

Ministry of Training,  
Colleges and Universities

Office of the Superintendent

Private Career Colleges Branch  
9<sup>th</sup> Floor, Mowat Block  
900 Bay Street  
Toronto ON M7A 1L2

Ministère de la Formation  
et des Collèges et Universités

Bureau du Surintendant

Direction des collèges  
privés d'enseignement professionnel  
9<sup>e</sup> étage, édifice Mowat  
900, rue Bay  
Toronto ON M7A 1L2



Notice of Contravention #144

April 1, 2011

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

## NOTICE OF CONTRAVENTION

This letter is to inform you as the Director of Bonaparte Enterprises Inc. o/a Blush! School of Cosmetics ("School") that on April 1, 2011, it was determined that the School contravened the following section(s) of the *Private Career Colleges Act, 2005* and/or regulations made under the Act:

- Act, s. 11 — Restrictions on advertising and soliciting (\$1,000)
- Act, s. 7 – Prohibition against operating a private career college (\$1,000)
- Act, s. 8 (1) – Prohibition against providing vocational programs (\$1,000)
- Act, s. 9 – Prohibition against charging fee (\$1,000)

For a Summary of each contravention see attached Schedule A.

As per section 51 of *Ontario Regulation 415/06* made under the *Private Career Colleges Act, 2005*, the School is subject to a penalty in the total amount of \$4,000 per day. It is important to note that the penalty is levied daily. The total penalty amount is calculated by multiplying the penalty amount indicated above by the number of successive days that the contravention continues.

*For example: following 5 successive days that the contravention continues the penalty amount due will be \$20,000.*

*following 15 successive days that the contravention continues the penalty amount due will be \$60,000.*

At this time you are required to provide the ministry with written confirmation of compliance with the *Private Career Colleges Act, 2005* and its regulations. Specifically, written confirmation that the School:

- has stopped advertising an unregistered private career college and unapproved vocational programs that require approval;
- has stopped holding itself out as an operator of a private career college;
- has stopped providing unapproved vocational programs that require approval; and
- has stopped charging fees for unapproved vocational programs that require approval.

Once you have confirmed compliance with the Act, the penalties will cease to accumulate and you will receive an invoice that sets out the total penalty outstanding. Payment of the full amount is due within **30 days** of the date of your notification.

If payment is not received within **30 days** after the date the notification was received, the amount will be subject to interest at the current postjudgment interest rate beginning on the 31<sup>st</sup> day following the date of the invoice. The current rate can be found at the following address:

[www.attorneygeneral.jus.gov.on.ca/english/courts/interestrates.asp](http://www.attorneygeneral.jus.gov.on.ca/english/courts/interestrates.asp).

### **Review**

If you believe that the decision made above is inaccurate you may request a review of this decision by submitting a Request for a Review of a Notice of Contravention form to the Minister of Training, Colleges and Universities within **15 days** of receipt of the Notice of Contravention.

ORIGINAL SIGNED BY

---

Allan Scott  
Superintendent of Private Career Colleges

## Schedule A

### Act, s. 11 — Restrictions on advertising and soliciting (\$1,000)

On March 17, 2011, a Designate of the Superintendent (“Designate”) reviewed a website belonging to the School and found it to be advertising a Makeup Techniques Level 1 course. The part-time version of the course is described as being delivered on Monday and Tuesday, 6pm-9pm for 13 weeks, or 78 hours, for a cost of \$3799.85.

**MAKE UP TECHNIQUES LEVEL I \$3799.85 all included**

MENTION THIS AD SAVE \$100.00 OFF **MARCH/APRIL CLASS**

Enhanced Bridal Make Up Course

Make up Techniques Level I is a great beginner course. You will have the opportunity to learn all the basics enabling you to do Day, Evening, BRIDAL and Glamour Make Up.

**Full-Time: 5 Weeks  
Monday and Thursday  
9:00 a.m. to 3:00 p.m.**

**Part-time: 13 Weeks  
Monday and Tuesday  
6:00 p.m. to 9:00 p.m.**

Introduction to Make Up  
Face, Eyes, Nose Shape and Colouring  
Colour Theory  
Bacteriology, Hygiene  
Products Used in Make up  
Undertone and Colour Corrections  
Contouring Corrective Make up  
Eyebrow Shaping and Grooming  
Working with False Lashes  
Make up Application Steps  
Make up Looks (Day, Evening, Glamour, Bridal)  
Bridal Business class  
Business Cards  
Face Charts  
Exam, projects, quizzes



Certificate course as mandated by Private Career College

Between March 17, 2011 and March 28, 2011 a Designate exchanged e-mails with Gayle Bonaparte at [info@blushschoolofcosmetics.ca](mailto:info@blushschoolofcosmetics.ca) regarding the Makeup Techniques Level 1 course. Within these e-mails, Ms. Bonaparte describes the course as being delivered on Monday and Tuesday, 6pm-9pm for 12 weeks (72 hours), at a cost of \$3,666,85. She also states that the course includes several evaluation methods and that 85% of the course is hands-on training.

The Makeup Techniques Level 1 course corresponds to National Occupational Classification (NOC) code 6482 Estheticians, Electrologists and Related Occupations. Based on the evidence gathered the Makeup Techniques Level 1 course offered by the School fits the definition of a vocational program requiring approval of the Superintendent according to the Act. Since this program is not approved, advertising of same is prohibited in accordance with Section 11 of the Act.

**Act, s. 8 (1) – Prohibition against providing vocational programs (\$1,000)**

Between March 17, 2011 and March 28, 2011 a Designate exchanged e-mails with Gayle Bonaparte at [info@blushschoolofcosmetics.ca](mailto:info@blushschoolofcosmetics.ca) regarding the Makeup Techniques Level 1 course. In a March 18, 2011 e-mail, Ms. Bonaparte stated that there was only one spot available for the March 28, 2011 course, and advised that enrolment in the course requires a \$300 deposit, with the balance of the tuition due by the first day of class. Subsequently, in a March 28, 2011 e-mail she advised that the class is full but that the School intends to offer another session in June.

By offering or providing the Makeup Techniques Level 1 course, the School has acted in contravention of section 8 of the Act.

**Act, s. 9 – Prohibition against charging fee (\$1,000)**

Between March 17, 2011 and March 28, 2011 a Designate exchanged e-mails with Gayle Bonaparte at [info@blushschoolofcosmetics.ca](mailto:info@blushschoolofcosmetics.ca) regarding the Makeup Techniques Level 1 course. In a March 18, 2011 e-mail, Ms. Bonaparte stated that there was only one spot available for the March 28, 2011 course and advised that enrolment in the course requires a \$300 deposit, with the balance of the tuition due by the first day of class. Subsequently, in a March 28, 2011 e-mail she advised that the class is full but that the School intends to offer another session in June.

The Designate came to the reasonable belief that the School is charging fees for its Makeup Techniques Level 1 course, an unapproved vocational program, in contravention of section 9 of the Act based on the following:

- Ms. Bonaparte advised that a \$300 deposit is required for enrolment
- Ms. Bonaparte advised that the entire tuition is due on the first day of class
- Ms. Bonaparte advised that the class is full
- The program began on March 28, 2011

The School must, therefore, have charged fees for its Makeup Techniques Level 1 course in contravention of section 9 of the Act.

**Act, s. 7 – Prohibition against operating a private career college (\$1,000)**

Under section 7(2) of the Act, no person shall hold themselves out as the operator of a private career college unless the person is registered. Under the Act, if an institution provides one or more vocational programs to students for a fee they are by definition a private career college.

The following evidence has formed the basis for the Designate's reasonable belief that the School is holding itself out as the operator of a private career college:

- the evidence offered in the previous section clearly indicates that the School is advertising and offering vocational programs for a fee;
- In e-mails exchanged with a Designate between March 17, 2011 and March 28, 2011, a representative of the School stated that the School is offering a vocational program, and provided a description of same. The signature used by

the School's representative listed the School's address, phone number and website.

- On ONBIS, Bonaparte Enterprises Inc. is a registered corporation with an address of 70 Hanlan Road, Unit 1 Woodbridge, Ontario. The Director for the corporation is listed as Esteban Alfredo Jacome; and
- The website <http://blushschoolofcosmetics.ca> provides the School's address, as well as a contact phone number and e-mail address.

Therefore, the School has advertised; offered or provided; and charged a fee for a vocational program, and has thereby held itself out to be a Private Career College in contravention of section 7 of the Act.

### **Previous Efforts to Obtain Compliance Had No Effect**

In 2009, Designates had extensive contact with the School advising them of the requirements of the Act and the existence of the pre-screening process.

- On May 6, 2009: a Designate sent an e-mail to the School advising, among other things, that Make-Up Artistry is a vocational program requiring approval;
- May 8, 2009: a Designate provided the School with a copy of Advertising Guidelines to be followed in order to comply with the Act;
- July 8, 2009: a Designate advised the School that it may offer courses that cost less than \$1,000, and that offering a certificate as a credential (as opposed to a diploma) does not affect the requirement to register. The Designate specifically stated that the School's Makeup Techniques program requires approval;
- July 22, 2009: a Designate sent a letter to the School advising that several of its make up programs require approval, including Make up Artistry, Make-up Techniques level 1, and Make-up Techniques Level 2. The Designate also advised that as per the Act, the School must not advertise or offer these programs.
- November 26, 2009: A Designate sent a letter to the School in response to a pre-screening application. This letter advised that the School's Make Up Artistry program requires approval, and that the course must not be advertised or offered until that approval is obtained.
- December 21, 2009: A Designate sent an e-mail to the School advising that it must stop advertising its Make-up Technique course as it requires approval.

The School has not submitted any pre-screening applications for a course related to make up and been advised that it does not require approval. It has also, as seen above, been advised that issuing a certificate as the credential for a course does not affect the School's requirement to have that program approved.

Nonetheless, the homepage of the School's website <http://www.blushschoolofcosmetics.ca/>, states that the School's courses are "...perfectly allowable within the Private Career College's mandate..." Further, the page pertaining to the School's Make Up Techniques Level 1 course contains the statement "Certificate course as mandated by Private Career College". Both of these statements are likely to lead a member of the public to believe that the School has confirmed that its programs are exempt from the requirements of the Act, but the statements are untrue. **The**

**School, therefore, has not only failed to bring itself into compliance after receiving several warnings, but has published claims that may cause prospective students to mistakenly believe that these programs are offered in compliance with the Act, contrary to the findings made.**

#### **Previous Penalties Upheld**

On April 19, 2010, the School was issued a Notice of Contravention for \$1,000 per day for its “Failure to comply with an order of the Superintendent made under s. 46”.

The School requested a review of the Notice of Contravention and the penalty was upheld. The School complied on July 2, 2010. The final penalty was \$8,000. The particulars of this Notice of Contravention and Review Decision were published online at

<http://www.tcu.gov.on.ca/eng/general/letters/BlushSchoolofCosmeticsPenalty.pdf>

#### **Previous Restraining Order Issued**

On April 19, 2010, the School was issued a Restraining Order for “Holding funds paid by a former student 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.”

This Restraining Order was published online at

[http://www.tcu.gov.on.ca/eng/general/letters/BlushSchoolCosmeticsRestrainingOrder\\_2010.pdf](http://www.tcu.gov.on.ca/eng/general/letters/BlushSchoolCosmeticsRestrainingOrder_2010.pdf)