

Particulars of Notice of Contravention and Review Decision
S. 49(1) *Private Career Colleges Act, 2005*

Tuesday March 2, 2010

These particulars are posted following the issuance of an administrative penalty for which a review was requested. Penalties may be reviewed upon request within 15 days of receipt of a Notice of Contravention. The review decision is made considering not only the information originally available at the time the Notice of Contravention was issued, but also any new information not previously available that may have been supplied in support of the request for a review. On review, an administrative penalty may be upheld, rescinded or reduced. A review decision is final.

Original service date: January 20, 2010

Luba Yewchyn Pawczuk
603667 Ontario Inc.
o/a LubaMera Institute of Aesthetics & Cosmetology
370 Main Street East
Hamilton, ON
L8N 1J6

Description:	Original Amount:	Review Decision:
<p>Act. s. 11 – Restrictions on advertising and soliciting</p> <p>On January 13th 2010, Ministry staff reviewed the corporate website of LubaMera Institute http://www.lubamera.com/Spa09/InstituteWelcome.html. The website advertises two unapproved programs:</p> <ul style="list-style-type: none"> ○ Advances Aesthetic Diploma ○ Cosmetology Diploma Course <p>LubaMera Institute only has one program approved by the Superintendent of Private Career Colleges, which is Advanced Aesthetics and Cosmetology. Although these may be components of the approved program, advertising them as distinct programs, with distinct credentials, requires approval.</p>	<p>\$1,000 per day</p>	<p>Penalty of \$1,000 is reduced to \$750.</p> <p>The balance of evidence indicates LubaMera Institute of Aesthetics & Cosmetology was advertising unapproved vocational programs.</p> <p>LubaMera has come into compliance as its website no longer advertises the Cosmetology Diploma course and the Advanced Aesthetics Diploma.</p>

<p>Act. s. 33 read with O.Reg 415/06 s.16(1), par. 1, 3, 4, 5, 6</p> <p>Lubamera Institute’s website advertising uses incorrect registration wording. Advertisement states that LubaMera Institute is “Fully accredited and bonded. O.S.A.P registered and Ontario Government monitored.” This is not in accordance with s. 16 (1) paragraph 3, specifically.</p>		<p>The balance of evidence available indicates the Notice of Contravention was issued more than one year after the contravention was first noted.</p>
Total:		\$750