

## RESTRAINING ORDER

**Served by fax to 905-265-9439, e-mail to [info@blushschoolofcosmetics.ca](mailto:info@blushschoolofcosmetics.ca) and courier**

April 19, 2010

Esteban Alfredo Jacome  
Bonaparte Enterprises Inc.  
o/a Blush! School of Cosmetics  
70 Hanlan Road, Unit 1  
Woodbridge, Ontario  
Canada L4L 3P6

Attention: Esteban Alfredo Jacome, Director

This is a **Restraining Order** issued under the authority of section 46 of the Private Career Colleges Act, 2005 (PCCA, 2005). As the Superintendent of Private Career Colleges, I HEREBY ORDER Bonaparte Enterprises Inc. o/a Blush! School of Cosmetics (Blush! School of Cosmetics) TO STOP OPERATING IN CONTRAVENTION OF THE PRIVATE CAREER COLLEGES ACT, 2005 (PCCA, 2005).

The detailed reasons supporting my order are set out in Schedule A, attached. In brief, Blush! School of Cosmetics is:

- Holding funds paid by the former student, [REDACTED], who was enrolled in an unapproved vocational program which required approval, in contravention of section 25(1) of the Private Career Colleges Act, 2005, O.Reg 415/06.

Blush! School of Cosmetics 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 **immediately** by registered mail or courier to my attention and confirm that Blush! School of Cosmetics:

- has provided a full refund to [REDACTED] and all other former, current, or prospective students in unapproved vocational programs which require approval who have made a demand; and
- is not holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs that require approval.

## **Consequences of Failure to Comply with this Order**

Failure to comply with this order may result in any or all of the following actions by the Superintendent:

1. Application for a court order from the Superior Court of Justice to Blush! School of Cosmetics to comply;
2. The issuance of further Administrative Monetary Penalties;
3. Prosecution for offences under the Act. Upon conviction by a court of that offence, a corporation is subject to a fine of up to \$100,000; an individual, including 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.

## **Obtaining a Copy of the PCCA, 2005**

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](http://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.

Sincerely,

ORIGINAL SIGNED BY

Allan Scott  
Superintendent  
Private Career Colleges

Attachments:            Schedule A – Detailed Reasons for Decision

## Schedule A – Detailed Reasons for Decision

Holding funds paid by the former student, [REDACTED], who was enrolled in an unapproved vocational program which required approval, in contravention of section 25(1) of the Private Career Colleges Act, 2005, O.Reg 415/06.

On October 16, 2009, the Superintendent of Private Career Colleges issued a compliance order under section 46 of the Private Career Colleges Act, 2005 to Blush! School of Cosmetics. This order contained the following paragraphs.

*Blush School of Cosmetics must immediately take the steps outlined below in this order to comply with the PCCA, 2005. Blush School of Cosmetics must also 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 registered mail or courier to my attention by **October 30, 2009**.*

*Blush School of Cosmetics must confirm that it:*

...

*4. has issued refunds to students who were enrolled in unapproved vocational programs – and in particular, has issued a full refund as required by section 25 of Ontario Regulation 415/06 to the student [REDACTED], as previously required in the letter of July 22, 2009 to Blush! School of Cosmetics from Bradley Fauteux,, Manager of the Private Career Colleges Compliance Unit*

*5. is not holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs...*

The amount of the refund owed to the student [REDACTED] is \$5,082.50. Ministry staff contacted Blush! School of Cosmetics several times to advise them that the refund must be paid including: an e-mail message sent on November 10, 2009; a letter dated November 13, 2009; further e-mails sent on December 16, 18 and 21 of 2009; and February 2 and 22 of 2010.

On December 22, 2009, Steve of the Blush! School of Cosmetics sent an e-mail to Ministry staff in which he claims that [REDACTED] had agreed to a payment plan. According to this e-mail, the first payment had already been made, the second payment would be made on December 28, and the third payment would be made on January 28. This plan directly violated the October 16, 2009 compliance order as the full refund was not issued by October 30, 2009.

Blush! School of Cosmetics proceeded to make partial payments toward the student's refund by way of money orders. The first money order was in the amount of \$1,300.00 and was dated November 18, 2009. The second was in the amount of \$1,200.00 and was dated December 30, 2009.

On March 15, 2010, Ministry staff attended Blush! School of Cosmetics and spoke with Gayle and Steve. Ministry staff advised them that the remaining portion of the refund must be paid immediately and warned them of the

possibility of an Administrative Monetary Penalty. Steve agreed to make the payment.

On March 19, 2010, Ministry staff received a phone call from Steve of Blush! School of Cosmetics who advised that the payment had not yet been made. Ministry staff advised that the payment must be made by the following Monday (March 22).

On April 12, 2010, at approximately 11:00am, Ministry staff phoned Blush! School of Cosmetics and spoke with Gayle who confirmed that \$2,500 was available to the student [REDACTED] for pick up. Ministry staff notified the student via e-mail. At approximately 4:10pm, Ministry staff received a phone call from the student [REDACTED] who claimed that Blush! School of Cosmetics only paid her \$1,100. At approximately 4:20pm, Ministry staff phoned Blush! School of Cosmetics and spoke with Gayle who confirmed the student's claim. Ministry staff advised that if the funds were not paid immediately that an Administrative Monetary Penalty would be considered within the next few days.

As Blush! School of Cosmetics has not paid the full amount of the refund owing to the student [REDACTED], and the timeline provided by the October 16, 2010 compliance order has passed, Blush! School of Cosmetics has failed and continues to fail to comply with that order.

## **BACKGROUND**

On May 20, 2009, Ministry staff received a complaint from the student [REDACTED] regarding the activities of Blush! School of Cosmetics. On May 19, 2009, Ministry staff sent a letter to Blush! School of Cosmetics requesting that a full refund be paid to that student.

On June 23, 2009, Ministry staff inspected Blush! School of Cosmetics' facility. Ministry staff advised the school to make changes to their website advertisements and to pre-screen each of their courses. A member of Blush! School of Cosmetics disputed the refund request. Since that date, Blush! School of Cosmetics has pre-screened several programs but has not submitted any complete applications for program approval.

## **Legal and Operating Entities**

An ONBIS search confirmed that Blush! School of Cosmetics is a business name for Bonaparte Enterprises Inc., which was incorporated on January 21, 2005.