

COMPLAINT COMMITTEE MEETING MINUTES

January 6, 2015

Members Present: Mr. Glen Tharp
Ms. Trish Leonard
Dr. Hank Radda

Also Present: Teri Stanfill, Director
Keith Blanchard, Deputy Director
K.D., Board Secretary

I. CALL TO ORDER - 1:00 P.M.

Chairman Glen Tharp called the Complaint Committee meeting of the Arizona State Board for Private Postsecondary Education Board Meeting to order at 1:00 P.M.

II. MINUTES: SEPTEMBER 25, 2014

Ms. Leonard made a motion to approve the minutes of the September 25, 2014 Complaint Committee meeting as submitted. Dr. Radda seconded the motion. **Minutes approved**

III. DETERMINATION TO OPEN A COMPLAINT – Everest College – Phoenix (Arizona Board of Nursing Deficiencies)

Institution: In person: Dr. Bonnie Wilson, Elaine Raker

Telephonically: Mary Ritter and Mary Nisbet

Complainant: None

Mr. Blanchard summarized the complaint. On October 10, 2014, staff received from the Arizona State Board a copy of a Notice of Deficiencies issued to Everest College – Phoenix, RN Nursing Program. The Board of Nursing noticed 10 deficiencies in the notice. A number of the deficiencies listed in the notice, if true, may be violations of statutes and board rules that govern private postsecondary education in Arizona. They are 1) Failure to adhere to admission standards; 2) Failure to comply with clinical or externship requirements; 3) Failure to adhere to published contact hour requirements; 4) Failure to have required resources to effectively teach the students.

Mr. Tharp questioned Everest regarding HESSE testing results and the issue involving 12 students Everest enrolled that did not meet admission standards. Dr. Wilson of Everest made a number of admissions that included the enrolling of 12 students that did not meet admissions requirements, failure to adhere to externship requirements and failure to adhere to published policies.

Ms. Leonard, Mr. Tharp and Dr. Radda continued the discussion and question of how Everest would have a lack of institutional control and lack of direction. The committee

asked if Everest was willing to refund any of the 11 students that are still in the program, if they failed to complete the nursing program. Everest stated it has continued to monitor each of the 11 remaining students and would refund any of the 11 students that did not successfully complete the program.

ACTION: After discussion and review, Ms. Leonard made a motion to open a complaint. Mr. Tharp seconded the motion. **Motion Carried.**

IV. NON-STUDENT COMPLAINT

**A. #15-NS501 Examination Preparation Institute, Inc., an unlicensed institution (“EPI”)
Attendees: None**

Mr. Blanchard summarized the complaint. On August 29, 2014, Board staff received an email from a student who enrolled and paid tuition for a Bachelor of Behavioral Health Science and Health Care Management Program with Examination Preparation Institute, Inc., an unlicensed institution. The institute is located at 7502 E. Monterey, Scottsdale, AZ 85251. The administrators are identified as Pamela R. Davis, John C. Davis, Jr. and Ernest C. Estaban.

During an interview with Pamela Davis, she stated EPI is no longer offering the above degree program, which was taught through University of Science, Arts & Technology (“USAT”). USAT is not a licensed school in any state.

Ms. Davis stated she would give the student a refund if she returned all books. Subsequently, the student contacted staff and stated she is not getting any response from Ms. Davis. During a site visit, attached by the front and back doors of the building are signs that shows multiple program offering, which would require licensure by this Board or others state agencies.

It was noted that Pamela Davis is using Ph.D. and M.D. designation, which are false. During my interview of Ms. Davis, she stated she does not hold any M.D. designation and would remove it from her title.

Administrative Law Judge (Board of Nursing) decision to revoke an LPN license from Ernest C. Estaban for falsely using certifications and degrees he does not hold. Mr. Estaban is a member of the company pursuant to Arizona Corporation Commission.

Staff has sent, by certified mail, a cease and desist order to EPI and sent copies to Arizona Board of Medical Examiners, Board of Exam of Nursing Care, Institutions Adm. & Assisted L.F.M., Arizona State Board of Nursing and Board of Massage Therapy.

ACTION: After discussion and review, Mr. Tharp made a motion that staff will continue to investigate this institution, confirm that the certified mailing of the C&D was obtained, and to serve C&D by service of process, if unsuccessful. Submit to AG’s office for handling in the Maricopa County Superior Court. Further review will be conducted by the full State Board when appropriate. Ms. Leonard seconded the motion. **Motion Carried.**

B. #15-NS502 Tucson College
Institution: Lloyd Kirsch; David O'Daniel, Atty.
Complainant: Yvonne Ayers

Mr. Blanchard summarized the complaint stating there were two-issues; a non-student complaint and a student complaint. The original complaint submission was a non-student complaint from Attorney Yvonne Ayers. Ms. Ayers stated she was contacted by student L.O. regarding an appeal from a Student Code of Conduct hearing. Ms. Ayers asked the Director of Education, Dennis Chavez for procedural guidance and Ms. Ayers was not told she could not attend and was given to specific reason.

During the first portion of the discussion, the committee stated that the student complaint would not be reviewed, since it is a separate matter. All discussion and action would be only for the complaint submitted by Ms. Ayers, as a non-student.

On October 2, 2014, Ms. Ayers communicated to Mr. Chavez that she was going to be representing L.O. at the hearing. The Code of Conduct hearing was set for October 8, 2014 at 1:00 p.m. Ms. Ayers contacted Tucson College around 9:00 a.m. to confirm the hearing time and place. Ms. Ayers stated that at 10:53 a.m., Tucson College Campus Director Lloyd Kirsch, stated Tucson College rules do not allow attorneys to be present. Only in the event there is a criminal charge pending and there were no criminal charges in this hearing.

Ms. Leonard questioned Tucson College as to why the school would not direct Ms. Ayers to the policy or better to email her the specific language. Ms. Leonard stated it would have been better customer service to help Ms. Ayers to find the policy, rather than spending so much time responding to the complaint.

ACTION: After discussion and review, Dr. Radda made a motion that Tucson College submit, at the next complaint committee meeting, the date the policy was updated, demonstrate when the information was available and submit the timeline of publications. Ms. Leonard seconded the motion. **Motion Carried.**

V. STUDENT COMPLAINT

A. #15-S001 Argosy University
Institution: Hugh Jensen, Rockel Etienne and Renee Posey
Student: No Appearance

Mr. Blanchard briefly summarized the complaint. On September 3, 2014, the State Board received a complaint from student B.J. regarding Argosy's failure to respond to her complaints and her grade appeals. There are a number of emails from B.J. to Argosy instructor regarding a medical condition she was dealing with. It appears the instructor gave her extensions and was understanding of her situation. There was a requested doctor's order from Argosy that B.J. submitted to verify the medical issue. When B.J. received a failed grade she began the appeal process through a number of channels.

During a timeline of April – June 2014, a number of employees left Argosy and no one at the school completed the communication trail to allow her the opportunity to timely

submit her appeals and receive responses from Argosy. It is B.J.'s position that there appears to be a lack of concern for the students.

Prior to the Compliant Committee meeting, B.J. submitted an email to State Board staff stating that it appears Argosy may have a resolution and requested to postpone review of the complaint. During review by the committee, it was noted that the resolution sought by B.J. was specific and attainable and it would be in the student's best interest to allow Argosy and B.J. come to a mutual resolution.

ACTION: After review and discussion, Ms. Leonard made a motion to dismiss the complaint, without prejudice. Dr. Radda seconded the motion. **Motion Carried.**

B. #15-S003 University of Advancing Technology

Institution: Jason Pistillo, Dr. David Bolman

Student: No Appearance

NOTE: Ms. Leonard recused herself from this agenda item

Mr. Blanchard briefly summarized the complaint Student/Complainant H.O. is a current student at UAT. Her mother, Sharon Overton has a Power of Attorney for H.O. and has submitted a number of complaints regarding H.O.'s education to UAT staff and Board staff. None of the complaints or concerns are submitted or communicated by H.O. Ms. Overton resides in Jacksonville, Florida, has had a continued active part of H.O.'s education UAT.

There were two specific allegations in this complaint. The allegations are: 1) The "Synchronized Resource Fee." paid by students to cover certain costs for different projects while enrolled at UAT and 2) SIP project requirement for graduation.

As for the compliance with the Student Grievance Procedure (as required by Rule R4-39-403), H.O.'s complaints have been filed by Ms. Overstreet regarding her issues. Ms. Overstreet, through her Power of Attorney, appears to have exhausted her appeals at UAT since it has made final determinations on both allegations.

Mr. Bolman stated the resource fee policy is clear and specific. It is a flat fee paid by a student that allows for students to use any materials necessary for assignments that are required in a specific class. It is not used for assignments that are considered "optional".

The SIP project is required for graduation. It is portion of the program that is completed by a group of students to help in collaboration. SIP experience is for students, in a structured way, to make their way through innovation based on the application of the team work, tech skills, synthesis and leadership that they have learned and practiced so far

ACTION: After review and discussion, Mr. Tharp finding no violation of statute or Board rules made a motion to dismiss the complaint. Dr. Radda seconded the motion. **Motion Carried.**

**C. #15-S004 University of Phoenix
Institution: Austin Rhodes, Tonya Claiborne and Atty. Lynne Adams
Student: W.O. (Telephonically)**

Mr. Blanchard briefly summarized the complaint. On August 22, 2014, complainant W.O. submitted a complaint against the University of Phoenix ("University"). He alleged the following 1) The University violated its published transfer credit policy; 2) The University misrepresented Pell Grant Eligibility; 3) Unsatisfactory academic process after the University forced withdrawal; 4) The University caused and approved multiple leave of absences to secure federal funding; 5) The University submitted un-approved course evaluations; 6) The University transferred an April 17, 2014 campus enrollment agreement to Axia Online College and 7) W.O. did not meet admission requirements and therefore W.O. should not have been admitted.

The committee heard commentary from W.O. and Lynne Adams, each explaining its position of each of the allegations. Prior to further discussion, there was a motion to enter into Executive Session.

Executive Session:

**Mr. Tharp made a motion to enter into Executive Session to obtain legal advice.
Ms. Lenard seconded the motion. Executive Session 3:23 p.m. Executive Session ended 3:16 p.m.**

Return to meeting 3:18 p.m.

Ms. Leonard discussed the enrollment and admission requirements of W.O. and if the University imported academic credits contrary to policy. Since W.O. stated the enrollment agreement required a pre-requisite requirement for English and math testing scores, Ms. Leonard requested the University submit the enrollment and admission documentation for W.O.

ACTION: After review and discussion, Ms. Leonard made a motion to dismiss all the allegations in the complaint, with prejudice, except requested the University to submit enrollment and admission documentation of W.O. Dr. Radda seconded the motion.
Motion Carried.

VI. Call to the public: N/A

VII. ADJOURNMENT: 3:26 P.M.

The January 6, 2015 Complaint Committee Minutes were approved at the April 23, 2015 Complaint Committee meeting



Keith Blanchard, Deputy Director