

**STATE OF NEVADA**  
**EMPLOYMENT SECURITY DIVISION**  
**COMMISSION ON POSTSECONDARY EDUCATION**

***This meeting, conducted by the Commission on Postsecondary Education Chapter 394 of Nevada Administrative Code pursuant to Nevada Revised Statute NRS 394.383.***

**NEVADA COMMISSION ON POSTSECONDARY EDUCATION**

Wednesday, November 7, 2018; 9:13 A.M.

<b>Place of Meeting:</b>	<b><u>Live Meeting:</u></b>	<b><u>Video Conference to:</u></b>
	DETR – SAO Auditorium	DETR – Stan Jones Building, Conf. Rm. A-C
	500 East Third Street	2800 E. St. Louis Avenue
	Carson City, Nevada 89713	Las Vegas, Nevada 89104

**Department of Employment, Training and Rehabilitation (DETR) Staff**  
**Present in Carson City**

Kelly D. Wuest, Commission on Postsecondary Education (CPE) Administrator

**Department of Employment, Training and Rehabilitation (DETR) Staff**  
**Present in Las Vegas**

Maricris Wu, CPE Education Specialist  
Susan Beckett, CPE Administrative Assistant III

**Members of the Public, Media and Other Agencies**  
**Present in Carson City**

Betty McKay Bachman, All About Caring  
Alisa Johnson, Skill Center  
Careen Sibbring, Smarter Staff Training

**Members of the Public, Media and Other Agencies**  
**Present in Las Vegas**

Robert Whitney, Nevada Attorney General Office Deputy Attorney General  
Yoava Dechkova, School Closure - Gold Star former student  
Ralph Salazar, Redemption Kitchen  
Charlotte Bentley, Century 21 Americana Real Estate School  
David Salmon, Esq., Elbe Institute  
Weilain Chang, Elbe Institute  
Jinjun Wang, Elbe Institute  
Irvin Chung, Elbe Institute  
Christine Benbenisty, CRI  
Doran Benbenisty, CRI  
Keith Olson, CRI

**Members of the Public, Media and Other Agencies**

**Present in Las Vegas (continued)**

Diane Hale, SW Compliance

Coleen Thomas, SW Compliance

**Members of the Commission on Postsecondary Education**

**Present in Carson City**

BJ North, Chairperson

Larry Nathan (Nate) Clark, Vice Chair

**Member of the Commission on Postsecondary Education**

**Present in Las Vegas**

Rene Cantu

Sharon Frederick

Jill Hersha

**Member of the Commission on Postsecondary Education**

**Not Present**

Jon Ponder

**STATE OF NEVADA**  
**EMPLOYMENT SECURITY DIVISION**  
**COMMISSION ON POSTSECONDARY EDUCATION**

November 7, 2018 – 9:01 A.M.

**Call to Order**

The meeting was held at the Department of Employment Training and Rehabilitation Conference Meeting Rooms, in Las Vegas, Nevada and the SAO Auditorium, Carson City (via video conferencing). The meeting was called to order by Vice-Chair Commissioner Clark at approximately 9:01 AM.

**Public Comments**

Vice-Chair Commissioner Clark stated, we will now open it up to Public Comment. Do we have any public comment in the South? Deputy Attorney General, Robert Whitney stated, yes sir, I believe we have public comment in the South. Ms. Wu has a card that she has received. I believe we have one person for public comment. Good Morning, my name is Yoana Dechkova, I am here regarding Gold Star School. This is my complaint for Postsecondary Education. I have been enrolled to Gold Star School of Gaming on 14, June 2016 and I paid an amount of \$399.00 for classes. However, before even the classes have begun, the school had been closed down. I was advised to contact Commission on Postsecondary Education to claim a refund of my payment. On August 24, 2016 I've contacted CPE and filed an official claim to refund my money, as the claimed form was provided for by CPE. I was assured that someone will get back to me to update me on that case and advise me how to proceed further but unfortunately there was no any result or response from CPE. I kept following up and constantly calling without any success of receiving sufficient information. The only answer that I've been getting was that they were still working on my case and I will receive my refund back. At that time, I was still new in the country and I trusted CPE will assist me through the process and help me further to get my money back, that's why I haven't contacted my bank to ask for assistance to dispute the payment of \$399.00, since I paid for classes which were not provided. It is very disappointing that I was misled in such a way and it's been already two years of following up the same but my case is still pending, and nothing was sorted out yet until today. That's why today I'm here and I am just begging you for help. This is my case. (Ms. Dechkova read from a letter she submitted to Ms. Wu dated October 3, 2018. This letter and the public comment card are attached, listed as Exhibit 1.)

Commissioner Clark stated, just for record, do you realize the public comment area is not an area we can take action on? Commissioner Clark furthered, to Administrator Wuest, are you aware of this? Administrator Wuest replied, yes, I received the complaint. I will follow-up on this. Commissioner Clark continued, we may be able to put this into our next quarterly meeting in February on the agenda to take action. Administrator Wuest will be following up. I know that is

what you have been hearing for the last couple of years and I apologize. Ms. Dechkova responded, thank you.

Commissioner Clark, is there anybody else from the public that would like to make comment?  
No response from public.

**Confirmation of Posting**

Susan Beckett, for the record, Administrative Assistant III, Employment Security Division, Commission on Postsecondary Education. Yes, proper Notice was provided for this Meeting pursuant to Nevada's Open Meeting Law, NRS 241.020 and confirmation of posting was received.

**Open Meeting Compliance**

For the record, this is Administrator Wuest, we are in compliance with the open meeting law.

**Written Comments**

Nate Clark, Vice-Chair Commissioner asked whether written comments were received. Administrator Wuest, we do not have written comments. Commissioner Clark, any in the South? This is Maricris Wu, for the record, there is no written comments.

**Roll Call**

- Rene Cantu-Present
- Vice Chair Nathan Clark-Present
- Sharon Frederick-Present
- Jill Hersha-Present
- Grant Nielson-Excused
- BJ North-Present
- Jon Ponder-Excused

Quorum confirmed by Administrator Wuest.

**Adoption of Agenda:**

Motion: Commissioner North -Motion to adopt the agenda.

Second: Commissioner Frederick

Discussion: None.

Results: Unanimous, agenda is adopted.

**Approval of Minutes September 5, 2018**

Motion: Commissioner North – Motion to approve the minutes from September 5, 2018 meeting.

Second: Commissioner Hersha

Discussion: None.  
Results: Unanimous, motion passes.

### **Administrators Report**

Administrator Kelly Wuest gave the Administrators report:

#### **1. School Issue Updates**

Education Corporation of American, the parent owners of Brightwood College, has filed suit against the U.S. Department of Education arguing that the company need major financial restructuring but all campuses will have to close if they are not allowed to continue to receive Title IV funding during bankruptcy proceeding. The Las Vegas campus of Brightwood College was not included in the 26 campuses teach out so the potential impact to students is great.

Commissioner North asked, do we know how many students are going to be impacted? Administrator Wuest, at this point we do not. They have until next week to give that summation. We had enrollments of over a hundred students last quarter. Commissioner Clark, (inaudible). Administrator Wuest, no that was Alterius.

ITT Records: We have received part of the records from ITT Technical Institute that were converted from paper records in storage. The remaining records are with Parchment Transcript services.

This quarter, three closes occurred with Las Vegas schools  
Casino Gaming School – Taught out and closed on 8/31/2018  
Medical Association of Billers – Taught out and closed 7/1/2018  
Konold Institute – Closed – has been inactive for 2 years with no new students

Allied Business Schools has announced they will be teaching out with a planned closure of Spring 2019.

**2. Budget** – The Commission’s budget is very limited as the Commission has experienced for several years. The Commission was granted the budget to replace three desk top units in FY 19 which is underway. Last fiscal year, DETR provided CPE with upgraded used computers to bring the departments computers in line with their systems and help the agency function.

Due to an error in calculation of the contract allotment by the VA, CPE received an additional \$5,843.00 for FY 18. This will assist in covering the cost of performing the contract and allow CPE to recover more of the cost to perform the contract. The VA contract has been changed to an “agreement”. CPE’s allocation for FY 2019 (October 1, 2018 – September 30, 2019) has been increased from \$107,406 to \$121,317.

DETR FM has prepared the new biennial request which includes justification for a Compliance Audit Investigator and software solutions for agency management.

#### **3. Internship Program**

CPE has started a short-term internship clerical training program in our office. The program lasts for six weeks and interns come from Vocational Rehabilitation. This program stems from the summer internship program and has lead us to create an entry level training program year-round. The intern will be able to work in the CPE office setting at the front reception area. The focus on the internship to create an environment for the interns to be able to become Clerical Trainee’s or Administrative Assistant I level. Duties include: answering telephone calls; processing mail; checking documents for background processing, operating standard office machines, scanning projects of transcripts, creating bank deposits, reviewing and processing transcript requests.

**4. Quarterly Report** - Total enrollment for the July 1 – Sept 30, 2017 quarter was 7241 students with 10 schools unreported.

July – Sept 2018	July – Sept 2017	July – Sept 2016	July – Sept 2015	July – Sept 2014
8561	9797	7053	6789	8092

5. CPE Quarterly Activities – July – September 2018

CPE Activity	Number of Applications Processed	CPE Activity	Number of Applications Processed
License Renewals	23	Agent Permits	27
Experiential License	0	VA Compliance Visits/Other Visits	3
Agent Schools	0	VA Program Approvals	429
Distance Education Exemptions	9	SARA Notifications	4
License Evaluations	8	School Audits	4
Added Programs (rec & in process)	11		

8. CPE Student Complaints: July – September 2018

School Name	Date Filed	Issues/Allegations	Findings	Status
PCI Dealer School	6/30/18	Inadequate Teaching Staff	In Process	Audit Schedule
Roseman University of Health Sciences	8/17/18	Quality of Education Failure to follow administrative process Inappropriate censorship		In Review Process
Blue Makeup School – Failed to fulfill contingencies	Rec from Cosmetology and Consumer Affairs	Not providing promised training – students believed they would be eligible for cosmetology license False advertising	School has vacated leased facility and mail returns from owners last known address	Working with Consumer Affairs concerning a resolution

Administrator Wuest asked, are there any questions up North? No questions.

**Proposed changes to NAC 394.685 Termination or Continued Employment**

(This is Administrator Wuest, this was established in 1985 as a way to vet faculty and administrators.) Background: In 1985, the Commission on Postsecondary Education established NRS 394.465 requiring background investigations of certain applicants for employment with

postsecondary educational institutions aligning with the legislative statement of policy and purpose of Chapter 394.

NAC 394.685 provides the process for individuals who have been convicted of a felony or crime of moral turpitude to be vetted through the Commission system for continued employment. The background process is required for individuals to occupy an instructional position, administrative or financial position, including positions as school director, personnel officer, counselor, admission representative, solicitor, canvasser, surveyor, financial aid officer or any similar position; or to act as an agent for the institution.

Since January 1, 2015, CPE began keeping detailed information concerning the background process with over 5,200 backgrounds received by Commission staff.

Detailed Background Information	Number of Staff
Background Initiated	5,212
Backgrounds Completed	4,730
Background never completed/left employment prior to fingerprinting	482
Felony Convictions	180
Individuals terminated (for all reasons) prior to hearing	36
Approved by Administrator (with school support)	141
Hearing Conducted	3
Commission Approvals	2

Of the individuals who initiated the process, slightly over 9% never completed the background process leaving employment within a short time after hire. One aspect of this attrition can be contributed to having past legal issues. CPE does not receive detailed information of the reason the employment was terminated.

In the current background process, if an individual has ever been convicted of a felony or crime of moral turpitude, they would be required to inform the school and receive a letter of support to continue employment. If the conviction has been under 10 years, the individual is required to go to hearing with the Commission. Since 2015, only three cases have gone to the Commission for consideration. The remaining individuals were either approved by the Administrator or the employer elected to terminate employment.

In discussions with the Director of DETR concerning the background process, the draft was created to limit the reporting of past felonies to schools and provide opportunities to individuals with past convictions. The blue italics are things we would add and the red are things that would be omitted. I don't know if the timeline is correct, this is coming from the Director's level. The conviction would be three years and right now it is at ten years. It would also preclude those people who have a long-term felony from having to report it. It restructures the plan, hopefully, people who have problems a long time ago will no longer have to go in front of (inaudible). I do

think that some people get my letter and are gone within a week. So, I think they just give up. We are looking to help people who don't necessarily need to be restricted from employment.

Commissioner Clark stated, I have just a couple of questions on this for discussion purposes. I am wondering what prompted this and is there administrative (inaudible). Administrator Wuest responded, there is administrative work with this. What happens right now is if you have ever been convicted of a felony, I get the full background check. I get the federal background check everything, some of it is very crucial, some of it is not. Right now, we have to send a certified letter to the individual and give them a set time to respond. If they have been convicted of a felony they have to provide the full disposition from the file, and obtain a letter from the school within a certain time frame. We have had to do that with a 35-year-old DUI conviction, although we know ultimately that person is going to get approved. We do know there are some schools they are fine they understand people have issues in life. It would eliminate having to go back with some people that I am unable to determine if it is a felony, such as theft charges and the disposition wasn't filed properly.

Commissioner North asked, first of all, who determined the three years and the second question is there criteria? Is it three years across the board? Administrator Wuest responded, it is across the board and I am uncertain if that three years is correct, that is the suggestion of the Director. This is just the first stage we will have to do a small business impact.

This is Commissioner Clark, I have a concern with three years and it goes back to the original intent of this rule. Many of our schools participate in Title IV and this would impact hundreds or thousands of students of the ability to employ a person of a crime of moral turpitude of more than three years old could potentially jeopardize that system of checks and balances. I am questioning why three years. Is it arbitrarily three years, in Nevada I just don't feel it is the intent of this regulation? Consumer protection, people could possibly obtain access to files and fraudulently obtain information. I know we are not here to police the federal aid programs. What makes three years so magical? Administrator Wuest replied, that was just a suggestion. We can either move forward or leave it the same. Commissioner Clark asked, if we are to move forward is there a process we need to do with schools and people? Administrator Wuest responded, we would do a small group impact and then we would review with the commission and public. All the stakeholders would be invited to that. Commissioner North questioned, so this is a request for us to give the approve to move forward? Administrator Wuest stated, solidify the process. Commissioner North furthered, so if we wanted to change it to five years, not only for the consumer but for the students can that be part of the process? Administrator Wuest replied, yes, it should be part of the process and you would want to make those changes now. The time frame will change the process. I can run the stats on that. (There was side talking – at times inaudible.) Commissioner Clark asked, any comments from the South? This is Commissioner Hersha, I had similar thoughts and how that three years came up. It has been difficult to hear the discussion from the North. If we could get some more validation and information on this goes. Commissioner North stated, so I have asked Administrator Wuest to

do a comparative analysis between the three years and the protentional five-year period and then that would come to a public hearing where we would have further discussion and the public actually has a chance to comment on it also. Does that answer your question? Commissioner Hersha replied, yes it does. Thank you for clarifying. Commissioner Clark asked, any other comments or questions? No comments or questions, I guess I am looking for a motion.

Motion: Commissioner North – Move forward on this and to hold a public hearing to move forward on the process of the change.

Deputy Attorney General Robert Whitney interjected, before the second takes place can I make one suggestion? Add to the proposed changes to be to the NAC 394.685.

Amended Motion: Commissioner North – Move forward on this and to hold a public hearing to move forward on the process of the change to the NAC 394.685.

Second: Commissioner Cantu

Discussion: None.

Results: Unanimous.

### **Applications for Full Term License**

#### **All About Caring**

Testified: Betty McKay Bachman, Owner and Academic Director located in Carson City gave information on the location of her school and the area she covers.

Discussion: Administrator Wuest stated, if we could add, my original recommendation for All About Caring be extended for six months. I was able to conduct an audit yesterday. I am requesting the six months be reduced to three months, because you will have your report by February.

Commissioner North asked the applicant, does that three-month time work for you? You had mentioned there were issues that slowed down the process. Betty McKay Bachman replied, I had some health issues. Administrator Wuest came and inspected my offices and records, yes it does.

Commissioner Clark stated, I believe the three-month extension is to give Administrator Wuest time to prepare her report.

Motion: Commissioner Frederick – The provisional license for All About Caring be extended for three-months.

Second: Commissioner North.

Discussion: None.

Results: Unanimous.

#### **Century 21 Americana Real Estate School**

Testified: Charlotte Bentley, Director, we have been founded under the Century 21 Americana Brokerage here in Southern Nevada, Las Vegas. We are very close to launching, we have had a couple of setbacks, but we have all our instructors

approved we got our curriculum approved, we are working on our website right now. We have had a few problems with the website so it could be read and reviewed by CPE so we have no students to this date.

Discussion: Commissioner Clark inquired, do you have a projection of when you will be enrolling students? Charlotte Bentley replied, we will be doing a soft pilot in December, but we will be live in January. Commissioner Clark furthered, how long is the training program? Charlotte Bentley replied, the training program is one month. It is 45 hours in classroom and 45 hours of directed home study. Commissioner Clark asked, so does the six-month extension allow for students to complete and review? Charlotte Bentley replied, yes.

Motion: Commissioner Cantu – The provisional period for Century 21 Americana Real Estate School be extended for six-months.

Second: Commissioner Hersha.

Discussion: None.

Results: Unanimous.

### Elbe Institute

Testified: Weilain Chang, Assistant to the Director, Irvin Chung, Assistant to the Director, Jinjun Wang, Director of Elbe Institute, David Salmon, Bar Number 7168 Corporate Counsel for Elbe Institute.

Discussion: Commissioner Clark asked, do you have any comments about your licensure? Irvin Chung replied, we have a prepared statement if you would like us to read it. Deputy Attorney General Robert Whitney requested, is that prepared statement also available? Irvin Chung replied, I have a version available I made some last-minute edits. Deputy Attorney General Robert Whitney confirmed, that is fine, thank you. Attorney, David Salmon stated, this document is not the updated one, I reviewed the document and the translation in English does not come out well. The one being read is the toned down one. Susan Beckett stated, if you want your copy included in the minutes, please make sure you give that to me and I will include your written version. Irvin Chung replied, thank you I will. (No document was present to Susan Beckett either immediately following or after the meeting. Attached as Exhibit 2 is a copy of the statement which was handed to Commissioners.)

Again, for the record, my name is Irvin Chung, Good Morning Commissioners, the staff of Elbe Institute are very grateful to be sitting in front of you this morning and for the opportunity you have given us to amend our school policies to be in compliance with the NAC and NRS. We are very embarrassed, but appreciative to be given opportunities to correct our administrative errors. However, we here at Elbe were always and still are committed to providing a quality education and successful careers for all of our students. As the commissioner made it very clear last hearing, just because we have a 88% national pass rate and near perfect job placement rate, we cannot ignore the NAC and NRS. We took that statement to heart and meticulously made sure that all of our policies and procedures were in

compliance and now they are. The findings listed on the report today range from inconsequential to downright false perception and I think over the course of the discussion you will come to the same realization.

So, let's start with the big one, in accordance to NAC 394.607 (2) which states if an institution requires a high school diploma as part of their entrance requirements, the diploma must be issued by a school which is recognized by a governmental agency regulating education in the location where the diploma was issued. I'm sure no commissioner heard the phrase this specific NAC indicates requirement for education verification. Furthermore, we took the suggestion from the CPE into consideration but then we deemed it would seem discriminatory to our immigrant students seeing how the CPE was only concerned with the international diploma's and the authentication process would cost several hundred dollars and several weeks.

The concern over the makeup policy (finding#4) in the September 15<sup>th</sup> catalog came at the suggestion of Administrator Wu (referring to Education Specialist, Maricris Wu), during an informal meeting she had with Director Wang. Ms. Wu specifically stated that it is permissible to take materials home, and study, yet all of the quizzes and exams must be taken at the school to account for hours missed. As a result, the proposed make up policy was immediately edited on our catalog as our gesture of willingness to take any suggestions by the CPE as we believe it is safe to assume that specialist at CPE are fully competent with all regulation in regards to NAC/NRS without further verification ourselves. After the first audit on September 19<sup>th</sup> we were advised that this was not okay and we have since taken it off. None of students were ever subjected to this catalog since it was not a final version and we have not enrolled any new students since April.

All the other findings are insignificant, and we truly appreciate all findings as CPE and Massage Board staff all came with great intention to help us improve in case we encounter a difficult student who might file complaint sometime in the future. However, we do not believe the findings are serious enough to result in termination. Imagine Elbe Institute is your own business and was terminated due to a suggestion not stated on NAC/NRS, insignificant findings on materials that are all still in draft as well as forms that could seem as better documentation by adding an instructor signature, how silly does that sound especially knowing the institution has been producing excellent academic results.

The real question we all should ask ourselves is: 1) whether Elbe Institute is in major violation NAC/NRS, 2) whether Elbe Institute is still providing quality education, 3) is Elbe Institute working diligently to stay in compliance with CPE and Massage Board?

We have found several major infractions on just a primarily glance on other massage schools in Las Vegas area. For example, the AMO massage school, website clearly shows that they have MBLEX and NSMBT test prep classes as

well as an open enrollment policy. We were told back in 2015 that MBLEx and NSMBT test prep classes were expressly forbidden and open enrollment is no longer allowed as of earlier this year. We raised this issue to the CPE in the October audit and have not seen any changes to the AMO policy or heard of any disciplinary actions taken. There have also been several instances where we have received guidance from an CPE Administrator only to have that guidance be in violation of CPE policy. We all remember that during the September hearing, there was an issue with our career tracking namely that the form used did not provide enough details. However, we were using a form that was provided to us by the CPE.

More recently, we were instructed to submit new 30A and 30B forms for a curriculum that would be in compliance with the Massage Board's new policies of 2019. Initially we obtained the 30A and 30B forms from the CPE website. During the October audit we showed the CPE a preliminary draft of both forms only to be told that these forms were outdated and they would provide us with the updated version in a timely manner. It took two weeks. While working on the new forms, we discovered that there was a section labeled "Teaching Steps" that was not detailed in the instructions the CPE had originally provided to us. After asking for guidance, we did in fact receive a new set of instructions however the explanation for teaching steps was difficult to understand. "Teaching is fundamentally a process, including planning, implementation, evaluation and revision. Planning and teaching a class are familiar ideas to most instructors. More overlooked are the steps of evaluation and revision." Find the definition confusing, we emailed and called the CPE for clarification to no avail. We finally decided to just google what teaching steps meant only to find that the explanation provided to us by the CPE was copied directly from the Georgetown Website and the individual who plagiarized the explanation didn't even copy the most important of the statement. Just for clarification this is what the website stated, "Teaching is fundamentally a process, including planning, implementation, evaluation and revision. Planning and teaching a class are familiar ideas to most instructors. More overlooked are the steps of evaluation and revision. Without classroom assessments or some other means of receiving feedback on a regular basis, it is surprisingly easy to misunderstand whether a particular teaching method or strategy has been effective. A teacher can create an environment of mutual trust and respect by relying on student feedback – students can be a valuable resource for verifying whether the class pedagogy is or isn't working. Self-examination with feedback from your students and the instructor are key to improving your teaching.

Today, if Elbe Institute had a poor national exam pass rate, or a poor job placement rate, we would be having a very different conversation. However, we boast one of the highest pass rates and a near perfect job placement rate. Last time the commissioner made it very clear that just because we have good results doesn't mean we can neglect the NAC and NRS. The comparison was made to speeding on the freeway being very efficient but still illegal. We are operating within the "speed limit" outlined by the NAC and NRS. Now with this finding

report, all the critiques offered by the administrators subjective. Just because there aren't enough instructor's signatures or details on our forms doesn't mean we not providing a quality education. Can anyone on this commission say that if we went into the field right now and audit any permanently licensed massage schools that they will not have any of the same violations that we are being accused of today? Supposed if we find school with permanent licensure having identical violations today, will they be subject to termination or given an opportunity to make amendments and move on? If I have evidence stating that other massage school do not require any of their international students to go through any sort of authentication process for their high school diplomas will Elbe Institute be given an opportunity to continue its business just like the other permanently licensed school or terminate all permanently licensed school just like the respected administrator would suggest. I understand that this school and the CPE got off on the wrong foot in the beginning, and maybe that is why we are getting disproportionately harsher treatment for policies that we share with other massage schools. I'm having a very difficult time seeing how this recommendation is anything but a bias report as none of the evidence presented against Elbe Institute today would hold up in a court of law.

Every institution will make mistakes, the questions should be if these mistakes are severe enough to warrant a termination. We understand that there is always room for improvement, yet throughout these last 18 months we have yet to hear of a student being harmed as a result of our administrative error. I cannot say the same about the massage board. During the recent implementation of the reflexology license, an oversight to the law has left several hundred reflexologists without a means to put food on the table. As one of only three schools in Las Vegas with a certified reflexology program, it is safe to say the potential finding against Elbe Institute is miniscule compare to hundreds individual with limited resource to maintain their livelihood? Are the findings today serious enough to terminate a quality education institution that could help minimize the job loss with what is already limited resources?

As this is the very last meeting for the final decision, we only request the commissioners give a fair final evaluation for consideration. Thank you.

Attorney David Salmon stated, he would like to follow-up with a few of his own comments. I did write this statement as it reflects the frustration of my client. We do recognize that the board has been patient, as we have been here a few times. Our goal all along is to find out what we need to do and to do it. To summarize where we are at now with the most recent report from the Administrator, I think which is most disheartening is that it is mostly based out of the eleven findings that are held, only three of them have a NAC or a NRS even stated. Out of those three it is our opinion that none of them are applied correctly. It seems as if they were used to come to some sort of finding along the way. If the Commission is going to make a decision today on the past, we would like to hear that and know that, but if the decision is going to come to how the school has come to a point now we are

at the last chance. Yes, you have a 88% pass rate, yes you have an almost 100% placement rate, but if you don't come back with some sort of indication you have complied with the NRS and the NAC it could be a bad day for you. They took that to heart they went back and looked at all of it, they had a committee look through it and I think that is reflective in this most recent report. Now clearly, number 1 NAC 394.607 I find that the diploma be an American diploma, I see nothing in this statute that requires the diploma to have a special authentication. What I find in this statute is that it has to be recognized by the governmental agency that issues it correct me if I'm wright, it is our position that every one of them has been supported by the government, correct? All Elbe Institute staff present stated, yes. Attorney David Salmon continued, whether they were American or not I don't see that requirement within the statute.

Number 3, the next one that states a NAC or NRS, this is record keeping. It says the recording keeping has to be done, it doesn't state it has to be perfect. I don't know of any record keeping that is always perfect. While it states that it has to be done and there may be some conflicts. It is our position that it is insignificant. We are complying with the statute and we have a procedure in place necessary to fulfill this and we just don't see any major violations that would stand in the way of licensure.

The next one that states an actual statute is number 4. It is regarding homework. I am baffled by this one because it is homework that the Administrator calls distance education. It is not a practical item, correct me if I am wrong on this one. It is not any hands-on practice of massage correct? Elbe Institute staff stated, no. Attorney David Salmon continued, its homework? Elbe Institute staff stated, yes. Attorney David Salmon furthered, so that was baffling to me. That in statute it states you cannot have a program based on distance learning is being used to say that homework is distance learning and so that is a violation. It seems strange to me.

Again, out of the eleven findings that were held those were the only ones that cited a NAC or an NRS. We feel frustrated because we are trying to do everything the board has asked us to do. We have taken steps along the way to the point now where we feel we are in full compliance with the regulations and the statues. What we can never do is to run a business the way somebody else wants us to run it. What we can do is run it in accordance of the law and statutes, that is what we are trying to do. In summary, that is our argument.

Commissioner Clark asked, any questions from commissioners? Commissioner North stated, thank you, and I can appreciate that. I do have a question, that was not addressed, that was an important finding is that you were disapproved by the California Massage Therapy Council and/or I find it interesting that an organization will not support what you are currently doing, can you address that? Irvin Chung responded, I believe you mean John Chung, commissioner and that is my father. He is no longer part of the business, my mother which they are

divorced, it's confusing, I do share my dad's last name. Attorney, David Salmon asked, is your father in any decision-making capacity in the business? Mr. Chung replied, no sir. Administrator Wuest stated, the license is with John Chung. Commissioner Clark inquired, the license appears to be listed with your father's name and has never been changed. Can you explain? Attorney, David Salmon probed, the licensure is still listed under your father's name? Mr. Chung and Ms. Wang began to speak in another language, not English. Ms. Wang then responded in English, that was a conversation with Maricris she was going to e-mail me the new form for name change because I had the old version and Maricris was going to e-mail me the new version, I didn't find it on the website. This is Maricris Wu, for the record, I did assist Ms. Wang in regards to the change in ownership application she did advise CPE that a change of ownership occurred that Mr. Chung is no longer affiliated with the school and a change of ownership would be required for submittal. That information is available on our website, as I directed to you with e-mail conversations or during the audit. Ms. Wang replied, but I didn't get new version of the ownership change form. I only found the old version on the website. This is Maricris Wu for the record, we can certainly provide you with the new forms, since Administrator Wuest has currently updated our forms.

Commissioner Clark inquired, the application before us is under your father's name, that is what we are considering today? Attorney, David Salmon, I'm sorry can I get clarification, is there a way to change that? This is Deputy Attorney General Robert Whitney, I just want to remind everyone to state their name for the record. Attorney, David Salmon, I'm sorry, David Salmon the Attorney, was there some form that was to be filled out that wasn't, was there some way of changing the ownership that we didn't do? Or do we have to close down the school when a new owner comes in, I'm confused about the statement that the application is under someone else's name, I'm confused. This is Maricris Wu for the record, in the initial application the ownership list JinJun Wang and John Chung, as the owner. It was brought to our attention that Mr. John Chung is no longer affiliated with the school or a change of ownership has occurred. We do have a regulation that requires an institution to submit an application to the Commission on Postsecondary Education if by chance an ownership changes. To date we have not received an application. Attorney, David Salmon responded, okay, thank you for answering that. Commissioner Clark stated, thank you for clarifying that.

Commissioner Clark asked, any other questions from commissioners? This is Commissioner Frederick, I have two questions for the applicants. Are you administering the Wonderlic assessment? Mr. Irvin Chung replied, no we are not. Commissioner Frederick stated, you are not administering that. Okay, how about satisfactory academic progress, SAP? Weilin Chang responded, yes, it is in the catalog. Commissioner Frederick asked, it is in the catalog, but are you running the report? Commissioner Frederick furthered, what software are you using? Weilin Chang, it is our own. Commissioner Frederick probed, but you are running SAP? Do you have any students that are on academic probation? Weilin

Chang commented, not at this time, no. Commissioner Frederick stated, thank you.

Commissioner Clark stated, I would be interested in seeing that report because the information we have before us from the Administrator is that the SAP policy is not being followed or documented. Attorney, David Salmon responded, my clients are confused by the statement. What program, my clients don't understand the question? Commissioner Clark replied, the question is related to the statement that the school claims it is in compliance with the Satisfactory Academic Progress Policy that is published in their catalog. There is evidence from the Administrators Report that the Satisfactory Academic Progress Policy was not enforced as per the school's policy. It would be up to the school to present that conclusion is wrong. What I am asking for here is there any evidence to support your assertion that you are in compliance with your own Satisfactory Academic Progress Policy? Irvin Chung replied, one moment Commissioner. Elbe staff searching through computer for information. Mr. Chung, continued, I am sorry the Wi-Fi is really slow. Commissioner Clark furthered, maybe in the interest of time, while you are finding the evidence we could just move on to another topic, if that's okay? Commissioner Clark continued, are there any other questions from Commissioners? Mr. Chair, this is Commissioner Cantu, I would just like to state, if any evidence is provided I would want to make sure it is evaluated by staff and that staff render some sort of opinion if be the case. Commissioner Clark stated, I think that the suggestion is a good suggestion. I don't know that I think that based on where this discussion goes and if we get to a motion where that motion goes. Mr. Irvin Chung stated, just to clarify Commissioners the item is item number ten the academic probation policy is item number ten. I believe the issue was when the original catalog was approved by CPE we were tracking the academic progress throughout the entire program rather than the specific module. However, we were advised, that the SAP policy needs to be tracked by module. However, the catalog we were originally using was originally approved. So, we have since made that change and that's all I have to say, it wasn't that we weren't tracking rather it was the way we were tracking CPE advised us that we should be tracking per module rather than the entire program. I'm sorry that took a while.

Commissioner Clark asked, any other questions from Commissioners? This is Commissioner North, in one of the findings it states that you are not in compliance with the state of California and this is a concern because compliance wherever you are located is important. Since this finding do you have supporting documentation that you are in compliance with the reporting process with the state of California license. JinJun Wang responded, yes, so yes, I have another two schools in California, another Elbe Institute and Capstone College both of those schools are not operating right now because we want to focus on the Nevada one. Irvin Chung asked, what issue exactly are you raising because the only problem we had or rather JinJun has had with that school is a fine that she had not paid. Commissioner North responded, it also states you are not in compliance with providing annual reports and yes you have not paid a fine so if what I am seeing is that there seems to be a

little bit of a history of the ability to comply with compliance record keeping. I know there were comments made about record keeping. I know it's difficult in recording and keeping (inaudible) documentation and it seems to be a reoccurring situation. One original violation yes, but when it comes back again and again (inaudible) your license has an impact on the students I find it concerning. Can you address the fact that you continue to have violations and continuing violations, not only here but it appears to be with other schools and other entities? Again, this is Irvin Chung, for the record, let me clarify, so what originally happened with California Schools, again I'm not involved I am just familiar with the operation. This is JinJun Wang, so which school is it Elbe or Capstone because I have two schools there. Attorney, David Salmon stated, a general concern with all the schools there is a record keeping issue. JinJun Wang replied, so for Elbe Institute. Irvin Chung began speaking interrupting Ms. Wang, so mam, we have addressed that we brought on multiple staff, the issue occurred a couple of months ago and we have since then brought on more administrative staff. Our team has really grown in all areas, we thought we would keep it a small operation. We since recognize the fact that it is more tedious and that one person or two cannot do it all. So, we have brought on a lot more staff to ensure this will never happen again.

Commissioner Clark, any other commissioner questions?

Motion: Commissioner Cantu – Based on the evidence presented by both parties and the report from Administrator Wuest I would move that we deny continued licensure to Elbe Institute.  
Second: Commissioner North.  
Discussion: None.  
Results: Unanimous, motion carries.

Redemption Kitchen

Testified: Ralph Salazar, Owner, Academic Director and Instructor. Actually, going to the Commission last year, we were almost two months behind. We received our license in February 2018. There were a lot of things going on that were new discoveries for me as far as getting on the ETPL, becoming a venue with the State, just a lot of information that I had to transact. By that time budgets were exhausted we were there waiting and there are three basic programs we work with sometimes students don't make it as far as they can be being referred to us. Maybe they were readmitted or something like that. So, some of those type of situations happened. A little after July we went to a memo of understanding with Hope for Prisoners where we are actually receiving students working with the NVC North Valley Complex. We have two students who are going to graduate. We don't have actually any students graduated as of yet. Commissioner Clark, thank you, excited to see the outcomes of this program. Sounds like it is rolling now. Ralph Salazar, yes, the program is great. Especially now, with all of the prisoners we are excited working with them. They complete the program and the Serve Safe, we are actually going to be able to proctor so it is going to help with the students. All students will be given Serve Safe and it will go directly through me. Our classes

right now will be cleaning up between the 19<sup>th</sup> of November and December 4<sup>th</sup> and our new classes will be starting January 7<sup>th</sup>, 2019.

Discussion: Commissioner Frederick asked, The Clark County Health Department Cards, do you have a community partner that is assisting with payment for the cards or is that coming out of their own or students pocket? Ralph Salazar responded, I have an association that takes care of that and me becoming a proctor is going help out as well. Commissioner Frederick asked, all their fees are taking care of and knife kits I believe? Ralph Salazar, yes, we have a knife kit, uniforms, shoes are part of the kits, they are ready to go. Commissioner Frederick inquired, do you have community partnerships with restaurants and entities that will hire your graduates? Ralph Salazar replied, we are starting to build those relationships and we are right now building relationships with our partnerships with i.e. Hope for Prisoners who already have those relationships. We will always reach out on our own, I know several restaurant owners as myself that actually get involved and even extend our locations and satellite locations.

Motion: Commissioner North – I move that the provisional license for Redemption Kitchen to be extended for six-months.

Second: Commissioner Frederick.

Discussion: None.

Results: Unanimous.

### Smarter Staff Training

Testified: Careen Sibbring, Owner, Academic Director, and Instructor.

Discussion: None.

Motion: Commissioner Hersha – I move that full-term licensure be granted for Smarter Staff Training.

Second: Commissioner Frederick.

Discussion: None.

Results: Unanimous.

## Applications for Initial Provisional Licensure

### Skill Center

Testified: Alisa Johnson, Owner and Director. This program started out after I was doing some volunteer work at the Nevada Dream Center and some people from the community. Ranging from grandparents to contractors who do not know how to use a cell phone. Hopefully we will be approved today and be able to start teaching.

Discussion: This is Commissioner Clark; did I hear you correctly? They don't know how to use a cell phone? Alisa Johnson, correct. Commissioner Clark, interesting. I do have some serious questions. Are there any entrance requirements for students who enter the program? (Inaudible) Office skills for these type of jobs. Alisa

Johnson, yes, we do have a pretest that is required for entry, they have to have at least a 5<sup>th</sup> grade reading and writing level, the test is approved by a certified school district teacher. This is Commissioner North, just verifying that you will be using the facility and Northern Nevada Reading Center. Alisa Johnson responded, correct. Commissioner North furthered, what are the hours of your program? The school hours are 8-4, Monday through Thursday. The training hours will be four hours a day, Monday through Thursday. Commissioner North continued, you don't have any evening hours? Alisa Johnson responded, no, not right now.

- Motion: Commissioner Frederick – I would like to make a motion that a twelve-month provisional license be granted to Skill Center to offer the Office Assistant and Microsoft Office Basic program, contingent upon receipt of staffing information.
- Second: Commissioner North.
- Discussion: None.
- Results: Unanimous, motion carries.

#### *SW Compliance and Safety Training Institute*

Testified: Diane Hale, School Director of SW Compliance and Safety Training Institute gave information about the school and the non-profit status. I have a Master's Degree in engineering. Ms. Hale explained demand for her program and how the building was obtained.

Discussion: Commissioner Cantu asked, why did you choose to become a non-profit and can you tell me more about your non-profit board? Diane Hale responded, I developed the non-profit because to many times over the course of the years, and by the way, I apologize, this is Coleen Thomas, she is my Academic Director I hired a couple of months ago and she has been very instrumental on the end game to get workers back into career fields. The non-profit was started because I had somebody who got fined by OSHA who had environmental concerns, I was giving her a lot of free information. I still have to pay the mortgage, I don't own my building the bank does and I realized when I asked her, you're going to pay me \$1,000.00 or \$2,000.00 because this could take a week or two. She said well we don't have it, I thought there has to be a better way. That is when I was mentioning this to Bank of Nevada, and Bank West, I should say as well as Bank of Nevada, Wells Fargo and a lot of the banks said if you get this that we can donate to the non-profit. I talked to Latin Chamber and see if every one of these associations every individual I talked to said there is money available to help with workforce, but you have to have a program in place. You need to be a non-profit and I since look at all the grants available via the Department of Labor for STEM training or Environmental Safety and there is a lot of money out there. I thought here is one way I could improve one way I could improve the community, provide our building/non-profit as a resource center.

This is Commissioner Hersha will your students be able to test for (inaudible talking over each other). Diane Hale, well that's an excellent question and one way to look at is our Certified Hazardous Transporter Course in it there will be four

certifications and one global one, but the students though no matter what course they take they want that certification they take the exam and apply for membership which is \$100.00 fee and I am trying to work it out to get IASHEP to donate that fee for the first year. It is up to the student how many certifications they want. There are going to be technician level certifications which would be a newbie and last one to two days. Then you get to the specialist level courses that last three to five days.

Commissioner North asked, you staff level positions salary is \$55,000 etcetera, but I have a subtotal for staff \$326,400. I am probably not the best at math, but I added those up and it does not come close to that figure. Could you share with me what the disparity is? Diane Hale responded, yes, that is my failure to use Excel and add it up correctly. So, I will have to go back and look at that see how it was added up. I usually use Excel and do not hand do it. Commissioner North stated, you might want to do that because it is going to skew your numbers. Your enrollment is pretty high, what happens if you don't make the enrollment goals? Diane Hale responded, we are using the non-profit since it is sharing training rooms free rent and I can continue to do that. I based a lot of those number and it is actually on the low end. I know when I was training I could easily do two, five-day courses and net up to \$20,000.00 a month. However, I've had let me go on the low side the reality is that it just depends on which courses two-day, five days how can I fit them in and as I expand we will get more instructors. I am not strictly going to rely on freebies, I am going to be going to companies. Commissioner North furthered, you have it on your other income as Sponsorships for SW Compliance and Annual Safety Gala fundraising \$124,825.00, have you already had an event that would be at that amount that you are going to be raising? When my daughter was at her private school I was actually helping them out with one of their gala events and they easily cleared \$200,000.00 plus a year. I have not had one and Coleen said she would help me with an event planner with that. That was actually something that other people have told me within the last month that they said, hey, this would be a good idea and get people aware of activities and it comes down to everybody in my realm whether they are transportation or environmental, construction they all want to sponsor. So, you could have table sponsors. Sponsorships could be \$1000.00 a table. I just did a rough estimate. Others that I know of could clear that amount. Commissioner North responded, it is not as easy as it appears. Diane Hale replied, nothing is easy you just have to find the right people to help you out.

- Motion: Commission Cantu – I move that a twelve-month provisional license be granted to SW Compliance and Safety Training Institute, to offer the Environmental Safety Health Training programs, contingent upon receipt of surety in the amount of \$20,000, curriculum approval, and staffing information.
- Second: Commissioner Hersha.
- Discussion: Commissioner North stated, just make sure you make those adjustments on your budget estimate. Diane Hale replied, yes, I will.

Results: Unanimous, motion carries.

### **Applications for Add a Program**

#### **CRI Counter Terrorism Training School**

Testified: Doran Benbenisty, Owner and Christine Benbensity, President of CRI Counter Terrorism Training School. Commissioner Clark requested, can you give us a little bit of background on this program and how it's similar to what the school is currently doing? Doran Benbenisty replied, the program actually come to harness the future into the present because drones are now one of the most advanced tools for existing and new industries incorporating. The school has been a counter terrorism school as well as a vocational school. We saw the opportunity of the student capability and the knowledge and the tools for our students that they can harness this technology for the future.

Discussion: Commissioner North inquired, how are you going to promote your program and reach students to go into this program and to piggyback on that do you have opportunities for them to get jobs in this industry? Doran Benbenisty responded, our website has around 800-1200 visitors per week. Next, we have an amazing network that we work very hard to establish and jobs provide as well as forums and Facebook groups and other social media. We have around military bases and police department who help us and are actually helping us right now. We are going to use our network to obtain some of our students.

Commissioner Cantu asked, my question pertains to the job prospects, who are the employers and where are the jobs? Can you tell us a little bit more about what the job prospect might be that someone might be interested in? Doran Benbenisty responded, the list is a bit lengthy, but I will divide it into two categories the existing industry and the new industry or emerging industry. The existing industry we can look at for example firefighters that can now use the drones for imagery to find and help firefighters in stress, but to find and rescue people and their pets. The police department and state agencies drug enforcement and human trafficking where they would need helicopter or planes. That event that happened in Las Vegas, unfortunately last year, if police had their drones, a drone could immediately find out where the shot came from then could blind the shooter. It could have delayed the amount of damage, but also to the rescues on the ground. Drones can give precise pictures and real-time effects of what can be done. We can help in international waters with hostages. Building and code enforcement can use drones to special imagery. Lifeguards who just rely on binoculars ranging from drownings to shark attacks. This is truly a lifesaving program. This is my passion, I started the Counter Terrorism School was the first school in the country before 9/11.

Commissioner Clark asked, any more questions?

Motion: Commissioner North – I recommend that CRI Counter Terrorism School be granted approval to offer the Tactical Drone Pilot program contingent on a surety bond increase in the amount of \$9,000 and final curriculum approval.  
Second: Commissioner Cantu.  
Discussion: None.  
Results: Unanimous, motion carries.

**Commission Comments**

None.

**Public Comment**

None.

**Meeting Adjourned**

Commissioner Clark, do we need a motion for Adjournment? This is Robert Whitney, we can have one. You don't actually need one, but it is fine if you call for one. Commissioner Clark furthered, well if we do not need one then I adjourn the meeting. The meeting was adjourned by Commissioner Clark. Time: 10:58AM.

# **Exhibit 1**

**COMMENT CARD**  
**COMPLETE ONLY IF YOU ARE NOT ON THE AGENDA**  
**AND WISH TO ADDRESS THE COMMISSION**

PRINTED NAME

Joana Dechkova

PRINTED BUSINESS OR SCHOOL YOU REPRESENT

Gold Star school

BRIEF OVERVIEW OF TOPIC YOU WISH TO COMMENT ON

Refund

Please give completed form to CPE staff member.

Date: 3<sup>rd</sup> October, 2018  
Subject: Letter of Complaint  
Las Vegas, Nevada

To Whom It My Concern:

First and foremost, please allow me to introduce myself. My name is Yoana Dechkova and I would like to raise an official complaint against Commission on Postsecondary Education (CPE).

I have been enrolled to Gold Star School of Gaming on 14<sup>th</sup> June, 2016 and paid an amount of \$ 399.00 for classes. However, before even the classes have begun, the school had been closed down.

I was advised to contact CPE to claim a refund of my payment. On 24<sup>th</sup> of August, 2016 I've contacted CPE and filed an official claim to refund my money, as the claimed form was provided by CPE.

I was assured that someone will get back to me to update me on that case and advise me how to proceed further but unfortunately there was no any result or response from CPE.

I kept following up and constantly calling without any success of receiving sufficient information. The only answer that I've been getting was that they were still working on my case and I will receive my refund back.

At that time, I was still new in the country and I trusted CPE will assist me through the process and help me further to get my money back, that's why I haven't contacted my bank to ask for assistance to dispute the payment of \$399, since I paid for classes which were not provided.

It is very disappointing that I was misled in such a way and it's been already two years of following up the same but my case is still pending, and nothing was sorted out yet until today.

Recently, I've been in touch with Maricris Wu, who was kind enough to try to assist me further with my case. I've been advised by Maricris to explain the whole case in written and would be greatly appreciated if someone come back to me with detailed updates accordingly and advise me how to proceed further to be able to get my money back. I really trust you can help me.

All necessary supporting documents and payment receipt for \$399 have been already submitted to CPE.

I'm looking forward to hearing from you soon

Thank you  
Best Regards

Sincerely,  
Yoana Dechkova

# **Exhibit 2**

Good Morning Commissioners, the staff of Elbe Institute are very grateful to be sitting in front of you this morning and for the opportunity you gave us to amend our school policies to be in compliance with the NAC & NRS. We are very embarrassed and grateful to be given opportunities to correct administrative errors. However, we here at Elbe were always and still are committed to providing a quality education and success careers for all of our students. As the commissioner made it clear last hearing, just because we have a 88% national pass rate and a near perfect job placement rate, we cannot ignore the NAC & NRS. We took that statement to heart and meticulously made sure that all of our policies and procedures were in compliance and they now are. The findings listed on the report today range from inconsequential to down right false perception and I think over the course of the discussion you will come to the same realization.

*cheating*

In accordance to NAC 394.607 which states that a high school diploma must be recognized by a governmental agency regulating education in the location where the diploma was issued. I'm sure no commissioners at this meeting hear the phrase this specific NAC indicates requirement for education verification. Furthermore, We took the suggestion from the CPE into consideration but then we deemed it would seem discriminatory to our immigrant students seeing how the CPE was only concerned with the international diploma's and the authentication process would cost several hundred dollars and about several weeks. Perhaps that was the very reason, such phrase was never implement into the NAC/NRS to prevent the potential discriminatory practice against individuals with foreign education credential.

The concern over the make up policy (finding#4) in the September 15th catalog came at the suggestion of Maricriss Wu, during a conversation she had with Director Wang about makeup hours. Ms. Wu specifically stated that it is permissible to take materials home, and study, yet all of the quizzes and exams must be taken at the school to account for hours missed. As a result the proposed make up policy was immediately edited on our catalog as our gesture of willingness to take any suggestion by CPE as we believe it is safe to assume that specialist at CPE are fully competent with all regulation in regards to NAC/NRS without further verification ourselves. After the first audit on sept. 19th we were advised that this was not okay and we have since taken it off. None of students were ever subjected to this catalog since it was not a final version and we have not enrolled any new students since April.

All the other findings are nitpicks, and we truly appreciate all findings as CPE and Massage Board staff all came with great intention to help us improve in case we encounter a difficult student who may file complaint sometime in the future. However, we do not believe the findings are serious enough to result termination. Imagine Elbe Institute is your own business today and was terminated due to a suggestions not stated on NAC/NRS, nitpicks findings on materials that are still in draft as well as forms that could seem as better

documentation by adding an instructor signature, how silly does that sound especially knowing the institution has been producing excellent academic results.

The real question we all should ask ourselves lies on 1) whether Elbe Institute is in major violation with NAC/NRS, 2) whether Elbe Institute is still providing quality education. 3) Is Elbe Institute working diligently to stay compliance with CPE and Massage Board.

As we have found several major infractions on just a primarily glance on other massage schools in the Las Vegas area. For example the AMO massage school, website clearly shows that they have MBLEX and NSMBT test prep classes as well as an open enrollment. We were told back in 2015 that Mblex and NSMBT test prep were expressly forbidden and open enrollment is no longer allowed as of earlier this year. We raised this issue to the CPE in the October Audit and have not seen any changes to the AMO policy or heard of any disciplinary actions taken. There have also been several instances where we have received guidance from an CPE administrator only to have that guidance be in violation of CPE policy. We all remember that during the September hearing, there was an issue with our career tracking namely that the form used did not provide enough details. However, we were using a form that was provided to us by the CPE.

More recently, we were instructed to submit new 30A & 30B forms for a curriculum that would be in compliance with the Massage Board's new policies. Initially we obtained the 30A and 30B Forms from the CPE website. During the October Audit we showed the CPE a preliminary draft of both forms only to be told that these were outdated and they would provide us with the updated version in a timely manner. It took two weeks. While working on the new forms, we discovered that there was a section labeled "Teaching Steps" that was not detailed in the instructions the CPE had originally provided to us. After asking for guidance, we did receive a new set of instructions however the explanation for teaching steps was difficult to understand. "Teaching is fundamentally a process, including planning, implementation, evaluation and revision. Planning and teaching a class are familiar ideas to most instructors. More overlooked are the steps of evaluation and revision." finding the definition confusing, we decided to email and call the CPE for clarification to no avail. we finally decided to just google what teachings steps meant only to find that the explanation provided to us by the CPE was copied directly from the Georgetown University Website and the individual who plagiarized the explanation didn't even copy the most important part of the statement.

If Elbe Institute had a poor national exam pass rate, or a poor job placement rate, we would be having a very different conversation. However, we boast one of the highest pass rates and a near perfect job placement rate. Last time the commissioner made it very clear that just because we have good results does not mean we can neglect the NAC and NRS. The comparison was made to speeding on the freeway being very efficient but still illegal. We are operating within the "speed limit" as outlined by the NAC and NRS. Now with this findings report, all the critiques offered by the administrators subjective. Just because there aren't enough instructors signatures or enough details on our forms doesn't mean we

are not providing a quality education. Can anyone on this commission say that if we went into the field right now and audit any permanently licensed massage schools that they will not have any of the same violations that we are being accused of today. Supposed if we find school with permanent licensure having identical violations today, will they be subject to termination or given an opportunity to make amendments and move on? (Long Pause) If I have evidence stating that other massage school do not require any of their international students to go through any sort of authentication process for their high school diplomas will Elbe institute be given an opportunity to continue its business just like the other permanently licensed school or terminate all permanently licensed school just like the respected administrator would suggest. I understand that this school and the CPE got off on the wrong foot in the beginning, and maybe that is why we are getting disproportionately harsher treatment for policies that we share with other massage schools. I'm having a very difficult time seeing how this recommendation is anything but a bias report as none of the evidence presented against Elbe Institute today would hold up in a court of law. Every institution will make mistakes, the question should be if these mistakes are severe enough to warrant a termination. We understand that there is always room for improvement, yet throughout these last 18 months we have yet to hear of a student being harmed as a result of our administrative error. I can not say the same about the massage board. During the recent implementation of the reflexology license, an oversight to the law has left several hundred reflexologist without a means to put food on the table. As one of only three schools in Las Vegas with a certified reflexology program, is it safe to say the potential finding against Elbe Institute is miniscule compare to hundreds individual with limited resource to maintain their livelihood? Are the findings today serious enough to terminate a quality education institution that could help to minimize the job loss with what is already limited resources?

As this is the very last meeting for the final decision, we only request the commissioners to give us a fair final evaluation for consideration. Thank you!