

RESTRAINING ORDER

By Email (miganil@yahoo.com) and by Courier

December 8, 2010

Anil Miglani known as New Allstar Truck Driving School
1315 Steeles Avenue East
Brampton, ON
L6T 4N9

Attention: Anil Miglani, sole proprietor

This is a **Restraining Order** issued under s. 46(1) of the Private Career Colleges Act, 2005 ("Act"). As the Superintendent of Private Career Colleges, I believe that Anil Miglani known as New Allstar Truck Driving School ("School") has contravened the Act and/or regulations, and I order the School to stop contravening the following provisions of the Act and/or regulations:

- advertising an unregistered private career college and unapproved vocational programs that require approval, in contravention of section 11 of the Act; and
- holding yourself out as the operator of a private career college unless you are registered, in contravention of section 7 of the Act.

Detailed reasons in support of my decision to issue this order are found in Schedule "A", attached. Failure to comply with this order may result in any or all of the following further enforcement actions:

- Application for an order from the Superior Court of Justice;
- The issuance of further Administrative Monetary Penalties; and/or
- Prosecution for offences under the Act. Upon conviction by a court,
 - A corporation is subject to a fine of up to \$250,000;
 - An individual is subject to a fine of up to \$100,000, a prison term of up to one year, or both; and
 - An officer or director of a corporation, who concurs in the commission of the offence, is subject to a fine of up to \$25,000, a prison term of up to one year, or both.

You must provide written confirmation signed by a person with authority to bind the School, together with all available supporting evidence, that the steps outlined below have been taken. This written confirmation must be delivered by December 15, 2010 by registered mail or courier to my attention and confirm that you:

- Have stopped advertising an unregistered private career college and unapproved vocational programs that require approval, in contravention of section 11 of the Act; and
- Have stopped holding yourself out as the operator of a private career college unless you are registered, in contravention of section 7 of the Act.

If the school is currently offering or providing vocational programs for a fee without being registered and without the program having the approval of the Superintendent, these actions would be contrary to section 8 of the Act. The school would then be required to **immediately** take the steps outlined below in this order to comply with the Act:

Specifically, the school must:

- stop providing unapproved vocational programs that require approval;
- stop enrolling students into unapproved vocational programs that require approval;
- provide the ministry with a list including the names and addresses of all current and former students;
- not hold, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs that require approval;
- hold student files to be available for the Superintendent's staff to review; and
- not reopen as a Private Career College until such time, if any, as it has been registered.

As noted above, the applicable legislation is the *Private Career Colleges Act, 2005* and the regulations made thereunder. The legislation and regulations are available at www.e-laws.gov.on.ca. If you are unable to access any relevant information on e-laws, you may contact our offices at (416) 314-0500 to request that a copy of the legislation and regulations be sent to you.

Pursuant to sections 49(2) and 49(6) of the Act, this order is published on the Ministry of Training, Colleges and Universities' website.

Kindly govern yourself accordingly,

ORIGINAL SIGNED BY

Noah Morris
Superintendent of Private Career Colleges

Attachments: Schedule A – Detailed Reasons for Decision

Schedule "A"

Detailed Reasons for Decision

OPERATION "Brake Down"

Pursuant to subsection 23(1) of the *Private Career Colleges Act, 2005* ("the Act"), private career colleges that offer commercial driver programs which lead to commercial driver licensing examinations, governed under the Ontario Regulation 341/94 Driver Licence Examinations of the *Highway Traffic Act*, must have the programs approved by the Superintendent of Private Career Colleges.

In response to a concern about unapproved commercial driver programs, and their potential impact on public safety, Operation "Brake Down" was launched. Its purpose was to identify illegal operators offering unapproved vocational programs that require approval under the Act and to take the necessary enforcement action against them. This institution was identified as part of this operation.

The Superintendent has issued this order based on the following findings and supporting facts and evidence:

Contravention of section 11 of the Act – Restrictions on Advertising and Soliciting

On October 22, 2010 a Designate of the Superintendent of Private Career Colleges ("Designate") reviewed a print advertisement from "GTA Business Pages" for the school provided to an inspector in the Private Career Colleges Branch (PCCB). The advertisement promoted the A, D and Z classes offered by "New Allstar Truck Driving School" ("the school"). The advertisement provided no details about the courses, but did contain the address of the school and the statement "Call: Anil Miglani 416-356-2285". The advertisement is presented below:

**New Allstar
Truck Driving
SCHOOL**

CLASS: A, D, & Z

- AIR BRAKE COURSE
- AIR BRAKE ADJUST
- DANGEROUS GOODS
- BORDER CROSSING
- LOG BOOK TRAINING
- 1 TO 1 TRAINING
- LOW RATES
- 7 DAYS SERVICE
- E.I. & WELFARE RECIPIENTS WELCOME

Call: Anil Miglani 416.356.2285

1315 Steeles Ave., East (Vesta Restaurant Parking), Brampton, ON.
E: miglani@yahoo.com

The Best Defensive Driver Training For All Ages

© CTA BUSINESS PAGES

On October 22, 2010 a Designate telephoned the number on the advertisement (416-356-2285) and spoke with Anil. When asked about the cost and duration of the AZ course, Anil stated that the course costs \$1,700 and consists of 25 - 30 hours of in-truck training and 13 hours of classroom training (43 hours total).

The AZ truck training program offered by the school corresponds to National Occupational Classification (NOC) code 7411 – Truck Drivers.

Based on the evidence gathered, the AZ truck training program at a cost of \$1,700 which can take 43 hours to complete fits the definition of a vocational program requiring the approval of the Superintendent, according to the Act. Since this school is not registered and this program is not approved, advertising of same is prohibited in accordance with subsections 11(1) and (2) of the Act, respectively.

Contravention of section 7 of the Act – Prohibition against operating a private career college

On October 22, 2010 a Designate telephoned the number on the advertisement (416-356-2285) and spoke with Anil. When asked about the cost and duration of the AZ course, Anil stated that the course costs \$1,700 and consists of 25 - 30 hours of in truck training and 13 hours of classroom training (43 hours total).

A Designate contacted Anil Miglani on October 27, 2010 by telephone. Mr. Miglani stated that he was running the business as a sole proprietorship instead of a corporation.

Under subsection 7(2) of the Act, no person shall hold themselves out as the operator of a private career college unless the person is registered. Based on the fact that Anil Miglani identified himself as a sole proprietor and described the unapproved AZ

vocational course at the school, the school is in contravention of subsection 7(2) of the Act.

Background

i) Legal and Operating Names

ONBIS searches conducted on October 27, 2010 using several permutations resulted in no hits for a “New Allstar Truck Driving School” that matches the information provided in the print advertisement. A Designate contacted Anil Miglani on October 27, 2010 by telephone. Mr. Miglani stated that he was running the business as a sole proprietorship instead of a corporation.