

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0650**

In the Matter of QC Training Services, Inc.

**Filed January 27, 2025
Affirmed
Wheelock, Judge**

Office of Higher Education
File No. 21-1301-39071

Ross N. Tentinger, Tentinger Law Firm, P.A., Apple Valley, Minnesota (for relator QC Training Services, Inc.)

Keith Ellison, Attorney General, Alec Sloan, Assistant Attorney General, St. Paul, Minnesota (for respondent Minnesota Office of Higher Education)

Considered and decided by Larson, Presiding Judge; Wheelock, Judge; and Smith, John, Judge.*

NONPRECEDENTIAL OPINION

WHEELOCK, Judge

Relator challenges respondent commissioner’s final order determining that relator must be licensed by respondent Minnesota Office of Higher Education (the agency) as a “private career school,” arguing that the governing statute is ambiguous and that, because relator is not a private career school, the statute does not apply to it. Because we determine that the statute is unambiguous and applies to relator, we affirm.

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

FACTS

The facts of this case are undisputed. Relator QC Training Services Inc. identifies itself as “a business providing public and on-site training courses, workshops, and consultations in the quality and inspection disciplines to its customers.” In 2017, QC Training asked the Minnesota Office of Higher Education about advertising its programs on the “Eligible Training Provider List” (the list), which is available online from the Minnesota Department of Employment and Economic Development’s website. The agency informed QC Training that, pursuant to the Minnesota Private Career School Act (the act), Minn. Stat. §§ 136A.82-.834 (2022),¹ it needed to be licensed or qualify for one of the act’s exemptions to operate in the state. QC Training applied for and received an exemption from the agency in 2018 and in 2020. When preparing to reapply for an exemption in 2022, QC Training asked the agency about obtaining approval to add a new course to the list. In response, the agency informed QC Training that the new course could cause QC Training to no longer be eligible for the licensing exemption.

After several months, during which QC Training and the agency engaged in discussions, QC Training obtained legal counsel. Contrary to QC Training’s current

¹ In 2024, the legislature changed Minnesota law to require that private career schools maintain a physical presence for any program and removed the requirement that the school advertise, administer, solicit, or conduct the program. 2024 Minn. Laws ch. 124, art. 2, §§ 32-33, at 2451; 2024 Minn. Laws ch. 127, art. 35, §§ 32-33, at 3193-94. Because the changes to the statutes became effective August 1, 2024, *see* Minn. Stat. § 645.02 (2024), and because the commissioner determined that QC Training was a private career school before this date, we review the commissioner’s decision under the former version of the statute.

position, its counsel asserted in a November 1, 2022 letter that the business was a “private career school” under the act:

[QC Training] fits into the definition for a private career school as it is a company located in Minnesota that offers classes that provide relevant content for meeting the diverse needs of its customers’ employees. The training offered to employees of its customers is in the manufacturing, automotive, food, aerospace, plastics, electronics, and metal forming industries, to ensure that after a training workshop/class the employees will return to the workplace with the skills and competencies needed to perform at maximum effectiveness. [QC Training] offers 60 training titles in more than 35 cities nationwide.

[QC Training] does not confer any associate degrees, but it does provide certificates of completion upon completion of the class/workshop.

The classes/training offered by [QC Training] provides the training to advance the careers of employees employed by [QC Training] customers.

On February 3, 2023, the agency notified QC Training that it would deny its 2022 application for a licensing exemption. QC Training appealed the denial, asserting that “QC Training is not a private career [school] and is therefore not required to apply for licensure or seek an exemption,”² and the dispute proceeded to a contested-case hearing.

² QC Training obtained new counsel sometime between November 2022 and February 2023, and that new counsel asserted that QC Training had previously agreed that it was subject to the act only to avoid litigation and because its exemption applications had been granted. Its counsel now asserts, however, that QC Training never agreed that it was subject to the act.

In September 2023, both the agency and QC Training moved for summary disposition.³ An administrative-law judge (ALJ) reviewed the parties' materials and, in December 2023, issued her report and recommendation that the commissioner (1) determine that there was no dispute of material fact, (2) determine that QC Training is a private career school under the act, (3) grant the agency's motion for summary disposition, and (4) deny QC Training's motion for summary disposition. In March 2024, after receiving the recommendation and allowing time for written exceptions, the commissioner of the agency issued his order adopting the ALJ's recommended findings of fact and conclusions of law, directing QC Training to comply with the act, and authorizing the imposition of sanctions if QC Training failed to comply with the order.

QC Training petitioned for certiorari review.

DECISION

The agency administers and enforces the act, which requires it to determine whether a business is a "private career school" that must be licensed or is exempt from licensure under the act. *See* Minn. Stat. §§ 136A.01, subd. 2(a)(2) (directing the agency to license "career schools" under the act) (2024), .822, subd. 1 (requiring all private career schools to be licensed by the agency), .833 (listing 18 licensure exemptions under the act). The act defines a "private career school" as "a person who maintains, advertises, administers, solicits for, or conducts any program at less than an associate degree level; is not registered

³ "Summary disposition is the administrative equivalent of summary judgment." *In re Consol. Hosp. Surcharge Appeals*, 883 N.W.2d 778, 785 (Minn. 2016); *accord* Minn. R. 1400.5500(K) (2023).

as a private institution under sections 136A.61 to 136A.71; and is not specifically exempted by section 136A.833.” Minn. Stat. § 136A.821, subd. 5. The act defines a “person” as “any individual, partnership, company, firm, society, trust, association, or corporation or any combination thereof.” *Id.*, subd. 4. Finally, the act defines a “program” as “any course or grouping of courses that is advertised or listed in a private career school’s catalog, brochures, electronic display, or other publications, or for which the private career school grants a formal recognition.” *Id.*, subd. 9.

A party that has been denied an exemption or a license may appeal the decision in accordance with the Minnesota Administrative Procedure Act (MAPA), Minn. Stat. §§ 14.001-.69 (2024).⁴ See Minn. Stat. §§ 136A.65, subd. 8(c) (review under chapter 14 for denial) (2024), .829, subds. 1-2 (denial of a license), .833, subd. 1 (denial of an exemption). Under MAPA, our court

may affirm the decision of the agency or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the petitioners may have been prejudiced because the administrative finding, inferences, conclusion, or decisions are:

- (a) in violation of constitutional provisions; or
- (b) in excess of the statutory authority or jurisdiction of the agency; or
- (c) made upon unlawful procedure; or
- (d) affected by other error of law; or

⁴ We cite the most recent version of MAPA because it has not been amended in relevant part. See *Interstate Power Co. v. Nobles Cnty. Bd. of Comm’rs*, 617 N.W.2d 566, 575 (Minn. 2000) (stating that, generally, “appellate courts apply the law as it exists at the time they rule on a case”). For the same reason, we also cite the current versions of other statutes in this opinion unless noted.

- (e) unsupported by substantial evidence in view of the entire record as submitted; or
- (f) arbitrary or capricious.

Minn. Stat. § 14.69. QC Training did not identify upon which of these six grounds it relies to challenge the commissioner’s final order, but we discern from its brief that it intended to assert that the final order was “affected by other error of law” pursuant to Minn. Stat. § 14.69(d).

QC Training contends that the commissioner erred in determining that it fits within the act’s definition of “private career school” and thus that the act applies to it. QC Training argues that, contrary to the commissioner’s determinations, the definitions of “program” and “private career school” are ambiguous because they are circuitous and it is not a “private career school” because it does not offer a “program.”⁵ The agency agrees that the relevant sections are “awkward[ly] draft[ed]” but argues that the commissioner did not err: first, the terms “program” and “private career school” as used in the act are not ambiguous; and second, because QC Training meets the five statutory elements that define a private career school and QC Training initially agreed that the act applies to it by seeking exemptions, QC Training is a “private career school” to which the act applies. To resolve this dispute, we must determine whether the commissioner erred by concluding that QC Training is a “private career school” because it offers a “program” under the act.

Appellate courts review questions of law, such as statutory interpretation, *de novo*. *In re NorthMet Project Permit to Mine Application*, 959 N.W.2d 731, 744 (Minn. 2021);

⁵ QC Training does not contest that it meets the rest of the definition of a “private career school.”

see also In re Admin. Order Issued to Wazwaz, 943 N.W.2d 212, 217 (Minn. App. 2020) (“Appellate courts retain the authority to review de novo errors of law which arise when an agency decision is based upon the meaning of words in a statute.” (quotation omitted)), *rev. denied* (Minn. June 30, 2020). “The object of all statutory interpretation is to ascertain and effectuate the intention of the Legislature,” and if the statute is unambiguous, appellate courts “interpret it according to the plain meaning of its text.” *Pfoser v. Harpstead*, 939 N.W.2d 298, 310 (Minn. App. 2020) (quotation omitted), *aff’d*, 953 N.W.2d 507 (Minn. 2021). When a term is defined in a statute, appellate courts apply the definition provided by the legislature unless it is impossible to do so consistently without violating statutory-interpretation principles. *Wayzata Nissan, LLC v. Nissan N. Am., Inc.*, 875 N.W.2d 279, 286 (Minn. 2016). The construction of a statute cannot be “inconsistent with the manifest intent of the legislature, or repugnant to the context of the statute.” Minn. Stat. § 645.08 (2024). The specific “meaning of a word depends on how it is being used in context.” *Buzzell v. Walz*, 974 N.W.2d 256, 261 (Minn. 2022) (quotation omitted). A court’s interpretation of a statute must give effect to all of its provisions whenever possible. Minn. Stat. § 645.16 (2024). If, considering the foregoing, a statute is “subject to more than one reasonable interpretation,” then it is ambiguous. *State v. Thonesavanh*, 904 N.W.2d 432, 435 (Minn. 2017) (quotation omitted). If a statute is ambiguous, then courts will use the canons of construction to determine the meaning of the statute. *Id.* at 436.

QC Training’s primary argument is that it does not offer a “program” because, when the canons of statutory construction are applied, the act contemplates that “programs” are

vocational programs that prepare a student for an entry-level position. It asserts that the act's definitions of "private career school" and "program" are ambiguous, and thus the canons of construction apply, because its definition of "private career school" uses the term "program" and its definition of "program" uses the phrase "private career school"—resulting in definitions that are circuitous. Minn. Stat. § 136A.821, subds. 5, 9. Circuitous definitions, however, are not inherently ambiguous. *See Minnesotans for Responsible Recreation v. Dep't of Nat. Res.*, 651 N.W.2d 533, 539-40 (Minn. App. 2002) (explaining that, although a statute's definition of "government action" used the term "project" and the rule's definition of "project" used the phrase "government action," neither definition was necessarily ambiguous). When a statute includes circuitous definitions, we consider the statute, the surrounding statutes, and the analysis of similar issues in caselaw to illuminate the meaning of the circuitous provisions. *See id.* (reviewing the statutes, rules, and relevant caselaw to discern the correct statutory interpretation of a definition).

We first determine whether we can apply the plain language of the act's definition of "program" consistently without violating principles of statutory interpretation. Returning to the definitions of "private career school" and "program" in section 136A.821: (1) "private career school" is defined as "a person who maintains, advertises, administers, solicits for, or conducts any program at less than an associate degree level; is not registered as a private institution under sections 136A.61 to 136A.71; and is not specifically exempted by section 136A.833," Minn. Stat. § 136A.821, subd. 5; and (2) "program" is defined as "any course or grouping of courses that is advertised or listed in a private career school's catalog, brochures, electronic display, or other publications, or for which the private career

school grants a formal recognition,” *id.*, subd. 9. We observe that the plain language of the act’s definition of “program” does not limit its application to vocational programs that prepare a student for an entry-level position. In fact, the plain language of the definition does not limit the application of the term “program” much at all. But because we agree that the act includes circuitous definitions for the terms “private career school” and “program,” we consider the surrounding provisions of the statute to interpret the term “program” as it is used in the act, just as we did in *Minnesotans for Responsible Recreation*, 651 N.W.2d at 539-40.

Looking to other definitions in this section of the act for additional context to define “program,” we observe that a “solicitor” may recruit students for a “program” away from the private career school’s business premises, *id.*, subd. 3; a “course” is a subunit of a “program” or may be the instruction itself, *id.*, subd. 6; a “program” may be provided through “distance instruction,” which occurs outside of a classroom or using online platforms, *id.*, subds. 10-11; a “program” may be measured in hours or fractions of an hour, *id.*, subd. 18; and finally, a “student record” includes a student’s attendance at a “program,” the number of hours and courses completed, the dates of enrollment, course grades, and any credential awarded, *id.*, subd. 19. Reading these subdivisions together, it is clear that a “program” involves the provision of instruction to students who may have been recruited by a solicitor or that may result in the student earning a credential, may be completed inside or outside of a classroom or online, includes one or more courses, and may take any part of an hour or more to complete. None of section 136A.821’s provisions the plain-language definition of “program” impossible to apply consistently.

Moreover, the federal district court in Minnesota has applied the term “program” as used in the act broadly to a career-enhancing program and did not limit its application to vocational programs that prepare a student for an entry-level position. *Mox v. Olson* involved a school that provided programs in equine massage, which were courses offered by the school. No. 23-CV-3543, 2024 WL 3526913, at *1-2 (D. Minn. July 24, 2024).⁶ Mox did not dispute that her school was subject to the act, but the district court conducted a review of the act’s requirements and confirmed that the school was subject to the act. *Id.* at *3-4. The school’s courses lasted one or four days, and the certification courses required students to pass performance measurements, such as a written test and applied equine massages. *Id.* at *1. The school provided a certificate of completion to its students in recognition of the students’ successful completion of the certification courses. *Id.* at *3. We find the analysis in *Mox* persuasive and apply a similar analysis to conclude that a “program” may relate to a wide variety of subject matter, may take place over multiple days, may result in formal recognition that a student has completed a particular course or program, and may be considered a program under the act when the instruction is not labeled as a program.

Our review of the act’s various provisions and relevant caselaw persuades us that the term “program” as used in the act is unambiguous—it involves the provision of instruction to students who may have been recruited by a solicitor or that may result in the student earning a credential, may relate to a wide variety of subject matter, may be

⁶ We cite federal caselaw for its persuasive value. *State v. McClenton*, 781 N.W.2d 181, 191 (Minn. App. 2010), *rev. denied* (Minn. June 29, 2010).

completed inside or outside of a classroom or online, includes one or more courses, and may take days or any part of an hour or more to complete—and therefore, the definition of “program” can be applied in this case.

Next, we apply the definition of “program” to determine whether QC Training offers a “program” as defined by the act. The facts demonstrate that QC Training advertises courses on its website, provides online and classroom instruction related to employment, offers courses taking anywhere between 4 and 40 hours to complete, and provides a certificate of completion for its students. Because the facts are consistent with the act’s definition of “program,” we discern no error in the commissioner’s order determining that QC Training offers a program and is therefore a private career school.⁷

Because we determine that the definition of “program” is unambiguous and that QC Training offers “programs” as defined by the act and is a “private career school,” we conclude that the commissioner’s order was not affected by error of law.

Affirmed.

⁷ QC Training makes other arguments regarding the agency’s administrative rule defining “program,” the legislative history of the act, and the canons of construction. But having concluded that the statute is unambiguous, we do not reach these arguments.