



STATE OF NORTH CAROLINA

WAKE COUNTY

IN A MATTER BEFORE
THE NORTH CAROLINA STATE BOARD OF COMMUNITY COLLEGES

IN RE:) **HEARING OFFICER’S RECOMMENDATION**
)
PRIORITY NURSING COLLEGE)
_____)

THIS MATTER came before Hearing Officer, Q. Shanté Martin (“Hearing Officer”), pursuant to 2B SBCCC 200.6 and 2B SBCCC 100.5, upon a Notice of Hearing dated 27 September 2016.

The State Board of Community Colleges (“SBCC”) initiated revocation of Priority Nursing College’s (“PNC”) proprietary school license on Friday, 16 September 2016. On 16 September 2016, pursuant to 2B SBCCC 200.5, PNC requested an informal hearing. The hearing took place on 27 October 2016 before the Hearing Officer. Scott Corl, Executive Director of the State Board of Proprietary Schools (“SBPS”) appeared on behalf of the SBPS. Jason A. Knight and Douglas Wilson (“Mr. Wilson”) appeared on behalf of PNC.

Based upon the parties’ Findings of Fact, Conclusions of Law as well as the testimony and evidence presented at the hearing by SBPS and PNC, the Hearing Officer hereby finds as follows:

FINDINGS OF FACT

1. North Carolina proprietary schools are licensed pursuant to Article 8, Chapter 115D of the North Carolina General Statutes.

2. PNC has been a licensed proprietary school since approximately 2004. (T. p. 49)
3. From PNC's creation, Mr. Wilson has been the Director of PNC and an instructor at PNC. (T p. 50)
4. On 27 May 2016, a Police Sergeant with the City of Greensboro contacted Scott Corl, Executive Director of the Office of Proprietary Schools ("OPS"), and told him that the PNC Director and Instructor, Mr. Wilson, was arrested and charged with stalking, trespassing, and filing a false police report. (OPS, p. 245)
5. The criminal charges against Mr. Wilson stemmed from an incident occurring at approximately midnight, in the immediate vicinity of what Mr. Wilson believed to be the residence of a female student in PNC's Medical Assisting program. (T pp. 9, 76)
6. Mr. Wilson acknowledges that he got out of his car and walked past what he believed to be the student's house late at night after having had a beer. (T pp. 70-71, 76) He also acknowledged that going to students' houses to assess their living conditions was not a good idea. (T pp. 74-75)
7. The female student who Mr. Wilson thought he was surveying filed a restraining order against Mr. Wilson. (OPS, p. 22)
8. OPS immediately contacted Mr. Wilson and the female student at issue. Mr. Wilson confirmed his arrest and admitted that he was not honest when initially questioned by the police, but specifically denied any wrongdoing. (T p. 11) The female student advised OPS that she immediately reported the incident to Guilford County NCWorks' ("NCWorks") representatives and refused to return to PNC out of concern for her safety. (OPS, pp. 114-117)

9. OPS contacted the six (6) other students enrolled at PNC. All six students advised OPS that they refused to return to the school out of concern for the students' safety. The students also reported that NCWorks advised the students not to return to PNC. (OPS, pp. 118-164)

10. On 2 June 2016, a Guilford County Workforce Development Board ("Workforce Development Board") representative advised OPS that Workforce Development Board was removing all sponsored students from the Medical Assisting program at PNC and the Workforce Development Board would no longer sponsor students to attend PNC.

11. In a 7 June 2016 letter from Becky Jo Peterson-Buie, Chief Deputy City Attorney for the City of Greensboro, to Mr. Wilson, Ms. Buie stated that "[d]ue to your [Mr. Wilson] actions on May 25, 2016 and complaints lodged by current and former students of your institution [PNC], the City has determined to end the relationship between Priority Nursing College and NCWorks Career Center-Guilford County." (OPS, p. 177-78)

12. Pursuant to 2B SBCCC 200.2, OPS initiated an investigation into PNC on 6 June 2016. Due to additional concerns, OPS presented Mr. Wilson with an Amended Documentation of Noncompliance and Notice of Investigation on 27 June 2016.

13. OPS conducted in-person interviews with Mr. Wilson at PNC on 6 June 2016 and 27 June 2016. During these interviews, Mr. Wilson told OPS:

- (a) Mr. Wilson obtained the female student's address from the female student's enrollment application;

- (b) Mr. Wilson was driving around the female student's neighborhood that evening to determine the type of housing the female student lived in;
- (c) Mr. Wilson purposely visited the residence in the evening so that the female student would not recognize Mr. Wilson's vehicle;
- (d) Mr. Wilson stopped and exited his vehicle in the immediate vicinity of what Mr. Wilson believed to be the female student's residence to urinate, and that Mr. Wilson's plan was to walk by the female student's home and then back to Mr. Wilson's vehicle, when Mr. Wilson became involved in an altercation with two male individuals;
- (e) The female student did not owe a payment to the school until July (2016), and Mr. Wilson was aware of no evidence to suggest the female student would not make the payment owed to the school; and
- (f) Mr. Wilson drove by the home of another female student in Mr. Wilson's Medical Assisting program under similar circumstances approximately one week prior to Mr. Wilson's arrest.

(OPS, p. 30)

14. OPS interviewed 11 students who were unanimously critical of Mr. Wilson's instruction and the students' experiences at PNC. (OPS pp. 114-174) OPS made good-faith efforts to contact 26 additional students, interviewing four: one student could not confirm Mr. Wilson as the student's instructor; two students provided positive feedback about Mr. Wilson;

and one student was highly critical of Mr. Wilson's teaching and the student's experience at PNC. (OPS pp. 189-201)

15. OPS discussed the students' criticism with Mr. Wilson on 27 June 2016. Mr. Wilson stated that NCWorks was directing the students to make negative comments. (OPS, p. 32)

16. NCWorks provided OPS on 11 August 2016 with certification exams results of students who completed the Certified Medical Assistant training at PNC and were sponsored by NCWorks. Two of the 5 students passed the Registered Medical Assistant certification and no one passed the Certified Medical Assistant certification. (OPS, p. 202)

17. OPS confirmed with Mr. Wilson on 10 August 2016 and 12 September 2016 that PNC did not have enrolled students since 25 May 2016. (OPS, pp. 185, 188; T p. 24)

18. Several former students were complimentary of Mr. Wilson's instruction and of their experience at PNC. However, the positive testimonials appeared to be from students who attended PNC from between 2 and 10 years ago. None of the students provided input about their assessment of the behavior that prompted the current investigation - Mr. Wilson going to a student's perceived residence at midnight to assess the student's housing. (PNC, pp. 7-20)

19. Mr. Wilson was cooperative throughout the OPS investigation, and presented OPS with documentation via email and hard copy mail.

20. OPS presented an Investigation Report and all documents in its possession to the SBPS on 12 August 2016. The Investigative Report substantiated the following three licensing violations:

- (a) Violation of 2A SBCCC 400.7, with a finding that it did not rise to the level of license revocation;
- (b) Violation of G.S. 115D-90(c)(12), with a finding that it rose to the level of license revocation; and
- (c) Violation of G.S. 115D-93(c)(9), with a finding that it rose to the level of license revocation.

21. Students who were most recently enrolled at PNC reported the following about Mr. Wilson's instruction:

- (a) Mr. Wilson did not provide a syllabus or course outline. The students would not know what topics would be covered prior to the start of class.
- (b) Mr. Wilson provided little or no advance notice of tests.
- (c) Mr. Wilson would leave the class for two or more hours.
- (d) Mr. Wilson would read from a textbook and assign in-class work.
- (e) Mr. Wilson would not answer student questions.

(T pp. 25-34)

22. Pursuant to 2B SBCCC 200.4, the SBPS voted to recommend that the SBCC initiate the process to revoke the proprietary license of PNC on 12 August 2016.

23. Pursuant to 2B SBCCC 200.4, OPS presented the SBPS' recommendation and the Investigative Report to Mr. Wilson on 16 August 2016.

24. On 27 August 2016, Mr. Wilson advised OPS that Mr. Wilson provided a written response to the Amended Documentation of Noncompliance and Notice of Investigation. OPS

presented this written response to the SBCC for its consideration when the SBCC met on 16 September 2016.

25. Pursuant to 2B SBCCC 200.4, the SBCC voted to initiate revocation of PNC's proprietary school license on 16 September 2016.

26. In support of its recommendation to revoke PNC's proprietary school license, OPS argues that PNC violated G.S. 115D-90(c)(12) by failing to maintain good reputation and character and that PNC violated G.S. 115D-93(c)(9) by failing to failing to maintain adequate standards of instruction.

27. PNC argues that PNC did not violate G.S 115D-90(c)(12), and that Mr. Wilson maintains good reputation and character. PNC also argues that PNC did not violate G.S. 115D-93(c)(9), and that PNC maintained adequate standards of instruction.

ANALYSIS AND CONCLUSIONS

28. Pursuant to G.S. 115D-93(c), the SBCC, acting by and through the SBPS, "shall have the power to refuse to issue or renew any such license and to suspend or revoke any such license theretofore issued in case it finds one or more of the following":

(a) G.S. 115D-93(c)(1) - That the applicant for or holder of such a license has violated

any of the provisions of this Article or any of the rules promulgated thereunder.

G.S. 115D-90(c)(12) -The school's administrators, directors, owners and instructors are of good reputation and character.

G.S. 115D-93(c)(9) - That the licensee has failed to provide and maintain adequate standards of instruction or an adequate and qualified administrative, supervisory or teaching staff.

29. OPS presented sufficient evidence to establish that Mr. Wilson violated G.S. 115D-90(c)(12), by failing to maintain good reputation and character as follows:

- (a) Mr. Wilson failed to maintain good reputation and character with the students of the school because all enrolled students refused to return to the school out of concern for their safety. The fact that former students speak highly of Mr. Wilson and PNC does not sufficiently rebut the enrolled students' safety concern with Mr. Wilson. The former students' statements about Mr. Wilson reflect what they knew about him in the past, between two and ten years prior. (PNC, p. 7-20) There is no evidence in the record that former students knew about Mr. Wilson's charges or knew about Mr. Wilson being outside of a student's perceived residence at midnight. (T p. 92) As such, there is no way to know if the former students' idea about Mr. Wilson's reputation would have been impacted with knowledge of Mr. Wilson's most recent behavior.
- (b) Mr. Wilson failed to maintain good reputation and character with the Workforce Development Board and the City of Greensboro because the sponsorship of students at PNC was terminated after Mr. Wilson's arrest. (OPS, pp. 177-178; T pp. 22-23)
- (c) Mr. Wilson failed to maintain good reputation and character with local law enforcement because Mr. Wilson was not honest when initially questioned by

police, and Mr. Wilson was subsequently charged with filing a false police report.

(OPS, p. 245; T p. 11) The circumstances of Mr. Wilson's arrest and the negative impact on his good reputation and character is further evident in the fact that the school has had no new enrollment since this incident occurred near the end of May 2016. (OPS, pp. 185, 188; T p. 24)

30. Even if Mr. Wilson was justified in all of his actions, and even if all the charges against him were dropped, the reality is that there is ample evidence to show that the actions of the enrolled students and the Workforce Development Board demonstrate that Mr. Wilson and PNC did not maintain good reputation and character. Mr. Wilson stresses that the enrolled students only withdrew upon the advice of the Guilford County Workforce Development Board. However, even if that is true, it was solely the students' decision to make, and all of the enrolled students decided to withdraw based upon their concern for safety. Students being afraid of the instructor and the School Director demonstrates that there is a failure to maintain good reputation and character.

31. OPS did not produce sufficient evidence to establish that Mr. Wilson failed to maintain adequate standards of instruction. OPS alleges that Mr. Wilson failed to maintain adequate standards of instruction because the 11 most recent students enrolled at Priority Nursing College unanimously expressed negative comments about Mr. Wilson's instruction and their experiences at the school. Students complained about Mr. Wilson not providing a course outline, providing little or no notice of tests, leaving class for two or more hours, reading from a textbook then assigning classwork, and not sufficiently answering students' questions. It may

have been Mr. Wilson's pedagogical style to provide the class topic on the day of class. Providing little or no notice of tests could have been "pop tests" to ensure students' preparedness at any time. Leaving class for two or more hours may not have been a problem if Mr. Wilson gave a two-hour class assignment for students to work on independently in his absence. Failing to answer questions may have been Mr. Wilson's way of challenging students to think critically and figure out answers on their own. While these practices may not have been satisfactory to the students, given principles of academic freedom, the record does not show how the issues the students raised about Mr. Wilson's instruction actually constituted a failure to maintain adequate standards of instruction. OPS did not provide any evidence to show how the failure to provide a course outline constituted inadequate instruction; how providing little or no notice of tests constituted inadequate instruction; how leaving the class for two or more hours constituted inadequate instruction; how reading from a textbook and assigning in-class work constituted inadequate instruction, and how Mr. Wilson's failure to answer student questions constituted inadequate instruction. Even if all of the student's observations about Mr. Wilson's instruction is accurate, OPS did not include in the record what constitutes an appropriate standard of instruction to sufficiently establish how Mr. Wilson's instruction was inadequate.

32. OPS did not provide sufficient evidence in the record to establish that Mr. Wilson violated G.S. 115D-93(c)(9) and failed to maintain adequate standards of instruction.

RECOMMENDATION

Based on the foregoing Findings of Fact, Analysis and Conclusions, testimony, and evidence, the Hearing Officer's final recommendation to the SBCC is to revoke PNC's proprietary school license pursuant to G.S. 115D-93(c)(1) and G.S. 115D-90(c)(12) for PNC's failure to maintain good reputation and character.

This the 17th day of November, 2016.



Q. Shanté Martin
Hearing Officer