

Ministry of Training,
Colleges and Universities
Private Career Colleges Branch
9th 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^e étage, édifice Mowat
900, rue Bay
Toronto ON M7A 1L2



RESTRAINING ORDER

**SERVED BY COURIER, FAX TO (416)486-0802
AND BY EMAIL TO medlink@rogers.com**

Wednesday, August 4 2010

2149995 Ontario Inc. operating as Medlink Academy of Canada
C-400-1 Eglinton Avenue East
Toronto, ON M4P3A1

Attention: Gary Ubando, President of 2149995 Ontario Inc.

Restraining and Compliance Order

This is a Restraining Order issued under the authority of section 46 of the *Private Career Colleges Act, 2005* (Act). As the Superintendent of Private Career Colleges, I hereby order 2149995 Ontario Inc. operating as Medlink Academy of Canada (Medlink) to stop contravening s. 12(1)(b); s. 23(6); s. 28(1); s.30(2) and s.31 of the *Private Career Colleges Act, 2005* (Act) and s.19(1); s.20(1); s.40(1); s.42; s.45(1); s.48(1)1 of O. Reg. 415/06, and otherwise to comply with the Act and Regulations.

Medlink will deliver to me **by registered mail or courier and by no later than August 18, 2010** a written confirmation signed by an authorized officer or other official of Medlink:

- **that all student files, enrolment contracts, record keeping and private career college operations are now maintained and conducted in compliance with the Act and Regulations; and**
- **all programs are being offered as they were approved**

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 Medlink to comply;
2. The issuance of Administrative Monetary Penalties.

3. Prosecution for offences under the Act. Upon conviction by a court of that offence
 - a. a corporation is subject to a fine of up to \$250,000;
 - b. an individual is subject to a fine of up to \$100,000, a prison term of up to one year, or both; and
 - c. 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 <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.

Service on the Superintendent

All information required to be submitted to the Superintendent in this Notice shall be delivered by courier to:

Superintendent of Private Career Colleges
900 Bay St., 9th Floor
Mowat Block
Toronto, ON
M7A 1L2

Sincerely,

ORIGINAL SIGNED BY

Allan Scott
Superintendent of Private Career Colleges

Reasons for Decision

Legal Framework

Superintendent's orders:

Section 46 of the *PCCA, 2005* provides that:

If the Superintendent believes that a person has contravened this Act or the regulations, the Superintendent may order the person to restrain from contravening this Act or the regulations.

Background

1. Medlink Academy of Canada first registered with the Superintendent as a private career college (PCC) in May 2008. The current owners purchased the PCC via share purchase at the end of the same year.
2. Medlink has two programs approved with the Superintendent:
 - Personal Support Worker, full-time (PSW)
 - Medical Office Assistant, full-time (MOA)

Legal and Operating Names

2149995 Ontario Inc. was registered as a corporation on October 2, 2007 using the business name Medlink Academy of Canada. Gary Ubando is the President and Alexander Iasin Savier (Javier) is Vice President; both are directors of record for the corporation with Ronald Calizo; Emmanuela Calizo and Maria Jelly Ubando.

Findings

Following a student complaint received by the Ministry on February 18, 2010, a designate of the Superintendent visited C-400-1 Eglinton Avenue East, Toronto, Ontario on February 28, 2010 to conduct an annual inspection of Medlink (Registration No. 103177).

The inspection revealed the following breaches of the Act and its regulations.

Section 23 (6) of the Act - shall not make a substantial change to a vocational program that it has been approved to provide without the further approval of the Superintendent.

Date	Program offered not as approved
Period unknown	Personal Support Worker, part-time
Period unknown	Medical Office Assistant, part-time

The Superintendent's designate found Medlink delivering vocational programs, namely Personal Support Worker and Medical Office Assistant not as they were approved. The PSW program was approved as a full-time program to be delivered 25 hours per week for 26 weeks and the MOA program was approved as a full-time program to be delivered 25 hours per week for 30 weeks. Both programs were being delivered 7 hours per week.

Furthermore, at the time of their application for program approval, Medlink declared and provided a letter of authority attesting that the submitted PSW program had been purchased from the National Association of Career Colleges (NACC) and assured delivery in accordance with NACC guidelines. On February 19, 2010, NACC informed Medlink that due to deficiencies found during an NACC inspection conducted on February 6, 2010, Medlink had been removed from the NACC Common Standards Group for Personal Support Worker. Therefore, Medlink was delivering a previously approved PSW program with changes that had not been further approved by the Superintendent as required by the Act and Regulations.

Section 28(1) of the Act - shall ensure that each contract entered into by the college and a student for the provision of one or more vocational programs for a fee is in writing and O.Reg. 415/06, subsection 45(1) – shall maintain a student file with, among other things, a copy of the signed contract between the school and the student

A random review of student files (50 files) conducted during an annual inspection of the PCC on February 28, 2010 revealed no enrolment contract on file for students [REDACTED] and [REDACTED] and 21 contracts that were not signed by the school.

Section 30(2) of the Act – shall follow the prescribed rules and practices to ensure that its students and former students have access to their transcripts, in conjunction with the requirements of section 34 of O.Reg. 415/06.

During the annual inspection of the PCC on February 28, 2010, Ms. Emmanuela Calizo was unable to provide the Superintendent's designate with proof of current uploading of transcripts.

Section 31 of the Act- shall establish a procedure to resolve student complaints and shall include the prescribed procedures and rules.

During the annual inspection of the PCC on February 28, 2010, Ms. Emmanuela Calizo provided the Superintendent's designate with two student complaint procedures but could not identify which was in use and provided to students.

Section 12(1)(b) of the Act in conjunction with subsection 45(1) of O. Reg. 415/06 - shall inform each student enrolled in the program of the result of

an evaluation of the student's progress in the case of a program described in section 29, prior to halfway through the program, and shall retain a record of the results of any academic evaluations of the student in the student's file

A random review of student files (50 active files) conducted during an annual inspection of the PCC on February 28, 2010 revealed that none of the students had been informed of their progress prior to the halfway mark of their program.

Section 19(1) of O. Reg. 415/06 - no student shall be admitted to a vocational program at the college unless the student meets the admission requirements for the program

A random review of student files (50 active files) conducted during an annual inspection of the PCC on February 28, 2010 revealed the following students did not meet admission requirements:

Section 20(1) of O. Reg. 415/06 - Contract terms

A random review of student files (50 active files) conducted during the annual inspection of the PCC on February 28, 2010 revealed that none of the student contracts included both the start and expected completion date for the vocational program; none included the language of instruction; none included a schedule of hours of instruction; none included the location of a practicum; some did not include a statement in bold face type that the private career college does not guarantee employment for any student who successfully completes a vocational program offered by the college; some did not include a payment schedule or the tuition fees; some did not include the consent to the collection and use of personal information.

Section 40(1) of O. Reg. 415/06 - shall keep a copy of the description of each vocational program provided by the college at the campus at which each vocational program is provided for at least six years after the day the vocational program is approved under section 23 of the Act.

During the annual inspection of the PCC on February 28, 2010, Ms. Emmanuela Calizo was unable to provide Ministry staff with a copy of the description for Medlink's Medical Office Assistant and Personal Support Worker programs.

Subsection 42(1) and (2) of O. Reg. 415/06 – shall not employ a person as instructor in a vocational program at the college unless the instructor completes a form containing such personal information as may be required by the Superintendent under section 50 of the Act and submits the form to the college. The private career college shall keep a record of personal information provided under subsection (1) at the campus of the college at which the person is employed.

During the annual inspection of the PCC on February 28, 2010, Ms. Emmanuela Calizo was unable to provide The Superintendent's designate with complete instructor qualification data forms for all instructors.

Subsection 45(1) of O. Reg. 415/06 – Student files

A random review of student files (50 active files) conducted during the annual inspection of the PCC on February 28, 2010 revealed that none of the student files met the requirements of this section. Most files did not include fully signed copies of the enrolment contract; most did not include evidence verifying that the student has met the admission requirements and no student files included receipts issued to the student for the payment of fees, although copies of said receipts were provided to The Superintendent's designate upon request.

Subsection 48(1) 1 of O. Reg. 415/06 - shall give the Superintendent written notice of any of the following changes within five days of the change occurring:

A change in the person responsible for the administration of a campus of a private career college.

During the annual inspection of the PCC on February 28, 2010, it was revealed that Medlink staff did not apprise the Superintendent of a change in campus administrator.