

RESTRAINING ORDER

Served by fax (416) 247-0575, by email ahpak@ichibansushi.com and info@ichibansushi.com and marketing@ichibansushi.com AND courier

May 4, 2011

Heung Soon Im, Dong Gown Kim
Ichiban Sushi House Inc. Operating
as Ichiban Sushi Academy
104-201 Keele Street
Toronto, Ontario
M6M 3Z9

Dear Heung Soon Im and Dong Gown Kim:

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 Ichiban Sushi House Inc. ("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:

- Offering vocational programs that are not approved by the Superintendent of Private Career Colleges, contrary to section 8 of the Act;
- Advertising an unregistered private career college and advertising unapproved vocational programs, contrary to subsections 11(1) and (2) of the Act, respectively; and
- Operating as an unregistered private career college, contrary to section 7 of that 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 **May 11, 2011** by registered mail or courier to my attention and confirm that you:

- Holding itself out as a private career college without being registered;
- Providing unapproved vocational programs that require approval;
- Advertising an unregistered private career college and unapproved vocational programs that require approval; and
- Using the word 'College' in the advertising of its school without obtaining permission from the Minister of Training Colleges and Universities

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
BRADLEY FAUTEUX FOR

Allan Scott
Superintendent
Private Career Colleges

Attachments: Schedule A – Detailed Reasons for Decision

Schedule A

Contravention of section 8 of the Act - Prohibition against providing a vocational program

Ichiban Sushi Academy (Ichiban Sushi) pre-screened a Chef program with the Ministry on December 17, 2010. A response was sent on December 17, 2010 informing the school that the program required the approval of the Superintendent of Private Career Colleges in order to be delivered in Ontario. Since the date that the school received the pre-screening response, the Ministry has not received an Application for the Chef Program. Consequently, on February 25, 2011, a designate sent an email inquiry to ahpak@ichibansushi.com. The designate contacted the school identifying herself as a prospective student. In this communication Angela Pak, an Administrator at Ichiban Sushi, responded stating "...we are always delighted to hear our college is gaining further interest to a larger community. We offer a recreational program for those who wish to learn the basic techniques of making sushi and those who are interested in taking courses purely for interest." In her response to the designate Ms. Pak also provided a copy of a course outline for two programs being offered by Ichiban Sushi. The two programs listed on the course outline were a 'Recreational Program' and a 'Professional Program'



Ichiban Sushi House Inc.
2301 Keele Street Unit 104
Toronto, Ontario M6M 3Z9
Tel: 416-247-0500 Fax: 416-247-0575

Recreational Program Hobby exempt	Professional Program NOC 6241
TERM: 6 Weeks LOCATION: Ichiban Sushi House (Head Office) TIME: Every Friday 4 hrs x 6 = 24 hrs	TERM: 6 Weeks LOCATION: Ichiban Sushi House (Head Office) TIME: Monday-Thursday (2PM-5PM) 3hrs x 4 = 12hrs = 72hrs
◆ TUITION Sub Total: \$800.00 HST 13%: \$104.00 TOTAL: \$904.00 MATERIAL: \$400.00 TOTAL: \$1,304.00	◆ TUITION Sub Total: \$2,000.00 HST 13%: \$260.00 TOTAL: \$2,260.00 MATERIAL: \$900.00 TOTAL: \$3,160.00
Week 1 Raw fish egg Rice & fish with veg. Rice & 2 kind of Japanese soup. Week 2 All kind of fusion Roll & Temaki Week 3 Tempura combination & Udon Week 4 Donburi Week 5 Tataki & Lemon dressing salad Week 6 All Kind of Donkatsu	* ICHIBAN CERTIFICATE - issue of IJCC PROGRAM *Co-op program Week 1 Basic theory, Basic Tepanyaki course, Fish handling course Week 2 Tepanyaki, Salad, Fusion Roll, Soup Week 3 Tepanyaki, Tempura, Roll Week 4 Tepanyaki, Roll, Teriyaki, Udon Week 5 Tepanyaki, Tadaki, Donburi, Roll Week 6 Donkatsu, initiate student into the secret recipe. Upon completion of course students are presented with a certificate achievement.
Memo:	

The designate followed up with an email communication to Ms. Pak on Feb 28, 2011 by asking her:

“One last question, the professional program requires completion of a co-op in order to receive the Ichiban IJCC certificate. Can you tell me if Co-op is included in the 6 week program or it is additional? If it’s additional, how may hours of co-op must I complete? Do I have to find my own co-op or will you arrange this for me? [sic]

In her response Ms. Pak stated:

“I believe the co-op is for one week and is completed after the six week course. It’s called a co-op program but really it’s further training on-site-you will be able to receive more in-depth information regarding the course structure from the instructor when you enrol for the class.”

Given this information, the Professional Program offered by this school is calculated for the duration of 72 hours (3 hours a day x 4 days a week x 6 weeks) and a total cost of \$3,160.00 which exceeds the exemption limits under Section 9(1) of Ontario Regulation 415/06. The Professional Program is classified under National Occupational Classification (NOC) code 6241- Chefs.

Based upon the evidence outlined above, the designate came to the reasonable conclusion that Ichiban Sushi is providing a vocational program that requires the approval of the Superintendent. By offering a vocational program without prior approval from the Superintendent, Ichiban Sushi is in contravention of s.8 of the Act.

Contravention of section 11 of the Act – Advertising Unregistered Private Career College and Unapproved Programs (\$1,000)

Ichiban Sushi advertises its website <http://www.ichibansushi.com/college.html> in Korean. Online Translation of the website produced the following information about the school and its programs:

- There is a ‘Professional program’ and a ‘Recreational Program’ opportunity
- The program develops ‘Grilled food experts’
- Acknowledged by the Government of Canada
- ‘Ichiban certificate’ (ICJJ) is issued
- “Complete the process of training period is six weeks...and retail store on-site education (Co-op Program)
- For more information contact (416) 247-0500/www.ichibansushi.com

Korean to English translation

Is Ichiban Sushi Academy.

Sushi Academy in our 22-based yijibang to recruit new stu

Employment or business start-up are coming.

You are considering immigration minutes

Sushi chefs are challenged by sipeusinbun.

Wonhasineunbun stable part-time job.

Beginning this August 30 and Article 22 of the tuition-based 20% minutes Dear

Professional courses through this opportunity (Professional groups (Recreational Program) You are like Benkei register eclipse neohisigo hope you also prepare for future busines

Professional course lectures a thorough theoretical training practices and merchants fieldwork based on the best outfits Excellent Chef become established or prepare for a job and you want, this course upon graduation entrepreneurship an will be posted. Education, 20% off \$ 1600 + HST (materials

Grilled food experts acknowledge the Government of Cana any professional chef training eclipse (JCC Program) Ichib Certificate will.

Sushi & Specialty pyujeonrol hobby groups in the process c and employment, and those of you who plan to target Sushi courses for professionals and Sushi & pyujeonrol for people the particular courses.

At home that make it easy eclipse / hansik / fusion cuisine, education, various sushi rolls and the fusion of the theory at the variety of experiences that will make ikhilsu. 20% off tuit

Government of Canada take minutes to any professional chef training eclipse (JCC Program) Ichiban Certificate Certificate will.

Sushi & Specialty pyujeonrol hobby groups in the process of entrepreneurship and employment, and those of you who plan to target Sushi & pyujeonrol training courses for professionals and Sushi & pyujeonrol for people who are interested in the particular courses.

At home that make it easy eclipse / hansik / fusion cuisine, and various source education, various sushi rolls and the fusion of the theory and practice through the variety of experiences that will make ikhilsu. 20% off tuition: \$ 640 + HST (materials included)

Complete the process of training period is six weeks of my yijibang gamaengjeong and retail store on-site education (Co-op Program) will also have ongoing

For more information contact 416-247-0500 / www.ichibansushi.com, please contact

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In addition to the above information, the course outline that was provided by the school to prospective students, which is detailed in the previous section, is considered to be advertising and contains information which confirms that the program is in fact vocational in nature.

Based on the information obtained in the previous section, specifically the course details supplied by Ms. Pak, and the website evidence offered in this section, the designate came to the reasonable conclusion that the school is advertising a 6-week Professional program with a Co-op.

The Professional program advertised by Ichiban Sushi is a vocational program that requires approval under the Act. By advertising this program without prior approval from the Superintendent, Ichiban Sushi is in contravention of s.11 of the Act.

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

Ichiban Sushi House Inc. is registered with the Ministry of Government Services under the business name “Ichiban Sushi Academy”. The corporation is registered as carrying out ‘Training & Education’ and has been registered in the Province of Ontario since December 14, 2009. Ichiban Sushi House Canada operates out of 104-2301 Keele Street in Toronto, as advertised on its website. This address coincides with the registered business address as listed with the Ministry of Government Services.

Angela Pak identifies herself as the college’s Administrator in correspondence exchanged with the Superintendent’s office. Ms. Pak’s email address ahpak@ichibansushi.com follows the same domain name format as the email addresses listed on the college’s website.

Ichiban Sushi House Canada

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ICHIBAN SUSHI COLLEGE

이회방 스시하우스는 캐나다 최대의 일식 프랜차이즈로서 1983년부터 26개 이상의 이회방 스시하우스 가맹점과 스시칼리지, 스시 워크숍을 운영하며 일식문화의 흥과 열정을 고취시키고 있으며, 앞으로 가맹점의 성공과 고객만족을 위하여 언제나 노력하고 있습니다.

특히 최고의 시설에서 장업 및 전문가 양성을 위한 실용 기술 및 레시피를 전수해 드립니다.

캐나다 일식 선두 업체 이회방스시 칼리지에서 수준 높은 교육을 통한 스시 전문가로서의 꿈과 희망을 키워나가시기 바랍니다.

교육과정

장업/취업 전문과정반 (6주과정)

일식 전문용 장업 및 취직을 계획하고 계신 분들을 대상으로 일식 요리 전문가를 위한 교육 과정입니다. 철저한 이론 교육과 요리실습 및 가맹점 현장실습을 통한 최고의 일식기술 교육, 교육 후유자에게는 이회방 스시 하우스 취업 기회를 제공합니다.

강의방법 이론교육 후 실습 및 시식, 이회방 스시 하우스 가맹점 현장실습
일시 매주 월요일~목요일 (10:00시~14:00시)

스시&퓨전 요리 숙성과정반 (6주과정)

스시 전문용 장업 및 취직을 계획하고 계신 분들을 대상으로 스시&퓨전 요리 전문가를 위한 교육과정이며 또한 스시와 퓨전요리에 특화된 요리전문가를 위한 교육과정입니다. 각종 스시와 퓨전요리를 이론과 실습을 통하여 6주동안 마칠수 있는 과정이며, 별도의 현장실습 시간의 기회를 드리 현장실용까지 익힐 수 있는 기회를 드립니다.

강의방법 이론교육 후 실습 및 시식, 이회방 가맹점 현장실습
일시 매주 금요일 (10:00시~14:00시)

문의: 이회방 스시 하우스 본사
www.ichibansushi.com
2301 Keele St. (Lawrence & Keele)
Unit 104, Toronto, Ontario M3J 3Z9
주말(토-일): 416-247-0500

http://www.ichibansushi.com/college.html[3/29/2011 4:01:45 PM]

Ichiban Sushi House Canada

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CONTACT US

You can reach us at the following office from 9:00 am EST-5: 30pm EST

Head Office
2301 Keele St. Unit 104
Toronto, Ontario, M3J 3Z9
Phone (416) 247 0500
Fax (416) 247 0575
Toll Free 1 (866) 247 0501

Email
General Email: info@ichibansushi.com
Marketing: marketing@ichibansushi.com
Menu or Food Comments: ears@ichibansushi.com
Design: design@ichibansushi.com
Website: webmaster@ichibansushi.com

FEEDBACK

Welcome and thank you for visiting the Ichiban Sushi House website. You are important to us and helps us make your dining experience better.

* Name:

* Email Address:

* Street Address:

* City:

* Province:

* Postal Code:

* Servers Name:

Were you greeted in a friendly manner? Please select

How would you rate the overall quality of our food? Please select

How would you rate the overall value? Please select

How would you rate the Please select

http://translate.googleusercontent.com/translate_c?hl=en&ie=UTF-8&sl=ko&tl=en&u=ht... 02/25/2011

In an email of February 25, 2011 in response to an inquiry about Ichiban Sushi Academy, Ms. Pak stated “...we are always delighted to hear our college is gaining further interest in the larger community.”

The previous sections of evidence clearly outline that Ichiban Sushi Academy is both providing vocational programs without the approval of the Superintendent and advertising an unregistered private career college.

Given the evidence outlined above the Designate came to the reasonable conclusion that the Ichiban Sushi Academy is holding itself out to be an operator of a private career college in contravention of s.7 of the Act.

BACKGROUND:

Previous Efforts to Obtain Compliance Had No Effect

On December 17, 2010 Ichiban Sushi Academy pre-screened a Chef program with the Ministry. Pre-screening is a free service afforded to the public that allows vocational programs to be assessed, and the School is told whether or not the program requires approval under the Act.

An emailed response was generated that same date informing the school that the program required approval. Since the date that the school received the pre-screening response, the Ministry has not received an Application for the Chef Program. The School has not yet applied to receive this approval and has continued to provide the program, advertise the program and the institution and hold itself out as a private career college, despite the letter expressly stating that “Until such time as your institution has been registered and your program has been approved, it is a violation...to deliver or advertise the delivery of your vocational program.”

Illegal Use of the Word College

On its public website the school is also advertising itself as Ichiban Sushi College. The school is not permitted to use the word ‘college’ without written permission from the Minister of Training Colleges & Universities. This permission is a requirement under the following pieces of legislation:

- s.11 of Ontario Regulation 122/91 made under the Business Names Act; and
- s. 3(1) of Regulation 181 made under the Corporations Act.

To date, no application has been made to the Minister of Training Colleges and Universities by Ichiban Sushi.

Ichiban Sushi House Canada

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ICHIBAN SUSHI COLLEGE

이치반 스시학부스쿨은 캐나다의 최상위 요리 전문 학부스쿨로서 1988년 현재 29개 대학의 입학 및 졸업장을 수여하고 있습니다. 스쿨의 최고수준의 교육은 학생이 입학 후부터부터 전문 요리 기술을 배우고 자신의 기업에서 성공적으로 커리어를 위한 길을 열어주는 것입니다.

학부 스쿨의 시설에서 현장 및 전문가 교육을 위한 실용 기술 및 서비스를 전문에 제공합니다. 현재, 이치반 스쿨은 캐나다에서 수준 높은 교육을 통한 스쿨 학생의 요리 기술을 가르치기 시작했습니다.

교육과정

- **장학/취업 전문과정반 (0주과정)**
 - 장학 전문 요리 기술을 제공하고 개인 생활을 대안으로 요리 기술을 배우고 공부할 수 있습니다.
 - 장학 전문 요리 기술을 제공하고 개인 생활을 대안으로 요리 기술을 배우고 공부할 수 있습니다.
- **수석요원 전문 숙보과정반 (0주과정)**
 - 수석을 위한 요리 기술을 제공하고 개인 생활을 대안으로 요리 기술을 배우고 공부할 수 있습니다.
 - 수석 요원 요리 기술을 제공하고 개인 생활을 대안으로 요리 기술을 배우고 공부할 수 있습니다.

주소: 이치반 스시 하우스 본사
1001 Lakeshore Blvd. E.
Toronto, Ontario, Canada M5C 1A5
전화: (416) 297-0500

http://www.ichibansushi.com/college.html[2/29/2011 4:05:45 PM]

Legal and Operating Entities

Ichiban Sushi House Inc. is a registered corporation in the Province of Ontario. The corporation's registered business name with the Ministry of Government Services (MGS) is Ichiban Sushi Academy. The corporation uses the name Ichiban Sushi College in its advertising. The principal place of business for the corporation in Ontario is listed with MGS as 2301 Keele Street, Unit 104 Toronto Canada M6M 3Z9. This address is consistent with the address used in the college's advertising.

The Directors of the Corporation are listed as Heung Soon Im and Kim Dong Gown.