

**MINUTES OF THE
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
BOARD MEETING**

July 24, 2007 - 9:30 a.m.

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

Chair Tom Twardowski called the meeting to order at 9:30 a.m. and greeted guests. Board roll call was taken. The Board members, Division staff and guests were introduced.

Board Members Present:

Tom Twardowski, Chair	Jerry Sirbu, Vice Chair	Robert Martin
Thomas Narvaez	Lisa Bennison Noll	

Board Members Absent: Buddy Douglass

Division Staff Present:

Jim Parker, Director	Georgia Roberts, Deputy Director
Renee Belisle, Program Supervisor	Voni Oerman, Program Supervisor
Bernadette Esquibel, Program Supervisor	Arla Hamel, Administrative Assistant

Board Counsel Present:

Nancy Wahl, Assistant Attorney General, Office of the Colorado Attorney General
John R. Sleeman, Jr., First Assistant Attorney General, Office of Colorado Attorney General

Guests Present:

William Stroh, Colorado Outdoor Adventure Guide School, Inc. – Victor
Reo Leslie, The Colorado School for Family Therapy - Aurora
Laura Amos, Winterhawk Outfitter's Guides and Packers School - Collbran
Tristan Tran, Colorado Beauty College - Aurora
Linda Gilroy, Peak Real Estate College – Aurora
Janet Perry, McKinley College – Ft. Collins
Trish Bowen, McKinley College – Ft. Collins
Curtis Hilty, Van Education Center, LLC – Boulder
Evan Mellman, Kaplan Professional School – Aurora, Colorado Springs and Denver
Nancy Kekos, National Institute of First Assisting (NIFA) – Centennial
Jerry Kekos, National Institute of First Assisting (NIFA) - Centennial
Pat Hardy, Everest College Aurora, Colorado Springs and Thornton
Talismae Allen, Talismae College for Holistic Medical Spa Careers - Denver
Dale Hicks, Eight Branches School of Asian Bodywork – Boulder
Marla Daniels, Majestic Beauty College – Aurora

Approval of the June 26, 2007 Minutes: The Board reviewed and discussed the Minutes of June 26, 2007 meeting. Mr. Martin motioned that the Minutes be approved as read. The motion was seconded and passed.

Additions/changes to the July 24, 2007 Board Agenda for consideration: Winterhawk Outfitter's Guides and Packers School, Collbran was moved to the B. Section for Consideration of Approval of Provisional Certificate of Approval.

Director's Report: Director presented the Quarterly Report, for 4th Quarter FY 06-07.

Staff Report: Paragon Culinary School – Colorado Springs
Program Supervisor Belisle reported Paragon Culinary School corrected the occupational objective as directed. The corrected copy is on file.

New Business Action items:

A. Consideration of Approval of Change of Ownership

1. Eight Branches School of Asian Bodywork – Boulder

This matter was tabled temporarily, awaiting arrival of a school representative.

B. Consideration of Approval of Provisional Certificate of Approval

1. National Institute of First Assisting (NIFA) - Centennial

Program Supervisor Esquibel brought to the Board's attention for consideration, National Institute of First Assisting (NIFA), as a new school with two new programs. The programs are: Surgical Assistant Program #1 (SA 250) and Assistant at Surgery Program #2 (AS 150). School representatives Jerry and Nancy Kekos were present. The school satisfied the Board's inquiry and agreed to change the occupational objective to be a more accurate reflection. Upon determining that the school is in compliance with the required bond amount of \$13,965; that the school submitted a bond in the amount of \$15,000; 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, minimum requirements, Mr. Sirbu moved to approve the new programs and motioned that National Institute of First Assisting (NIFA), 12354 East Calry Avenue, Suite 108, Centennial, CO 80111 be approved and that a Provisional Certificate of Approval be granted to the school for the period beginning July 24, 2007 and ending June 30, 2009, contingent upon correction of the occupational objectives as discussed. The motion was seconded and unanimously passed.

2. Winterhawk Outfitter Guide & Packers School - Collbran

Program Supervisor Oerman brought to the Board's attention for consideration, Winterhawk Outfitter Guide & Packers School, Collbran, as a new school with one new program. The program is: Guides and Packers Advanced Occupational Training Course. School representative Laura Amos was present. The school satisfied the Board's inquiry.

Upon determining that the school is in compliance with the required bond amount of \$5,000; that the school submitted a Savings Account 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, in a combined motion, Mr. Sirbu moved to approve the new program and motioned that Winterhawk Outfitter Guide & Packers School, 19581 Kimball Creek, Collbran, CO 81624 be approved; and that a Provisional Certificate of Approval be granted to the school for the period beginning July 24, 2007 and ending June 30, 2009. The motion was seconded and unanimously passed.

C. Consideration of Approval of Programs / Courses

1. CAE Denver Aviation Training Center - Denver

Program Supervisor Belisle brought to the Board's attention for review and consideration one new stand alone course: A320 Initial Type Rating Course, proposed by CAE Denver Aviation Training Center, Denver. No school representative was available. The Board discussed a need to change the occupational objective in order to be a more accurate reflection. Based on the Board having determined that the above-referenced course for CAE Denver Aviation Training Center, 4501 Airport Way, Gateway Park, Denver, CO 80239 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. Martin moved to approve the new course effective July 24, 2007, contingent upon correction of the occupational objective as identified. The motion was seconded and carried unanimously.

2. Everest College - Aurora

Program Supervisor Belisle brought to the Board's attention for review and consideration one new program: Medical Insurance Billing and Coding, proposed by Everest College, Aurora. School representative Pat Hardy was present. The school satisfied the Board's inquiry. Based on the Board having determined that the above-referenced program for Everest College, 14280 E. Jewell Ave., Suite 100, Aurora, CO 80012 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 moved to approve the new program effective July 24, 2007. The motion was seconded and carried unanimously.

3. Everest College – Colorado Springs

Program Supervisor Belisle brought to the Board's attention for review and consideration one new program: Medical Assisting, proposed by Everest College, Colorado Springs. School representative Pat Hardy was present. The school satisfied the Board's inquiry. Based on the Board having determined that the above-referenced program for Everest College, 1815 Jet Wing Drive, Colorado Springs, CO 80916 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. Martin moved to approve the new program effective July 24, 2007. The motion was seconded and carried unanimously.

4. **Everest College – Thornton**

Program Supervisor Belisle brought to the Board's attention for review and consideration one new program: Medical Insurance Billing and Coding, proposed by Everest College, Thornton. School representative Pat Hardy was present. The school satisfied the Board's inquiry. Based on the Board having determined that the above-referenced program for Everest College, 9065 Grant Street, Thornton, CO 80229 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. Martin moved to approve the new program effective July 24, 2007. The motion was seconded and carried unanimously.

5. **Kaplan Professional Schools – Colorado Springs, Denver and Thornton**

Program Supervisor Belisle brought to the Board's attention for review and consideration nine new programs: Cracked & Broken Credit: How to Fix It; Houses: Before the Sign Goes Up; Houses: Buy, Fix, Sell!; Houses: Ready, Set, Show!; Houses: 20 Cost-Effective Home Improvements; Investment Through Real Estate Ira's; Meth Labs in Colorado; Walk the Legal Line: RESPA and Regulations X & Z; and Exam Prep for Real Estate Broker Licensing Exam, proposed by Kaplan Professional Schools, for Colorado Springs, Denver and Thornton. It was the Board's will to consider approval of the nine programs, for all three school locations in one combined discussion and action. School representative Evan Mellman was present. The School satisfied the Board's inquiry and agreed to change the occupational objective to be a more accurate reflection. Based on the Board having determined that the above-referenced programs for Kaplan Professional Schools located at 1919 North Union Blvd, Colorado Springs, CO 80909; 2150 South Cherry Street, Denver, CO 80222; and at 500 East 84th Avenue, 2nd Floor, Thornton, CO 80229 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, Ms. Noll moved to approve the new programs for all three locations effective July 24, 2007, contingent upon correction of the occupational objectives as discussed. The motion was seconded and carried unanimously.

6. **Majestic Beauty College - Aurora**

Program Supervisor Belisle brought to the Board's attention for review and consideration one new program: Massage, proposed by Majestic Beauty College, Aurora. The Board discussed a need to change the course objective and raised other questions. No representative was present. Based on the Board having determined that the above-referenced program for Majestic Beauty College, 13122 East Mississippi Avenue, Aurora CO 80012 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 moved to approve the

new program effective July 24, 2007, contingent upon correction of the occupational objectives as discussed. The motion was seconded and carried unanimously.

7. Van Education Center, LLC - Boulder

Program Supervisor Belisle brought to the Board's attention for review and consideration two new stand alone courses: Economics & Demographics; and Building Green: The High Performance Home, proposed by Van Education Center, LLC, Boulder. School representative Curtis Van Hilty was present. The school satisfied the Board's inquiry and agreed to change the occupational objective to be a more accurate reflection. Based on the Board having determined that the above-referenced courses for Van Education Center, LLC, 4801 Riverbend Road, Suite 203, Boulder, CO 80301 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. Narvaez moved to approve the new courses effective July 24, 2007, contingent upon correction of the occupational objectives as discussed. The motion was seconded and carried unanimously.

8. McKinley College – Ft. Collins

Program Supervisor Oerman brought to the Board's attention for review and consideration three new programs: Associate in Applied Science in Computer Information Systems; Associate in Applied Science in Human Resources; and Associate in Applied Science in Social Work, proposed by Van Education Center, LLC, Boulder. School representatives Janet Perry and Trish Bowen were present. The school satisfied the Board's inquiry and agreed to change the occupational objectives to be a more accurate reflection. Based on the Board having determined that the above-referenced programs for Van Education Center, LLC, 4801 Riverbend Road, Suite 203, Boulder, CO 80301 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. Martin moved to approve the new programs effective July 24, 2007, contingent upon correction of the occupational objectives as discussed. The motion was seconded and carried unanimously.

9. Peak Real Estate College - Aurora

Program Supervisor Oerman brought to the Board's attention for review and consideration one new course: Real Estate Broker, proposed by Peak Real Estate College, Aurora. School representative Linda Gilroy was present. The school satisfied the Board's inquiry and agreed to change the occupational objective to be a more accurate reflection. Based on the Board having determined that the above-referenced course for Peak Real Estate College, 3095 Parker Road, #200, Aurora, CO 80014 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, Ms. Noll moved to approve the new course effective July 24, 2007, contingent upon correction of the occupational objective as discussed. The motion was seconded and carried unanimously.

D. Consideration of Approval of Standard Certificates for Out of State

1. Swift Driving Academy - Arizona

Program supervisor Belisle introduced Swift Driving Academy, Arizona for Consideration as an Out of State school. The Board having determined that the school bond be set in the amount of \$50,000 and that Swift Driving Academy, 2200 S. 75th Ave., Phoenix, AZ 85043 can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended, and the minimum requirements of the Division, Mr. Sirbu motioned that the Standard Certificate of Approval be granted for the period beginning July 24, 2007 and ending June 30, 2008. The motion was seconded and carried.

E. Notification of School Closings:

1. The Institute of Community Learning – Colorado Springs

The Board took a brief recess at 10:35 a.m. and reconvened at 10:40 a.m.

F. Tabled Matters - Consideration of Approval of Change of Ownership

1. Eight Branches School of Asian Bodywork – Boulder

The matter temporarily tabled was now considered. Program Supervisor Belisle brought to the Board's attention for consideration application for a change of ownership for Eight Branches School of Asian Bodywork, Boulder. School representative Dale Hicks was present. The school satisfied the Board's inquiry. The Board having determined that the school bond be set in the amount of \$5,100; that the school has complied and submitted a bond in the amount of \$10,000; and that Eight Branches School of Asian Bodywork, 2900 Valmont Road, St. H-1, Boulder, CO 80301 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 moved that the change of ownership be granted for the period beginning July 24, 2007 and ending June 30, 2008. The motion was seconded and passed.

G. Student Complaints/Matters of Noncompliance/Legal Action:

Director Parker and Deputy Director Roberts brought to the Board's attention two continuing matters involving consideration of the renewal for certificate of approval and matters of noncompliance.

1. **Colorado Outdoor Adventure Guide School, Inc. – Victor** - Consideration of the Renewal for Certificate of Approval and matters of noncompliance.

The Director reported to the Board that as directed at its June 2007 meeting, the Division issued Notices of Non-compliance to the School and to Agent William Stroh;

provided an opportunity for the school and its agent to respectively respond in writing to the Board's concerns related to the pending renewal and issues of compliance; and that the Division had timely received such responses to the noticed concerns. The Board was provided prior to its July 2007 meeting a copy of the notices, the school/agent response and a division report summarizing a review of the new information received. Director Parker and Deputy Director Roberts also brought forth an additional issue of compliance for the Board's consideration and review, based upon information recently received as part of the Division's internal inquiry concerning the renewal application. School representative William Stroh was present.

The Board noting the presence of its representatives from the Colorado Attorney General's Office and desiring legal advice in respect to compliance/enforcement options available within the Board's statutory authority, moved into Executive Session, upon the motion by Mr. Sirbu, duly seconded and passed.

Executive session commenced at 11:06 a.m.

The Board adjourned the Executive session at 11:22 a.m.

The Board reconvened in Public Session at 11:22 a.m.

John R. Sleeman, Jr., First Assistant Attorney General, Office of Colorado Attorney General, speaking on behalf of Nancy Wahl, Assistant Attorney General, and himself 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 was believed to be an attorney-client privileged discussion.

1. **Colorado Outdoor Adventure Guide School, Inc. – Victor** (continued):

After further discussion and due deliberation the Board expressed concern about whether Colorado Outdoor Adventure Guide School, Inc., 5987 Gold Camp Road, Victor, CO 80860 could 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. Ms. Noll motioned to amend the Notice of Non-compliance originally issued to the School to add a concern involving a possible violation of U.S. Forest Service regulations as an additional suspected matter of a failure to comply with law; and to direct the Division to provide the amended Notice of Non-compliance to the School with a response due date of not more than ten (10) calendar days from the date of mailing of the Notice. The motion to issue an amended Notice of Non-compliance to include the recently identified U.S. Forest Service compliance with law issue and to provide a reasonable response time was seconded and passed.

Based on the Board's review of the initial responses received from the School to the first Notice of Non-compliance and other records, and after due deliberation, Mr. Martin motioned to refer Colorado Outdoor Adventure Guide School Renewal Application to the Colorado Attorney General's Office for issuance of a Notice of Hearing to determine whether to deny the School's renewal application in accordance with sections 12-59-112 of the Colorado Revised Statutes. The motion was seconded and passed.

Concerning Item I.A of the first Notice of Non-compliance, Change of Ownership requirements, after due deliberation, Mr. Sirbu moved that Item I.A. be considered adequately addressed by the School and not included in the Notice of Hearing. The motion was seconded and passed.

Concerning Item I.B. of the first Notice of Non-compliance regarding agent requirements, and the Board having found the School's response inadequate to address the concern that the School failed to supervise its agent by permitting allegedly unknown individuals without agent permits to solicit applications on-line, in violation of sections 12-59-111(1)(L), 12-59-103(1.5) and Board Rule IV.A, and after due deliberation, Mr. Narvaez moved that Item I.B. of the Notice of Non-compliance be included in the Notice of Hearing. The motion was seconded and passed.

Concerning Item I.C. of the first Notice of Non-compliance regarding whether the School is being maintained and operated in compliance with law as required by section 12-59-106(1)(j), or whether it is in violation thereof, due to illegal conduct admitted to by Gary Jordan, as an officer and owner at the time of the illegal activity, and the suspected illegal activity by a former director/agent/instructor, after due deliberation, Mr. Martin moved that Item I.C. be included in the Notice of Hearing but only in respect to Gary Jordan and not to the other former director/agent/instructor. The motion was seconded and passed.

Concerning Item I.D. of the first Notice of Non-compliance regarding whether the School has met its responsibility to have principal owners, officers, agents, administrators and instructors that are of good reputation and free of moral turpitude, or whether the

school is in violation of 12-59-106(1)(L) based on the admitted illegal conduct of Gary Jordan and suspected misrepresentations to the Division and Board during the school's renewal process by its current president/officer/agent, after due deliberation, Ms. Noll moved that Item I.D. be included in the Notice of Hearing, but only based on Gary Jordan's conduct. The motion was seconded and passed.

Concerning Item I.E. of the first Notice of Non-compliance regarding whether the School offers training for the Occupation of Outfitter and employs no instructors having current Colorado outfitter registrations, after due deliberation and having found the School's response to this particular concern to be adequate, Mr. Martin moved to not include Item I.E. in the Notice of Hearing. The motion was seconded and passed.

Concerning Item II.A. of the first Notice of Non-compliance regarding the School's alleged false and misleading representations during the renewal process, specifically the then director/agent/instructor's representation on the renewal application about pending criminal charges, and/or the current president/agent/instructor's representation about the school's ownership, after due deliberation and having found the School's response to this particular item to be inadequate, Mr. Sirbu moved that Item II.A. be included in the Notice of Hearing. The motion was seconded and passed.

Concerning the Notice of Non-compliance issued on June 26, 2007, to William Stroh as the sole registered agent for Colorado Outdoor Adventure Guide School regarding whether this agent was qualified to maintain an agent permit due to a reasonable belief by the Board that he was not of good reputation and free of moral turpitude as required by 12-59-105(1)(L), after review of the school/agent's response provided to this particular Notice of Non-compliance and after due deliberation, Mr. Narvaez moved that no action be taken with respect to Mr. Stroh's agent permit at this time such that at this time this particular concern not be referred to the Attorney General's Office for issuance of a Notice of Hearing on an agent revocation. The motion was seconded and passed.

2. **Colorado Beauty College – Aurora** - Consideration of the Renewal for Certificate of Approval and matters of noncompliance.

The Director reported to the Board that, as directed at its June 2007 meeting, the Division issued a Notice of Non-compliance to Colorado Beauty College, Aurora; provided an opportunity for the School to respond to the Board's concerns related to the pending renewal and issues of compliance in writing; and had timely received such a school response to the specific concerns identified. The Board was provided prior to its July 2007 meeting a copy of the notice, the school response and a division report summarizing a review of the new information received. School representative Tristan Tran was present.

After discussion, review of all of the information presented concerning the renewal of the school, and after due deliberation, the Board expressed a continued concern whether Colorado Beauty College, 13410 East Mississippi Avenue, Aurora, CO 80012, could 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, given a documented pattern of

non-compliance over a sustained time period. Based upon this review, discussion and consideration of the compliance/enforcement options available to the Board within its statutory authority, Mr. Sirbu motioned to table approval of the school's standard renewal of certificate of approval and impose disciplinary action against the School. Such disciplinary action to include placing the school on a two year probation period during which time it must timely meet specific compliance and enforcement monitoring terms and probation assessing administrative fines. To this end, Mr. Sirbu further motioned that the Division Director shall prepare for initial review and approval by the Board a proposed Stipulation Agreement and Order which expressly articulates the Board ordered sanctions, compliance and monitoring terms prior to executing the Stipulated Agreement with the School. The motion was seconded and passed.

H. Adjournment

Having no further business, Mr. Narvaez moved for adjournment. The motion was seconded and passed. The Board meeting adjourned at 11:52 p.m.

The next regularly scheduled meeting of the Board is Tuesday, August 28, 2007.