

RESTRAINING ORDER

Served by fax to 416-925-1076, by e-mail to kokorodojo@mac.com, and courier

March 2, 2010

1628234 Ontario Limited
o/a Kokoro Dojo
358 Dupont Street
Toronto, ON M5R 1V9

Attention: Leonard Christine Allison, Director

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 1628234 Ontario Limited o/a Kokoro Dojo (Kokoro Dojo) 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, Kokoro Dojo is:

- 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 unapproved vocational program contrary to section 9 of the PCCA, 2005.

Kokoro Dojo 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 Kokoro Dojo:

- has stopped advertising an unregistered Private Career College and unapproved vocational programs that require approval.
- has stopped operating as a private career college;
- has stopped providing unapproved vocational programs that require approval;
- has stopped charging fees for unapproved vocational programs that require approval;

- has provided the ministry with a list including the names and addresses of all current students;
- has provided refunds to students who were enrolled in unapproved vocational programs that require approval;
- is not holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs that require approval;
- is 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 Kokoro Dojo to comply;
2. The issuance of further Administrative Monetary Penalties.
3. Prosecution for the offence of failure to comply. 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.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

OPERATION "HANDS ON"

Shiatsu therapy involves the systematic application of manual pressure to the body in order to assess and treat a variety of conditions. Literally translated, the Japanese word shiatsu means "finger pressure." The College of Massage Therapists of Ontario considers Shiatsu Massage to be one of the modalities within the scope of practice as defined by section 3 of the Massage Therapy Act, 1991 reads as follows:

Scope of practice

3. The practice of massage therapy is the assessment of the soft tissue and joints of the body and the treatment and prevention of physical dysfunction and pain of the soft tissues and joints by manipulation to develop, maintain, rehabilitate or augment physical function, or relieve pain.

The necessity for program approval for shiatsu massage programs is specifically addressed in section 7 (3) of Ontario Regulation 415/06 made under the Private Career Colleges Act, 2005 which provides as follows:

"Despite item 2 in the Table to subsection (2), a vocational program in the vocation of shiatsu massage is prescribed as a vocational program for the purposes of the Act and the regulations."

In response to a concern about unapproved shiatsu massage programs, and their potential impact on public safety, Operation "Hands On" was launched. Its purpose was to identify unregistered shiatsu massage schools offering unapproved vocational programs that require approval under the Private Career Colleges Act, 2005 and to take the necessary enforcement action against them. This institution was identified as part of this operation.

Contravention of section 11 of the PCCA, 2005 – Advertising Unregistered Private Career College and Unapproved Programs

On February 10, 2010, the website belonging to Kokoro Dojo, <http://www.kokorodojo.com/>, was reviewed by Ministry staff who found it advertising a zen shiatsu diploma program. The website provided a downloadable program guide which describes the diploma program. Page 14 of the guide indicated that the "Kokoro Do Jo Zen Shiatsu Intensive Diploma Program" is 500 hours in duration, and costs \$5,350.00.

This course corresponds to National Occupational Classification (NOC) code 3232 – Midwives and Practitioners of Natural Healing. The vocation of shiatsu massage is specifically referenced in law as being a non-exempt program that requires approval. O.Reg. 415/06, s. 7(3) provides as follows: "Despite item 2 in the Table to subsection (2), a vocational program in the vocation of shiatsu massage is prescribed as a vocational program for the purposes of the Act and the regulations."

The website bears the school's name, a description of its zen shiatsu diploma program as well as an address, 358 Dupont Street, Toronto, ON M5R 1V9, a phone number, a fax number and an e-mail address for the school.

Since this college is not registered, and this program is not approved, advertising of them is prohibited in accordance with section 11 as noted above.

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CLASSES & SCHEDULE
(KOKORO DO JO ZEN SHIATSU INTENSIVE DIPLOMA PROGRAM)



ADDITIONAL REQUIREMENTS

Each student is required to wear a uniform (dogi) to every class. Students' first dogi is provided by Kokoro Do Jo.

01: All students will be required to document their practice sessions in the form of a log or journal. It is expected that students complete 60 sessions of giving treatments and 30 sessions of receiving practice treatments from fellow students.

02: All students are expected to complete 1 case study by the end

EVENING CLASSES

Mon. & Wed._06:00pm_9:30pm
Sun._10:00am_06:00pm (*once a month*)

FINAL WEEK OF CLASS

Mon. to Fri._10:00am_6:00pm

TUITION LEVEL 01

500 hours
\$5,000.00 + gst
Total Tuition: \$5, 350.00

ADDITIONAL COSTS

- a) Student Package (mandatory) includes Meridian Charts, Buckwheat Pillow and Shiatsu Mat.
- b) 10 Treatments with a Zen Shiatsu Therapist affiliated with Kokoro Do Jo (treatments are not included in the price of the Student Package)

**Contravention of section 7 of the PCCA, 2005 - Prohibition against operating a private career college and
and
Contravention of section 8 of the PCCA, 2005 - Prohibition against providing vocational programs**

On February 12, 2010, Ministry staff phoned Kokoro Dojo at 416-925-5722 and spoke with Anna. Anna advised that the zen shiatsu diploma program costs \$5,250, and includes 500 hours of instruction. When asked whether classes were currently in session, Anna confirmed that there were. She stated that there are 10 students currently enrolled in the diploma program which started in September and will end in July.

Contravention of section 9 of the PCCA, 2005 – Charging Fees for Unregistered Private Career College and Unapproved Programs

On February 12, 2010, Ministry staff phoned Kokoro Dojo at 416-925-5722 and spoke with Anna. When Ministry staff asked whether any students were currently enrolled, Anna confirmed that 10 students were presently enrolled in the zen shiatsu diploma program. Ministry staff then asked how this group of students paid for the course. Anna stated that some of the students paid up front, and some are paying in instalments.

BACKGROUND

Previous Warning Issued

On August 7, 2009, Ministry staff sent a letter to Ryan Brooks of Kokoro Dojo advising him that the Shiatsu Therapy course required approval. Kokoro Dojo has not yet submitted a complete application for program approval.

On February 17, 2010, Kokoro Dojo sent an e-mail to the Ministry stating that they are still working on the application, and requested a new password for the computer system named RICC.

Legal and Operating Entities

An ONBIS search confirmed that on November 1, 2004, 1628234 Ontario Limited was incorporated with the business name "Kokoro Dojo". Its registration expired on October 31, 2009.