

BOARD MEETING MINUTES

DATE	Monday, November 28, 2022
TIME	1:00 PM
LOCATION	Young Harris College, 1 College St., Young Harris, GA 30882
PURPOSE	Quarterly Commission Meeting



Georgia Nonpublic Postsecondary
Education Commission

Meeting Chair	Dr. Drew Van Horn
Meeting Title	NPEC Board of Commissioners
Members Present	<ol style="list-style-type: none"> 1. Dr. Drew Van Horn, Chairman, <i>Exempt Institution Representative</i> 2. P.K. Martin, Vice Chairman, <i>At-Large Post #3</i> 3. Kate Patterson, Secretary, <i>At-Large Post #8</i> 4. Toby Hinton, <i>Degree-Granting Institution Representative</i> 5. Ryan Blythe, <i>Certificate-Granting Institution Representative</i> 6. Pranay Udutha, <i>At-Large Post #1</i> 7. Doug Roper, <i>At-Large Post #2</i> 8. Amanda Shailendra, <i>At-Large Post #4</i> 9. Holly Kirbo, <i>At-Large Post #5</i> 10. Jim Squire, <i>At-Large Post #7</i>
Members Absent	<ol style="list-style-type: none"> 1. Amanda Shailendra, <i>At-Large Post #4</i> 2. Dr. Norma Nunez-Cortes, <i>At-Large Post #6</i>
Staff Present	Kirk Shook, Executive Director Adam Hawk, Deputy Director Maggie Rivers, Division Director
Visitors	Elizabeth Vaughn, AG Stephen DeBaun, GSFC Kristi Baumer, Allied Health

1. CALL TO ORDER AND INVOCATION

Chairman Van Horn called the meeting to order at 1:07 PM and gave the invocation. Chairman Van Horn called the roll, and a quorum was declared.

2. WELCOME/INTRODUCTION OF VISITORS

Chairman Van Horn welcomed all the guests and visitors in attendance.

3. APPROVAL OF AGENDA

Commissioner Squire moved to adopt the Agenda for the August 29, 2022, Quarterly Commission Meeting of the Georgia Nonpublic Postsecondary Education Commission. Commissioner Kirbo seconded the motion. There was no discussion.

Upon unanimous vote, it was **RESOLVED** that the Agenda for the August 29, 2022, Quarterly Commission Meeting of the Georgia Nonpublic Postsecondary Education Commission be adopted.

4. **APPROVAL OF MINUTES**

Commissioner Udutha moved to adopt the Minutes from the August 29, 2022 Quarterly Meeting of the Georgia Nonpublic Postsecondary Education Commission with changes. Commissioner Hinton seconded the motion. There was no discussion.

Upon a unanimous vote, it was **RESOLVED** that the Minutes from the August 29, 2022, Quarterly Meeting of the Georgia Nonpublic Postsecondary Education Commission be adopted.

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

External Auditor Phil Embry reported on the following:

- FY23 1st Quarter Report (July- September 2022)

Commissioner Kirbo moved to adopt the Quarterly Report of the Tuition Guaranty Trust Fund for July-September 2022 period, as presented. Commissioner Squire seconded the motion. There was no discussion.

Upon unanimous vote, it was **RESOLVED** that the Quarterly Report of the Tuition Guaranty Trust Fund for the July-September 2022, as approved by the Board of Trustees of the Tuition Guaranty Trust Fund, **be adopted**.

6. **Approval of Revisions to NPEC Minimum Standards Criteria**

Commissioner Squire moved to adopt Approval of Revisions to NPEC Minimum Standards Criteria, as presented. Commissioner Kirbo seconded the motion. There was no discussion.

Upon unanimous vote, it was **RESOLVED** that the revisions to the Minimum Standards Criteria **be adopted**. The following changes were adopted:

Standard Seven: Institutional and Business Entity Compliance

Statutory Authority: O.C.G.A. §§ 20-3-250.5(b)(2); 20-3-250.6(a)(7)

1. The institution must provide a current, filed copy of the Georgia Secretary of State Annual Registration for its operating entity and the most recently issued Georgia Secretary of State Certificate of Authority (if applicable).
2. The institution must be compliant with the Americans with Disabilities Act of 1990 (ADA) and regulations promulgated thereunder.
3. The institution and operating business entity must comply with all applicable federal, state, and local laws and regulations.

a. Failure to comply with O.C.G.A. §§ 20-3-250.7; 20-3-250.8 may be subject to penalties as determined by the most recent Commission-approved Schedule of Fines.

Standard 9: Advertising

Statutory Authority: O.C.G.A. §§ 20-3-250.5(b)(2); 20-3-250.6(a)(9)

1. All published institutional documentation, including advertisements, must present only accurate information and should never engage in any communications that are false, deceptive, misleading, or unfair. a. Any photos used must not be misleading. b. Job placement cannot be guaranteed. c. No service or equipment provided to enrolled students can be represented as "free."
2. The institution and its agents will abide by all applicable consumer protection laws to ensure the fair and equitable treatment of all constituents (potential and enrolled students).
3. The institution will not use authorization by this agency, as interpreted by the Commission, as an endorsement on any advertisements or publications, including the credential awarded to graduates upon completion.

Standard 12: Refund Policy

Statutory Authority: O.C.G.A. §§ 20-3-250.5(b)(2); 20-3-250.6(a)(12)

The institution must have a clear refund policy to ensure students' access to reasonable refunds for tuition and fees paid for programmatic offerings for uncompleted programs.

1. An institution that is accredited by a United States-based accrediting association recognized by the United States Secretary of Education may use its own refund policy:
 - a. The institution specific refund policy must be submitted annually to GNPEC.
 - b. GNPEC reserves the right to require any institution to adopt the GNPEC policy if sufficient student complaints occur relative to an existing accredited institution's refund policy and the GNPEC policy is more lenient toward the student.
2. ~~Unaccredited institutions (12.1 above does not apply)~~ ~~If (12.1) above does not apply, the institution is~~ ~~are~~ required to adhere to the following guidelines:
 - a. The refund policy must be included as part of the institutional enrollment agreement and catalog.
 - b. The refund policy must include steps for requesting refunds and it must require ~~the~~ submission of a withdrawal form. **in writing.**
 - c. Tuition and fees must be refunded at a prorated amount, based on the percentage of paid segment completed, should the student withdraw before 50% completion of the course/program.
 - d. The institution must use a withdrawal form to document the withdrawal process. In the case of an administrative withdrawal, the institution must document that it has notified the student that they have been withdrawn from the course/program and issue any refund owed to the student based on the refund schedule described above.
 - e. ~~School~~ **The institution** must refund students within 45 days of withdrawal.

Non-Refundable Fees for Unaccredited Institutions:

1. A nonrefundable Application Fee of up to \$150 is permitted if it is listed as nonrefundable in the enrollment agreement and catalog. No other administrative fees may be listed as nonrefundable.
2. Nonrefundable fees for goods and/or services provided by third-party vendors purchased on behalf of the student are permitted if the institution is not able to reuse the equipment or cancel the service.

7. APPROVAL OF REVISED FY23 SCHEDULE OF FINES

Vice Chairman Martin moved to adopt the FY23 Schedule of Fines, as presented. Commissioner Blythe seconded the motion. There was no discussion.

Upon unanimous vote, it was **RESOLVED** the FY23 Schedule of Fines, was approved by the Board of Trustees of the Tuition Guaranty Trust Fund, **be adopted**.

The following revisions to the Schedule of Fines was adopted:

Type of Fine	Code Reference	Amount Per Violation*
Operation without Authorization or operating with an expired certificate of authorization	O.C.G.A. § 20-3-250.7(a)(1); O.C.G.A. § 20-3-250.7(a)(2); O.C.G.A. § 20-3-250.8(i)	\$200 per day
Solicit students without being authorized and properly bonded	O.C.G.A. § 20-3-250.7(a)(3)	\$100 per day
Making false, deceptive, inaccurate, or misleading statements, course offerings, or solicitations to students	O.C.G.A. § 20-3-250.7(a)(4); O.C.G.A. § 20-3-250.7(a)(7)	\$100 per day
General or administrative operations in violation of the Minimum Standards Criteria and/or the rules and regulations of the Commission	O.C.G.A. § 20-3-250.5(c)(4); O.C.G.A. § 20-3-250.7(a)(5); O.C.G.A. § 20-3-250.8(a); O.C.G.A. § 20-3-250.8(b); O.C.G.A. § 20-3-250.8(c)	\$100 per day
Instruction, advertisements, solicitations, and awarding credentials in violation of the Minimum Standards Criteria and/or the rules and regulations of the Commission	O.C.G.A. § 20-3-250.7(a)(5)	\$100 per day
Unauthorized promise or guarantee of employment	O.C.G.A. § 20-3-250.7(a)(6)	\$100 per day
Unauthorized granting of honorary or unearned degrees	O.C.G.A. § 20-3-250.7(a)(8)	\$100 per day
Unpermitted Use of "College" or "University"	O.C.G.A. § 20-3-250.7(b)	\$100 per day
Sell, barter, or exchange postsecondary credentials	O.C.G.A. § 20-3-250.7(c)	\$100 per day

Type of Fine	Code Reference	Amount Per Violation*
Accepting fraudulent course work for credit	O.C.G.A. § 20-3-250.7(d)	\$100 per day
Failure to Surrender Student Records in accordance with O.C.G.A. § 20-3-250.17	O.C.G.A. § 20-3-250.7(f); O.C.G.A. § 20-3-250.17	\$100 per day
Failure to provide authorization application and accompanying documents, as required by the rules and the regulations of the Commission	O.C.G.A. § 20-3-250.8(a)	
Failure to provide adequate bonding	O.C.G.A. § 20-3-250.8(a)	\$100 per day
Operating in an unauthorized location	O.C.G.A. § 20-3-250.8(b)	\$100 per day
Failure to provide appropriate access to physical facilities or other materials deemed necessary or appropriate by the executive director during site visit	O.C.G.A. § 20-3-250.8(c)	\$100 per day
Failure to display certificate of authorization in a clear and conspicuous manner	O.C.G.A. § 20-3-250.8(d)	
Failure to comply with change of ownership protocols	O.C.G.A. § 20-3-250.8(f)	\$100 per day
Failure to submit authorization application at least 60 days prior to expiration date	O.C.G.A. § 20-3-250.8(g)	\$100 per day
Operating programs or courses without prior authorization	O.C.G.A. § 20-3-250.8(i)	\$100 per day
Fraudulent Postsecondary Activity		\$200 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.

8. APPROVAL OF POLICY UPDATES

Chairman Van Horn opened the floor for the reading of submitted comments or those wishing to speak regarding the policy changes. No comments from the public were made.

Policy 2: Hearing and Review was presented for a vote. Commissioner Udutha moved to adopt the ratification of *Policy 2: Hearing and Review*, Commissioner Hinton seconded the motion.

Upon unanimous vote, it was **RESOLVED** that the motion to approve the ratification of *Policy 2: Hearing and Review* **be adopted**.

The following policy revisions were adopted:

Policy 2: Hearing and Review

1. Right to Protest

- a. Within ten days of the giving of the notice by the executive director, Any person aggrieved by a decision of the executive director respecting:
 - (i) denial of an authorization to operate, whether on initial application or application for renewal;
 - (ii) conditions placed on an authorization;
 - (iii) revocation or suspension of an authorization; or
 - (iv) the imposition of a penalty by the executive director under O.C.G.A. § 20-3-250.21 shall have the right to request a hearing and review of such decision under these procedures. O.C.G.A. § 20-3-250.15.
- b. The Executive Director shall provide notice to the aggrieved party of the hearing date, time, and location within 30 days of receiving notice from an aggrieved party pursuant to O.C.G.A. § 20-3-250.15(c).

2. Hearing Officer

- a. Pursuant to O.C.G.A. § 20-3-250.15(d), the ~~Commission appoints the Office of State Administrative Hearing (OSAH) to conduct hearings for any persons aggrieved by decisions of the eExecutive dDirector.~~ Commission designates the Chairman of the NPEC Board of Commissioners as the Hearing Officer. The Chairman as Hearing Officer, at his or her discretion, may appoint any number of Commissioners deemed necessary to assist in hearing cases, including hearing cases in his or her absence or conflict of interest in a particular case.
- b. Pursuant to O.C.G.A. § 20-3-250.15(d), the Commission further designates the Office of State Administrative Hearings (OSAH) as Hearing Officer whenever, at the sole discretion of the Executive Director, a matter involves particularly difficult or complex questions of law or fact. In such cases, the Executive Director shall promptly refer the case to OSAH and provide notice as required by paragraph 1.b. of this Policy.

3. Hearings Conducted Before the Chairman.

- a. Nature of Proceedings before the Chairman as Hearing Officer; Procedure; Burden of Proof
 - i. Hearings shall be only as formal as is necessary to preserve order and be compatible with the principles of justice.
 - ii. All parties shall have the right to be represented by legal counsel and to obtain the appearance of witnesses and documentary evidence. The parties

- shall have the right to respond and present evidence on all issues involved and to cross-examine all witnesses.
- iii. The standard of proof concerning all issues presented in the hearing shall be a preponderance of the evidence.
 - iv. In cases commenced as a result of action or notice issued by the Executive Director for penalties under O.C.G.A. § 20-3-250.21, the Executive Director shall have the burden of proof and shall present his or her case first. In all other cases the party commencing the case shall have the burden of proof and shall present its case first.
 - v. A hearing, or a portion thereof, may be conducted by alternate means if the record reflects that all parties have consented and that such procedure will not jeopardize the rights of any party to the hearing. Alternate means, as used here, includes remote telephonic communication methods such as two-way video-conferencing applications.

b. Evidence; Official Notice

The rules of evidence in Hearings conducted before the Chairman as Hearing Officer under this Policy shall be substantially as follows:

- i. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded;
 - ii. The rules of evidence as applied in the trial of civil non-jury cases in the superior courts shall be followed as far as practicable;
 - iii. When necessary to ascertain facts not reasonably susceptible of proof under such rules, evidence not admissible under superior court rules may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent persons;
 - iv. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original or have it established as documentary evidence according to the rules of evidence applicable to the superior courts of Georgia;
 - v. A party may conduct such cross-examination as required for a full and true disclosure of the facts;
 - vi. Official notice may be taken of judicially recognizable facts and generally recognized technical facts or records within the agency's specialized knowledge. The parties shall be notified of any material so noticed and shall be afforded the opportunity to contest such material.
- c. Continuance and Postponements
- i. The Hearing Officer may on his or her own motion continue or postpone a hearing.
 - ii. Matters set for hearing may be continued or postponed within the sound discretion of the Hearing Officer upon timely motion by either party.
- d. Transcripts of Hearings

- i. Any party may request that the hearing be conducted before a court reporter.
- ii. The request shall be in writing, and it shall include a statement by the requesting party that he or she shall procure the court reporting services for the hearing at his or her own cost and on his or her own initiative. The request shall identify the court reporter or court reporting service to be used at the hearing.
- iii. Regardless of who makes the arrangements or requests that a transcript be made, the original transcript of the proceedings shall be submitted to the Hearing Officer prior to the close of the hearing record if the transcript is to be made part of the record.

4. Orders of the Chairman as Hearing Officer

- a. After the hearing, the Chairman as Hearing Officer shall make an Order and shall promptly furnish a copy of the Order to the appellant and the Executive Director. Such Order shall include a statement of findings and conclusions upon all material issues of fact, law, or discretion presented at the hearing and the appropriate rule, order, sanction, relief, or denial thereof.
- b. The Order of the Chairman as Hearing Officer shall automatically become the Final Order of the Commission ten (10) days after service of the Order.

5. Hearings Before the Office of State Administrative Hearings

- a. For cases referred to OSAH pursuant to paragraph 2.b. of this Policy, ~~The~~ the decision of ~~the Office of State Administrative Hearings~~ the OSAH Hearing Officer shall constitute an initial decision of the Commission.
- b. An initial decision will become the final decision of the Commission following the conclusion of the next meeting of the Commission that falls more than thirty (30) days from the date of the issuance of the final decision, unless a majority of the Commission votes to issue a final decision different than the initial decision or votes to extend the review period of the initial decision to the next Commission meeting following the vote to extend the review period.
- c. In reaching a Final Decision, the Commission may review any finding of fact, conclusion of law, or order contained in the Initial Decision. The Commission may review the complete record, including the transcript of the hearing and submitted exhibits. The Commission may also, at its sole discretion, request additional evidence from the parties. If the Commission requests further evidence, the Commission shall set forth a schedule and provide instructions regarding how the parties shall submit additional evidence.
- d. The Commission shall serve its final decision on all parties no later than thirty (30) days from the issuance of the final decision, or, if applicable, the initial decision becoming the final decision of the Commission.

6. Right to Judicial Review

All decisions of the Commission under this Policy shall be deemed final subject to the right of judicial review provided for by Code Section 20-3-250.16.

9. **EXECUTIVE DIRECTOR REPORT**

Presented by Kirk Shook, Executive Director

- GNPEC FY23 Operations Budget (1st Quarter)
- Quarterly Budget Comparison (FY22 Q1 v. FY23 Q1)
- Promoting GNPEC Institutions in Georgia School Districts

10. **AGENCY OPERATIONS REPORT**

Presented by Maggie Rivers, Division Director

- FY23 1st Quarter Staff Actions

**Staff Actions* by the GNPEC During the First Quarter of Fiscal Year 2023
(July 1, 2022 – September 30, 2022)**

No.	Action	Date	Institution	Resolution
1.	Consumer Alert	July 22, 2022	North Georgia Dental Assisting	Consumer Alert Only
2	Consumer Alert	July 22, 2022	Graceland Dental Assistant	Consumer Alert Only
3	Consumer Alert	July 22, 2022	The Phlebotomy Institute of Middle Georgia	Consumer Alert / Records?

*Staff actions include warning letters, cease & desist letters, cease & desist emails, student record demand letters, request for AG representation, consumer alerts, legal actions, hearing referral to OSAH, etc.

No approval required for this report.

11. **AUTHORIZATION COMPLIANCE REPORT**

Presented by Adam Hawk, Deputy Director

- Division Reports
 - FY23 1st Quarter Newly Authorized Schools Report
 - FY23 1st Quarter Authorization Report

**Institutions Initially GNPEC Authorized During the First Quarter of Fiscal
Year 2023**

(July1, 2022- September 30, 2022)

	First Date of Authorization	Institution Name	Accreditation Status	Profit Type
1	7/19/2022	Allied Health Career Institute	Unaccredited	For Profit
2	7/28/2022	Atlanta Dental Assistant School (Buford)	Unaccredited	For Profit
3	8/2/2022	Coding Dojo	Unaccredited	For Profit
4	8/25/2022	Connect Care Medical Training Institute	Unaccredited	For Profit
5	7/25/2022	DenBeck LLC DBA OceanPointe Dental Academy of Tucker	Unaccredited	For Profit
6	8/24/2022	Empire Training Academy	Unaccredited	For Profit
7	8/25/2022	Fielding Graduate University	Accredited	Non-Profit
8	9/23/2022	Florida Institute for Recording Sound and Technology Inc. (F.I.R.S.T.)	Accredited	For Profit
9	7/26/2022	Government Contractors Association International, Inc	Unaccredited	For Profit
10	8/15/2022	Healthcare Resources	Unaccredited	For Profit
11	8/1/2022	H.E.R.O Institute	Unaccredited	For Profit
12	8/24/2022	IDOL courses	Unaccredited	For Profit
13	9/9/2022	MyComputerCareer	Accredited	For Profit
14	9/30/2022	North Georgia Healthcare Training LLC	Unaccredited	For Profit
15	7/11/2022	OpenClassrooms, Inc.	Unaccredited	For Profit
16	8/16/2022	Premiere International College	Accredited	For Profit
17	9/8/2022	Shular Institute	Unaccredited	For Profit
18	9/8/2022	The Gift Of Life Community Home INC (Institute)	Unaccredited	Non-Profit
19	9/23/2022	TLJ Health Career Center	Unaccredited	For Profit

No approval required for this report.

12. EXECUTIVE SESSION

- No Executive Session of the Board was required. However, a report was given by Elizabeth Vaughan, *Assistant Attorney General*

13. SCHOOL SPOTLIGHT

- Young Harris College
- Miami Ad School of Atlanta

14. OTHER BUSINESS

Presented by Dr. Drew Van Horn, Chairman

- The next Quarterly Commission Meeting is February 27, 2023, at 1pm (virtual meeting)

15. PUBLIC COMMENTS

- No public comments were made.

16. ADJOURN

Commissioner Hinton moved to adjourn the meeting. Commissioner Squire seconded the motion. There being no further business, the meeting adjourned at 2:36 PM.

COMMISSION CHAIR APPROVAL:




[Drew L Van Horn \(Mar 2, 2023 12:37 EST\)](#)

Signature

Mar 2, 2023

Date

COMMISSION SECRETARY APPROVAL:



[Kate Patterson \(Mar 2, 2023 12:52 EST\)](#)

Signature

Mar 2, 2023

Date











2. November 28 2022 Commission Minutes

Final Audit Report

2023-03-02

Created:	2023-03-02
By:	Kirk Shook (kshook@gnpec.ga.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA_2BKJYmE_m5HuZtKgscf41uu4w3MGA5V

"2. November 28 2022 Commission Minutes" History

-  Document created by Kirk Shook (kshook@gnpec.ga.gov)
2023-03-02 - 2:14:52 PM GMT- IP address: 99.116.223.85
-  Document emailed to dlvanhorn@yhc.edu for signature
2023-03-02 - 2:15:14 PM GMT
-  Email viewed by dlvanhorn@yhc.edu
2023-03-02 - 5:36:47 PM GMT- IP address: 104.47.56.254
-  Signer dlvanhorn@yhc.edu entered name at signing as Drew L Van Horn
2023-03-02 - 5:37:48 PM GMT- IP address: 174.247.1.174
-  Document e-signed by Drew L Van Horn (dlvanhorn@yhc.edu)
Signature Date: 2023-03-02 - 5:37:50 PM GMT - Time Source: server- IP address: 174.247.1.174
-  Document emailed to katemeyerpatterson@gmail.com for signature
2023-03-02 - 5:37:51 PM GMT
-  Email viewed by katemeyerpatterson@gmail.com
2023-03-02 - 5:51:46 PM GMT- IP address: 174.195.2.67
-  Signer katemeyerpatterson@gmail.com entered name at signing as Kate Patterson
2023-03-02 - 5:52:43 PM GMT- IP address: 174.195.2.67
-  Document e-signed by Kate Patterson (katemeyerpatterson@gmail.com)
Signature Date: 2023-03-02 - 5:52:45 PM GMT - Time Source: server- IP address: 174.195.2.67
-  Agreement completed.
2023-03-02 - 5:52:45 PM GMT