

**COMPLAINT COMMITTEE MEETING MINUTES**

**March 24, 2016**

Members Present: Mr. Glen Tharp  
Ms. Trish Leonard  
Craig Jacob  
Dr. Henry Radda (Telephonically – for minutes only)

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: DECEMBER 8, 2015**

Mr. Tharp made a motion to approve the minutes of the December 8, 2015 Complaint Committee meeting as submitted. Dr. Radda seconded the motion. Mr. Jacob's did not vote as he did not participate in the December 8, 2016 Complaint Committee meeting. **Minutes approved.**

**Dr. Radda left the meeting.**

**III. STUDENT COMPLAINT**

**A. #15-S003 Arizona Summit Law School**

Institution: Nicole France Stanton, Atty. and Shirley Mays, Dean

Student: E.D. and Attorney Kevin Burns

Mr. Blanchard summarized this complaint. Complainant, E.D. submitted her second complaint to the Arizona State Board for Private Postsecondary Education regarding ASLS's failure to follow published administrative policies, specific to the documentation and communication with her regarding her academic suspension and/or her termination from school. It was noted by the committee that E.D.'s complaint dated November 27, 2015 that her allegations of harassment and unlawfully dismissal was mostly covered in the 2014 Complaint 14-S012.

During discussion, Complaint Committee questioned ASLS's communication with E.D. regarding her academic suspension and then her permanent dismissal from the school for her not following recommendations as set forth in the March 18, 2014 letter from ASLS to E.D.

During discussion and information presented by A.S.L.S. and E.D., the Complaint Committee reviewed a number of emails, requests from ASLS to have E.D. stop the harassing emails and aggressive phone messages. E.D. failed to follow any of these requests. Pursuant to ASLS, E.D. was on campus April 2014 and allegedly stalked Professor Rosen, then became more volatile in her 2015 emails to Professor Rosen. This all leading to ASLS obtaining a restraining order.

ASLS stated to the committee that the emails E.D. sent prior to her suspension, the emails E.D. sent when she became upset that Professor Kopolow brought her boyfriend (now husband) to campus and the emails sent in 2015 attaching Professor Kopolow should be enough clarification to warrant upholding any suspension rather identified as academic or Code of Conduct.

Upon review of the documentation, it was noted by the committee, that the appeal policy is very extensive. It is noted that the original academic suspension did not change to a Code of Conduct suspension. As stated in the May 18, 2014 letter to E.D., the suspension was still identified as academic even though the requirement to be allowed to return was on conduct.

**Executive Session:**

**Mr. Tharp made a motion to enter into Executive Session to obtain legal advice**

**Mr. Jacobs seconded the motion**

**1:43 p.m. Complaint meeting adjourns**

**1:44 p.m. Executive Session begins**

**1:47 p.m. Executive Session ends**

**1:48 p.m. Complaint Committee resumes**

**ACTION:** After review and discussion, Mr. Tharp made motion that ASLS failed to properly notify E.D. of her dismissal and requested a Letter of Concern by sent to ASLS. Mr. Tharp did not find any violation of statutes or Board rules. Mr. Jacob seconded the motion. **Motion Carried.**

**B. #15-S005 Arizona College**

Institution: Cheryl Kindred, Matt Calhoun, Nick Mansour

Student: N.W.

Mr. Blanchard summarized this complaint. On December 30, 2015, the Board staff received a complaint from N.W., a student that was terminated from the Phoenix campus of Arizona College. In her complaint, N.W. stated during a Biology test the instructor left classroom and N.W. witnessed cheating involving two students. N.W. reported the cheating and was subsequently bullied by other students. Due to the bullying, N.W. decided that she wanted to transfer to the Mesa campus of Arizona College. At some point communication with administration of Arizona College broke down causing N.W. to contact Pima Medical Institution about transferring.

Arizona College explained that N.W. had a conversation with Stacey Nottingham of Pima Medical Institute to pursue transferring. During the conversation she had with Pima Medical, N.W. made a statement the she was “upset enough to shoot somebody.”

This conversation was reported to Ms. Kindred of Arizona College. Ms. Kindred returned to campus that evening and contacted the Glendale Police Department regarding the threat. Ms. Kindred contacted N.W. and requested her to come to the campus to discuss this situation, which she agreed. During the subsequent conversation with N.W., Ms. Kindred told N.W. that it was reported that N.W. made a threat that she wanted to shoot somebody. This would be a violation of the Student Code of Conduct at Arizona College.

The Complaint Committee questioned N.W. regarding her threat and was specific regarding school's having no tolerance for students or staff making any threats of violence.

**ACTION:** After review and discussion, Mr. Tharp made a motion to dismiss the complaint, finding no violation of statutes or Board rules. Ms. Leonard requested that Arizona College and N.W. attempt to come to an agreement to allow complainant to complete the program. Ms. Kindred of the school agreed and required that all communication from N.W. to the school would only be through her. Mr. Jacob seconded the motion. **Motion Carried.**

#### **IV. NON-STUDENT COMPLAINT**

- A. #16-S506 My Dental Assisting**  
Institution: Dr. William Fulcher  
Complainant: No appearance

Mr. Blanchard summarized this complaint. On February 5, 2016, Board staff received a complaint submitted by Eldon Hastings of American Institute of Dental Assisting pertaining to advertisements and claims made on My Dental Assisting website. The following is the list of concerns:

1. Website advertises 82 student enrolled, 6 instructors and 2,569 classroom hours
2. Website stated Jane Doe and Mary Smith are instructors
3. Website uses the word "guarantee"
4. Website stated facility is "Clean and Modern" prior to licensure
5. Website states class sizes kept small with 20 students per instructor, then states one-on-one training
6. Website claims "valley's best dental team built on the valley's best dentists, dental assistants and instructors"
7. Website claims students are best prepared
8. Claim stating reputation of My Dental Assisting will put graduates ahead.

During discussion and review by the Complaint Committee members, it was determined most of the information listed was information on a website prior to licensure and was updated or removed during the application process. Dr. Fulcher submitted the current website information for the committee to review.

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

**B. #16-NS507 Altrain Dental Assisting**

Institution: Tiffany Lingerfelter

Complainant: No appearance

Mr. Blanchard summarized this complaint. On February 5, 2016, Board staff received a complaint submitted by Eldon Hastings of American Institute of Dental Assisting pertaining to an advertising that stated "Lifelong Job Placement" in a web advertisement. It was noted American Institute of Dental Assisting uses "Lifetime Job Placement."

The Complaint committee discussed R4-39-304 Advertising rule and R4-39-305, Recruitment rule and found no violation for the use of "Lifelong Job Placement".

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

**C. #16-NS508 Unmanned Vehicle University**

Institution: Attorney-Richard Lieberman, Kevin Kelly, John Minor and Dr. Chrissy Jameson

Complainant: O.O.

Mr. Blanchard summarized this complaint. On January 27, 2016, Board staff received a complaint submitted by a former employee of UVU. In his complaint, O.O. listed the following allegations:

1. Falsification of records, specific to listing of instructors that are not actively instructing any of the approved programs,
2. Instructors teaching doctorate level courses when they do not hold a doctorate degree,
3. Allegations of John Minor falsely teaching and submitting grades for four courses he did not teach,
4. Violation of federal statute (FFA) regarding flying of commercial UAV's.

Pursuant to O.O., he was the Dean of UVU from April 2014 through January 2015 and the Dean of Academic Affairs and research from January 2015 through October 14, 2015. He was originally hired by Dr. LeMieux, who passed away.

During O. O.'s summarization of his allegation's in his complaint, he largely discussed his concern regarding the Canvas Learning Platform and Moodle platform, which he stated was his intellectual property.

O.O. stated there are a number of faculty members that are listed in UVU's catalog that have not taught any classes. UVU stated all instructors are adjunct instructors. Each are independent contractors available to teach for specific instruction.

O.O. states UVU does not meet DEAC accreditation standards regarding faculty teaching requirements. UVU states some of its faculty come with military backgrounds and do not possess doctorates, but have many years of experience in a specific field they would instruct. UVU further stated it has very few doctoral students.

O.O. alleged John Minor posted on Moodle that he taught four courses that were taught by O.O., which was false. UVU denied the allegation and stated grades for a course were imported after O.O. was locked out of the university system after his termination.

O.O. stated UVU does not have a 333 FAA exemption. UVU should only be flying quad-copters indoors during seminars as it would be a violation for flying for quad-copters commercial purposes. UVU stated this is not true. The seminar and flying occurred at Academy of Model Aeronautics airfield and was conducted by an AMA drone pilot.

O.O. stated UVU is no longer at its main location listed at 1 East Washington Street, Ste. 500, Phoenix, AZ. 85004. From its original approval of UVU, this location has always been the main address.

O.O. stated he has not been paid by UVU for work he has performed. UVU responds this allegation would fall under E.E.O.C. O.O. did not submit any contracts, written agreements or other documentation to support his position.

**Executive Session:**

**Ms. Leonard made a motion to enter into Executive Session to obtain legal advice.**

**Mr. Tharp seconded the motion.**

**3:12 p.m. Complaint meeting adjourns**

**3:13 p.m. Executive Session begins**

**3:24 p.m. Executive Session ends**

**3:25 p.m. Complaint Committee resumes**

**ACTION:** After review and discussion, Mr. Tharp made a motion to issue a Letter of Concern pursuant to R4-39-303 – Staffing. Mr. Jacob seconded the motion. **Motion Carried.** After further discussion, Mr. Tharp amended his motion. Issue a Letter of Concern regarding the doctoral program and the lack of instructors that meet faculty requirements to teach. Mr. Tharp requested staff to conduct a site visit of the Litchfield Park location. Mr. Jacob seconded the motion. **Motion Carried.**

**V. Determination to open a complaint – UEI College**

Institution: Todd McDonald

Complainant: Anonymous

Mr. Blanchard summarized the complaint. On March 16, 2016, staff received an anonymous complaint regarding a number of issues at UEI College. The complainant stated he/she was a former employee of UEI. The complaint was addressed to ACICS and a copy was sent to the State Board office.

The supporting documentation submitted with the complaint appears to be information from six UEI students, a placement summary document and some of UEI policies pertaining to grades and SAP requirements.

The Complaint Committee asked a number of questions for Todd McDonald, Campus President.

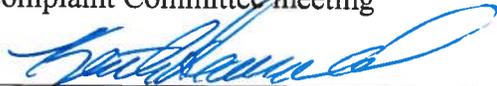
Mr. McDonald was unable to answer any questions specific to the allegations in the complaint.

**ACTION:** After review and discussion, Mr. Tharp made a motion to open a complaint and requested a response specific to those allegations that were under the Board's jurisdiction. Mr. Jacob seconded the motion. **Motion Carried.**

**VII. Call to the public:** None

**VIII. ADJOURNMENT:** 3:55 P.M.

The March 24, 2016 Complaint Committee Minutes were approved at the June 21, 2016 Complaint Committee meeting



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Keith Blanchard, Deputy Director