

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, September 18, 2019; 9:01 A.M.

Place of Meeting:	<u>Live Meeting:</u>	<u>Video Conference to:</u>
	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

Kimberly Gaa, DETR ESD Administrator
Kelly D. Wuest, CPE Administrator

Department of Employment, Training and Rehabilitation (DETR) Staff

Present in Las Vegas

Michelle Nash, CPE Postsecondary Education Specialist – Veterans Affairs SAA
Maricris Wu, CPE Postsecondary Education Specialist
Susan Beckett, CPE Administrative Assistant III

Members of the Public, Media and Other Agencies

Present in Carson City

Steve Watkins, Unitek
Navneet Bhasin, Unitek
Peter Gilkey, Vandelay Education, Reno DAS/MAS

Members of the Public, Media and Other Agencies

Present in Las Vegas

Robert Whitney, Nevada Attorney General Office Deputy Attorney General
Gwen Ruter Mulhn, Save the Art
Omar Herrera, Covered 6
Dan Raimer, L.V. Institute of Welding
Jeremy Reed, L.V. Institute of Welding
Brie Roper, L.V. Institute of Welding
Thomas Pfundstein, Finishing Trades Institute
Roland Kailihiwa, Art Institute
Jeremy Daugherty, Faculty of Ai

Daniel Taylor, Save Ai LV
Josh Hudson, Save Ai LV
Rosa Padilla, TPR PSVTS
Charles Lee, AI
Susan Jarvis, AI
Alexis Lodge, Live Savers Training Center
Tracy Evans, Live Savers
Linda Montgomery, The Learning Center
Alex Sotelo, AI
Lisa A Mayo, AI
Kato Charles, AI
Mark E. Dottore, U.S. District Court Receiver
Cesar Garcia, HVAC Academy
Lisa Nordman, Aviation Institute of Maintenance
Boyd Hawkins, Mark, Miller, Hawkins, PLLC
Robert Graziani, Save the Art
Roger Swartzwelock, Save the Art Institute
Aaron Lacey, Save the Art Institute
Chris Dunn, Covered 6
Harold Daly, Finishing Trades Institute Southwest
Matthew Woodard, Covered 6
Michael Kopanski, Faculty & Staff Save AILV
Michelle Vietmeror, Save AILV
Don Murphy, Save the Art
Joseph Markley, T.P.R.
Tim Kelly, Save AILV
Jennifer Salvio, Self
Brian Neidlinger, Save AILV
Alexander Cotton, Student
Valery Rivera, Observing
Orlando Rivera, Observing
Aleksandra Appleton, Review-Journal
Gina Rodriguez, Covered 6
Carmelina Ruiz, Covered 6
Ashanti McGee, Congresswoman Susie Lee
Lauri Perdue, Nevada Massage Academy
Kristin Swiderski, AiLV
William Turbay, Save Ai LV
Jacob Quance, AI
Luis Guzman, Self
Danielle Patton, Self
Christen Chlinton, Save AILV
Kamille Clinton, Save AILV
Amanda Furra, Self
Troy Agena, Self

Richard Rock, AIL.V.
Mike Zuliani, Save the Art
Iekes Sulliver, Save the Art Institute
Michael Brown, Art Institute
Mariah Abbott, AILV
Roxanne Montoya, AILV

**Members of the Commission on Postsecondary Education
Present in Carson City**

Larry Nathan (Nate) Clark, Vice Chair
Chris Sewell, ESD Director's Office, DETR Appointed Commissioner

**Member of the Commission on Postsecondary Education
Present in Las Vegas**

Rene Cantu
Sharon Frederick
Jill Hersha
Jon Ponder

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September 18, 2019 – 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 Nathan Clark at approximately 9:01 AM.

Public Comments

Commissioner Clark read the prepared statement pertaining to public comment. Pursuant to NRS Chapter 241, the public has a right to comment for three minutes on matters set on the Commission's meeting agenda. Although each member of the public has the right to speak for the full three minutes, the Commission asks that, if you hear a speaker say what you had intended to say, you consider simply stating, when it is your turn for public comment, that you agree with that particular speaker's comments. Each person, however, is free to comment as they choose to do so.

Public Comment Card Exhibit A. Roland Kailihiwa gave public comment pertaining to Art Institutes of Las Vegas (Save Ai LV). Graphic Design student spoke on financial aid issues and debt owed to VA, which have not been resolved. Staffing issues have caused many problems ranging from financial aid to a lower quality of education and instruction.

Public Comment Card Exhibit B. Michael Kopanski gave public comment representing staff, pertaining to Save AILV. Spoke on nonpayment of wages of certain staff (not all staff have gone without pay), FLSA Employment Law and negligence of employment.

Written Comments

None, in the North, Administrator Wuest. For the record, this is Susan Beckett, we have two. The two public comments were read aloud and attached as Exhibit C and Exhibit D at the end of the minutes.

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 Susan Beckett, again, Administrative Assistant III, Employment Security Division, Commission on Postsecondary Education, we are in compliance with the open meeting law.

Roll Call

- Rene Cantu-Present
- Vice Chair Nathan Clark-Present
- Sharon Frederick-Present
- Jill Hersha-Present
- Jon Ponder-Present
- Chris Sewell-Present

This is Kelly Wuest, roll has been taken and quorum has been confirmed.

Adoption of Agenda:

Motion: Commissioner Clark - Motion to modify the agenda and move agenda item eleven, Art Institute of Las Vegas to fall after agenda item number two Aviation Institute of Maintenance.

Second: Commissioner Frederick.

Discussion: None.

Results: Unanimous, agenda is adopted with modifications.

Approval of Minutes May 8, 2019

Motion: Commissioner Frederick – Motion to approve the minutes from May 8, 2019 meeting be approved.

Second: Commissioner Hersha.

Discussion: None.

Results: Unanimous, motion passes.

Adoption of 2020 Meeting Dates:

Discussion: Commission Clark stated he had conflicts with three of the four proposed meeting dates. If we could move February 5 to February 12; August 5 to August 12; November 4 to possibly November 11. However, November 11, is Veterans Day and that probably would not work well for anyone.

Motion: Commissioner Frederick to table - Motion to table this until our next meeting. Until we can review our calendars.

Second: Commissioner Hersha.

Discussion: Commissioner Hersha, I would just recommend we come back with some back up dates since that will be a problem.

Results: Unanimous, table to next meeting

Administrators Report

Administrator Kelly Wuest stated the Administrators report that was prepared on September 5, 2019 and submitted in the public posting packet remained the same for the meeting.

Introduced Kimberley Gaa, Employment Security Division Administrator and new Commissioner Chris Sewell.

Applications for Full Term License

HVAC Air Conditioning Academy

Testified: Cesar Garcia, Owner/Director updated information himself and about the school which has exceeded his original expectations from a year ago.

Discussion: Commissioners discussed the findings from the audit and Mr. Garcia regarding the student career services for employment in the field of training. Students who are not working in the area of training can not be recorded as placed.

Motion: Commissioner Hersha – A motion that HVAC Air Conditioning Academy be granted full term licensure.

Second: Commissioner Cantu.

Discussion: None.

Results: Unanimous

Aviation Institute of Maintenance

Testified: Lisa Nordman, Assistant Campus Director, gave background as to why the extension was requested. The request is due to a required build out in the back of the current hanger, delays between management and permits. The school is at its full capacity with students in their other program.

Discussion: No further questions from Commissioners.

Motion: Commissioner Frederick – The provisional period for Aviation Institute of Maintenance be extended for nine-months.

Second: Commissioner Hersha.

Discussion: None.

Results: Unanimous.

Hearing

Art Institute of Las Vegas – Denial of Renewal

Discussion: Mark E. Dottore, United States District Court Receiver, is looking to transition the school to the purchaser and looking to keep the license until that purchase is completed or at least so I can finish the students I have in the school right now. As to the payroll, these people will be paid, one way or another I will find a way to pay those professors. I have funded through different assets I have sold and gotten permission from the court. I have not been paid a dime, you would see a court order from that, and my company has not been paid. The receivership is funding the rent, the utilities and the things that need to be put in. At this point, none of the students have paid a dime in tuition, from what I know, because the department (Department of Education) shut off the funding. They will be paid, this was set up

under an agreement I had with the purchasers on 3/29/19. I have continued to fund things except for the payroll. I made one payroll, by the way.

Commissioners asked about the list of items for compliance. Mr. Dottore stated we are not currently taking any new students and we will not be taking any new students because of ACICS. There are data problems due to a computer system in Pittsburg. One of the issues regarding attendance, I am sure the new folks are doing that. Enrollment agreements ask the folks that are running the school right now. I am in charge of the school, I am not running the school. I am in charge of the school; the buck stops here. Commissioner Clark requested to hear from representatives of the school for clarification. Mr. Daniel Bliss (name from recording only, did not sign in) and Mr. Turbay spoke on behalf of the school on the local level as introduced by Mr. Dottore. Mr. Bliss stated the questions you have today, have been answered in the long-detailed submission we submitted. Mr. Bliss stated Dr. Dan Taylor has been working to correct the deficiencies. We are very close to closing the deal with the court and the investors. Administrator Wuest reviewed the criteria for a school to be licensed at the time of a renewal. Further discussions between Commissioners and Mr. Bliss, Mr. Turbay and Mr. Dottore pertaining to qualifications, financial, sale of the school, ACICS, faculty and students. Aaron Lacey representing Save the Art Institute, last name was inaudible on recording and did not sign in, gave presentation, portions inaudible due to standing away from microphones.

Motion: Commissioner Clark – Postpone the effective date of the denial of renewal to February 2020 contingent upon a notice being delivered to the students informing them of the status the school has with their state licensure, informing them of the risk involved in continuing their education and also contingent upon no new enrollments until the school is successful in submission of a change in ownership application and the commission has a chance to assess that application.

Second: Commissioner Frederick.

Discussion: Commissioner Hersha commented, the only contingency I would like to add is when we come back in November, we need an update. Regarding the letter has been written, the ownership has been transferred, some of those key things are moving forward have actually occurred, a status report. Commissioner Frederick stated could that be included in the Administrator's Report to the commission? Commissioner Clark commented, you're asking for an update of the status of the things that I have already said they need to submit in November? Commissioner Hersha responded, this is actually an update of other things, that they have already done that – that's fine, but I also want that the sale has actually completed, that they have trained teachers, I want to see that some of those things that are critical of them moving forward and being productive moving forward and they have accomplished those by November. If they close in October, they said the money is free they can pay some of those things and resolve some of those issues. I would like to see them just get it done, I think prolonging it is prolonging it. Commissioner Sewell furthered, I wholeheartedly agree getting some sort of an

update at the November 6th meeting based on, we have already been told that they can move up the sale to the first of week or two of October and then after that they are going to have all this money; they can pay the teachers and move on. I think having that update will and we need to see this again.

Commissioner Cantu asked, there has been some mention of a bond, is that something the commissioners would like to add?

Mr. Turbay commented, I have one request, pertaining to the letter to the students. We have to be very careful of the wording of the letter because if the school stays open the Department of Education will not forgive the loans to the students because they quit. The students might get the wrong impression because the school is in jeopardy. Commissioner Clark responded, I don't feel it is necessary in my amendment, but it is certainly something you can supplement your letter with. I am not trying to get students to drop out or to stay. What I want to do is make sure they have the information in front of them and they can make an informed decision. Mr. Turbay furthered, there is a website for the art institute that all this information is posted including all the information for the show cause for accreditation. This is all public record and it is on the website. Commissioner Clark responded, I appreciate you put it on the website. I know that I surveyed my own students and found only 3% checked the website for information.

Amended Motion:

Commissioner Clark – I would like to amend my motion to also add a contingency for an update on the status of the sale, and the release of the money from, I assume the department of education that has been discussed here today in addition to the other two contingencies in my original motion.

Interruption: Mr. Turbay stated, Commissioner Clark, again, I don't know, it would be very difficult to state that the department of education is going to release the money by then. Oh, just an update. Commissioner Clark replied, I asked for an update. You said several times in this meeting that the money is going to be released. I amended my motion, I am looking for a second.

Second: Commissioner Frederick – I will amend my second.

Discussion: Commissioner Clark asked, any further discussion? Commissioner Ponder stated, I think it would be good idea, something I would like to see. Just as the letter is going out to the students, giving them an update. Perhaps we can send an update to the teachers to let them know when they might be able to get paid. Maybe we can get an update on that at the November meeting. Commissioner Clark replied, I don't know if they are going to have an update on that. That is really a bankruptcy issues and not so much a Commission on Postsecondary Education issue. Is there an NRS that states for that issue? Administrator Wuest stated, NRS (394.450) states they have to follow all other regulations in Nevada. Commissioner Clark

asked, I don't know how to word that in a motion, maybe you could help me with that? Commissioner Ponder replied, perhaps what we could do is put it in as an update so that we could just have an update as to where we are at with it. Commissioner Clark furthered, so are you suggesting that the school provide an update to us on how they are doing with their payroll or the notice to the students? Commissioner Ponder replied, just as you were talking about the notice to the students going out, perhaps we could see a notice to the teachers of when they might possibly be able to get paid. Somewhere in the language to be reported back. Commissioner Clark asked, can the school even respond to that? Mr. Turbay stated, Commissioner that is the thing we are working, see if you are granting us the license we have the capacity, I have been assured we have the capacity from several banks, Bank of Nevada, Lexicon Bank that they will give a letter of credit basically allowing us to pay teachers and to close the school transaction and as we await for the release of Title IV funds. So, it's one contingent upon the other. So, Title IV funds you have to go through quite a few of steps in order to get those funds released dependent upon the Department of Education's being satisfied all the requirements, it's very complicated. But because we know that it is a very complicated issue, we have asked for bank financing prior to that to pay teachers and to continue on.

Amended Motion:

Commissioner Clark – So here is my amendment to my amended motion. I would like to add the contingency that the school provide a notice to all employees of the school explaining where they are at in this process just like you just explained to us relaying when you expect the money to be released, what conditions have to be met in order for that money to be released, and then the priority of the payroll above other liabilities of the school is paid once that money is released. The notice will include a list of liabilities of the school that must be paid and their priority status. So that the teachers can make an informed decision on whether they want to continuing working there or not.

Second: Commissioner Frederick – I will second my motion again, as amended.

Discussion: None.

Results: Unanimous, motion carries.

Applications for Initial Provisional Licensure

Covered 6

Testified: Christopher Dunn, CEO and Founder; Gina Rodriguez, Acting Director; Carmelina Ruiz, CFO; Omar Herrera, Chief Operating Officer; and Matthew Woodard, Campus Director present and available for information pertaining to Covered 6. Mr. Dunn presented background information for Covered 6 and the information from their school, and business in California.

Discussion: Commissioner Frederick asked about the red man training and student laptops to use and retain in cyber security training. Mr. Dunn gave explanations. Commissioner Hersha asked about financial aid/scholarships and job placements. Mr. Dunn explained job placements along with apprenticeships. Further discussion about creating relationships with employers occurred between Commissioner Hersha and Mr. Dunn. Commissioner Clark asked about admission requirements and background check requirements. Mr. Dunn explained the reasons pertaining to background checks, the outcomes and employment. Commissioner Clark continued questions to include the fee for the hand gun. Mr. Dunn explained the gun is not provided to the student as a purchase rather a loan to use during specific training situations. Commissioner Frederick asked about the test out policies. Mr. Dunn explained possible testing possible veterans and other areas. Commissioner Ponder thanked and then asked about job placement services for people with challenging backgrounds. Mr. Dunn explained his business with staff and security company's in Nevada and California. Commissioner Cantu asked about training to be used for illicit purposes. Mr. Dunn explained how the school is a learning as you go and many times, we need to bring experts and specialists. Commissioner Hersha asked about where you might be located. Mr. Dunn explained we are currently looking for a facility. Commissioner Sewell asked about the practical training area. Mr. Dunn expanded and explained the use of simulators and the program to have it train to the law enforcement standards.

Motion: Commission Frederick – That a twelve-month provisional license be granted to Covered 6, to offer the three programs in Physical Security Specialist; Executive Protection and Cyber Security Technician, contingent upon personnel, facility information and receipt of surety in the amount of \$90,000.00

Second: Commissioner Cantu.

Discussion: None.

Results: Unanimous, motion carries.

Five-minute break

Motion: Commissioner Clark made motion for a five-minute break at 11:29 am.

Second: Commissioner Frederick second the motion.

Discussion: None

Results: Unanimous, motion carries.

Las Vegas Institute of Welding

Testified: Dan Raimer, Director introduced Gabrielle Roper, Owner and Jeremy Reed, Director of Education. Mr. Raimer gave background information on the introductory course of welding at the school and plans for the future.

Discussion: Commissioner Clark asked about accreditation. Mr. Raimer explained the accreditation information was submitted in the application. Further discussion included discussion urging the word certification no longer be used and replacing it with qualification. Commissioner Clark will talk with Mr. Raimer if he contacts

him regarding the difference between certifications and qualifications. Commissioner Ponder stated you had mentioned a desire to help incarcerated people, what are your plans moving forward with that? Mr. Raimer explained, he has been talking with Workforce Development and Hope for Prisoners. Mr. Ponder asked about the location of the school. Mr. Raimer stated he has an agent he is working with and wants the school to be easily accessible for bus travel. Commissioner Sewel asked what types of placement programs are going for graduates. Mr. Raimer stated he has contacts in the industry because they are part of the industry. Commissioner Hersha asked about advertising. Mr. Raimer stated there will be no initial advertising, he will be using local leads and his current contacts.

- Motion: Commission Hersha – That a twelve-month provisional license be granted to Las Vegas Institute of Welding, to offer the Introduction to Welding-Gas Metal Arc Welding (GMAW) that consists of 100 hours and Introduction to Welding-Shielded Metal Arc Welding (SMAW) that consists of 100 hours, contingent upon receipt of surety in the amount of \$65,000, facility information, and staffing information.
- Second: Commissioner Ponder.
- Discussion: None.
- Results: Unanimous, motion carries.

Live Savers Training Center, LLC.

- Testified: Alexis Lodge, Owner, gave background of herself and plans for the school.
- Discussion: Commissioner Frederick asked about the workbook and is it optional? Ms. Lodge explained the textbook is required and the workbook is an optional item. Commissioner Hersha asked about career placement. Ms. Lodge responded she has resources through Valley Health. Commissioner Hersha your budget showed a high number of students for enrollment. If you didn't make your enrollment, how would you be with your budget? Ms. Lodge, I only based the enrollment 15 which is limited per instructor. I would only have one instructor which is myself. Commissioner Ponder, job placement what is the average salary? Ms. Lodge explained according to the State of Nevada \$24,000 to \$34,000. Additional discussion included other avenues for career and education advancement from this entry level position.
- Motion: Commission Frederick – That a twelve-month provisional license be granted to Live Savers Training Center, LLC. to offer a nursing assistant certificate program, contingent upon surety bond in the amount of \$28,000, facility information, personnel requirements, and curriculum approval from Nevada State Board of Nursing.
- Second: Commissioner Cantu.
- Discussion: None.
- Results: Unanimous, motion carries.

Reno Dental Assistant School

Testified: Peter Gilkey Compliance Director of Vandelay Education, gave background on the school and information on the school programs based on the company's national model

Discussion: Commissioner Sewell asked about placement options after program completion. Mr. Gilkey gave information about placement. Commissioner Sewell furthered with requesting information about salaries. Mr. Gilkey gave information on both medical assistants and dental assistants.

Motion: Commission Hersha – That a twelve-month provisional license be granted to Reno Dental Assistant School to offer the Dental Assistant Certificate program, contingent upon surety bond in the amount of \$15,300, and personnel information.

Second: Commissioner Frederick.

Discussion: None.

Results: Unanimous, motion carries.

Reno Medical Assistant School

Testified: Pete Gilkey, Compliance Director of Vandelay Education present for discussion and available for questions.

Discussion: Commissioner Clark, asked about the issue in Texas with falling below the minimum requirements. Mr. Gilkey explained it was early in our years of business and problems stemmed from the area where school was located. The company has not had any issues recently.

Motion: Commission Hersha – That a twelve-month provisional license be granted to Reno Medical Assistant School to offer the Medical Assistant Certificate program, contingent upon surety bond in the amount of \$60,000, and personnel requirements.

Second: Commissioner Frederick.

Discussion: None.

Results: Unanimous, motion carries.

Total Physician Resources Inc., dba TPR PSVTS

Testified: Rosa Padilla RN, Owner gave background about herself, her business and the acronyms of the school.

Discussion: Commissioner Cantu asked about earnings and job prospects after completing the program. Ms. Padilla explained income and employment opportunities. Commissioner Cantu furthered with what is the career pathway regarding a certificate with this type of program. Ms. Padilla continued with options after working in the field. Commissioner Clark inquired about the budget and the limited number of students. Ms. Padilla explained the budget and the desire to spend time marketing and building her business.

Motion: Commission Frederick – That a twelve-month provisional license be granted to Total Physician Resources Inc., dba TPR PSVTS to offer the Medication

Management and Caregiver programs, contingent upon facility information, and personnel information.

Second: Commissioner Hersha.

Discussion: None.

Results: Unanimous, motion carries.

Unitek College

Testified: Steve Watkins, Vice President Program Development & Regulatory Affairs gave information and background information about school.

Discussion: Commissioner Hersha requested information about potential financial issues for Department of Ed heightened cash monitoring. Mr. Watkins explained the reasons behind the issue. Commissioner Hersha furthered with what type of marketing are you planning? Mr. Watkins furthered we are planning on web-based marketing, google paperclip with web searches. Commissioner Sewell stated, rural Nevada is starving for this type of employee and program.

Motion: Commission Hersha – That a twelve-month provisional license be granted to Unitek College, to offer the Bachelor of Science degree in Nursing and certificate programs in Practical Nursing and Medical Assisting program contingent upon approval from the Nevada State Board of Nursing, facility information, staffing, and surety in the amount of \$505,000.

Second: Commissioner Ponder.

Discussion: None.

Results: Unanimous, motion carries.

Applicants for Added Program

Finishing Trades Institute - Southwest

Testified: Thomas Pfundstein, Director, Harold Daly, Manager gave background their credentials and on current school and need for the additional program.

Discussion: Commissioner Hersha asked if there are transfer agreements with CSN. Mr. Daly gave the update on the agreements.

Motion: Commissioner Frederick – Finishing Trades Institute Southwest be granted approval to offer the proposed Associate of Applied Science Degree in Construction Technologies with concentrations in Architectural Glazier, Master Glazier, Commercial Paint, Drywall Finisher and Floor Coverer.

Second: Commissioner Hersha.

Discussion: None.

Results: Unanimous, motion carries.

Elections

Election of Officers

Motion: Commissioner Frederick nominates Commissioner Clark as Chairman for the Nevada Commission on Postsecondary Education.

Acceptance: Commissioner Clark accepted nomination.

Discussion: None

Results: Unanimous, motion carries.

Motion: Commissioner Hersha nominated Commissioner Frederick as Vice-Chair; no further nominations.

Acceptance: Commissioner Frederick accepted nomination.

Discussion: None.

Results: Unanimous, motion carries.

Commission Comments

None.

Public Comment

Robert Whitney requested to make a comment during public comment. Mr. Whitney stated, we lost two board members unfortunately. Long time Commissioner BJ North turned in her resignation and Grant Nielson unfortunately passed away. I wanted to publicly acknowledge Commissioner Grant Nielson and Commissioner BJ North for their dedication and service on the board. Commissioner Clark, Ms. North was with the Commission quite a long time, 9 years.

Meeting Adjourned

The meeting was adjourned by Commissioner. Time: 12:35pm.

Exhibit A

Exhibit B

Exhibit C

Exhibit D