

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
July 23rd, 2019 9:32 A.M.

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

Board Members Present:

Ryan Minic, Vice Chair;	Tim Guerrero;
A. Richard Behbehani;	Chris Reister;
Shelley Krovitz;	JoAnn Stevens

Board Members Absent:

Paul Garibay, Chair;

Division Staff Present:

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

Division Staff Absent:

Bernadette Esquibel, Program Specialist

Board Counsel Present:

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

Guests Present:

Suzi Dennis, Northern Colorado Advanced Aesthetics Academy;
Victoria Sweet, Northern Colorado Advanced Aesthetics Academy;
Pat Nelson, Elevate Salon Institute;
Cameron Letterman, Elevate Salon Institute;
Eric Juhlin, CollegeAmerica;
Hillary Hilliard, Denver Integrative Massage School;
Dani Parsons, SecureSet Academy;
Mary Starkey, Starkey International

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Ryan Minic, Vice Chair, at 9:32 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 June 25th, 2019 Minutes:

Following review and consideration of the June 25, 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:

Director Candler informed the Board that the Program Specialists will provide updates for the Conditionally Approved items from the June 25th, 2019 Board Meeting.

Director/ Staff Report:

Director Candler reported the following items:

- The Division and Board welcomes our newest board member, JoAnn Stevens, Director of Aveda Institute Denver. She will be participating in her first meeting today as a member of the Board as she was recently appointed to replace Arlene Rae Malay who termed out at the end of June of 2019. JoAnn has expertise in cosmetology and massage therapy;
- The June Board Meeting marked the end of the renewal season and the fiscal year;
- Director Candler and Deputy Director Kanaly will be attending the NASASPS Fall Workshop in Minneapolis;
- The Division is preparing for upcoming legislative matters and rulemaking

New Business/Action Items:

A. Consideration of Approval of Change of Ownership

1. Elevate Salon Institute – Westminster - RA

Program Specialist Acosta presented to the Board for review and consideration the change of ownership. 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. Guerrero motioned to approve the change of ownership effective July 23, 2019. The motion was seconded and carried.

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

1. Starkey International Institute – Denver – LH

Program Coordinator Hill presented to the Board for review and consideration the following new stand-alone course: The Relationship of Service; and the new program: Starkey Certified Service Management System. A school representative was not present at the time of review. 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. Behbehani motioned to approve the previously mentioned new stand-alone course and program effective July 23, 2019. The motion was seconded and carried.

2. SecureSet Academy – Denver – AC

Program Specialist Cordova presented to the Board for review and consideration the major revision to the following programs: PATH Engineering and PATH Analytics. 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 major revision to the previously mentioned programs effective July 23, 2019. The motion was seconded and carried.

3. Denver Integrative Massage School – Denver – RA

Program Specialist Acosta presented to the Board for review and consideration the following new programs: 300-Hour Advanced Herbalism Program and 300-Hour Holistic Nutrition Program; and the following new stand-alone courses: Advanced Makeup 1; Classic Lash Extensions; Volume Lash Extensions; and Microneedling. 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 previously mentioned programs and stand-alone courses effective July 23, 2019. The motion was seconded and carried.

C. Consideration of Approval of Provisional Certificate

1. Northern Colorado Advanced Aesthetics Academy – Loveland – 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. Reister motioned to approve the Provisional certificate for the period beginning July 23, 2019 and ending June 30, 2021. The motion was seconded and carried.

D. Conditional Approvals Update from June 25, 2019 Board Meeting

1. The School of Tennis Management

Program Specialist Acosta informed the Board that the school has provided a new enrollment agreement and catalog to the Division that reflects the actual tuition cost of \$15,000.

2. Blackfox Training Institute

Program Specialist Cordova informed the Board that the school has provided an application that reflects the correct lending institutions.

3. The New Colorado Outdoor Guide School

Program Specialist Cordova and Deputy Director Kanaly informed the Board that the school has corrected the complaints section for the enrollment agreement on their website and that the school has informed the Division that the \$2,200 refund check owed to the student complainant was in the mail. The student complainant reported for the past 28 days that they had not received the check. The student complainant then informed the Division that the school sent a notification via Facebook to the student that they need to pick up the refund check from the school. The student complainant drove an hour to the school to pick up the check. The Division is unsure if all conditions have been met due to an update from Compliance Investigator Uyemura that the student has not been able to cash the check yet. Following discussion and consideration of the information provided to the Division, Mr. Behbehani made a motion to extend the conditional approval to the August Board Meeting in light of waiting on additional information regarding the student complainant refund. The motion was seconded and carried.

4. IBMC – Fort Collins

Program Coordinator Hill informed the Board that per the conditional approval in March, 2019, the school has submitted 2018 financials. Additionally, Program Coordinator Hill and Board Member Behbehani have discussed the financials and have decided to continue monitoring financial documents.

5. OCL Real Estate

Director Candler informed the Board that there is an update for OCL Real Estate however, the matter will be discussed later in the meeting.

Other Business Items

1. Legal Update

Legal Counsel updated the Board on the following items:

- Bartending and Casino College Denver and Colorado Springs
 - o The school response to the Notice of Noncompliance/Fine was due on April 17, 2019. The Board must review the School's response and deliberate to determine whether to issue a Notice of Fine pursuant to 8 CCR1504-1(XI)(D).
- CollegeAmerica
 - o The school responded to the Notice of Noncompliance on July 17, 2019
 - o The Board must review the School's response and deliberate to determine whether to issue a Notice of Charges
- Command Cuts Academy of Barbering

- Board issued Notice of Noncompliance and Nonrenewal to which the school responded and the Division deemed the response lacking thus, requested a Notice of Charges
- The Board issued the Notice of Charges to which the school failed to answer and additionally failed to participate in Setting Conference
- Counsel filed Motion for Default, predicated upon the School's failure to participate in litigation with the Office of Administrative Courts (OAC)
- The Court granted Default
- The School filed a letter with OAC addressing the Default to which the Court treated the letter as a Motion to Set Aside Default, and entered an Order providing the Board an opportunity to respond
- Counsel responded on April 8, 2019
- The Board served the Initial Decision on June 6, 2019
- The Board must consider the School's exceptions during its August 27, 2019 meeting.
- Mr. Reister volunteered to act as the Board designee for legal communications
- Data and Research Specialist, Amy Knoblauch, will act as the Division designee for legal communications
- Greater Pueblo Dental Assisting School
 - Respondent has reached out and offered to voluntarily surrender of the school's certificate to operate
 - An Affidavit of Voluntary Surrender is in draft
- Namaste's Artisan Barber College
 - The Board must review the School's response and deliberate to determine whether to issue a Notice of Fine
- Westland Beauty Academy
 - The Parties reached a settlement on or around June 27, 2019. Legal Counsel is making changes pursuant to that agreement and will bring it before the Board for adoption in August.

2. CollegeAmerica

Eric Juhlin was present as the representative. After review and discussion regarding the School's Notice of Noncompliance narrative response, Mrs. Krovitz motioned to discuss the matter in Executive Session. The motion was seconded and carried.

3. Modern Institute of Reflexology

Deputy Director Kanaly informed the Board that the school did not renew and Program Specialist Harding is working with them through the closure process.

4. The New Colorado Outdoor Guide School

The matter was previously discussed with the conditionally approved items update.

5. OCL Real Estate

Director Candler informed the Board that the school has not provided the requested items to satisfy the conditional approval made at the June meeting. Mrs. Krovitz made a request for the July meeting minutes to explain that what the Board took action on in June was not reflective of what the structure is in its current state. After review and discussion, Mr. Reister made a motion to maintain the approvals as approved at the June meeting. The Division will continue to work with the school to collect necessary information and will revisit the matter.

At 11:14 A.M., Mr. Reister motioned for a recess. The motion was seconded and carried.
At 11:22 A.M., Vice Chair Minic called the meeting back into session.

Following review and consideration of each of the previous matters discussed during the regular portion of the Board meeting, Mr. Reister 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 Command Cuts Academy of Barbering 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 11:25 A.M.

After the review and consideration of the matters previously mentioned, Mr. Minic resumed the regular session at 11:47 A.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.

After executive session the Board resumed its agenda as follows.

1. CollegeAmerica

After discussion in public session, the Board acknowledged that the revised notice to students regarding the system-wide probation was more responsive to the Board's concerns. The Board then gave authority for counsel to enter into a Stipulated Agreement. Mr. Minic volunteered to be the Board liaison for legal communications.

Adjournment:

Mr. Reister motioned to adjourn the meeting at 11:52 A.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, August 27, 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
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