

Kentucky Commission on Proprietary Education

Meeting Minutes

A regular meeting of the Kentucky State Commission on Proprietary Education was held on July 1, 2013 at the Capitol Plaza Tower in Frankfort, KY.

Members Present

Debby Carter, Brian Gupton, Monica Hall, Cindy Landry, Walter Lee, Mary Ann Miller, Sarah Levy (Travis Powell), Len Napolitano, Glen Wilham, Thomas O. Zawacki

Staff Present

Steve Wilborn, Steve Rosenberg, Zachary Myers

Call to Order

Steve Wilborn, Interim Executive Director, called the meeting to order at 10:04 am.

Wilborn introduced Thomas O. Zawacki who was appointed Secretary of the Education and Workforce Development Cabinet upon the retirement of Joseph U. Meyer.

Wilborn also announced the Commission would elect a new Chairman at the next Commission meeting on July 24, 2013.

Meeting Minutes

A motion was made by Walter Lee and seconded by Cindy Landry to approve the May 22, 2013 meeting minutes. Motion carried.

Interim Executive Director's Report

The following report was presented to the Commission:

26 transcript requests

Application as licensed CDL skills instructor of Matthew Clements, TesTeachers, Scottsdale, AZ approved.

Application to serve as agent in Kentucky of Penny M Swift, CDL Training Services & Consulting, and Elizabethtown approved.

Ownership Change of Cengage Learning, Inc. to On-line Course Learning Corporation, Waukesha, WI was processed.

Interviews for Administrative Assistant position underway.

A motion was made by Mary Ann Miller and seconded by Walter Lee to accept the Executive Director's report. Motion carried.

Complaint Committee

The Kentucky Commission on Proprietary Education Complaint Committee met on Tuesday, June 11, 2013 to consider the Complaint filed by Rebecca Vincent against Phlebotomy Concepts. As of the date and time of the Complaint Committee meeting, Phlebotomy Concepts had not filed a Response to the Complaint; and attempts to reach Phlebotomy Concepts, by phone, during the meeting were unsuccessful.

Based on the evidence before it the Committee determined as follows:

- 1) *The allegations contained in Vincent's Complaint were meritorious, in that Phlebotomy Concepts, sent to the ASCP Board of Certification both an incorrect form and a "cold" check in an incorrect amount thereby preventing Vincent from participating in the certification examine; and*
- 2) *Vincent had previously furnished Phlebotomy Concepts a Money Order in sufficient sums to pay the fee required of the ASCP Board of Certification in the amount of \$135.00.*

As a result of those findings the Complaint Committee, by letter dated June 13, 2013, directed Phlebotomy Concepts to immediately submit to the ASCP Board of Certification any and all necessary and proper forms, along with a good check or money order in the amount of \$270.00 (an amount sufficient to cover the original "bad check" and the new application fee) such that Rebecca Vincent would have an opportunity to sit for the certification examine. Phlebotomy Concepts was further directed to pay Vincent the sum of \$70.00, which represented the amount paid to the school for a special refresher course to prepare her for the ASCP Board of Certification examines.

The Complaint Committee requested the Commission adopt the forgoing findings and actions of the Committee as their own.

A motion was made by Walter Lee, on behalf of the Complaint Committee, and seconded by Glen Wilham for the Commission to adopt the findings and actions of the Complaint Committee in this matter as their own. Motion carried.

Budget Committee

The Kentucky Commission on Proprietary Education Budget Committee met on Tuesday, June 11, 2013 to review the present financial status of the Commission and to consider recommending potential increases to the fee structure. Cindy Landry presented the Budget Committee findings.

A motion was made by Cindy Landry, on behalf of the Budget Committee, and seconded by Monica Hall to adopt the following working budget for fiscal year 2014. Motion carried.

FY 2014

EXPENDITURES

Personnel Cost

Salaries	\$ 120,000
Per Diem (Board Members)	\$ 8,400
FICA (Includes Board Members and Staff)	\$ 9,600
Worker's Compensation (Board Members)	\$ 100
Retirement and Health Insurance	\$ 44,100
Legal Services	\$ 5,000
Investigations	\$ 49,500
Site Visits	
Complaint Investigations	
State Police Investigations (including CDL inspections)	
Annual Financial Audit	\$ 15,000
Subtotal Personnel	<hr/> \$ 251,700 <hr/>

Operating Expense

Facilities Support/Maintenance-Repairs	\$ 16,000
Postage, Printing and Supplies	\$ 3,200
Travel (Staff)	\$ 6,000
Travel (Board Members)	\$ 9,600
Computer Equipment/COT Charges	\$ 11,000
Subtotal Operating	<hr/> \$ 45,800 <hr/>
TOTAL EXPENDITURES	<hr/> \$ 297,500 <hr/> <hr/>

Notes:

Salaries include full-time Exec Director @\$85,000
and full-time Executive Assistant @\$36,000
Rent/utilities based on 1,200 sq. ft. space @
\$12.50 per sq. ft.
Staff travel includes school inspections

A motion was made by Cindy Landry, on behalf of the Budget Committee, with second by Travis Powell to adopt the following fee structure for fiscal year 2014. Draft regulations are to be prepared for review of the Commission and submission to the

appropriate authorities. Motion carried.

Outline of New fee structure

New Application Resident School	\$500
Renewal Application Resident School	
# Minimum -- Maximum	\$500 -- \$3000
New Application Non Resident School	\$1250
Renewal Application Non-Resident School	
# Minimum -- Maximum	\$1250 -- \$3000
# First \$50,000 of tuition / gross revenue	
Minimum fee Resident School	\$500
Minimum fee Non Resident School	\$1250
For Every 10K of tuition / gross revenue over 50K	\$25.00
Up to maximum	
Transfer of Ownership	\$500
Change of name	\$150
Change of location	\$500
Award an Associate Degree	\$750
New/Renewal Permit to Act as Agent	\$175
New/Renewal License to Act as a CDL Skills Instructor	\$200
New certificate / diploma Program	\$200
Program revisions (minor less than 25%)	\$100
Program revisions (major over 25%)	\$200
Initial payment to Student Protection Fund (Amount equal to new application fee)	\$500 --\$1250

Miscellaneous Fees:

Late Fees (Renewal Applications) if received without good cause after due date but within 5 business days thereafter - 10% of total application fee, within 10 business days 20%, within 15 business days 30%, within 20 business days 40%, within 25 business days 50%, with 30 business days 75%; thereafter 100%

Fines / penalties (Daily rate for noncompliance with statute, regulation, or directive of Commission) Minimum \$25 – maximum \$250.00, per business day. Rate to be determined based on whether conduct was intentional or inadvertent, the size of the institution, harm to a particular student or the public at large, and other appropriate considerations as determined by the Commission.

Transcripts (authorize charges up to \$15.00 per request depending on nature of research required, whether certification necessary, and if request from student or business search firm)

Items to be Reimbursement by school:

Site Visit (Initial, based on size of institution)	\$500 - \$1,500
Site Visit (Renewal if needed, based on size of institution)	\$500 - \$1,500

Site Visit (No Notice)

No Charge

Site Visit (Required as result of complaint, change of location,
expanded course offerings, etc.)

(minimum charge \$500)

Actual Cost

2013-2014 Renewal Applications

Non-Resident Schools

On Motion of Walter Lee, with second by Mary Ann Miller, the following non-resident renewal applications were approved; and a license evidencing same, signed by Chairman Meyer and Interim Executive Director Wilborn, was to be immediately forwarded to each institution. Motion Carried

NR-0015	A D Banker & Company	Overland Park, KS
NR-0109	AeroStar Training Services	Orlando, FL
NR-0021	Art Instruction Schools	Minneapolis, MN
NR-0016	At-Home Professionals	Ft. Collins, CO
NR-0069	Cape School	Buckingham, VA
NR-0060	CareerWeb School	Atlanta, GA
NR-0108	Cooke Real Estate School	St. Petersburg, FL
NR-0068	ExamFX	Leawood, KS
NR-0110	Higher Power Aviation	Fort Worth, TX
NR-0071	Institute for Continuing Education	Houston, TX
NR-0072	IPA Academy	Southfield, MI
NR-0013	John Casablancas Modeling	Brentwood, TN
NR-0106	John Casablancas Modeling	Cincinnati, OH
NR-0107	Learning Insurance.com	Austin, TX
NR-0003	Lincoln College of Technology	Nashville, TN
NR-0017	Lincoln College of Technology	Indianapolis, IN
NR-0046	Lorman Education Services	Eau Claire, WI
NR-0008	McKissock LP	Warren, PA
NR-0051	Napier Truck Driver Training	Hamilton, OH
NR-0048	NASCAR Technical Institute	Mooresville, NC
NR-0010	Professional Training Institution	Evansville, PA
NR-0105	RealEstateCE.com	Russellville, TN
NR-0079	The CE Shop	Fargo, ND
NR-0104	The License Coach	Allen, TX
NR-0011	Truck Driver Institute of Indiana, Inc.	Sellersburg, IN
NR-0064	Tulsa Welding School	Jacksonville, FL
NR-0045	Universal Technical Institute of Illinois	Glendale Heights, IL
NR-0001	Universal Technical Institute of Texas	Houston, TX
NR-0002	UTI Motorcycle/Marine Mechanics Institute	Orlando, FL
NR-0039	WebCE	Richardson, TX
NR-0040	WyoTech	Laramie, WY
NR-0043	WyoTech	Blairsville, PA
NR-0074	WyoTech	Ormond Beach, FL

Schools with Owners or Employees on the Commission

On motion of Cindy Landry, with second by Monica Hall, the renewal application of **Truck America Training, Shepherdsville, KY** was approved; and a license evidencing same, signed by Chairman Meyer and Interim Executive Director Wilborn, was to be immediately forwarded to that institution. Debby Carter; abstained. Motion Carried

On motion of Debby Carter, with second by Walter Lee, the renewal application of **ATA College, Louisville, KY** was approved; and a license evidencing same, signed by Chairman Meyer and Interim Executive Director Wilborn, was to be immediately forwarded to that institution. Cindy Landry; abstained. Motion Carried

On motion of Walter Lee, with second by Debby Carter, the renewal application of **Kentucky Datasam Initiative, Louisville, KY** was approved; and a license evidencing same, signed by Chairman Meyer and Interim Executive Director Wilborn, was to be immediately forwarded to that institution. Brian Gupton; abstained. Motion Carried

On motion of Len Napolitano, with second by Monica Hall, the renewal application(s) of **Lake Cumberland CDL Training School, Inc. of Columbia, Somerset, Maysville, Elizabethtown, Ashland, Harland and Hopkinsville , KY** were approved; and a licenses evidencing same, signed by Chairman Meyer and Interim Executive Director Wilborn, were to be immediately forwarded to each institution. Glen Wilham; abstained. Motion Carried

CDL (Commercial Drivers Licensing Schools)

A motion was made by Debby Carter, with second by Glen Wilham, to further condition the approval of all CDL School renewals on receipt by the Commission of the Kentucky State Police CDL school inspection reports showing each school to be in compliance. Motion Carried

Resident Schools

On motion of Glen Wilham, with second by Brian Gupton, the following resident school renewal applications were approved; and a license evidencing same, signed by Chairman Meyer and Interim Executive Director Wilborn, were to be be immediately forwarded to each institution. Motion Carried

R-0438	Achieve Training Center	Mount Vernon, KY
R-0033	Advanced Massage Therapy	Louisville, KY
R-0276	Agent Education Services	Louisville, KY
R-0072	Alix Adams Model School	Jeffersontown, KY
R-0009	American Career Training Real Estate	Franklin, KY
R-0062	A-Pass Weikel Institute	Edgewood, KY
R-0164	A-Pass Weikel Institute	Louisville, KY
R-0165	A-Pass Weikel Institute	Lexington, KY
R-0425	Assist To Succeed	Benton, KY
R-0008	Becker Professional Education	Lexington, KY
R-0127	Becker Professional Education	Louisville, KY
R-0284	Becker Professional Education	Louisville, KY
R-0428	Bluegrass Academy of Pet Design	Berea, KY
R-0434	Bluegrass Bartending Academy	Lexington, KY
R-0226	Bluegrass Nurse Aide Training	Lexington, KY

R-0022	Bluegrass Professional School of Massage Therapy	Lexington, KY
R-0085	Brown Mackie College	Hopkinsville, KY
R-0300	BRRC Career Development Program	Richmond, KY
R-0411	Capital Insurance Training Institute	Berea, KY
R-0150	Career Development Center	London, KY
R-0269	CDL Training Services & Consulting	Paducah, KY
R-0187	CDL Training Services & Consulting, Inc.	Elizabethtown, KY
R-3005	Century Real Estate School	Louisville, KY
R-0429	Choice MD, LLC	London, KY
R-0445	Commonwealth Medical Learning Center	Radcliff, KY
R-0027	Commonwealth School of Insurance	Louisville, KY
R-0059	Cosmo Model & Talent	Louisville, KY
R-0278	DBS Delta Careers	Mt. Washington, KY
R-0148	Delta Career Academy	Mt. Sterling, KY
R-0274	Dennis Badger & Associates	Lexington, KY
R-0433	Dental Careers Institute	Madisonville, KY
R-0440	Dental Careers Institute	Paris, KY
R-0172	Dr. Burton's Dental Auxiliary Course	Lexington, KY
R-0301	Emergency Medical Training Professionals	Lexington, KY
R-0219	Enrich Me Learning Center	Bardstown, KY
R-0035	Ephraim McDowell Medical Center	Danville, KY
R-0287	Evidence in Motion	Louisville, KY
R-0016	Executrain of Kentucky	Louisville, KY
R-0056	Executrain of Lexington	Lexington, KY
R-0246	Galen College of Nursing	Lexington, KY
R-0404	Galen College of Nursing	Louisville, KY
R-0158	Genesis Career College	Bowling Green, KY
R-0426	Hart CNA Program	Bonnieville, KY
R-0410	Health Education Center	Louisville, KY
R-0012	HomeServices Real Estate Academy	Louisville, KY
R-0195	Independent Insurance Agents of Kentucky	Louisville, KY
R-0236	Institute of Dental Technology	Florence, KY
R-0265	Institute of Dental Technology	Lexington, KY
R-0060	Interactive College of Technology	Newport, KY
R-0237	International Truck Driving School	Bowling Green, KY
R-0107	Kentucky Academy of Medical Massage	Mays Lick, KY
R-0277	Kentucky Auction Academy	Bowling Green, KY
R-0114	Kentucky Bartending School	Louisville, KY
R-0288	Kentucky Dental Academy	Elizabethtown, KY
R-0084	Kentucky Health Care Training Institute	Louisville, KY
R-0001	Kentucky Realtor Institute	Lexington, KY
R-1000	Knight School of Welding	Louisville, KY
R-0271	KY Health Training, LLC	Lexington, KY
R-0090	Lexington Bartending School	Lexington, KY
R-0048	Lexington Healing Arts Academy	Lexington, KY
R-0015	Lexington School for Recording Arts	Lexington, KY
R-0088	Lincoln College of Technology	Florence, KY
R-0081	Lockmasters Security Institute	Nicholasville, KY

R-0095	Louisville School of Massage	Louisville, KY
R-0054	Maysville Nursing and Rehabilitation Facility	Maysville, KY
R-0222	MBA USA, INC	Nicholasville, KY
R-0421	Medical Career Training Center	Richmond, KY
R-0019	MedQuest College	Frankfort, KY
R-0176	MedQuest College	Louisville, KY
R-0401	Medtech College	Lexington, KY
R-0439	Mid America Truck Driving School	Shelbyville, KY
R-0093	Nash Academy	Lexington, KY
R-0038	New Horizons Learning Center	Lexington, KY
R-0131	New Horizons Louisville	Louisville, KY
R-0082	Northern Kentucky Real Estate College	Cold Spring, KY
R-0420	Nurse Aide Training School	Richmond, KY
R-0436	Paducah Truck Driving School	Paducah, KY
R-0142	Phlebotomy Plus	Grayson, KY
R-0010	Practical Dental Assisting	Paducah, KY
R-0141	Professional Healthcare Institute of America	Louisville, KY
R-0403	Professional School of Learning	Louisville, KY
R-0157	Professional Training Associates	La Grange, KY
R-0422	Right Choice Health Car Training Institute	Louisville, KY
R-0427	Ross Medical Education Center	Bowling Green, KY
R-0443	Ross Medical Education Center	Erlanger, KY
R-0228	Soterion Medical Services	Lexington, KY
R-0040	Southeastern School of Electrology	Lexington, KY
R-0053	Spencerian College	Louisville, KY
R-0057	Spencerian College	Lexington, KY
R-0181	St. Elizabeth Healthcare	Covington, KY
R-0074	Sun Touch Massage School	Mayfield, KY
R-0061	The Computer School	Lexington, KY
R-0285	The Medical institute of Kentucky	Lexington, KY
R-0412	The Medical Institute of Kentucky	Louisville, KY
R-1785	The Medical Institute of Kentucky	Florence, KY
R-0224	Thornton's Real Estate Academy	Bowling Green, KY
R-0256	Tri-State School of Phlebotomy	Ashland, KY
R-0032	Ward Elliott Institute of Real Estate	Bowling Green, KY
R-0208	William R. Sellinger School of Professional Licensing	Louisville, KY
R-0043	Wilson Educational Group	Harrodsburg, KY
R-0400	Wisdom & Health Institute	Louisville, KY

Phlebotomy Concepts

Based on the Complaint Committee's review of the Rebecca Vincent Complaint against Phlebotomy Concepts and its determination that the conduct alleged was true, to include the fact that Phlebotomy Concepts issued a "bad check" on behalf of the student after having requested and received monies, by way of money order, for the same expenses; and the failure of the Phlebotomy Concepts to officially respond to the Complaint despite numerous attempts to contact the school by mail, phone and email -- the Complaint Committee recommends the license of Phlebotomy Concepts not be renewed for fiscal year 2014.

On motion by Walter Lee, on behalf of the Complaint Committee, with second by Debby Carter the recommendation of the Complaint Committee that the license of Phlebotomy Concepts not be renewed for fiscal year 2014 was accepted. Motion Carried

Budget Committee Late Fee Verbiage:

On motion of Mary Ann Miller; with second by Len Napolitano, the phrase “**just cause**” is removed from the **Late Fees** portion of the fee scheduled adopted earlier in the meeting. Motion Carried

Meeting Dates:

The Commission determined to continue holding Commission meetings at 10:00 AM EST, on the 4th Wednesday of each month. The following dates were confirmed: July 24th, August 28th and September 25, 2013.

ADJOURN

The meeting of the Commission Adjourned at 12:10pm