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Ministère de la Formation
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Direction du soutien aux étudiants
9^e étage, édifice Mowat
900, rue Bay
Toronto ON M7A 1L2



VIA COURIER

RESTRAINING ORDER

October 30, 2009

Japh Dr G Chinese Medicine, Acupuncture, Massage, Physical Theray Clinic,
Research Institute and Drug Mart
Suite 1A-1215 St. Clair Avenue West
Toronto, ON M6E 1B5

Attention: Dr. Jingzhou Gou, sole proprietor

This is a **Restraining Order** issued under the authority of section 46 of the *Private Career Colleges Act, 2005*. As the Superintendent of Private Career Colleges, I hereby order Japh Dr G Chinese Medicine, Acupuncture, Massage, Physical Theray [sic] Clinic, Research Institute and Drug Mart ["Japh Dr G Clinic"] and Jingzhou Gou to cease operating in contravention of the *Private Career Colleges Act, 2005* ("PCCA, 2005").

The specific contraventions include: 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; advertising an unregistered private career college and unapproved vocational programs, contrary to subsections 11 (1) and (2) of the PCCA, 2005; obstructing the Superintendent's designate under subsection 38(10) of the PCCA, 2005; and having advertising which is misleading in contravention of subsection 16(1) 2. i of Ontario Regulation 415/06.

The detailed reasons supporting my order are set out in Schedule A, attached.

Japh Dr G Clinic and Jingzhou Gou must **immediately** take the steps outlined below in this order to comply with the PCCA, 2005. Japh Dr G Clinic and Jingzhou Gou 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 November 17, 2009**.

Japh Dr G Clinic and Jingzhou Gou must confirm that they:

1. have stopped operating as a private career college;
2. have stopped advertising unapproved vocational programs;
3. are not enrolling students in unapproved vocational programs; and
4. a) will not continue offering unapproved vocational programs, OR
b) will not continue offering unapproved vocational programs until and unless it is properly registered as a private career college and has obtained approval for all vocational programs as required under the PCCA, 2005.

If Japh Dr G Clinic and Jingzhou Gou will continue offering vocational programs only following registration and approval as set out in item 4. b), above, they must also **by November 17, 2009** do the following:

5. Submit completed online applications for registration of a private career college and for approval of all vocational programs as listed in Schedule A.
6. Submit required hard copy documents for the application for registration of a private career college and for approval of all vocational programs.
7. Explain in writing why Japh Dr G Clinic and Jingzhou Gou was advertising, offering, and enrolling students in vocational programs prior to obtaining approval of those programs from and prior to registration of Japh Dr G Clinic and Jingzhou Gou by the Superintendent.
8. Submit a list including the names and addresses of all current students enrolled in unapproved vocational programs;
9. Issue refunds to students who were enrolled in unapproved vocational programs where required under section 25 of Ontario Regulation 415/06.
10. Confirm whether they are holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs.
11. Confirm that they are holding student files and will make them available for the Superintendent's staff to review on request.

Further information regarding applications for registration and approval is found in Schedule B, attached.

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. Publication of this order on the Ministry's public website;
2. Application for a court order from the Superior Court of Justice to compel Japh Dr G Clinic and Jingzhou Gou to comply;

3. Prosecution for failure to comply with this order and the specific contraventions of the PCCA, 2005 noted above. Upon conviction by a court of an offence, a corporation may be subject to a maximum fine of up to \$100,000; an individual, including an officer or director of a corporation who concurs in the commission of the offence, may be subject to a maximum 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.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

Noah Morris
Superintendent
Private Career Colleges

Attachments:

Schedule A – Detailed Reasons for Decision

Schedule B – Compliance with the PCCA, 2005

Schedule A – Detailed Reasons for Decision

Background

On October 19, 2009, Ministry staff visited an unnamed institution located at Suite 1A of 1215 St. Clair West in Toronto (“the institution”) to determine if the institution was offering vocational training in massage therapy, which is a regulated profession within the meaning of the PCCA, 2005. The institution is not registered as a private career college and has not received program approval to offer massage therapy.

Legal and Operating Names

A master business licence hanging on the wall of the institution during the in-person visit on October 20, 2009 specified that the business is a sole proprietorship with the business name of Japh Dr G Chinese Medicine, Acupuncture, Massage, Physical Therapy Clinic, Research Institute and Drug Mart.

A business name search conducted on October 21, 2009 confirmed the information on the master business license. The principal place of business in Ontario is identified as Suite 1A, 1215 St. Clair Avenue West in Toronto. Guo Jingzhou is listed as the registrant and as the sole proprietor.

Contravention of sections 7 and 8 of the PCCA, 2005 – Operating an Unregistered Private Career College and Delivering Unapproved Programs

An internet search of the school’s website (www.cere.weebly.com) conducted on October 19, 2009 indicated the school is offering “*medical massage courses.*”

The website specifies: “*To enrol people and turn them into medical massage performers. We are a massage school licensed by the Government of Ontario as a Private Vocational School.*” The website provides the school’s address and telephone number, but does not list the school’s name. Only the website address of the institution is listed.

The website specifies the length of the medical massage course as one month consisting of 148 hours and tuition fees of \$900, plus registration fees of \$100.00. The website specifies that students can either pay \$1000.00 for the four week course to obtain a certificate which will help them get “*massage holistic license [sic],*” or pay only \$500.00 for a four week course “*just to learn massage skills.*” Students who choose the second option do not receive a certificate.

The website also provides a link to a slide deck of sample teaching material.

An in-person interview was conducted on October 19, 2009 with a male practitioner at the institution, in a small practitioner's office. When Ministry staff arrived, a male patient was receiving treatment in the back room of the institution.

At the beginning of the interview, the male practitioner revealed his name to Ministry staff, but refused to repeat his name or provide the spelling of his name for Ministry staff at a later point in the interview. When questioned by Ministry staff, the practitioner also denied that he was the individual listed on the Master Business License located on the wall of the institution. The name on that licence is "Jingzhou Gou." However, during a telephone call with Ministry staff on October 20, 2009, the male practitioner identified himself as "DG" and he was subsequently identified as Dr. Gou by the campus administrator at FCCHDA (described below).

During the same in-person interview, Dr. Gou admitted to Ministry staff that he taught massage classes at that office and that he was a "branch" of First Canada Cosmetician and Hair Design Academy ("FCCHDA"), which is a registered private career college. Dr. Gou stated that students came from FCCHDA to train at his institution. Dr. Gou provided Ministry staff with a pamphlet from FCCHDA outlining its profile, enrolment requirements, class schedule and course outlines.

The institution's website does not identify itself as a registered campus of FCCHDA, nor is the institution located at 1215 St. Clair Avenue West registered as a campus of FCCHDA.

Dr. Gou told Ministry staff that he currently did not have any students, but had taught one student the massage course the previous month. He advised that class schedules are flexible, that teaching is one-on-one and that all of his student contracts were held at FCCHDA.

Dr. Gou showed Ministry staff where his massage therapy students are taught classes, which is the same portion of the office where the patient was being treated. Dr. Gou told Ministry staff that class curriculum in the form of slide decks was given to students. Dr. Gou also showed Ministry staff one of the curriculum slide decks on the computer during the in person visit, but refused to provide Ministry staff with a copy of class curriculum or email a copy of the curriculum to Ministry staff after arguing that the slide deck was too long to print.

On October 20, 2009, Ministry staff spoke to Mei-Yau Fong, Campus Administrator of First Canada Cosmetician and Hair Design Academy. Ms. Fong advised that the male practitioner's name was Dr. Gou and that she had met with him that same day. Dr. Gou had told Ms. Fong about the Ministry's visit on October 19. Ms. Fong advised Ministry staff that Dr. Gou would become a teacher at her school and that she was not interested in opening another campus at 1215 St. Clair West for FCCHDA.

On October 20, 2009, Ministry staff re-examined the institution's website address (www.cere.weebly.com) and found that the text had been changed to read "First Canada Cosmetician and Hair Design Academy" with same telephone number (416-356-8666) previously listed on the institution's website. FCCHDA already has its own website. Ms. Fong denied that she was aware of a secondary website for FCCHDA.

Contravention of Subsections 11(1) and (2) of the PCCA, 2005 – Advertising Unregistered Private Career College and Unapproved Programs

The institution's website advertises the existence of the institution as a "*private vocational school*" that is "*licensed by the Government of Ontario*". The website also advertises the institution's massage therapy program.

An internet search conducted on October 20, 2009 revealed the following online advertisements for this institution:

- An advertisement on "eClassifieds 4U" posted on October 6, 2009 for "Medical Massage Courses for people with certificate." The advertisement specified the following: "*We are enrolling female and male students for our Medical Massage Courses. We[']ll train them and help them go into this profession...And it is a practical learning process. Students practice their learned skills on our clients' bodies with us. While they do practicing on our clients, we [ll] pay (give) them \$15/h for their work.*" Length of class: 4 weeks (one on one classes). Location: 1215 St. Clair. Tel: 416-356-8666.
- An advertisement on "Khrido Free local classifieds Toronto Classifieds" posted on September 29, 2009 set to expire on November 29, 2009. The advertisement specifies the following: "*We are hiring people for our Medical Massage Courses. We'll train them and help them go into this profession legally.*" This advertisement specifies the location as Suite 1A, 1215 St. Clair West with the telephone number as 416-356-8666.

The description of the course, telephone number and address for these advertisements are the same as that contained on the institution's website.

Therefore, the institution is in contravention of Subsections 11(1) and (2) of the PCCA, 2005 for advertising an unregistered private career college and unapproved programs.

Violation of s. 38 (10) of the PCCA, 2005 - Obstruction During Inquiry

Dr. Gou obstructed the duties of the Superintendent's designate during the in-person visit by refusing to provide a copy of the class curriculum, even after being informed that he would be obstructing the inquiry by refusing to provide the documents.

Dr. Gou also violated this provision by refusing to provide his name to the Superintendent's designate.

Violation of s. 16(1) 2. i of Ontario Regulation 415/06 for Misleading Advertising

The advertisement shall not contain a statement that misleads or is likely to mislead the public. This institution is misleading the public in its website advertising by stating the following: "*We are a massage school licensed by the Government of Ontario as a Private Vocational School.*" The institution is not registered as a private career college, and its massage classes are not approved as vocational programs under the PCCA, 2005. There is no other branch of the Ontario Government that would license such a school.

Schedule B – Compliance with the *PCCA, 2005*

If you wish to operate a private career college, the first step towards ensuring compliance with the PCCA, 2005 is the submission of full and complete registration documents for this unregistered private career college and for all unapproved vocational programs. Please note that a separate registration is required for each campus (different location) of a private career college, together with separate approval of programs to be offered at each campus.

As reflected in the Restraining Order attached, you must not operate, advertise, collect fees from or enrol students until and unless your private career college is registered and your programs are approved. If you have been operating, you must stop all unapproved vocational programs and wait for the registration and approval.

All private career college registration forms and guidelines can be found at www.serviceontario.ca. Simply click on *Get the Forms You Need Quickly and Easily*, and follow the *Education and Training* link to *Private Career Colleges*.

If you have any questions after reviewing the forms and the manual, please call the Private Career Colleges Unit at (416) 314-0500.