

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
July 28th, 2020 9:31 A.M.

<https://us02web.zoom.us/j/86478038475>

Meeting ID: 864 7803 8475

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Board Members Present:

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|----------------------|-----------------|
| Paul Garibay, Chair; | Barbara Kearns; |
| JoAnn Stevens; | Ellen Wamser; |
| Shelley Krovitz; | Chris Reister; |

Board Members Absent:

Ryan Minic, Vice Chair

Division Staff Present:

Lorna Candler, Chief Occupational Education Officer/Director;
Mary Kanaly, Deputy Director & Compliance Officer;
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
Bernadette Esquibel, Program Specialist Assistant

Division Staff Absent:

Board Counsel Present:

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

Guests Present:

Carleen Clark, Rock Creek Laser and Esthetics Counsel;
Pao-Chin Huang, Ruseto College;
Paul Lingo, IECRM Training;
Cosette Custodio, Royal Academy of Surgical Assisting;
Mark Mitchell, Avalon School of Cosmetology;
Jacqueline Stallman, LSO Training, LLC;
Brandon Pobiak, Avalon School of Cosmetology;
Jon Farnlof, McIver Real Estate School;
Mark Mitchell Avalon School of Cosmetology;
Sheri Covey, Rocky Mountain Ortho Bionomy;
Jacob Stolle, Aceable Real Estate School;
Stephanie Herman, Acuity institute;
Drew Daniller-Varghese, Aceable Real Estate School;
Matt Hernandez, Aceable Real Estate School;
Kristine Deveza, Aceable Real Estate School;

Nancy Lalande, Royal Academy of Surgical Assisting;
Michael Mulholland, Accent Beauty Academy;
Jesse Farnlof, McIver Real Estate School;
John Sluder, CDL Certifiers;
Thuy Nguyen, unsure;
Danilo Retuta, Crestone Healing Arts Center;
Ariel Haan, Van Education Center;
Bonnie Grebe, Pilates Institute of Boulder;
Melissa for Van Education Center
Adam Eastman, Avalon School of Cosmetology;
Pat Neeman, Galvanize;
Kori Hemans, IECRM;
Liz White, Digital Workshop Center;
Chris Barnett, Galvanize;
Crista Wray, Galvanize;
Desiree Sanchez, Functional Strength Pilates;
Marilyn Akers Stansbury, IECRM;
Sheri Covey, Rocky Mountain Ortho-Bionomy Center;

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 9:31 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 23rd, 2020 Minutes:

Following review and consideration of the June 23, 2020 meeting minutes, Board Member Kearns made a motion to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

No changes were made to the agenda that was posted on the Division's website. The packet that was sent to the Board included an incorrect copy of the agenda however, the updated and correct agenda had been posted on the Division website at least 24 hours in advance of the Board Meeting and was utilized for this meeting.

Director/COEO Report:

Chief Occupational Education Officer/Director Candler reported to the Board the following:

- The Division has been working diligently for a new IT solution. Data and Research Specialist Amy Knoblauch has been leading the project and the Division is about to enter into Sprint two to coordinate with the ETPL in conjunction with CDLE. More information to come this fall.

- Staff has been working hard to keep everyone informed with the Executive Orders. The team did a great job last month with the Board Meeting lead by Deputy Director Mary Kanaly.
- The Division is collecting information from Schools that are returning to face to face instruction.
- The deadline for Schools to turn in annual filings is July 31st, 2020. The Division launched a pilot to gather new information this year related to ethnicity and gender. This data is already being collected by other higher educational institutions and will help complete our data reports generated by the Department of Higher Education.
- COEO/Director Candler stressed the importance of thoughtful planning including contingency plans since the future of operational restrictions in the midst of the pandemic is unknown. As temporary distance approvals are expiring soon, it will be important for each school to plan for sustainable educational services and delivery. Schools that don't have a sustainable and adaptable plan moving forward will face greater challenges.
- The Division is assessing the possibility of conducting virtual site visits for Schools that have received a conditional approval pending a site visit.

New Business/Action Items:

A. Consideration of Approval of Renewal Certificate

1. LSO Training – Aurora - CH

Program Specialist Harding presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. A site visit had been conducted. 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, Board Member Krovitz 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.

2. Acuity Institute – Denver - JR

Program Specialist Rendon presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. A site visit had been conducted. 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, Board Member Reister 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.

3. Royal Academy of Surgical Assisting – Aurora - JR

Program Specialist Rendon 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, Board Member Reister motioned to approve the Standard Certificate of Approval conditioned upon a favorable site visit. The motion was seconded and carried.

4. Functional Strength Pilates – Lone Tree - JR

Program Specialist Rendon presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was not present at the time of review. A site visit had been completed. 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, Board Member Reister 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.

5. Independent Electrical Contractors Rocky Mountain – Northglenn - JR

Program Specialist Rendon presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. A site visit had been conducted. 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, Board Member Reister 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.

6. Independent Electrical Contractors Rocky Mountain – Ft. Collins - JR

Program Specialist Rendon 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, Board Member Reister motioned to approve the Standard Certificate of Approval conditioned upon a favorable site visit. The motion was seconded and carried.

7. Crestone Healing Arts Center – Crestone - 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. Program Specialist Cordova acknowledged an error on the approval sheet that was presented to the Board and will correct the programs to reflect that the school offers massage therapy programs.

Following review and consideration of the renewal, Board Member Kearns motioned to approve the Standard Certificate of Approval conditioned upon a favorable site visit. The motion was seconded and carried.

8. Northern Colorado Truck Driving Academy – Fort Collins - AC

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was not present.

Following review and consideration of the renewal, Board Member Reister motioned to approve the Standard Certificate of Approval conditioned upon a favorable site visit. The motion was seconded and carried.

9. Rocky Mountain Ortho-Bionomy Center – Grand Junction - 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, Board Member Reister motioned to approve the Standard Certificate of Approval conditioned upon a favorable site visit. The motion was seconded and carried.

B. Consideration of Approval of Renewal with Change of Ownership

1. Galvanize Inc. – Denver - JR

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

Following review and consideration, Board Member Reister motioned to approve the Standard Certificate of Approval conditioned upon a favorable site visit for the renewal. Board Member Stevens motioned to approve the Change of Ownership. The motions were seconded and carried.

C. Consideration of Approval of New Program(s)/Stand-Alone Course(s)

1. Digital Workshop Center – Fort Collins - AC

Program Specialist Cordova presented to the Board for review and consideration of a new Stand-Alone Course: Business Soft Skills. 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, Board Member. Kearns motioned to approve the New Stand-Alone Course previously mentioned. The motion was seconded and carried.

D. Consideration of Approval of Provisional Certificate

1. McIver Real Estate School – Denver – CH

Program Specialist Harding presented to the Board for review and consideration of a Provisional Certificate. A school representative was present.

Following review and consideration, Board Member Reister motioned to conditionally approve the Provisional certificate upon a favorable site visit. The motion was seconded and carried.

2. Avalon School of Cosmetology – Aurora – RA

Program Specialist Acosta presented to the Board for review and consideration of a Provisional Certificate. A school representative was present.

Following review and consideration, Board Member Kearns motioned to conditionally approve the Provisional certificate upon a favorable site visit. The motion was seconded and carried.

E. Consideration of Approval of Out of State Provisional Certificate

1. Aceable Real Estate School – Austin, TX - AC

Program Specialist Cordova presented to the Board for review and consideration of an Out of State 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, Board Member Kearns motioned to approve the Provisional certificate for the period beginning July 28, 2020 and ending June 30, 2021. The motion was seconded and carried.

F. Notification of School Closure (no action required)

1. Beyond Massage – Aspen – CH

Program Specialist Harding reported that effective June 30th, 2020 all students have completed training and all available records are in the Division's possession.

2. Tallgrass Animal Acupressure Institute – Castle Pines – CH

Program Specialist Harding reported that effective June 1st, 2020 all students have completed training and all available records are in the Division's possession.

3. The Looking Glass School of Permanent Cosmetics – Erie – CH

Program Specialist Harding reported that effective June 25th, 2020 all students have completed training and all available records are in the Division's possession.

Other Business

1. Legal Update

Counsel reported to the Board the following legal updates:

- CDL College
 - o Next steps for this issue can be apprised in Executive Session for legal options to pursue the School's surety from the Hartford.
- Integrity CDL
 - o The Board previously voted to not pursue formal action but instead, send a letter that would also be included in the School's file at the Division. Counsel is currently working on drafting the letter.
- Westland Beauty Academy
 - o The School will schedule the affected nine students for retraining to take place the last week of September and first week of October. Counsel will draft a student notification letter to apprise the students of the retraining opportunity.
- Counsel continued to update the Board that the guidance issued regarding the Board's scope of authority may be discussed in Executive Session to gain legal advice regarding the interpretation of the Division's Act.

2. CollegeAmerica

A representative was present. COEO/Director Candler informed the Board that the Division has been in communication with the School's accreditor, ACCSC. The Division and Board requested that the School provide the updated teach-out plan and roster to the Division to understand how many students are being impacted by the closure. The Board then requested that the School provide a list of impacted students and which option they have chosen whether that be continuing their education at Independence University or choosing to receive a refund. The Division has placed a letter of intent to attach the School's letter of credit and hold that in trust for the students. The Division will coordinate with ACCSC to provide information to the students. The Board directed the Division to proceed with claiming the Letter of Credit.

No change in pending legal matters.

3. Approvals for Continuous Delivery

The Division apprised the Board of the communication sent to Schools regarding continuous delivery. The Division recommends that Schools turn in their program revisions and additions by August 31st and will review extenuating circumstances through the Board. Program/Course

revisions and additions should be submitted with the standard application form along with the appropriate fee.

4. Advanced Training Courses within Programs

The Division informed the Board that a number of schools are offering qualifying education in conjunction with advanced training. The Division was under the impression that the qualifying education would be taught first but unfortunately that was not the case at all schools. The Division wants to provide clear lines as to what's permissible. Ultimately, enrollment agreements must have a licensure prerequisite to obtain a professional certificate for advanced training. The Division provided the Board with a memo detailing guidelines and recommendations for educational offerings along with a list of schools that would be affected.

5. Equity and Diversity Annual Report

Deputy Director Kanaly reported to the Board that the Division is starting to collect student gender and ethnicity data from annual filings to include Division data in the Department of Higher Education's Return on Investment report. The Division plans to propose a new rule that would require schools to submit this data on a regular basis.

6. Rulemaking

The Division is working diligently to include new rules regarding the collection and storage of students records in a digital format for this year's rulemaking process.

7. Rock Creek Laser and Esthetics Institute

Compliance Investigator Brad Uyemura reported to the Board that although the complaints currently being investigated have different allegations, there seemed to be a similar undertone of questioning the environment at the School and the way it was being administered. School Counsel had an opportunity to respond to the Division's report. Board Member Krovitz requested that the School provide the Division with information as to how they will be managing, and what protocols they will be following for face to face instruction. School Counsel assured the Board that the School will be notified that question #6 on the face to face instruction form must be answered. The Division expressed that it would like to receive more information for the School's anticipated start date of August 3rd regarding the cohort of students and whether it is a new or already existing cohort. The Division continues to investigate the School.

8. The Pilates Institute of Boulder

Deputy Director Kanaly reported to the Board that the School used the funds in their CD savings account for operational costs. These funds are meant to protect students and pursuant to statute, the School's approval has been suspended. A representative was present. The Board had concerns regarding the School's ability to withdraw the funds without informing the Division. First Bank had an obligation to contact DPOS prior to releasing the CD and furthermore the CD wasn't fully matured. Deputy Director Kanaly made an attempt to contact

First Bank but was unsuccessful at obtaining any information since she was not listed on the account.

Following review and consideration of the previous matters discussed during the regular portion of the Board meeting, Board Member 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 Schools and matters: CDL College, the Pilates Institute of Boulder and a discussion around the scope of authority for the Board 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 12:29 P.M.

After the review and consideration of the matters previously mentioned, Chair Garibay resumed regular session at 1:45 P.M.

The Executive Session recorder was turned off.

The public session recorder was turned on and the general public was welcomed back.

First 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.

9. CDL Certifiers/CDL Trainers

Following Executive Session, the Board discussed the scope of authority regarding a School's name. CDL Certifiers/CDL Trainers was given a conditional approval provided that they met three requirements. The first requirement was to clarify the bond so that it aligned with the proper legal mechanisms that would allow the Board/Division to call upon the bond if needed. The second condition was to remove "CDL Trainers" from the business name and use "CDL Certifiers." The third requirement was a favorable site visit which is still pending. Board Member Wamser stressed the importance of aligning the name of the business with the surety information so the bond can be pulled if needed. However, Board Member Wamser motioned to amend the May decision by eliminating the requirement to change the School name and conditionally approve CDL Certifiers/CDL Trainers with the following conditions: a favorable site visit and align the bond with the proper legal mechanisms that would allow the Board/Division to call upon the bond if needed. The motion was seconded and carried. Board Member Krovitz abstained from the vote.

Advanced Training Courses within Programs

The Board directed the Division to distribute to Schools the information regarding qualifying education and advanced training within courses and programs such that advanced training shall only be provided after the student has obtained the prerequisite licensure necessary to engage in advanced training(s).

The Pilates Institute of Boulder

Following discussion, the Board stressed the importance of maintaining a surety instrument regardless of enrollment. It concerned the Board that First Bank had a requirement to notify the Division that the surety instrument was released and neglected to carry out that responsibility. Board Member Reister made a motion pursuant to § 23-64-112(1)(b) to § 23-64-121(8) to issue a notice of noncompliance to the School that they are noncompliant because a bond is required to be in place. The motion was seconded and carried. Board Member Reister motioned pursuant to § 23-64-121(2) and (9) that a letter be issued to First Bank that future notification needs to be given to DPOS if the surety is going to be drawn, as a 60 days notification is required. The motion was seconded and carried.

Chairmen Garibay motioned to issue a notice of noncompliance to the Pilates Institute of Boulder pursuant to § 23-64-112(1)(b) and § 23-64-121(8). The motion was seconded and carried. Counsel will issue a notice of noncompliance to the Division along with a notice pursuant to § 23-64-121(8) that the School's Certificate of operation has expired due to the lapse in surety.

CDL College

Chairmen Garibay gave a brief description of recent events. Following discussion, Board Member Reister made a motion pursuant to § 23-64-121(5) and (7) to prepare a complaint and demand letter to The Hartford for neglecting to provide surety funds to the affected students involved with the School's closure. The motion was seconded and carried. Counsel informed the Board that a copy of the letter will be provided to Chairmen Garibay for review prior to its issuance.

Adjournment:

Board Member Reister motioned to adjourn the meeting. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, August 25, 2020, at 9:30 A.M. and will be held via the web conference application, Zoom, with the following log in information:

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

<https://us02web.zoom.us/j/89229193433>

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