

RESTRAINING ORDER

By email (marwah21@hotmail.com), fax (647-430-8961) and courier

December 8, 2010

J.A.Z. Logistics Inc. operating as J.A.Z Truck & Fork Lift Driving School and/or known as J.A.S. Truck & Forklift Driving School and/or J.A.S. Truck, Bus & forklift Driving School and/or JAZ Truck, Bus & Forklift Driving School
1750 Brimley Road, Suite 100
Scarborough, ON M1P 4X7

and

9 Tournament Drive
Brampton, ON L7A 3K1

and

44 Forbes Crescent
Markham, ON L3R 6S5

Attention: Joginder Kaur Marwah and Jaspreet Singh Marwah, directors

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 J.A.Z. Logistics Inc. operating as J.A.Z Truck & Fork Lift Driving School and/or known as J.A.S. Truck & Forklift Driving School and/or J.A.S. Truck, Bus & forklift Driving School and/or JAZ Truck, Bus & Forklift 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;
- operating as an unregistered private career college, in contravention of section 7 of the Act; and
- charging fees for unapproved vocational programs that require approval, in contravention of section 9 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;
- Have stopped operating as an unregistered private career college, in contravention of section 7 of the Act; and
- Have stopped charging fees for unapproved vocational programs that require approval.

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 November 15, 2010, a Designate of the Superintendent of Private Career Colleges ("Designate") telephoned the school at 647-430-8961 and spoke with a female who identified herself as Jaz. Jaz advised the Designate that they have several packages of AZ, including an AZ course consisting of unlimited "everything" for \$1,899. Jaz advised that this is a good package because it would let the Designate practice coupling and docking, which are the hardest parts. Jaz advised that this includes the fee for the airbrake course, which is running that Friday and Saturday from 8:00 a.m. to 4:00 p.m. (November 19 – 20, 2010). Jaz advised the Designate of the address (1750 Brimley) and indicated she would be there until 6:00 p.m.

On November 16, 2010, Designates conducted a field visit of the school. Upon arrival at the school, there was evidence that the school was advertising an illegal private career college. First, Designates noticed the following signage outside the building, which advertised the existence of the school, the classes on offer (A,B,C,D,E,F, Z and M) and the telephone number of the school:



Second, Designates also noticed that the door to the school has the following signage advertising the existence of the school:



Third, Designates observed that the door of the suite had a number of business cards slipped into the sign on the door. The business card listed the school's name as "J.A.Z. Truck, Bus & forklift Driving School," with the school's address (1750 Brimley Road, Suite 100, Scarborough, ON M1P 4X7), telephone number (647-828-2379), fax number and email address. The business card also advertised the following classes: "A B C D E F G M Z."

During the field visit, Designates met with Joginder Marwah (who is listed as a Manager on documentation removed during the field visit) and Bajinder Marwah, who identified himself as an instructor at the school. They advised that the owner of the business, "Jaz," was away in the United States.

Joginder immediately advised the Designates that they (the school) were not approved by the *Private Career Colleges Act*, and that they wanted to apply, but are planning on leaving the country.

Joginder further advised the Designates that they train "bus," but not "truck." When Joginder was asked by a Designate why the school's business card advertised "A"

courses, she advised that they were advertising because they were thinking of doing “A” courses. However, when asked by a Designate why the school had a whole file of “A” trucking tests, Bajinder stated that they give the tests to the students to prepare for the A class with the test.

Joginder made available to the Designates a handwritten price list she advised is shown to prospective students. The top of the price list specifies “B C D E F” and provides that unlimited lessons and unlimited road test cost \$1,400. Unlimited “B” (bus) training at a cost exceeding \$1,000 is considered to be a vocational program under the Act. This school is not registered and does not have the approval to offer or deliver this program.

Designates removed from the school an undated document describing “Commercial Driving Training – Class BZ.” The document specified tuition fees of \$2,350 (with additional fees listed) for a 4 week course of training full time at 25 hours per week (totalling 100 hours). This BZ course as described is vocational trucking and thereby requires approval by the Superintendent. Representatives of the school advised that they copied this from a school called “corporate school.”

Designates viewed a student registration form for [REDACTED] for an AZ course during the field visit. The registration form was signed on November 4, 2010. Total tuition cost is listed as \$2,100 with a down payment of \$500. The registration form specifies “unlimited lessons.” A staff member signed the bottom of the registration form, which also outlines registration terms and conditions. Joginder confirmed that this student paid the \$500 down payment and provided Designates with a credit card receipt dated November 4, 2010 for the \$500 down payment paid by the student. The top of the receipt specifies that payment was made to “Jaz Truck & Forklift Driving Sch” at 1750 Brimley Rd Suite 100, Scarborough, ON M1P 4X7. However, Joginder also told the Designate that this student withdrew and got \$250 back from the school. The other \$250 was retained for airbrake training. Joginder was unable to produce a credit card refund slip as proof of this assertion.

Designates also viewed student registration forms for the following students:

- [REDACTED] for an AZ course. The registration form is dated August 12, 2010. Total tuition cost is listed as \$2,100 for “unlimited lesson and unlimited road test and air brake.” A staff member signed the bottom of the form, but the signature area where the student signs is cut off from the form.
- [REDACTED] for an AZ course. Dated June 29, 2010. Total tuition cost is listed as \$2,100 for “unlimited less.” The student signed the form on June 29, 2010 and a staff member also signed the form.

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

Based on the telephone call in which a Designate was offered AZ training, the existence of the price list shown to prospective students with unlimited lesson B (bus) truck training being advertised at a cost of \$1,400 and the student contracts for AZ truck training found during the field visit, Designates formed the reasonable belief that this school is advertising illegal vocational trucking programs, in contravention of subsection 11(1) and (2) of the Act.

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

On November 16, 2010, Designates conducted a field visit at the school. Upon arrival at the school, there was evidence that the school was operating an illegal private career college. Designates noticed signage outside the building advertising the existence of the school, the classes on offer (A,B,C,D,E,F, Z and M) and the telephone number of the school. Designates also noticed that the door to the school had signage advertising the existence of the school with the name of the school “Jaz Truck; Bus; Forklift Driving School Suite 100.”

Designates also observed that the door of the suite had a number of business cards slipped into the sign on the door. The business card listed the school’s name as “J.A.Z. Truck, Bus & forklift Driving School,” with the school’s address (1750 Brimley Road, Suite 100, Scarborough, ON M1P 4X7), telephone number (647-828-2379), fax number and email address. The business card also advertised the following classes: “A B C D E F G M Z.”

Student registration forms for three students were viewed by Designates for vocational programs exceeding 40 hours in duration at a cost exceeding \$1,000 during the field visit. Joginder also confirmed that the school had taken a down payment from student [REDACTED] for an AZ course and a receipt for that down payment (\$500) was provided to the Designates.

Joginder further advised the Designates that they train “bus,” but not “truck.” Bus or “BZ” truck training is considered a vocational program requiring the approval of the Superintendent.

Based on the evidence outlined above in which students enrolled in vocational programs by signing student registration forms, that one student paid a down payment for said vocational course, the admission that the school teaches “b” trucking and that the school advertises itself outside the building, on its business cards and on its door, the school is operating as a private career college without being registered in contravention of subsection 7(1) of the Act.

Contravention of section 9 of the Act – Prohibition against charging fee

Designates viewed a student registration form for [REDACTED] for an AZ program during the field visit. The registration form was signed on November 4, 2010. Total tuition cost is listed as \$2,100 with a down payment of \$500. The registration form specifies “unlimited lessons.” A staff member signed the bottom of the registration form, which also outlines registration terms and conditions. Joginder confirmed that this student paid the \$500 down payment and provided Designates with a credit card receipt dated November 4, 2010 for the \$500 down payment paid by the student. The top of the receipt specifies that payment was made to “Jaz Truck & Forklift Driving Sch” at 1750 Brimley Rd Suite 100, Scarborough, ON M1P 4X7. However, Joginder also told the Designate that this student withdrew and got \$250 back from the school. The other \$250 was retained for airbrake training. Joginder was unable to produce a credit card refund slip as proof of this assertion.

Based on this information and the fact that [REDACTED] is a student of a vocational program, it is clear that the school is charging or collecting a fee in respect of an unapproved program at an unregistered school, in violation of section 9 of the Act.

Background

i) Legal and Operating Names

An ONBIS search conducted on November 19, 2010 shows that J.A.Z. Logistics Inc. is an active Ontario corporation which was incorporated on September 26, 2005. The registered office address is 9 Tournament Drive, Brampton, ON L7A 3K1. Jaspreet Singh Marwah is listed as a Director and an Officer at 44 Forbes Crescent, Markham, ON L3R 6S5. Joginder Kaur Marwah is listed as a Director and an Officer at the same address.

Two active business names are registered for this corporation: J.A.Z Truck & Fork Lift Driving School and Star Lift Safety.

J.A.Z Truck & Fork Lift Driving School was registered on August 8, 2006 and expires on August 7, 2011. The business is described as "driving school." The corporate address is listed as 44 Forbes Crescent, Markham, ON L3R 6S5. Jaspreet Marwah authorized the business name registration.

Star Lift Safety was registered on July 7, 2008 and expires on July 6, 2013. The business is described as "driving school." The corporate address is 9 Tournament Drive, Brampton, ON L7A 3K1. Jaspreet Marwah authorized the business name registration.