

# RESTRAINING ORDER

**Served by fax (905) 602-8262, by email [decorate@mccalls-cakes.com](mailto:decorate@mccalls-cakes.com) AND [pmason@mccalls.ca](mailto:pmason@mccalls.ca) and courier**

March 23, 2011

Attn: Pamela Mason and Nicholas McCall  
McCall's School of Cake Decoration (1987) Inc.  
3851 Bloor Street West  
Toronto, Ontario M9B1L2

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 McCall's School of Cake Decoration (1987) Inc. known as McCall's School of Cake Decoration ("the 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 advertising unapproved vocational programs, contrary to sections 11(1) and (2) of the PCCA, 2005, respectively

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 **Thursday March 10, 2011** by registered mail or courier to my attention and confirm that the School:

- has stopped advertising an unregistered Private Career College and 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

## Contravention of section 11 of the Act – Advertising Unregistered Private Career College and Unapproved Programs (\$1,000)

McCall's was issued a warning letter from the Private Career Colleges Branch on December 23, 2011. On January 10, 2010, Nicholas McCall contacted a Designate to discuss the warning letter that was issued. Nicholas McCall was advised that he was required to cease advertising and providing the vocational programs Professional Cake Decorating and Master Cake Decorating until such time as McCall's became registered as a Private Career College and had its program approved by the Superintendent.

Ministry of Training,  
Colleges and Universities  
Private Career Colleges Branch  
9<sup>th</sup> Floor, Mowat Block  
900 Bay Street  
Toronto ON M7A 1L2

Ministère de la Formation  
et des Collèges et Universités  
Direction des collèges  
privés d'enseignement professionnel  
9<sup>e</sup> étage, édifice Mowat  
900, rue Bay  
Toronto ON M7A 1L2



December 22, 2010

McCall's School of Cake Decoration (1987) Inc.  
3851 Bloor Street West  
Toronto, Ontario M9B 1L2

Attention: Pamela Mason

Pursuant to Section 11(2) of the *Private Career Colleges Act, 2005* ("the Act") no person shall advertise the provision of a vocational program at a private career college unless the person is registered and the provision of the vocational program has been approved by the Superintendent of Private Career Colleges.

Recently, a Designate of the Superintendent ("Designate") determined through a review of evidence that your organization is advertising both a Professional Cake Decorating and a Master Cake Decorating programs. The advertising was located at [www.mccalls.ca](http://www.mccalls.ca). These programs are considered to be vocational programs that will provide the skills and knowledge required in order to obtain employment in a prescribed vocation and as such require both a registration under the Act and the approval of these programs by the Superintendent.

McCall's School of Cake Decoration is required to cease all advertising pertaining to the above noted programs no later than Thursday December 23, 2010. In addition, any delivery of these programs, current or contemplated, must also cease until such time as your institution is registered and your programs are approved. Failure to comply with this the requirements outlined in this letter may result in any or all of the following enforcement actions:

- Issuance and publication of a Restraining Order
- 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.

Should you have any questions at all, please contact me directly at 416-212-2292.

Regards,

A handwritten signature in black ink, appearing to read "BFauteux".

Bradley Fauteux  
Manager

As of February 22, 2011 McCall's School of Cake Decoration (1987) continues to advertise unapproved vocational programs on its website. McCall's has published its spring 2011 calendar which includes details for the following programs:

**1. Master Cake Decoration (Intermediate 72 hours)-  
Estimated Total Cost of \$ 1,100-2,440**

Course components	Cost	Duration
Full Time Professional Cake Decorating	\$1,100	70 hours
<b>OR</b>		
Part Time Basic 36 hour Certificate +	\$540	36 hours
Australian Method+	\$160	3 hours
Gum Paste I +	\$160	3 hours
Any 4 cake decorating workshops +	\$50-\$160/ course \$200- \$640 total cost	12 hours

According to the school's brochure, their 'teaching methods start with the basics. Once a thorough understanding of these basics has been achieved, the McCall Method then enhances the skill level of the student through further studies.' Students who wish to pursue further studies can take a Master Cake Decoration advanced program.

**2. Master Cake Decoration (Advanced 130 hours)- Estimated Cost of \$ 1,100-2,440**

Course components	Cost	Duration
Full Time Intermediate 72 hour certificate +	\$1, 100 - \$2000	72 hours
Professional Advance Techniques+	\$650	35 hours
<b>OR</b>		
Part Time Basic 36 hour Certificate +	\$540	36 hours
Intermediate 72 hour certificate +	\$1,100-200	72 hours
+ Gum Paste II, III or Gum Paste 3 days	\$160	12 hours
+ Advanced Techniques and Flood Work	\$160	12 hours
+ Figure Modeling and Pastillage & Appliqué	\$160	12 hours
+ Cocoa Painting	\$70	3 hours
+ 1 more cake decorating workshop	\$70	3 hours
+ Handbags & Shoes workshop	\$160	12 hours

The current brochure, as advertised on the college's website lists a Master of Cake Decoration program (Intermediate) and a Master of Cake Decoration program (advanced). Each program, when totalled exceeds the exemption limits of <40 hours and <\$1000. The school states in its brochure that in order to be eligible for the Master Cake Decoration Certificates, the student MUST begin at the entry level of introduction

to Cake Decorating Part I. The price breakdown for each of the course components is supplied in the section above.

McCall's

### Certificate Program...

Each student has the opportunity to participate in the Certificate Program. Indicated below are the levels of certification and the studies necessary for completion. Please note that to be eligible for the Master Cake Decoration Certificate(s) the student MUST begin studies at the entry level of Introduction to Cake Decorating Part I. Students with experience who wish to enter classes at a higher level may do so, with instructor approval, but will be exempt from the Certificate Program.

**Certificate of Participation**  
After the completion of any of the following:

<p><b>Full Time Classes</b></p> <ul style="list-style-type: none"> <li>- Swiss Chocolate Techniques (5 days)</li> <li>- Gum Paste (3 days)</li> <li>- Advanced Wedding Cakes (3 days)</li> <li>- Fancy Desserts &amp; Pastries (3 days)</li> <li>- Basic Baking (3 days)</li> <li>- Advanced Gumpaste (3 days)</li> <li>- Advanced Techniques (5 days)</li> </ul>	<p>After the completion of 4 of the following:</p> <p><b>Part Time Classes</b></p> <ul style="list-style-type: none"> <li>- Bread</li> <li>- Puff Pastry</li> <li>- Strudel &amp; Coffee Cakes</li> <li>- Croissants &amp; Danish Pastries (2 classes)</li> <li>- Fancy Pastries and Petites Fours</li> <li>- Christmas Treats</li> <li>- Dessert Cakes Part I, II, III, IV or V</li> <li>- Pie &amp; Tarts</li> </ul>
---	--

**Master Cake Decoration (Basic 36 hours)**

Part Time	Introduction to Cake Decorating
+	Intermediate Cake Decorating
+	Wedding Cakes

**Master Cake Decoration (Intermediate 72 hours)**

Full Time	Professional Cake Decorating
Or	
Part Time	Basic 36 hour Certificate
+	Australian Method
+	Gum Paste I
+	Any 4 cake decorating workshops

**Master Cake Decoration (Advanced 130 hours)**

Full Time	Intermediate 72 hour Certificate
+	Professional Advance Techniques
Or	
Part Time	Basic 36 hour Certificate
+	Intermediate 72 hour Certificate
+	Gum Paste II, III or Gum Paste 3 days
+	Advanced Techniques and Flood Work
+	Figure Modeling and Pastillage & Applique
+	Cocoa Painting
+	1 more cake decorating workshop
+	Handbags & Shoes (12 hours)





4 www.mccalls.ca

McCall's

### Professional Courses...

**ADVANCED CHOCOLATE (3 DAYS) With Nick McCall & Kay Wong** ★ NEW **\$400.00**

For those who have mastered tempering chocolate. Advanced chocolate course shows various techniques to make chocolate fillings using a food processor, microwave and tabling on a marble slab. Coloured cocoa butter and chocolate transfer techniques are also demonstrated. Learn to make jellies and nougat. Create your own chocolate showpiece! Twenty-one hours.

Please note: We **DO NOT** spend time learning how to temper chocolate.

2011	Mon.	Feb.7	-	Feb.9	9:00	-	4:00	# 653
2012	Mon.	Feb.6	-	Feb.8	9:00	-	4:00	# 17043

**PROFESSIONAL CAKE DECORATING (10 DAYS) With Kay Wong** **\$1,100.00**

Students will learn the fundamentals of cake decorating and icings. This course covers piping skills, borders, sprays, writing, flowers, colour flow and covering cakes with rolled fondant and butter cream. Gum paste flowers will include rose, calla lily, daisy, orchids and filler flowers. Students will make arrangements with ribbons, bows and ruffles. Complete your own 3 tier wedding cake, an 8" Australian cake, and a 10" special occasion cake with butter cream. Seventy hours.

Students receive an Intermediate Certificate on completion.

2011	Mon.	April 25	-	May 6	9:00	-	4:00	# 689
2011	Mon.	Sept. 12	-	Sept. 23	9:00	-	4:00	# 703

**Tools Required:** An equipment list will be mailed upon registration. All items may be purchased at our retail store.

**PROFESSIONAL ADVANCED TECHNIQUES (5 DAYS) with Kay Wong** **\$650.00**

At long last, for those students who find it difficult to complete their Advanced Master Cake Decorating Certificate on a part time basis, this is the course for you. You will learn advanced techniques, flood work, pastillage, cocoa painting, figure piping and more gum paste flowers. Thirty-five hours.

2011	Mon.	May 9	-	May 13	9:00	-	4:00	# 621
------	------	-------	---	--------	------	---	------	-------

**Tools Required:** All tools used in the 10 Day Professional Cake Decorating or from Introduction to Cake Decorating, Intermediate Cake Decorating, Wedding Cakes, Australian Method, Gum Paste I, Peruvian lily apron and pencil.

**Prerequisite:** 72 Hour Master Cake Decorating Certificate.

**IT'S PARTY TIME!**

McCall's School is available for private classes, demonstrations, and company training seminars.

McCall's School may be rented with or without an instructor.

Book a hands-on cookie or cake decorating party for your child's next special occasion and we take care of the clean-up! All the kids take home their decorated treats to share with family or friends.

14 www.mccalls.ca

The above noted programs can be classified under National Occupational Classification Code (NOC) 6252- Bakers. These programs require approval under the Act.

Based upon the evidence supplied above, the Designate came to the reasonable belief that McCall's School of Cake Decoration continues to advertise vocational programs without receiving prior approval from the Superintendent. The school is therefore in contravention of s.11 of the Act.

### PRIOR COMPLIANCE WARNINGS IGNORED

On October 21 2010 an email was sent to [decorate@mccalls.ca](mailto:decorate@mccalls.ca) (an account of McCall's School of Cake Decoration) by a Designate to enquire about the programs offered.

The Designate was seeking to obtain clarification about the cake decorator certificate programs that were advertised on the school's website. The school was asked to clarify each courses breakdown and duration. In the emailed response provided by the school,

Pamela Mason (a Director of the corporation) advised “rather than explain the Certificate program through email I would be happy to answer questions personally”. She requested a telephone number and times to speak with the person enquiring.

Following receipt of the email response by a designate of the Superintendent, a pre-screening letter was sent to the schools advertised address at 3810 Bloor Street West, Etobicoke and was addressed to the attention of Tony Cannataro. The letter informed Mr. Cannataro that the Intermediate Cake Decorating, Advanced Professional Cake Decorating, and Professional Chocolate Techniques programs are each vocational and require approval under the Act.

Upon discovering advertising on McCall’s website which confirmed that they were in fact advertising vocational programs, the school was issued a warning letter on December 23, 2011.

Since the date of the letter, Nicholas McCall has been in contact with a designate; Mr. McCall acknowledged the contravention and agreed to remove the advertising. Subsequent examination of the website indicates that he did not do so and that the school continues to be in contravention of the Act.

### **Legal and Operating Entities**

McCall’s School of Cake Decoration (1987) is a registered business name of Ontario Corporation # 000731126. The corporation was registered in the province of Ontario on August 12, 1987.

The registered office address for the corporation is 1290 Fewster Drive, Mississauga, Ontario L4W1A4. The school’s registered mailing address is 3851 Bloor Street West, Toronto Ontario. The directors are listed as Carolyn Pamela Mason and Nicholas Gerald McCall.

The school advertises a retail location at 3810 Bloor Street West, Etobicoke.

### **REQUIRED TO BE IN COMPLIANCE:**

Written confirmation that McCall’s School of Cake Decoration (1987) has stopped advertising an unregistered Private Career College and unapproved programs