approval of Renewal

1. Rocky Mountain School of Animal Acupressure and Massage – Littleton- RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval. 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 of the renewal, Ms. Malay motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2019, and ending June 30, 2022, effective January 22, 2019. The motion was seconded and carried.

2. School of Inner Health – Denver - AC

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present.

Following review and consideration of the renewal, Ms. Malay motioned to conditionally approve the Standard Certificate of Approval for the period beginning July 1, 2019, and ending June 30, 2022, conditioned upon the following: the school must provide a list of courses advertised as "approved by NCTMB"; the school must remove the "approved by NCTMB" language for those courses from their advertising; or the school must provide proof of approval from NCTMB that the Director is an approved instructor. The motion was seconded and carried.

3. A Plus Real Estate School – Westminster - AC

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. 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 of the renewal, Mr. Minic motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2019, and ending June 30, 2022, effective February 26, 2019. The motion was seconded and carried.

D. Consideration of Approval of Programs/Stand Alone Course/Major Revisions

1. The Giving Touch – Grand Junction - AC

Program Specialist Cordova presented to the Board for review and consideration of two new programs: 1. Introduction to Biodynamic Craniosacral Therapy; and 2. Biodynamic Craniosacral Therapy Foundation 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 of the new programs, Ms. Malay motioned to approve the new programs effective February 26, 2019. The motion was seconded and carried.

At 11:54 AM, Mr. Minic motioned for a recess. The motion was seconded and carried.

Continuation of Other Business Items

1. Cortiva Institute

Director Candler provided an update on the Division's communication with the Operating Officers of Cortiva as well as Colorado Campus Directors and reported that the Director met with students and staff to ensure that all are aware of rights and responsibilities of students and the school during the closure process of a campus. No action taken.

2. Bartending and Casino College

Deputy Director Kanaly reported the findings for Bartending and Casino College. After review and discussion by the Board, Mr. Minic motioned to issue a Cease and Desist and a Subpoena for the student records for the Colorado Springs location. Ms. Malay motioned to reissue a Cease and Desist and a Subpoena Deuces Tecum for the student records for the Denver location. An amendment was made to Mr. Minic's motion to issue a \$5,000 fine. The motions and amendment were seconded and carried.

3. Legal Update

Legal Counsel provided the follow updates:

- In order for the Heritage College bonding company to release any residual funds, the Division is required to execute the relinquishment;
- Command Cuts Academy of Barbering was issued a Notice of Noncompliance to which the response given to the Division was inadequate, thus, a Notice of Charges was issued. The school failed to file a response with the Office of Administrative Courts. The Board motioned to issue a Motion for Default, to which the Board entered Default in the Board's favor on January 22, 2019. The school failed to set aside the Default within 10 days of entering and the Court will proceed with issuing an initial decision. The initial decision has not been received by legal counsel. Once legal counsel receives the decision, the matter will be brought to the board for adoption or rejection.
- Westland Beauty Academy was issued a series of Notices of Noncompliance followed by the issuance of a Notice of Charges docketed with the Office of Administrative Courts. A setting hearing was scheduled for February 14, 2019 and a hearing is set for September. Westland Beauty Academy and counsel attended the last board meeting and discussed the opportunity to review matters with Division counsel to find a non-litigation resolution. A responsive letter was provided from the school that is confidential but available for the Board to review. A draft of the resolution will be provided to the Board.

4. Rules

Director Candler reported to the Board that the Division noticed a massage therapy stakeholder meeting to be held on February 27, 2019 to discuss and hear stakeholder input on proposed rule and policy changes regarding continuing education courses. Director Candler explained that the majority of the Stakeholders were requesting red line rules be provided before the meeting, which the Board has not had adequate time to consider and discuss at this time. The Division made all stakeholder comments available to the Board members. After review and discussion of the matter, Ms. Malay motioned to postpone the stakeholder meeting. The motion was seconded and carried.

5. Master Plan

The matter was postponed for future discussion when the Board had ample time.

This concluded the remainder of the Board's agenda items.

Adjournment:

Ms. Malay motioned to adjourn the meeting at 12:58 P.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday March 26, 2019, 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