

RESTRAINING ORDER

Served by email (info@fivestartransporttraining.ca), and by courier

May 14, 2010

Allen James Beatty
Five Star Transport Training
400 Laclie Street, Unit 5
Orillia, Ontario L3V 4P5

and

1181 Division Road East, R.R.#4
Orillia, Ontario L3V 6H4

Attention: Allen James Beatty

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 ALLEN JAMES BEATTY OPERATING AS FIVE STAR TRANSPORT TRAINING 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, you are:

- advertising an unregistered private career college and advertising unapproved vocational programs, contrary to sections 11(1) and (2) of the PCCA, 2005, respectively.
- operating as an unregistered private career college, contrary to section 7 of the PCCA, 2005;
- offering vocational programs that are not approved by the Superintendent of Private Career Colleges, contrary to section 8 of the PCCA, 2005; and
- charging fees for an unregistered private career college and unapproved programs, contrary to section 9 of the PCCA, 2005.

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 **immediately** by registered mail or courier to my attention and confirm that you:

- have stopped operating as a private career college;
- have stopped providing unapproved vocational programs that require approval;
- have stopped charging fees for unapproved vocational programs that require approval;
- have provided the ministry with a list including the names and addresses of all current students;
- have provided full refunds to students who requested refunds in writing and were enrolled in unapproved vocational programs that require approval;
- are not holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs that require approval;
- are holding student files to be available for the Superintendent's staff to review; and
- will not reopen as a private career college until such time, if any, as it has been registered.

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 you 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 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

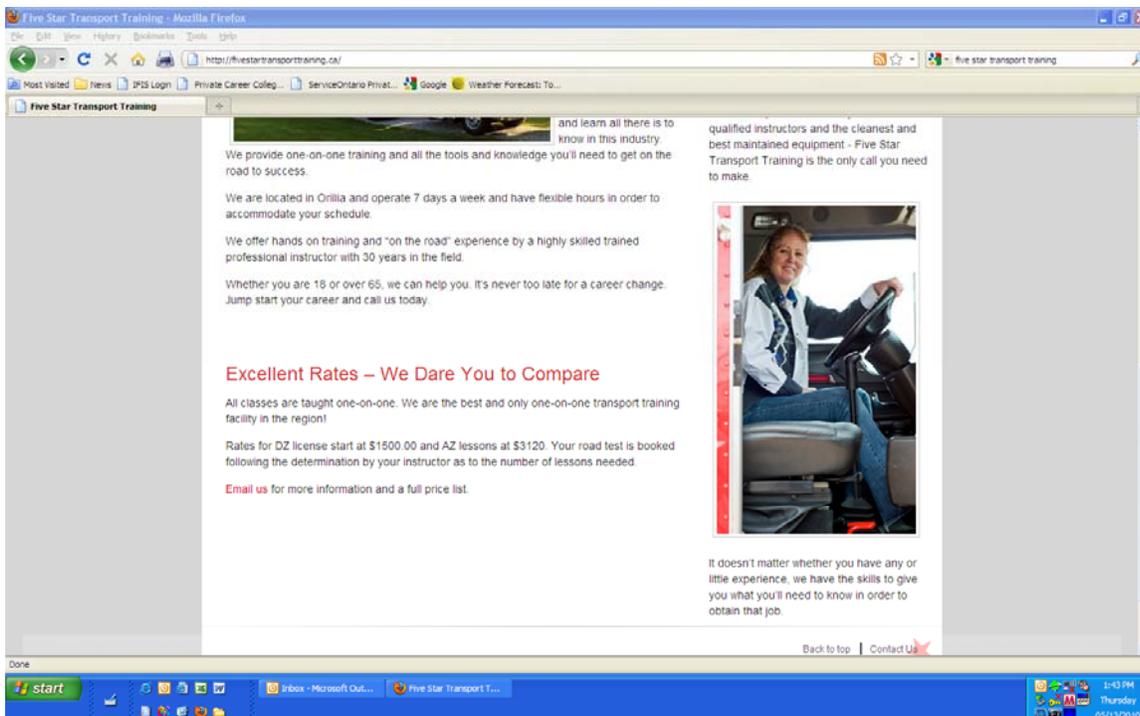
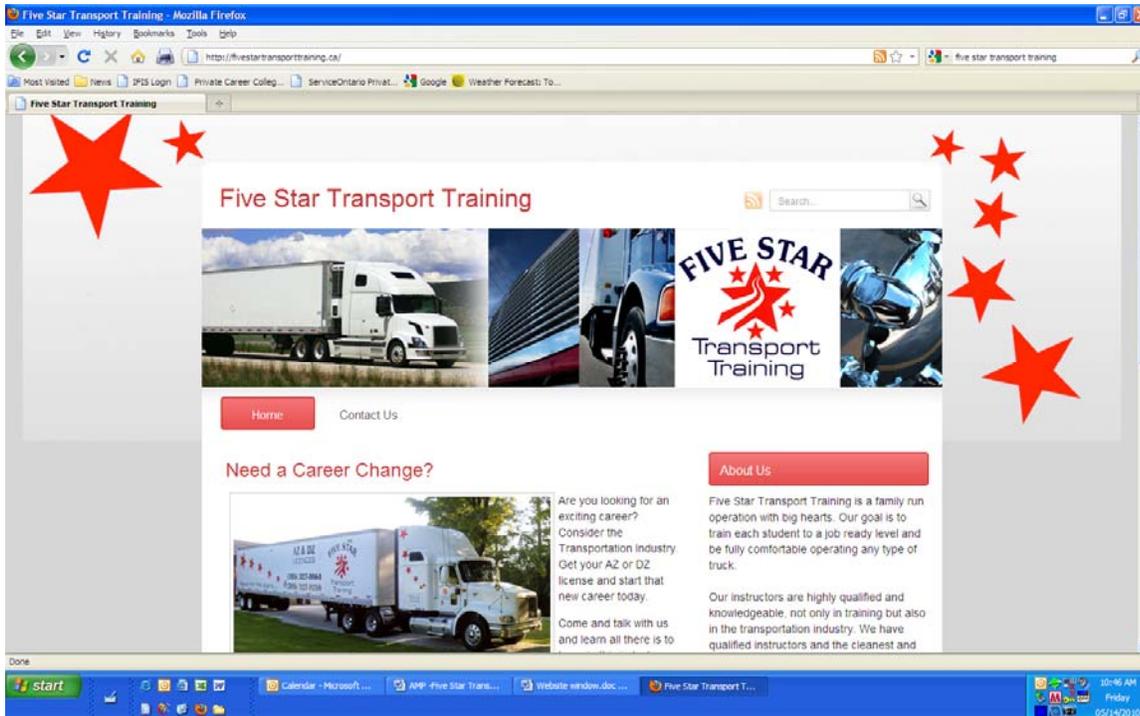
Allan Scott
Superintendent
Private Career Colleges

Attachments: Schedule A – Detailed Reasons for Decision

Schedule A – Detailed Reasons for Decision

Contravention of Subsection 11(1) of the PCCA, 2005 – Advertising Unregistered Private Career College and Unapproved Programs

On May 03, 2010 Ministry staff reviewed the website <http://fivestartransporttraining.ca>. The website provides an address, contact phone number and an email address for the college. The website states that at Five Star Transport Training that you can “get your AZ or DZ license and start that new career today.” Further on in the website it states that “rates for DZ license start at \$1,500.00 and AZ lessons at \$3,120.”



AZ and DZ training corresponds to National Occupational Classification (NOC) code 7411 – Other Truck Drivers.

Further inquiries to the school by Ministry staff on May 13, 2010 by phone revealed the following information:

- Five Star Transport Training offers 3 packages for AZ training; 10 lessons for \$3,200, 15 lessons for \$4,000 or 20 lessons for \$5,400.
- Each lesson is 3 hours long.
- It was recommended that most people who can drive a standard need 15 lessons and people with no experience would need 20.

Based on the preceding information the 15 lesson package runs for 45 hours at a fee of \$4,000, and the 20 lesson package runs for 60 hours at a fee of \$5, 400. Both of these programs fit the definition of a vocational program requiring the approval of the Superintendent according to the PCCA, 2005. Since this institution is not registered and this program is not approved, advertising of same is prohibited in accordance with Section 11(1) and (2) of the PCCA, 2005 respectively.

Contravention of section 7 of the PCCA, 2005 - Prohibition against operating a private career college

and

Contravention of section 8 of the PCCA, 2005 - Prohibition against providing vocational programs

On May 13, 2010, Ministry staff contacted Five Star Transport Training by phone and talked to Ryan. Ryan stated that Five Star Transport Training offers AZ training. Ryan stated there were three packages available for the AZ training:

- 10 lessons for \$3,200, 15 lessons for \$4,000 or 20 lessons for \$5,400.
- Each lesson is 3 hours long.
- Currently there are 6 to 7 students enrolled.

The preceding information demonstrates that Five Star Transport Training is currently operating as a private career college by providing vocational programs (15 lesson package and the 20 lesson package). Therefore since Five Star Transport Training is not registered as a private career college under the PCCA, 2005, and the AZ licence program is not approved, offering the program is prohibited in accordance with section 7 & 8 of the PCCA, 2005

Contravention of section 9 of the PCCA, 2005 – Prohibition against charging a fee in respect of an unapproved program at an unregistered school

On May 13, 2010, Ministry staff contacted Five Star Transport Training by phone and talked to Ryan. Ryan stated that Five Star Transport Training offers AZ training. Ryan stated there were three packages available for the AZ training:

- 10 lessons for \$3,200, 15 lessons for \$4,000 or 20 lessons for \$5,400.
- Each lesson is 3 hours long.

- The school doesn't need payment up front, but they do need a \$500 deposit for the medical check and Z endorsement.

BACKGROUND:

In late October 2009, a registered truck training facility reported that one of their drivers cited seeing a 5 Star Transport Training trailer parked along Highway 11 near Orillia. At the time, no further information could be found about the school. On April 20, 2010 another registered truck training facility contacted the Ministry with information regarding Five Star Transport Training. A web-link was provided as well as a sample brochure. The web-site stated to "email us for more information and a full price list."

The school was then contacted by Ministry staff by anonymous email. The response, although confirming that the AZ-DZ training was offered, did not provide sufficient information to verify whether the programs met the PCCA, 2005 definition of a vocational program which needed the approval of the superintendent.

Ministry staff contacted the school by telephone on May 12 and received sufficient information to verify whether the school was operating in contravention of the PCCA, 2005.

Legal and Operating Entities

An Ontario Business Information System (ONBIS) search shows that Five Star Transport Training is a sole proprietorship under the ownership of James Allen Beatty. The address is listed as; 400 Laclie Street, Unit 5, Orillia, Ontario L3V 4P5 with a mailing address of: 1181 Division Road East, R.R. #4, Orillia, Ontario L3V 6H4.

Five Star Transport Training was registered on August 21, 2009. The business description is "Driver Training Services."