

**NOTICE OF REFUSAL TO RECOMMEND PROPRIETARY LICENSE RENEWAL**

The North Carolina State Board of Proprietary Schools submits this Refusal to Recommend Proprietary License Renewal, pursuant to Article III, Chapter 150B of the North Carolina General Statutes, and 2B SBCCC Subchapter 100.

Proprietary School: Victory Health Career Center  
9620 University City Blvd. Suite I  
Charlotte, NC 2821

School Administrator: Lanair Barnes

A copy of this document as compiled has been presented to the following:

1. Chair of the North Carolina State Board of Proprietary Schools
2. NCCCS Executive Vice President
3. NCCCS General Counsel
4. NCCCS Director of Marketing and Public Affairs

A copy of this document as compiled has been presented to the Chief Administrator of the proprietary school at issue within five (5) business days of the initial license recommendation of the State Board of Proprietary Schools. Service was made via email and U.S. mail to Lanair Barnes, owner/operator of Victory Health Career Center.

Submitted this 19<sup>th</sup> day of May, 2017



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Scott Corl, Executive Director  
Office of Proprietary Schools

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### **I. Statutory Authority**

Under Article 8, Chapter 115D of the North Carolina General Statutes, the State Board of Community Colleges (“SBCC”) licenses proprietary schools upon the recommendation of the State Board of Proprietary Schools (“SBPS”). In accordance with N.C.G.S. §115D-93, a refusal to issue, refusal to renew, suspension of, or revocation of a proprietary license shall be made in accordance with Chapter 150B of the General Statutes. The State Board of Community Colleges Code provides due process through 2B SBCCC Subchapter 100.

### **II. Refusal to Recommend License Renewal**

Victory Health Career Center (“Victory”) was granted an initial proprietary school license in August, 2015. The school’s license was renewed for the current license year (July 1, 2016 – June 30, 2017), authorizing it to offer the following certificate programs:

<b>Program</b>	<b>Clock Hours</b>
EKG Technician	126
Medication Aide	24
Medical Assistant	360
Nurse Aide I	125
Phlebotomy Technician	128
AHA BLS/Heartsaver CPR/AED/First Aid	9

In accordance with the State Board of Community Colleges Code, proprietary schools must file license renewal applications annually on or before March 15<sup>th</sup>. The renewal application is posted on the Community College webpage. Applications postmarked after March 15<sup>th</sup> are subject to a mandatory \$500 late fee. Victory’s renewal application submission for license year July 1, 2017 – June 30, 2018, requested continued licensing of the programs above, but it was postmarked March 16, 2017, and therefore subject to the late fee.

On March 23, 2017, the Office of Proprietary Schools (“OPS”) advised school owner Lanair Barnes (“Barnes”) of numerous deficiencies with Victory’s renewal application,

including an outstanding balance of \$2,350 owed toward the license fee (Barnes paid a total of \$100 toward the license), and the failure to include any financial documents or a proposed budget for the new licensing year (See attached letter dated March 23, 2017). Due to the volume of license renewals, schools were advised to provide all outstanding corrections by the close of business on April 21, 2017. After receiving limited corrections on April 21<sup>st</sup>, OPS expressed concern to Barnes about the status of her application on April 28<sup>th</sup> (See attached email dated April 28, 2017). Barnes forwarded some additional corrections May 9, 2017, including an email from a CPA indicating that any accounting information would not be available until approximately the end of May to mid-June (2017).

On Friday, May 12, 2017, the State Board of Proprietary Schools met to consider renewal applications for license year July 1, 2017 – June 30, 2018. As of that date, Victory's application remained incomplete, including the outstanding balance of \$2,350. The Board reviewed Victory's entire application submission, including copies of all corrections submitted by Barnes and all correspondence between OPS and Barnes. The Board found that Victory's application for license renewal violated or otherwise failed to meet the requirements mandated in § 115D-90 of the North Carolina General Statutes. Specifically, the application failed to be filed in the manner and upon the forms prescribed and furnished by the Board for that purpose in accordance with § 115D-90(b). The application also failed to establish the school was financially sound and capable of fulfilling its commitments for training as required by § 115D-90(c)(9). After due consideration, the Board unanimously voted to refuse to recommend renewal of Victory's proprietary school license for licensing year July 1, 2017 – June 30, 2018.

### III. Notice of Right to Provide Written Response:

**You have the right to provide a written response within ten (10) business days of receiving this Notice. The response must be signed and directed to the Executive Director of the Office of Proprietary Schools on behalf of the State Board of Proprietary Schools:**

Scott Corl, Office of Proprietary Schools  
 North Carolina Community College System Office  
 5001 Mail Service Center  
 Raleigh, NC 27699-5001



**NORTH CAROLINA COMMUNITY COLLEGE SYSTEM**

*James C. Williamson, Ph.D.*

*President*

March 23, 2017

VIA Email  
Lanair Barnes, Director  
Victory Health Career Center  
9620 University City Blvd., Suite 1  
Charlotte, NC 28213

**Re: Renewal Application for Proprietary School Licensure**

Dear Ms. Barnes:

Thank you for submitting your renewal application for proprietary school licensing. We have reviewed your application and request the following additions/corrections:

Tab 1: Your renewal calculation was \$1,950, but your submission included a money order for \$100? Your remaining balance for the licensing fee is \$1,850. In addition, your submission was not postmarked by the March 15<sup>th</sup> deadline, and therefore you owe a \$500 late fee. Thus, the outstanding balance owed is \$2,350. Payment of the licensing fee is a requirement of licensing.

Tab 8: You should have at least two externship/practicum options for students in each program having such a requirement. Your submission included a single agreement with Novant Health. Supplement.

Tab 10: Supplement a Lease Amendment extending the lease through at least June 30, 2018.

Tab 11: Provide documentation that the issues identified in the safety report have been corrected.

Tab 12: Confirm that you have a signed teach-out agreement with Chosen Healthcare Institute. If so, please supplement a copy of the fully-executed agreement.

Tab 13: Your submission did not include any financial documents. You should be working with a licensed CPA to produce at minimum, a balance sheet and profit/loss statement. Supplement/explain.

Tab 14: Your submission did not include a proposed budget for the upcoming licensing year (July 1-2017 – June 30, 2018). You are expected to provide a budget, broken down monthly with expected income and all known fixed expenses. Supplement.

Tab 15: Your bond calculation should show receipts collected monthly during 2016. Please submit using the example provided in the renewal application.

Tab 16: Your Annual Report does not identify an operating profit or loss. You also need to complete the information for the Medication Aide program. Revise and resubmit. Also, if it is determined that your business operated at a loss, provide a detailed explanation of the factor(s) accounting for the operating loss, as well as your school's plan to generate a profit during the next licensing year.

We look forward to helping you resolve these issues and trust that 2017-2018 will be a successful year for your school.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Corl', with a long horizontal flourish extending to the right.

Scott Corl  
Executive Director  
Office of Proprietary Schools  
919-807-7061  
[corls@nccommunitycolleges.edu](mailto:corls@nccommunitycolleges.edu)

**Scott Corl**

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**From:** Scott Corl  
**Sent:** Friday, April 28, 2017 10:27 AM  
**To:** victoryhcc@att.net  
**Cc:** Scott Corl  
**Subject:** RE: 2017-18 License Renewal Application

**Importance:** High

Ms. Barnes,

I am following up to express great concern about the status of your license renewal application. Almost all of the items in our review letter dated March 23, 2017 remain outstanding—including the outstanding balance owed: \$2,350. Please provide an **immediate** update on correcting these issues. The Proprietary Board meets May 12<sup>th</sup>, and we have previously requested that all schools submit all necessary corrections by April 21<sup>st</sup>.

Regards,

Scott Corl  
Executive Director  
Office of Proprietary Schools  
Phone: 919-807-7061  
Fax: 919-807-7169  
[corls@nccommunitycolleges.edu](mailto:corls@nccommunitycolleges.edu)

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**From:** Scott Corl  
**Sent:** Thursday, March 23, 2017 4:57 PM  
**To:** victoryhcc@att.net  
**Cc:** Scott Corl <corls@nccommunitycolleges.edu>  
**Subject:** 2017-18 License Renewal Application

Ms. Barnes,

Please see the attached letter regarding the renewal submission for Victory Health Career Center.

Regards,

Scott Corl  
Executive Director  
Office of Proprietary Schools  
Phone: 919-807-7061  
Fax: 919-807-7169  
[corls@nccommunitycolleges.edu](mailto:corls@nccommunitycolleges.edu)



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E-mail correspondence to and from this address may be subject to the North Carolina Public Records Act and shall be disclosed to third parties when required by Chapter 132 of the North Carolina General Statutes.