

COMPLAINT COMMITTEE MEETING MINUTES

September 22, 2011

Members Present: Laura Palmer Noone (By Phone)
Trish Leonard
KC Miller, Acting Chair

Also Present: Teri Stanfill, Director
Keith Blanchard, Deputy Director
Cassandra Pinon, Board Secretary

I. CALL TO ORDER – 10:00 A.M.

Acting Chair KC Miller called the complaint committee meeting of the Arizona State Board for Private Postsecondary Education Board Meeting to order at 10:00 A.M.

II. MINUTES:

Ms. Noone found one name correction (None-Noone) to be made. Ms. Leonard made a motion to approve the minutes based on the correction of the June 23, 2011 Complaint Committee meeting as submitted. Ms. Noone seconded the motion. **Minutes approved**

III. AAI: Determination to open a complaint. (Held later in the meeting.) *Trish Leonard recused herself.*

After discussion and review of the information submitted to determine to open a complaint, the committee voted to open a complaint and monitor the situation.

Motion: Ms. Miller made a motion to open a complaint and have AAI submit letters, financial and all communication between AAI and ACCSC to the Board staff. Ms. Noone seconds the motion and the motion passed.

IV. NON-STUDENT COMPLAINTS

A. #11-NS006 Dunlap-Stone University: Complainant: Anonymous Representing the institution: James Armstrong, Attorney and Valerie Burton

Ms. Stanfill introduced this Agenda Item and stated the Board received a complaint on April 20, 2011 from "a very concerned person" against Dunlap-Stone University ("DSU"). The complaint was not signed and there was not documentation provided to substantiate the allegations. No one has contacted the State Board office inquiring as to the status of this complaint or offer information since the complaint was received. The complainant stated to be a current employee of DSU. The allegations were failure to follow published policies, procedures and fees of the institution; misleading recruitment practices; maintaining qualified staff, verbally abusing students and employees; engaging in false and misleading advertisements and failure to have adequate management capabilities.

Based upon the allegations, Staff requested DSU to respond to the allegations. DSU provided a response, which was a consolidated response for last months complaint and the two for the meeting today. Ms. Stanfill stated that DSU provided a list of employees, but questioned if the list was complete. In DSU's response, DSU stated that the complaint was not a sworn statement as required by A.R.S. § 32-3052(B); but DSU did conduct an internal interview of its employees to determine if any one of them had offered or contributed to this complaint, and DSU states that none had. It is DSU's position that the complaint was from the previous complainant CK and DSU questions the validity of the complaint.

Ms. Stanfill explains that based upon the lack of documentation with the anonymous complaint, Staff did not conduct an investigation and that she was not aware of the complainant is present at today's meeting.

Ms. Miller asks if the complainant is present, either in person or by phone. No one responded.

Mr. Armstrong addresses the Committee and expressed his concern that there was not a complainant and the allegations were very disturbing. In response to Ms. Stanfill's comment, believed the response contained all the information that was requested, but if not, would be happy to do so.

Ms. Noone asked Ms. Stanfill if anonymous complaints have been accepted in the past. Ms. Stanfill responds yes.

Ms. Leonard stated that the lack of backup documentation makes it difficult to review the complaint. Ms. Leonard also stated that conducting interviews of existing employees would not necessarily prove that one of the employees was the complainant.

Motion: Ms. Leonard makes a motion to dismiss the complaint due to lack of documentation. Ms. Noone seconds the motion and the motion passed.

B. # 11-NS007 Dunlap-Stone University: Complainant: J.P.
Representing the institution: James Armstrong, Attorney and Valerie Burton

Ms. Stanfill introduced this Agenda Item and explained the Board received the complained filed by JP on April 25, 2011 against Dunlap-Stone University ("DSU"). The complaint included substantial documentation and JP has provided additional information. JP was an IIEI student from 2003 to 2004, a former instructor and mentor and JP also served on the CBG, which was the Certification Board of Governors ("CBG") as a volunteer first, Executive Vice President and then as President. Ms. Stanfill explains that IIEI submitted a Supplemental License Application for a Change of Name to Dunlap-Stone University on March 15, 2008 which was approved by staff and it is staff's understanding that the parent company of DSU is IIEI.

The allegations were that the CBG and the IIEI Certification tests are not independently administered or governed from DSU; the IIEI certification course are very similar to the DSU programs and are used to entice students to enroll in the DSU programs; advertising of the CBG/IIEI/DSU programs/certifications are misleading and contain willful misrepresentations; professional and dishonorable conduct by the licensee and its employees.

Based upon the allegations, staff requested DSU to respond to the allegations. On July 11th, DSU submitted its response, and again, it is part of a consolidated response.

In DSU's response, DSU stated they did not believe the IIEI certifications and the CBG were under the Board's jurisdiction, and therefore, some of the information requested was not provided, but would be if requested. Ms. Stanfill stated she did not request the information that was not provided. DSU further stated that JP's motivation is that JP has much to gain from any actions taken against DSU. Ms. Stanfill explained she has provided initial findings in her report in determining the relationship between CBG/IIEI/DSU.

Complainant JP addresses the Committee. JP provided his opening remarks and they are attached.

James Armstrong address the Committee. Mr. Armstrong states DSU has been caught off guard as it was DSU's understanding that the allegations were solely related to IIEI certifications, which do not fall under A.R.S. § 15-101 or A.R.S. § 32-3001(6) that defines a vocational program. Mr. Armstrong also states that JP's company offers the same certifications. JP responds that is not true.

Mr. Armstrong continues that it appears the complaint is now focused on the CBG and that it is difficult for DSU to respond to those allegations today. Mr. Armstrong states that it is very important to understand that DSU is the licensed entity and that those allegations against the CBG and IIEI certifications are outside of the Board's jurisdiction.

Ms. Miller clarifies that the Committee today is considering the false advertising and possible misrepresentation and not the systematic concerns with DSU and the programs and certifications are "co-owned".

Ms. Stanfill explains those are the allegations that have been presented, but states that JP has provided a great deal of information since the filing of the original complaint, which DSU has not been provided a copy, nor a copy of staff's report and that DSU should be provided the information in order to respond to which appears serious issues.

Ms. Noone concurs that the institution be provided the information in order to respond to the allegations that the certifications are being used to entice students to enroll.

Ms. Stanfill explains the information to date will require DSU to provide a great deal of information in their response.

The committee discussed referring the complaint to the Board. Ms. Galvin raised the question if Mr. Burton's presence also be requested. The committee agreed. Mr. Armstrong stated Mr. Burton would be present.

Motion: Ms. Miller made a motion to refer the complaint to the full Board. Ms. Noone seconded the motion. The committee discussed in depth clarifying the allegations.

Mr. Armstrong requested the complaint be amended to clarify the allegations and requests a copy of the additional information provided by JP.

Ms. Miller requests JP offer a brief closing. JP provided his closing remarks and they are attached.

Ms. Miller calls for the question. The motion passes unanimously.

C. #11-NS009 Phoenix Computer Academy (PCA)
Representing the institution: Aparna Gupta

Mr. Blanchard introduced this complaint to the Board stating the a complaint was received March 29, 2010 regarding PCA advertising 100% job placement. Ms. Gupta stated that this was only part of a slide show (PowerPoint) for 2009, was only used one time. The information was not discriminated to the public.

ACTION: Mss. Noone makes a motion to dismiss with no violations. Ms. Leonard seconded the motion. **Motion Carried.**

D. #12-NS001 Tucson College
Representing the institution: Lillie Roman, Jacob Mayhew

Mr. Blanchard introduced the complaint to the Board that was received from a former employee of Tucson College. The information in the complaint suggested the institution had low placement rates and did not correct data. Since Tucson College is accredited by ACICS a copy of the report has been sent to them as well.

During review, Tucson College stated that the information submitted in the complaint were not placement numbers but internal numbers used to make sure that placement rates were tracked accurately and submitted to ACICS accurately.

ACTION: Ms. Miller makes a motion to dismiss with no violations. Ms. Leonard seconded the motion. **Motion Carried.**

III, STUDENT COMPLAINTS

A. #12-S001 Penn Foster College: Complainant G.T.

Mr. Blanchard introduced the complaint to the Board stating in the complaint that complaint did not receive educational materials from the school that would allow her to study for the diploma program in paralegal studies.

The institution made a determination to drop G.T. under the ABT provision after she failed two separate assessment test. The school has removed her from collections, amended her credit report and has refunded all fees except registration fee and admission fee of \$275.00.

ACTION: Ms. Noone makes a motion to dismiss with no violations. Ms. Miller seconded the motion. **Motion Carried.**

B. #12-S002 Penn Foster College: Complainant: A.A.

Mr. Blanchard introduced this complaint listing complainant concerns with the catalog, the institutions calculation of her tuition payments is inaccurate, her enrollment was processed on February 1, 2011 and her payment should have been on March 2, 2011 (30 days), payment book states payment is due on February 28, 2011, shipping charge of \$65.00 should be \$50.00, the use of books (plural) and only received one is misleading and false advertising.

Penn Foster stated all of the concerns A.A. appeared to have been discussed and resolved, including the shipping fee discrepancies, the payment cycle the school uses and the schools DETC accreditation, among others. The school and A.A. agreed to work together to clarify any additional concerns.

ACTION: Ms. Noone makes a motion to defer action and have the school work with the student to clarify any concerns and allow her to return to school, if so desired. School is to submit a follow up to the committee at its next meeting. Ms. Miller seconded the motion. **Motion Carried.**

C. #12-S003 Grand Canyon University; Complainant: C.S.

Mr. Blanchard introduced the allegations in this complaint stating the complaint appears to be a grade grievance issue. Staff corresponded with C.S. regarding this matter, but he stated the issues were in reference to instructors and the "dereliction of the university's administration."

GCU stated this matter was a grade grievance and the complainant completed the grade grievance procedure.

ACTION: Ms. Noone makes a motion to dismiss with no violations. Ms. Leonard seconded the motion. **Motion Carried.**

D. 12-S004 Grand Canyon University: Complainant: F.M.

Mr. Blanchard stated in his summary that F.M. stated Grand Canyon University was violating federal and state policies in "dealing with my student file." Mr. Moreno was terminated as an employee of GCU and was expelled from school for cheating. All his grades from prior course work were changed from passing to F's. F.M. currently has one last appeal to complete for his expulsion, which has not been completed as of the date of this report.

ACTION: Ms. Miller makes a motion to defer action until the last appeal has been completed. Ms. Leonard seconded the motion. **Motion Carried.**

E. 11-S006 Lamson College: Complainant J.W.

Mr. Blanchard summarized this complaint stating J.W. was requesting Lamson College give her a fourth opportunity to complete her externship requirement. Pursuant to the information submitted, she has had three different externship site opportunities, but due to personal circumstances she has not been able complete them.

Lamson stated it gave her four opportunities, one more than its published policies.

ACTION: Ms. Miller makes a motion to dismiss the complaint . Ms. Noone seconded the motion. **Motion Carried.**

IV. CALL TO THE PUBLIC: N/A

V. ADJOURNMENT: 11:43 A.M.