

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
January 28th, 2020 9:36 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 (telephonically);	Chris Reister

Board Members Absent:

Division Staff Present:

Lorna Candler, Director
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

Board Counsel Present:

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

Guests Present:

Troy Clark, Colorado Crane Operator School;
Craig Hautamaki, Colorado Crane Operator School;
Michael Mulholland, Accent Beauty Academy;
Elena Thomas Faulkner, National Institute of Medical Assistant Advancement;
Jarred McNeely, Colorado School of Trades;
Josh Couper, Flatiron School;
Shawn Sendar, Flatiron School

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 December 3rd, 2019 Minutes:

Following review and consideration of the December 3, 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:

Action items will be discussed in reverse order thus, the Board discussed Action Item C, then B, then A.

Director/ Staff Report:

Director Candler reported to the Board that her absence at the December Board Meeting was due to a scheduled Board Meeting for NASASPS.

New Business/Action Items:

C. Notification of School Closure (no action required)

1. Mortgage Training Institute - Denver

Program Specialist Harding reported to the Board the closure of Mortgage Training Institute. The school has not enrolled students since the date of closure and all students have completed training.

Effective 1/15/2020, all available student and educational records are on deposit at the Division of Private Occupational Schools, as required by C.R.S § 23-64-125 of the Private Occupational Education Act of 1981.

B. Consideration of Approval of Programs/Stand-Alone Courses/Major Revisions

1. National Institute for Medical Assistant Advancement – Denver - CH

Program Specialist Harding presented to the Board for review and consideration the following two new stand-alone courses: 1. Professionalism & Effective Communication; and 2. Immunizations. 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.

2. Flatiron School – Denver - AC

Program Specialist Cordova presented to the Board for review and consideration the following five new programs: 1. UX/UI Design; 2. Part-Time Online Cybersecurity Analytics; 3. Full-Time Online Cybersecurity Analytics; 4. Part-Time Online Cybersecurity Engineering; and 5. Full-Time Online Cybersecurity Engineering. 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 programs. The motion was seconded and carried.

3. PIMA Medical Institute – Denver – AC

At this time, Vice Chair Minic recused himself from the Board.

Program Specialist Cordova presented to the Board for review and consideration the following major revision to the Respiratory Therapy program. 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. Stevens motioned to approve the previously mentioned major revision to a program. The motion was seconded and carried.

A. Consideration of Approval of Provisional Certificate

1. Colorado Crane Operator School – Frederick – 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, Mr. Reister motioned to conditionally approve the Provisional certificate provided that the school add language to the Program Approval form to clarify the pre-requisites required for the course. The motion was seconded and carried.

Other Business:

1. Legal Update

At this time, Board Member Krovitz joined the Board telephonically.

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

a. CDL College

- i. Counsel is continuing to work with Hartford to provide additional information and legal argument in support of DPOS' claim to the bond for the purpose of renumeration of students. The most recent correspondence from Counsel to Hartford was via email on January 9, 2020 providing information on the School's date of initial approval and the total of student complaints/claims. Presently, the Division is preparing a chart of all student complaints to be provided to Hartford in support of the claim.

b. Colorado Massage Therapy Institute

- i. On December 3, 2019, the Board voted to issue a Notice of Noncompliance re this School's application. On January 10, 2020, the NON was issued to the School. Copies of the NON are attached. The School's response to the NON was due to the Division on January 24, 2020. The Board must receive input

from the Division as to the response by the School and determine how to proceed: NOC, Affidavit of Voluntary Surrender, or approval of the previously submitted application.

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 adopted the Agreement as a Final Agency Action/Order of the Board during its December of 2019, meeting. 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 Administrative Courts.

d. Counsel's summary of the timeline for an ongoing Division investigation was provided to the Board as context. Counsel will defer to the Division to provide additional information regarding the investigation.

2. Colorado Massage Therapy Institute

The matter was previously discussed during the legal update.

3. CollegeAmerica

Deputy Director Kanaly reported to the Board that the Division had conducted an investigation of CollegeAmerica as directed by the Board at the previous meeting. The investigation determined that the school had ceased enrollment at all three Colorado CollegeAmerica campuses and that notice of this cessation of enrollment, though not previously reported to the Division, was confirmed to her by the School's CEO. The investigation also revealed that CollegeAmerica had continued to advertise enrollment on their website and that when students called for information, they were told by CollegeAmerica representatives that the school was no longer enrolling at their campuses. The School directed potential enrollees to contact CollegeAmerica's "sister" school, Independence University, who was still accepting enrollments into their online University. Deputy Director Kanaly informed the Board that Independence University is located in the state of Utah, is a part of the CEHE system, and is also under probation by the accrediting body, ACCSC. The Notice provided to current students from the school regarding the cessation of enrollment included information that current students may have to complete some of their education online or through the school's "hybrid" learning system. Deputy Director Kanaly continued to report that CollegeAmerica has previously been approved to offer their education in the classroom, or online, but not a combination of both, though there were indications that the school would be seeking that approval for some of their programs going forward.

4. Integrity CDL Academy

Compliance Investigator, Brad Uyemura, reported to the Board the investigation regarding student complaints submitted to the Division by individuals who emigrated from Georgia, the former Soviet Republic, in 2017. The students enrolled in and completed programs from Integrity CDL Academy but were unable to pass the test for licensure. The complainants

contacted the Division and claimed that they did not receive the education the school advertised. Compliance Investigator Uyemura spoke to the complainants first by telephone then in person with the spouse of one of the complainants acting as an interpreter. It was determined that the crux of the issue was likely the language barrier. A site visit was conducted that showed that student files were complete and the School owner was notified of the complaints. Compliance Investigator Uyemura reported to the Board that the School subsequently advised the complainants to go to New York or Pennsylvania as the CDL test is administered in Russian or Georgian. Acting on that advice, the complainants located a school in Pennsylvania that offered training in English and Russian. The complainants then passed the course and was able to obtain licensure. The Division discussed the complaints at length and ultimately determined that a School should not have enrolled the students due to the language issue as it impacted the school's ability to appropriately train the students. The Division determined the school should provide a refund to the complainants. After the Division issued the complaint determination, the School formally appealed the decision. The school was then notified of the Board meeting date, but no representative of the school was present at the meeting. The Board affirmed the determination of the Division.

5. Conditional Approvals Follow Up

Division Program Specialists informed the Board of pending and completed Conditional Approvals from the December meeting.

Program Specialist Harding reported that the conditions have been met for Cook Street School of Culinary Arts. Program Specialist Acosta reported that the conditions have been met for Avila's Barber School. Program Specialist Cordova reported that the conditions have been met for Colorado Dental Assistant School at the Boulder, Greeley and Greenwood Village campuses. Program Specialist Cordova continued to update the Board that the Division is still working with the Academy of Natural Therapy to meet all conditions.

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, Colorado Massage Therapy Institute, 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 11:10 A.M.

After the review and consideration of the matters previously mentioned, Chair Garibay resumed regular session at 12:46 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

Following discussion by the Board, Mr. Reister motioned to issue a Notice of Charges due to a noncompliant application and insufficient response. The motion was seconded and carried.

Integrity CDL Academy

Following discussion in public session, Mr. Minic motioned to issue a Notice of Noncompliance for Deceptive Sales and Trade pursuant to §23-64-123(1)(i), §23-64-112(1)(a), and §23-64-121(4)(a) for enrolling students who were unqualified to complete the course. The motion was seconded and carried.

CollegeAmerica

Following discussion in public session, Mr. Reister motioned to issue a Notice of Noncompliance as well as a Cease and Desist for recruiting student to Independence University which is an unauthorized Out-of-State School which the Board reasonably believes may be in violation of §23-64-113(1) and §23-64-112(1)(k). Additionally, Mr. Reister motioned for the issuance of a Subpoena Duces Tecum per §23-64-108(1)(f) for documents or information related to CollegeAmerica's recruitment of students for Independence University and to require answers in writing to include information regarding any transition in the method of delivery of the curriculum in the past 12 months. The motion was seconded and carried.

Additionally, the Board ordered the Division to follow the Unauthorized School process regarding Independence University.

Adjournment:

Mr. Minic motioned to adjourn the meeting at 1:00 P.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, February 25, 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