

BOARD MEETING MINUTES



Georgia Nonpublic Postsecondary
Education Commission

DATE	Monday, April 26, 2021
TIME	1:00 PM
LOCATION	Via Zoom Teleconference
PURPOSE	Quarterly Commission Meeting

Meeting Chair	Karen Gilbert
Meeting Title	GNPEC Board of Commissioners
Members Present	<ol style="list-style-type: none"> 1. Karen Gilbert, Chair, <i>Exempt Institution Representative</i> 2. Toby Hinton, Vice Chair, <i>Degree-Granting Institution Representative</i> 3. Ryan Blythe, Secretary, <i>Certificate-Granting Institution Representative</i> 4. Victoria Agyekum, <i>At-Large Post #1</i> 5. Mollie Cohen, <i>At-Large Post #2</i> 6. Lee Todd, <i>At-Large Post #3</i> 7. Amanda Shailendra, <i>At-Large Post #4</i> 8. Dr. Norma Nunez-Cortes, <i>At-Large Post #6</i> 9. Kate Patterson, <i>At-Large Post #8</i>
Members Absent	<ol style="list-style-type: none"> 1. Holly Kirbo, <i>At-Large Post #5</i> 2. Dr. Arthur Vaughn, <i>At-Large Post #7</i>
Staff Present	Kirk Shook, Executive Director Dr. Laura Vieth, Deputy Director Adam Hawk, GA-SARA Coordinator Pat Neri, Program Manager Maggie Rivers, Program Manager Phil Embry, External Auditor Shirlene Mitchell, Office Manager Brian Annino, NPEC/GSFC General Counsel
Visitors	Kristen Settlemire, Office of the Attorney General Erin Greenburg, Governor's Office of Planning and Budget

1. CALL TO ORDER AND INVOCATION

Chair Gilbert called the meeting to order at 1:00 PM and Commissioner Cohen gave the invocation. Chair Gilbert called the roll and a quorum was declared.

2. WELCOME/INTRODUCTION OF VISITORS

Chair Gilbert welcomed all the guests and visitors on the teleconference.

3. APPROVAL OF AGENDA

Commissioner Cohen moved to adopt the Agenda for the April 26, 2021 Quarterly Commission Meeting of the Georgia Nonpublic Postsecondary Education Commission. Commissioner Agyekum seconded the motion.

Upon unanimous vote, it was **RESOLVED** that the Agenda for the April 26, 2021 Quarterly Commission Meeting of the Georgia Nonpublic Postsecondary Education Commission be adopted.

4. APPROVAL OF MINUTES

Commissioner Todd moved to adopt the Minutes from the January 25, 2021 Quarterly Meeting of the Georgia Nonpublic Postsecondary Education Commission. Commissioner Shailendra seconded the motion.

Upon a unanimous vote, it was **RESOLVED** that the Minutes from the January 25, 2021 Meeting of the Georgia Nonpublic Postsecondary Education Commission be adopted.

5. QUARTERLY REPORT (unaudited): TUITION GUARANTY TRUST FUND

Executive Director Shook reported on the following:

- FY21 3rd Quarter Report ending March 31, 2021
- Tuition Guaranty Trust Fund 3rd Quarter Yearly Comparison Report

As was noted in the TGTF Meeting, a Scribner's error is present on the comparison report. Vice Chair Hinton moved to adopt the amended Quarterly Report of the Tuition Guaranty Trust Fund for the nine-month period ending March 31, 2021, as presented. Secretary Blythe seconded the motion.

Upon unanimous vote, it was **RESOLVED** that the amended Quarterly Report of the Tuition Guaranty Trust Fund for the nine-month period ending March 31, 2021, as approved by the Board of Trustees of the Tuition Guaranty Trust Fund, **be adopted**.

6. APPROVAL OF FY22 COMMISSION MEETING DATES AND LOCATIONS

The following calendar of meeting dates were presented:

FY22 Georgia Nonpublic Postsecondary Education Commission			
Meeting Dates and Locations			
Pursuant to O.C.G.A. §§ 20-3-250.4(e) & 50-14-1(d)(1), the Georgia Nonpublic Postsecondary Education Commission meets quarterly and will hold regular commission meetings on the following dates, times, and locations:			
DATE	LOCATION*	TGTF MEETING TIME	COMMISSION MEETING TIME
Monday July 26, 2021	Teleconference	12:45 PM	1:00 PM
Monday October 25, 2021	Helms College—Augusta 3145 Washington Road Augusta, GA 30907	12:45 PM	1:00 PM
Monday January 24, 2022	Teleconference	12:45 PM	1:00 PM
Monday April 25, 2022	Brenau University 301 Main Street Gainesville, GA 30501	12:45 PM	1:00 PM
*Subject to change based on campus COVID-19 policies			

Commissioner Cortes moved to adopt the FY22 Commission Meeting Dates and Locations as presented. Commissioner Cohen seconded the motion.

Upon unanimous vote, it was **RESOLVED** that the FY22 Commission Meeting Dates and Locations **be adopted**.

7. APPROVAL OF NPEC FY22 SCHEDULE OF FEES

The following schedule of fees was presented:

Name	Description	Type of Fee	Amount	Fee Change
GA-SARA Annual Fee	This fee is assessed for review of the GA- SARA Application.	< 2,500 FTE Students	\$1,250	N/A
		2,500 – 9,999 FTE Students	\$2,000	N/A

		10,000 or more FTE Students	\$2,750	N/A
Application Evaluation Fee	This fee is assessed to cover the evaluation of an application for authorization of an institution seeking initial authorization. This fee must be made in advance of the review of the application and made payable to GNPEC.	Nondegree-granting institution	\$1,000	\$1,500
		Degree-granting institution	\$2,000	\$3,000
Program Evaluation Fee	This fee is assessed for evaluation of the curriculum/content for each new or substantively changed program of instruction at an already authorized institution. Fee must be made payable to GNPEC.	Nondegree	\$600	N/A
		Degree	\$800	N/A
Degree Elevation Fee	This fee is assessed for the elevation to each degree level.		\$1,000	N/A
Authorization Fee	The fee is assessed annually to institutions as part of the application for authorization and must be made payable to GNPEC. This Authorization Fee is calculated based on 2/10 of one percent of estimated tuition and fees minus refunds. In the Initial Authorization Application, this is based on projected tuition and fees. For campuses located in Georgia this figure will be based on tuition and fees for the campus. For campuses located outside of Georgia, this figure will be based on tuition and fees associated with Georgia students only.	Nondegree-granting institutions:		
		Minimum annual fee	\$500	N/A
		Maximum annual fee	\$25,000	N/A
		Degree-granting institutions		
		Minimum annual fee	\$1,000	N/A
		Maximum annual fee	\$25,000	N/A
Authorization Late Fee	This fee is assessed for failure to submit a complete renewal application, including all fees, 60 days prior to the expiration date on the Certificate of Authorization.		25% of Authorization Fee	N/A
Financial Viability Assessment (FVA) Fee	This fee is assessed to conduct a financial review of the audited financial statements and/or GNPEC Financial Statement submitted by the institution.		\$500	N/A
FVA Late Fee	This fee is assessed on applicable exemption applications if the annual application and FVA fee are not submitted prior to the due date.		\$100	N/A
Tuition Guaranty Trust Fund (TGTF) Fee	This fee is assessed to offer a financial safety net for students in the case of a school closing. The TGTF Fee is calculated based on 1/10 of one percent of estimated tuition and fees minus refunds. In the Initial Authorization Application, this is based on projected tuition and fees. For campuses located in Georgia this figure will be based on tuition and fees for the campus. For campuses located outside of Georgia, this figure will be based on tuition and fees associated with Georgia students only. Payment must be made by every school for the first 5 years of operation and must be made payable to TGTF.	Degree and Non-Degree Granting Institutions:		
		Minimum annual fee	\$100	N/A
		Maximum annual fee	No Maximum Fee	N/A

TGTF Late Fee	This fee is assessed for failure to submit a complete renewal application, including all fees, 60 days prior to the expiration date on the Certificate of Authorization. This fee is assessed for failure to submit a complete renewal application, including all fees, 60 days prior to the expiration date on the Certificate of Authorization. NOTE: Only applicable if TGTF Fee is required.		25% of TGTF Fee	N/A
Other Exemption Application Fee	This fee is assessed to conduct the review of only flight, test preparation, and tax preparation institutions.		\$100	N/A
Other Exemption Late Fee	This fee is assessed to any "Other Exemption" institution if the renewal application is not submitted prior to expiration. For flight, test preparation, and tax preparation institutions, the \$100 application fee is also required to be submitted prior to the due date.		\$100	N/A
Initial Religious Application Fee	This fee is assessed to process applications for religious schools applying for initial formal designation as exempt.		\$500	N/A
Religious Renewal Application Fee	This fee is assessed to process application for religious schools applying to renew their formal designation as exempt.		\$100	N/A
Religious Renewal Late Fee	This fee is assessed if renewal application and fee are not submitted prior to the due date.		\$100	N/A
Change of Name Fee	This fee is assessed for the administrative recording of a new authorized institutional name.		\$100	N/A
Change of Location Fee	This fee is assessed for the administrative recording of a new authorized institutional address.		\$100	N/A
Teaching/ Student Services Site Fee	This fee is assessed for the administrative recording of a new teaching or student services site.		\$100	N/A
Change of Ownership Fee	This fee is assessed for the administrative recording of a new ownership structure.	If notification provided within 10 days of change	\$500	N/A
		If notification provided after 10 days of change	\$1000	N/A
Transcript Request Fee	This fee is assessed for processing a transcript request.		\$10 per request	N/A
Document Fee	This fee is assessed for copying and/or mailing documents or forms.		\$0.10 per page plus postage	N/A

Commissioner Agyekum moved to adopt the FY22 NPEC Schedule of Fees as presented. Commissioner Todd seconded the motion.

Upon unanimous vote, it was **RESOLVED** that the FY22 NPEC Schedule of Fees **be adopted**.

8. APPROVAL OF FY22 SCHEDULE OF FINES

The following Schedule of Fines was presented:

FY22 Georgia Nonpublic Postsecondary Education Commission

Schedule of Fines

Type of Fine	Amount Per Violation*
Operation without Authorization	\$200 per day
Failure to Surrender Student Records	\$100 per day
Fraudulent Postsecondary Activity	\$200 per day
Unpermitted Use of "College" or "University"	\$100 per day

*Pursuant to O.C.G.A. § 20-3-250.21, "Each day's failure to comply with such Code sections shall be a separate violation." For example, 5 days of operation without authorization would result in five (5) separate violations and a total fine of \$1,000.

Commissioner Cortes moved to adopt the FY22 NPEC Schedule of Fines as presented. Commissioner Cohen seconded the motion.

Upon unanimous vote, it was **RESOLVED** that the FY22 NPEC Schedule of Fines **be adopted**.

9. FY22 COMMISSION OFFICER ELECTIONS

The following slate of Commission officers for FY22 was presented by Chair Gilbert:

- Chairman: Toby Hinton
- Vice Chair: Dr. Norma Nunez-Cortes
- Secretary: Amanda Shailendra

Commissioner Cohen moved to approve the slate of FY22 Commission Officers as presented. Commissioner Agyekum seconded the motion.

Upon unanimous vote, it was **RESOLVED** that the FY22 Commission Officers **be elected**. The new officers will begin their term on July 1, 2021.

10. FY22 TGTF TRUSTEE ELECTIONS

The following slate of TGTF Board of Trustee members for FY22 was presented by Chair Gilbert:

- Chairman: Toby Hinton (represents postsecondary institution)
- Vice Chair: Dr. Norma Nunez-Cortes
- Amanda Shailendra
- Ryan Blythe (represents postsecondary institution)
- Kate Patterson

Commissioner Cohen moved to approve the slate of FY22 TGTF Board of Trustee members as presented. Commissioner Agyekum seconded the motion.

Upon unanimous vote, it was **RESOLVED** that the FY22 TGTF Board of Trustee members **be elected**. The new trustees will begin their term on July 1, 2021.

11. EXECUTIVE DIRECTOR REPORT

Presented by Kirk Shook, Executive Director

- Board Appointments/Term Expirations
- GNPEC FY21 Operations Budget (3rd Quarter, ending March 31, 2021)
- Quarterly Budget Comparison (FY20 Q3 v. FY21 Q3)
- Agency Legislation
- New Hire (starting May 24, 2021)
- Permanent Remote Work Transition, *Adam Hawk*
- Internship Report, *Maggie Rivers*
- Laura NASASPS Board Appointment

No approval required for this report.

12. FY21 3rd QUARTER NEWLY AUTHORIZED SCHOOLS

Presented by Dr. Laura Vieth, Deputy Director

No.	First Date of Authorization	Institution	Fiscal Type	Bond Amount
1	January 8, 2021	Lambda School (San Francisco, CA) <ul style="list-style-type: none"> • Unaccredited • Offers certificates in IT 	For-profit	\$50k
2	January 12, 2021	OceanPointe Dental Academy of Savannah (Savannah, GA) <ul style="list-style-type: none"> • Unaccredited • Offers certificate in dental assisting 	For-profit	\$50k
3	February 8, 2021	OceanPointe Dental Academy of South Atlanta (Fayetteville, GA) <ul style="list-style-type: none"> • Unaccredited • Offers certificate in dental assisting 	For-profit	\$100k
4	February 22, 2021	A Breath of Fresh Air Medical Careers (Decatur, GA) <ul style="list-style-type: none"> • Unaccredited • Offers a certificate in phlebotomy 	For-profit	\$30k
5	February 22, 2021	Carver College (Atlanta, GA) <ul style="list-style-type: none"> • Unaccredited • Offers degrees in biblical studies, psychology and business 	Non profit	\$50k
6	March 3, 2021	Advance Fast (Brunswick, GA) <ul style="list-style-type: none"> • Unaccredited • Offers certificates in allied health 	For-profit	\$20k
7	March 4, 2021	Heritage Health Career Center (Albany, GA) <ul style="list-style-type: none"> • Unaccredited • Offers certificates in allied health 	For-profit	\$50k
8	March 9, 2021	Dental Career Centers of America (Johns Creek, GA) <ul style="list-style-type: none"> • Unaccredited • Offers certificate in dental assisting 	For-profit	\$50k
9	March 11, 2021	Excel Dental Assistant School (Atlanta, GA) <ul style="list-style-type: none"> • Unaccredited • Offers certificate in dental assisting 	For-profit	\$50k
10	March 17, 2021	Legacy Holistic Health Institute (Stockbridge, GA) <ul style="list-style-type: none"> • Unaccredited • Offers certificate in health coach training 	For-profit	\$75k
11	March 19, 2021	Medical Coding Simplified (Martinez, GA) <ul style="list-style-type: none"> • Unaccredited • Offers certificate in medical coding 	For-profit	\$30k
12	March 24, 2021	Lilburn Medical Institute (Lawrenceville, GA) <ul style="list-style-type: none"> • Unaccredited • Offers certificates in allied health 	For-profit	\$75k

No approval required for this report.

13. FY21 3rd QUARTER STAFF ACTIONS

Presented by Dr. Laura Vieth, Deputy Director

No.	Action	Date	Institution	Resolution
1.	Cease and Desist Letter	1/26/2021	Erudite Nursing Institute 3330 Cumberland Blvd. Atlanta, GA 30339	
2.	Cease and Desist Letter	1/26/2021	Erudite Nursing Institute c/o Consonantia Divina, Ltd. Registered Agent for Medical Career Specialists, Inc. 1755 The Exchange, Ste. 190 Atlanta, GA 30339	
3.	Cease and Desist Letter	1/26/2021	Melody Knight Erudite Nursing Institute 100 S. Ashley Drive, Suite 600 Tampa, FL 33602	
4.	Cease and Desist Letter	1/26/2021	Medical Career Specialists, Inc. c/o Consonantia Divina, Ltd., Its Registered Agent 1755 The Exchange, Ste. 190 Atlanta, GA 30339	
5.	Cease and Desist Letter	1/26/2021	Medical Career Specialists, Inc. 3330 Cumberland Blvd., Suite 500 Atlanta, GA 30339	
6.	Letter of Warning	1/26/2021	Progressive Medical Institute, Shemilove Akaya <i>via The Doherty Law Firm Akins Doherty, Esp. 1768 Century Blvd NE, Suite A Atlanta, GA 30345</i>	Investigation was conducted but closed without action because of lack of evidence to proceed with a hearing.
7.	Lawsuit	3/2/2021	Erudite Nursing Institute/Melody Knight (Multiple Addresses)	
8.	Cease and Desist Email	3/3/2021	Lady Pearl School of Etiquette (L.P.E. Institute) 9155 Nesbit Ferry Road Johns Creek, GA 30022	
9.	Cease and Desist Letter	3/23/2021	Lady Pearl School of Etiquette (L.P.E. Institute) 9155 Nesbit Ferry Road, Unit 84 Johns Creek, GA 30022	
10.	Cease and Desist Email	3/25/2021	MaJor Rezults Laboratory 664 Richmond Street Macon, GA 31206	
11.	Cease and Desist Email	3/25/2021	Guided Hands Academy 706 Baldwin Drive Albany, GA 31707	Institution Seeking Authorization
12.	Cease and Desist Email	3/31/2021	Medical Advance Prep 1804 East Park Avenue Valdosta , GA 31602-5503	
13.	Cease & Desist Email	3/31/2021	Community Connects, Inc 2175 Lawrenceville Hwy 2nd Floor Decatur, GA 30033	
14.	Lawsuit	Ongoing	Terry University (Multiple Addresses)	

No approval required for this report.

14. EXECUTIVE SESSION

Vice Chair Hinton moved for the Board of Commissioners to go into Executive Session to discuss pending agency litigation. Commissioner Agyekum seconded the motion. The Commission voted unanimously to enter into Executive Session.

After discussing legal matters, Commissioner Cohen moved to close the Executive Session. Commissioner Cortes seconded the motion. Upon a unanimous vote, the Executive Session was closed.

15. OTHER BUSINESS

The next Quarterly Commission Meeting is scheduled for July 26, 2021 at 1pm via Zoom teleconference.

16. PUBLIC COMMENTS

Chair Gilbert opened the floor for public comments. No public comments were made.

17. ADJOURN

Vice Chair Hinton moved to adjourn the meeting. Commissioner Cortes seconded the motion.

There being no further business, the meeting adjourned at 2:14 PM.

COMMISSION CHAIR APPROVAL:

Toby Hinton
Toby Hinton (Jul 29, 2021 14:21 EDT)

Signature

Jul 29, 2021

Date

COMMISSION SECRETARY APPROVAL:

Amanda Shailendra

Signature

Aug 6, 2021

Date









April 26, 2021 Commission Minutes

Final Audit Report

2021-08-06

Created:	2021-07-29
By:	Kirk Shook (kshook@gnpec.ga.gov)
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"April 26, 2021 Commission Minutes" History

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