

# RESTRAINING ORDER

Served by email (evanescemedispa@gmail.com), by Fax (519-438-1560) and by Courier

November 26, 2010

Judith Marie Vandyk, Director  
The London Laser Academy  
515 Wharncliffe Rd. S.  
London, Ontario  
N6J 2N1

Attention: Judith Marie Vandyk, Director

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 Judith Marie Vandyk operating as The London Laser Academy ("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.

- Act, s. 11 - Restrictions on advertising and soliciting
- Act, s. 7 – Prohibition on operating a private career college
- Act, s. 8(1) – Prohibition against providing vocational programs

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 3, 2010 by registered mail or courier to my attention and confirm that you:

- have stopped advertising unapproved vocational programs that require approval;
- have stopped holding itself out as the operator of a private career college unless you are registered; and
- have stopped providing 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](http://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

Allan Scott  
Superintendent of Private Career Colleges

Attachments:            Schedule A – Detailed Reasons for Decision

## Schedule A – Detailed Reasons for Decision

### Contravention of s. 11 – Restrictions on advertising and soliciting

On June 26, 2009, the School pre-screened the following programs:

- Laser Hair Removal Technician
- Laser Theory
- Theory of the Skin Anatomy and Hair Histology
- PhotoFacial Rejuvenation
- Blue Light Acne Therapy
- Laser Skin and Scar Resurfacing
- Radio Frequency Therapy

In the pre-screening form the School indicated that each program cost \$950.00 with a length of 30 hours. Therefore, all programs submitted were less than 40 hours and the fees were less than \$1,000 which in turn categorizes them exempt from the requirement to be approved under the Act.

On October 1, 2010 a letter was sent from the Ministry indicating that the individual programs listed above were exempt because of the length and cost. However, the letter did state: “...*the decision is made on the assumption that the facts, as you have presented them, are comprehensive and accurate regarding the above noted programs offered by The London Laser Academy.*”

On September 30, 2010, a Designate of the Superintendent (“Designate”) contacted the School by email enquiring about the school’s Cosmetic Laser Technician Program which is mentioned on the School’s webpage: <http://laseracademy.ca/laser-therapy-course-outline.htm>.

Ontario's Premiere Cosmetic Laser Academy

*Laser Hair Removal  
Photo Facial Rejuvenation  
Blue Light Acne Therapy  
Radio Frequency/Thermage*

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Our Laser Training class outline can be found below. [The Laser Academy](#) provides courses for training in laser therapy offers hands on experience and extensive theory in all areas for our Certified Laser Technician certificate.

**Winter / Spring Open Houses**  
Call Anytime To Book Your Private Information Session And Tour

**Winter / Spring Courses**  
Full time Courses for Winter and Spring 2011  
Contact For Upcoming Semester Dates

**Part Time Winter / Spring Courses**  
Contact For Upcoming Semester Dates

The email asked for confirmation of the program's cost. On the same day, Judy Vandyk, Director of the School responded with the following:

*"The theory units are mandatory. Plus each unit you want to be certified in is \$900. The basic course of Cosmetic Laser Technician consists of 5 units, so your cost would be \$4,500.00 plus hst plus your supply kit is \$100 plus hst."*

For each unit, such as Laser Hair Removal, a student is required to take the first two Laser Theory units before they can take the Laser Hair Removal unit. In essence, each of the programs is a total of at least 3 units which adds up to a 90 hour program for a total of at least \$2,700.00 or as is the case for the Cosmetic Laser Technician which consists of 5 units, at a duration of 150 hours and a cost of \$4,500.00.

Again on September 30, 2010, a Designate sent another email to clarify the School's response. The Designate wanted to verify that the Cosmetic Laser Technician program is a total of 5 units, wanted to know which units were included in the program, asked if there was a course currently running and the total length of the program. Judy Vandyk responded the same day with the following:

*"The units are Anatomy of Skin and Biology of Hair, Laser Theory, Laser Hair Removal, PhotoFacial/Photo Body Rejuvenation and Blue Light Acne Therapy. There are 2 advanced courses consisting of Fractional Laser Resurfacing and*

*Radio Frequency Therapy available as well once the basic course is completed.  
The next full time course starts Oct. 26<sup>th</sup> T/W/F 10am to 2pm.”*

The 5 units listed in the email were the same five programs submitted for pre-screening as individual programs. In the pre-screening process and on the School's website there is no mention of the total cost of the Cosmetic Laser Technician program. However, on the website: <<http://laseracademy.ca/course-tuition-fees.htm>>, each of the individual units is listed with their corresponding prices as per the image below:



Ontario's Premiere Cosmetic Laser Academy

*Laser Hair Removal  
Photo Facial Rejuvenation  
Blue Light Acne Therapy  
Radio Frequency/Thermage*



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## The Laser Academy School Curriculum

A **Laser Academy** education represents a proven teaching and learning method to achieve dreams, accomplish goals and grab opportunity.

Our Laser School encompasses an all-inclusive laser therapy curriculum delivered through a step by step, hands-on learning process. The program includes:

### The Laser Academy Curriculum 2010

- **LASER THEORY** (prerequisite to all applications) LZT-.....\$900.00  
This course is designed to specifically meet or exceed the educational requirements outlined by the REDC for healthcare personnel utilizing Laser and Light-Based technologies in Esthetic Applications.
- **PRACTICUM THEORY** (prerequisite to all applications) - This course includes anatomy of the skin, histology of the hair, skin typing and skin disorders and diseases. LZPT - .....\$900.00
- **PHOTOFACIAL/PHOTOBODY REJUVENATION- LZP- ..... \$900.00**
- **LASER HAIR REMOVAL - LZH** You can expect to learn the basic biology of hair and its growth cycles. ....\$900.00
- **BLUE LIGHT ACNE THERAPY - LZA ..... \$900.00**
- **LASER RESURFACING (ADVANCED COURSE) -LZRA ..... \$900.00**
- **THERMAGE THERAPY - (ADD ON) -RFT .....\$900.00**
- **LOW LEVEL LASER THERAPY - ..... \$900.00**
- **STOP SMOKING PRACTICAL - .....\$900.00**
- **WEIGHT LOSS PRACTICAL - .....\$900.00**

Above courses are all subject to applicable taxes and you will be required to supply your own consumables supply kit (approximately \$100.00) and white lab coat.

Full Time Course (7 weeks)	M/W/F - 9am-3pm
Part Time Course (4 months)	T/T or W/F - 4pm-7pm

The Laser Academy  
515 Wharncliffe Rd. S., London, Ontario  
(519)-438-8192

On October 20, 2010, a Designate sent an additional email to clarify whether or not they would receive a diploma for Laser Technician. Judy Vandyk responded that same day with the following:

*I can start you in the upcoming class. The next class will be in February. You will need to come in before Friday if you want to start on Tuesday. If you are taking only hair removal the certificate will be for Laser Hair Removal Technician. If you take the 3 basic applications your certificate will be Cosmetic Laser Technician. Please advise.*

The program is classified under the National Occupation Classification (NOC) Code 6482 - Estheticians, Electrologists and Related Occupations. Based on the evidence presented previously in this section, the Designate has formed the reasonable belief that the School is advertising vocational programs for Cosmetic Laser Technician and Laser Hair Removal which have not been approved by the Superintendent and were not included in the pre-screening submissions. Therefore, the School is in contravention of Section 11 of the Act.

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

The following evidence is has formed the basis for the Designates reasonable belief that Judy Vandyk is holding herself out as the operator of a private career college:

- the evidence offered in the previous section that clearly indicates that the School is advertising vocational programs entitled Cosmetic Laser Technician and Laser Hair Removal;
- Judy Vandyk, who is known to the Designate to be the sole proprietor of the business through an ONBIS search; and
- that Judy Vandyk has responded to emails with the title “Director” of the School.

In addition the School website <http://laseracademy.ca/admissions.htm> contains the following:

*“At The Laser Academy we believe in providing guidance and direction to students striving to pursue a career in the Cosmetic Laser industry. Our programs begin every 3-5 months. Classes run full-time,*

*and part-time to best fit your schedule. Financing is available for qualified students and all tuition fees are tax deductible."*

Clearly the School presents itself as training their students for a vocation in the Cosmetic Laser industry.

Under section 7(2) of the Act, no person shall hold themselves out as the operator of a private career college unless the person is registered. Under the Act, if an institution provides one or more vocational programs to students for a fee they are by definition a private career college.

### **Contravention of section 8(1) of the Act – Prohibition against providing vocational programs**

In the emails referenced under the section 11 evidence earlier in this document the following information about Cosmetic Laser Technician was confirmed:

- The Cosmetic Laser Technician program consists of 5 units which are 30 hours each with a cost of \$900.00 each which leads to a total duration of 150 hours and \$4,500.00 for the program
- A full time course started Oct. 26<sup>th</sup>

The preceding information demonstrates that the School is currently delivering unapproved vocational programs. Therefore, since the School is not registered as a private career college under the Act, and the Cosmetic Laser Technician program is not approved by the Superintendent, delivering the program is prohibited under section 8 of the Act.

### **BACKGROUND:**

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In a series of emails between the Ministry and the school beginning September 30, 2010, it became apparent that the school was not forthright in its pre-screening submissions.

### **Legal and Operating Entities**

The London Laser Academy was registered as a business name on May 12, 2010. The School is a sole proprietorship with Judith Marie Vandyk listed as the registrant. The address listed is 515 Wharnclyffe Rd. S., London, Ontario, N6J 2N1.