

Ministry of Training,
Colleges and Universities
Student Support Branch
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900 Bay Street
Toronto ON M7A 1L2

Ministère de la Formation
et des Collèges et Universités
Direction du soutien aux étudiants
9^e étage, édifice Mowat
900, rue Bay
Toronto ON M7A 1L2



SERVED PERSONALLY

October 7, 2009

Mountains System Corporation
o/a Mountains Institute of Technology Canada
50 Acadia Avenue, Suite 120
Markham, ON L3R 0B3

Attn: Qingsan (Sam) Shao

Dear Ms. Ye,

Re: Notice under the *Private Career Colleges Act, 2005* of Immediate Suspension pursuant to subsection 20(1) and Proposal to Revoke Registration as a Private Career College pursuant to subsection 18(2)

I am advised that Mountains System Corporation o/a Mountains Institute of Technology Canada ("Mountains") is not operating in compliance with the *Private Career Colleges Act 2005* (the "Act") and Regulation 415/06 made pursuant to the Act.

DECISION – Immediate Suspension of Registration and Intention to Revoke Registration

Immediate Suspension effective: Wednesday, October 7, 2009
Revocation effective: Friday, October 23, 2009

Under subsection 20(1) of the Act, I have made the decision to immediately suspend registration of Mountains System Corporation o/a Mountains Institute of Technology Canada as I have reason to believe that there is a need to immediately protect the interests of current and prospective students of the private career college and to prevent existing and further contraventions of the Act.

Furthermore, I am writing to you to advise that pursuant to subsection 18(2) of the Act, I am proposing to revoke **the registration** of Mountains System Corporation o/a Mountains Institute of Technology Canada.

Mountains' current and past conduct, and the current and past conduct of its officers and senior management, have not met the legal obligations required of all private career colleges under the *Act*. As this affords reasonable grounds for the belief that the operation of the private career college will not be carried on in accordance with law, honesty and integrity and that Mountains will continue to contravene the Act and the regulations made thereunder, I have made the decision to revoke the registration of Mountains System Corporation o/a Mountains Institute of Technology Canada. This conduct has included:

1. Misrepresentations to Ministry staff, the Employment Training Division ("ETD") of the Ministry and to students as follows:
 - a. Failure to deliver the approved program, Pharmaceutical Analysis while misrepresenting to Ministry staff, to the Employment Training Division of the Ministry and to students that the program was delivered. This conduct contravenes a requirement of registration, clause 14(1)(e) and subsection 38(10) of the Private Career Colleges Act, 2005;
 - b. Misrepresenting to Ministry staff and to the Employment Training Division of the Ministry that students were attending classes in Pharmaceutical Analysis in an "off-site" lab. This conduct contravenes a requirement of registration, clauses 14(1)(e) and subsection 38(10) of the Private Career Colleges Act, 2005;
 - c. Misrepresenting to Ministry staff and to the Employment Training Division of the Ministry that students were attending a co-op placement for Certificate of CNC Operation/ Programming. This conduct contravenes a requirement of registration, clauses 14(1)(e) and subsection 38(10) of the Private Career Colleges Act, 2005;
 - d. Misrepresenting to Ministry staff that Mountains no longer holds itself out to be a degree-granting institution, when verifying in August 2009 to a credential assessment company, the authenticity of a "Bachelor of Science of Business Adminin" (sic) transcript issued by Mountains.
2. Failure to notify the Superintendent of substantial changes to programs in contravention of subsection 23(6) of the Private Career Colleges Act, 2005. Substantial changes include, pursuant to s. 13 of O. Reg 415/06:
 - a. CNC – introducing a co-op placement where none was approved;
 - b. Pharmaceutical Analysis – reducing the approved program hours by the 260 hour co-op placement; changing location; deletion of equipment at approved location;
 - c. ECA – changing the mode of delivery by adding unapproved "field trips" to the program as part of the approved number of program hours; reducing the number of hours in the placement;
 - d. Software Development – changing the mode of delivery to "distance learning" where students can work from home.

3. Failure to maintain current co-op placement agreements (ECA, Accounting and Pharmaceutical) as part of the approved program; or in the alternative, not providing placements and misrepresenting to Ministry staff that students are in co-op placements in contravention of a requirement of registration, clauses 14(1)(e) and subsection 38(10) of the Private Career Colleges Act, 2005.
4. Failure to maintain Instructor Qualification forms or ensure that instructors are qualified to instruct in accordance with subsection 42(2) and section 41 of O. Reg 415/06, respectively;
5. Failure to properly administer the private career college by:
 - a. Failing to properly complete requisite details of student contracts. (s. 20 of O. Reg 415/06)
 - b. Failing to perform mid-point evaluations (s. 12 of O. Reg 415/06)
 - c. Failing to ensure that students meet admission requirements of approved programs (s. 19 of O. Reg 415/06)
6. Failure to comply with the Private Career Colleges Act, 2005 and direction from Ministry staff. Over a period of 6 years, inspections have disclosed repeated contraventions of the Act, and its predecessor. Pursuant to clause 18(2)(a), a requirement in Registration subsection 14(1) is no longer met.

The grounds for my belief that the operation of Mountains will not be carried on in accordance with law and with integrity and honesty and that, in carrying on these activities Mountains will continue to contravene the *Act* and the regulations made thereunder, are set out in Schedule A. The reasons in support of the immediate suspension are also contained in Schedule A.

As a result of my decision, and effective immediately, Mountains:

- **Is prohibited from enrolling any new students in programs that require registration under the Act;**
- **Is prohibited from delivering any programs that require registration under the Act;**
- **Is prohibited from advertising that it is offering approved programs;**
- **Is prohibited from accepting or processing any and all payments from students;**
- **Must immediately provide refunds to all students from whom fees have been collected but who have not started classes; and**
- **Must immediately surrender its certificate of registration to the Superintendent.**

In addition, Mountains System Corporation o/a Mountains Institute of Technology Canada will deliver to me by registered mail or courier and by no later than **Friday, October 23, 2009**, written confirmation, signed by an authorized officer or other official of the school, that:

1. Mountains is no longer in operation or, if it is in operation, that it is not providing training which requires registration under the Act;

2. Mountains ceased the collection of fees from current or prospective students of the college, and that the institution has not accepted or processed any payments from students since the date of this order;
3. Mountains has provided refunds to all students from whom fees have been collected but who have not started classes;
4. Mountains does not hold, directly or indirectly, any monies owing to students with contracts with the school;
5. Students will receive all supplies, transcripts and diplomas that may be owing to them pursuant to their contract(s) with Mountains and confirmation of the time period when this will occur; and
6. Mountains has enclosed in their response, the names and addresses of all of Mountains' current students, together with copies of all student contracts, attendance records, and proofs of payment on account of tuition and related supplies.

The original and all copies of Mountains' registration certificate should accompany its response.

Please be advised that the status of Mountains System Corporation o/a Mountains Institute of Technology Canada will be changed immediately on the website of the Private Career Colleges Compliance Unit, as well as any other relevant information sources, to reflect the change in status. As a result, Mountains System Corporation o/a Mountains Institute of Technology Canada will be removed from the on-line listing of the registered career colleges; the college will also be denied access to re-registration function in the on-line RICC system.

Failure to Comply with the *Private Career Colleges Act, 2005*

If you continue to solicit new students, collect fees or register students despite this immediate suspension order, you will be operating in violation of the *Act* contrary to section 48 of the *Act* and may be subject to prosecution.

Note that a corporation that is found guilty of an offence under section 48 of the *Act* is liable to a fine of up to \$100,000, and any officer or director of a corporation who concurs in the commission of such an offence is also guilty of an offence, and on conviction liable to a fine of up to \$25,000 or imprisonment for a term of up to one year, or both.

The current legislation applicable to the Superintendent's decision is the *Private Career Colleges Act, 2005* and Ontario Regulation 415/06 made thereunder. The legislation and regulation is available on the government's e-laws website at www.e-laws.gov.on.ca.

Appeal

If Mountains disagrees with the Superintendent's decision to immediately suspend its registration and/or revoke its registration, it is entitled to appeal pursuant to subsections 20(3) and 19(3) of the *Act*. Information on the appeals process is set out in Schedule B attached. Letters to the Superintendent are to be sent by registered mail or courier to the address set out above.

If you wish to exercise this right, you must file your appeal with the LAT and serve it on this office by Friday, October 23, 2009.

In the event that you are unable to access any relevant information on e-laws or if you have questions regarding this Order, you may contact Margot Devlin at 416-314-0500.

Sincerely,

ORIGINAL SIGNED BY

Noah Morris
Superintendent
Private Career Colleges

Attachments:

Schedule A

Facts in Support of Decision

1. Misrepresentations to Ministry staff, the Employment Training Division ("ETD") of the Ministry and to students
2. Failure to notify the Superintendent of substantial changes to programs
3. Failure to maintain current co-op placement agreements (ECA, Accounting and Pharmaceutical) as part of the approved program; or in the alternative, not providing placements and misrepresenting to Ministry staff that students are in co-op placements
4. Failure to maintain Instructor Qualification forms or ensure that instructors are qualified to instruct in accordance with subsection 42(2) and section 41 of O. Reg 415/06, respectively;
5. Failure to properly administer the private career college
6. Failure to comply with the Private Career Colleges Act, 2005 and direction from Ministry staff.

Schedule B

Background

- Registration Information
- List of Approved Programs
- Current Enrolment
- Corporate Record

Financial Security

Schedule C

Entitlement to Hearing by Licence Appeal Tribunal

SCHEDULE "A"

FACTS IN SUPPORT OF DECISION

In order to prevent Mountains System Corporation o/a Mountains Institute of Technology Canada, from continuing to contravene the *Private Career Colleges Act, 2005* (the "Act"), pursuant to subsection 18(2) of the Act, the registration of Mountains System Corporation o/a Mountains Institute of Technology Canada as a private career college is revoked effective **Friday, October 23, 2009**.

Mountain's current and past conduct and the current and past conduct of its officers and senior management in failing to carry out its legal obligations under the Act, the regulations made thereunder and under predecessor legislation, the *Private Career Colleges Act* (the PCC Act) and the regulation made thereunder affords reasonable grounds for the belief that the operation of the private career college will not be carried on in accordance with law and that Mountains will continue to contravene the Act and the regulations made thereunder.

Findings:

Ministry staff attended at Mountains on June 29, July 7, September 18 and September 24, 2009. In addition Ministry staff attended at the "off-site lab" and the CNC co-op on September 23, 2009.

Mountains advised Ministry staff that 100% of their vocational students are funded. On June 29, 2009 and July 7, 2009 Ministry staff met with Helen He, training manager and Young Shao, manager at Mountains. Mr. Shao indicated that the owner, Sam Shao, was out of the country. He referred to Ms. He for information in regard to the students as Ms. He stated that she knew all the students.

On September 18, 2009, Ministry staff returned to Mountains and met with Mr. Young Shao, Ms. He and Sam Shao, who had returned from his vacation.

On September 23, 2009, Ministry staff attended at the "off-site" lab for Pharmaceutical Analysis students and the co-op for CNC students. Both addresses had been provided by Ms. He.

On September 24, 2009 Ministry staff met with Mr. Sam Shao, Ms. He, Mr. Young Shao and Mr. Ding, an instructor at Mountains.

Funded Students not in class

On July 7, 2009 and on September 18, 2009, Ministry staff reviewed attendance with Helen He, Mountains Training Manager. Young Shao indicated that 100% of vocational students at Mountains were funded by ETD.

The review of student attendance with Ms. He revealed the following:

Whereabouts of student	July 7, 2009	September 18, 2009
In class	39	30
No attendance taken	9 (ECA)	
Field trip to Mall to buy toy		9
Off-site lab	11 (Pharmaceutical Analysis)	12
Absent	8	8
Co-op	33	32
Working	3	
No explanation for absence provided by Mountains	21	
Working at home		12
Weekend class		4
Withdrew or cancelled		2
Total number of funded students	124	109

On July 7, 2009, of the 124 funded students enrolled in Mountains, only 39 of 115 (34%) were in class. Ministry staff did not take attendance in the Early Childhood Assistant program which had 9 students.

On September 18, 2009, only 30 (28%) of the 109 funded students were in class at Mountains Institute. The chart below sets out the results of the review.

Ministry staff confirmed with ETD that ETD was not notified of the two students who cancelled their programs. Both these students were continuing to receive weekly living expense payments.

Helen He also advised Ministry staff that on a monthly basis, attendance registers and progress reports were remitted to ETD in regard to the funded students. Ministry staff confirmed with ETD that they do not receive reports from Mountains in regard to the funded students.

Helen He advised of student whereabouts as set out in the chart below.

Program	Field Trip to mall	Co-op	Absent	Class	Off-site lab	Working at home	Weekend class	Cancelled program	Total
ECA	9								9
CNC		9	3	4					16
Accounting		15	5	25			4	1 (ETD agreement goes to Jan 8, 2010)	50
Software Development		8		1		12		1 (ETD agreement goes to November 13, 2009)	22
Pharmaceutical Analysis					12				12
Total	9	32	8	30	12	12	4	2	109

Each of the contraventions resulting from the inspection is set out below:

1. **Misrepresentations to Ministry staff, the Employment Training Division (“ETD”) of the Ministry and to students as follows:**
 - a. **Failure to deliver the approved program, Pharmaceutical Analysis while misrepresenting to Ministry staff, to the Employment Training Division of the Ministry and to students that the program was delivered. This conduct contravenes a requirement of registration, clause 14(1)(e) and subsection 38(10) of the Private Career Colleges Act, 2005;**
 - b. **Misrepresenting to Ministry staff and to the Employment Training Division of the Ministry that students were attending classes in Pharmaceutical Analysis in an “off-site” lab. This conduct contravenes a requirement of registration, clauses 14(1)(e) and subsection 38(10) of the Private Career Colleges Act, 2005;**

Pharmaceutical Analysis:

On June 29, 2009, Ministry staff attended at Mountains and asked for current student lists. Mountains produced a list of 6 students; however, comparison to the list of funded students provided by ETD revealed that, in fact there were 13 funded students currently enrolled in the Pharmaceutical Analysis program.

On June 29, 2009, Mountains emailed the attendance record for Pharmaceutical Analysis for the week of June 22 to June 26, 2009, to Ministry staff. Young Shao stated that this was the record for all students in attendance. According to this record, 6 students were not in attendance. The records are compared below:

	Student	Mountains Attendance record	ETD list of funded students
1		X	X
2		X	X
3		X	X
4		X	X
5		X	X
6		X	X
7			X
8			X
9			X
10			X
11			X
12			X

Helen He, Training Manager for Mountains advised Ministry staff that the Pharmaceutical Analysis students were at an off-site lab. She stated that the landlord of their building would not let them have a Pharmaceutical lab on the premises so they provided for their students at the off-site lab. Ms. He stated that the Pharmaceutical students studied 50% of the time at Mountains and 50% of the time at an off-site lab.

Approved programs are site-specific and this change in location to an off-site facility had not been reported to the Superintendent.

In regard to the 6 students who did not appear on their student attendance list, Ms. He stated that 2 of the students [REDACTED] and [REDACTED] were in co-op.

Mountains provided Ministry staff with a schedule for the Pharmaceutical Analysis program. The schedule for the dates June 29 and July 7 when Ministry staff attended at Mountains indicated that the Pharmaceutical Analysis students were at the “HPLC Lab” from 9:30 am – 4:30 pm.

On September 18, 2009, Ministry staff attended at Mountains. A current student list was provided which identified 8 students in the Pharmaceutical Analysis program. This was compared to the list of funded students provided by ETD and the Mountains list failed to include another 4 funded students enrolled in their program.

	Student	Mountains record	ETD list of funded students
1	[REDACTED]		X
2	[REDACTED]	X	X
3	[REDACTED]	X	X
4	[REDACTED]	X	X
5	[REDACTED]	X	X
6	[REDACTED]	X	X
7	[REDACTED]		X
8	[REDACTED]		X
9	[REDACTED]		X
10	[REDACTED]	X	X
11	[REDACTED]	X	X
12	[REDACTED]	X	X

Mountains provided a September schedule and it indicated that the students were at the “HPLC lab” from 10 am to 4:30 pm.

- **Lab**

There were no Pharmaceutical students on site during Ministry staff’s inspections of June 29, July 7 and September 18, 2009, as they were, according to Ms. He at the off-site lab.

On September 18, 2009, Ms. He, advised that the students were in "lab" and thus were not on site. Ms. He told Ministry staff that immediately after Ministry staff's arrival at Mountains, she had telephoned Dr. Ding, the instructor for Pharmaceutical Analysis and he had advised her that all the students were at the lab and would be there until 4:30 pm. She provided an address of 150 Consumers Road, Suite 501.

On September 18, 2009, Ministry staff reviewed the Pharmaceutical Analysis student files. There were no tests, exams or evaluations of students in the Pharmaceutical Analysis student files. Ms. He said that the instructor, Dr. Ding has the tests for the students. She stated that the exams, tests, etc. are placed in the files when the students graduate; however, the files of graduated students that Ministry staff reviewed did not contain any type of evaluation of students. Ms. He then changed her statement and indicated that tests and exams are given to students or she added, the instructor may have them.

Ms. He advised Ministry staff that all thirteen Pharmaceutical Analysis students on the ETD list were active, although one had a delayed start as she was attending an ESL program and would not study at Mountains until January 2010. Ms. He advised that two students had recently graduated in August 2009.

Ms. He provided an address for the off-site lab of 150 Consumers Road, Suite 501. When Ministry staff attended at this address on September 23, 2009, Suite 501 was not in use.

Ms. He had shown Ministry staff the business information for the instructor, Mr. Ding. It included a company named "Syngepharm". Ministry staff did a corporate search on the business and found an address for Syngepharm Ltd. at 200 Consumers Road, Suite 501.

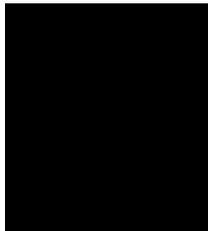
On Wednesday, September 23, 2009, (approx. 12:10 – 12:37pm), Ministry staff attended at 200 Consumers Road, Suite 501, and found the office occupied by Syngepharm Ltd.

Ministry staff entered and met Mr. Ding, the Mountains instructor for Pharmaceutical Analysis. Ministry staff stated that they were looking for Mountains students. Mr. Ding identified himself as the instructor but stated that there were no Mountains students there. He said that he teaches all the classes at Mountains. I asked who the students were that were in the classroom at this site. Mr. Ding stated that they were all employees/ volunteers for his company and were working on developing his products.

Mr. Ding stated that he started teaching at Mountains in February 2007. He said that he teaches at Mountains every Monday to Thursday from 9:30 am to 2:30 pm. He stated that he always teaches at Mountains. Ministry staff questioned how he could teach a Pharmaceutical Analysis program without a lab. Mr. Ding stated that the students have the option of coming to 200 Consumers Road and practising on his equipment in his lab, but it is extra, optional.

Ministry staff asked Mr. Ding why he wasn't teaching at Mountains since it was Wednesday. He stated that it was a "special" day and he had to be at his business office to train his employees/ volunteers.

Ministry staff asked Mr. Ding how many students he had at Mountains. He said that he was not sure – they sign in at the school. Mr. Ding said that he didn't know their names but when asked again by Ministry staff, he provided the following 6 names, 4 of which were a partial match to the funded student list:



Ministry staff asked where the Mountains students were today. Mr. Ding said that he did not know. Ministry staff asked if he was the only instructor. Mr. Ding said yes but he did not know where the students were – he said "maybe at the college".

Mr. Ding stated that he gave all the tests and exams for Mountains students to the college.

Ministry staff asked where he was on Friday, September 18, 2009. He stated that he was "here" (200 Consumer's Road, Suite 501). Ministry staff asked if there were any students with him on Friday, September 18, 2009. He said that maybe 2 or 3 – he could not remember and Friday's were optional. Ministry staff asked if someone from Mountains had called him. Mr. Ding said that he didn't remember anyone calling him.

Ministry staff asked what his "volunteers" were working on. He said that they were working on raw materials for development. Mr. Ding said that the company makes no money. Ministry staff asked if his salary from Mountains was his only income and he said yes. Mr. Ding said that the owner of the company was [REDACTED]. He stated that she was [REDACTED].

Syngepharm Ltd.

On or about September 4, 2009, the Ministry an application to operate a private career college from Syngepharm Ltd. This application is under review. It is not a registered private career college. The program which Syngepharm intends to deliver is Pharmaceutical Quality Assurance and Quality Control.

On September 23, 2009 when Ministry staff attended at 200 Consumer's Road, Suite 501, Mr. Ding appeared to be instructing a class. Mr. Ding advised Ministry staff that they were all employees or volunteers for his company and they were working on developing his products.

On September 23, 2009, Ministry staff visited another private career college and was provided with a copy of an advertisement from a Chinese newspaper for Synge at

200 Consumers Road, Suite 501. Synge appears to be advertising vocational programs and guaranteeing jobs to its graduates.

September 24, 2009 Explanations for missing Pharmaceutical Analysis students

On September 24, 2009, Ministry staff met with Mountains – Helen He (Training Manager), Young Shao (Manager) and Sam Shao (Owner).

Ms. He advised Ministry staff that she knew that Mr. Ding has his own self-funded students.

Ministry staff advised that there was no lab at 150 Consumers Road but it was found at 200 Consumers Road. Helen He apologized and claimed that she had made a mistake in the address because they do business with someone at 150. She stated that that on September 23, 2009 Mr. Ding called her to let her know that he had personal appointments in the morning and had rescheduled the Mountains lab students to the afternoon (between 1pm and 7pm).

Ministry staff had been there between approximately 12:10 and 12:37 pm. No Mountains students arrived during this time.

Ministry staff indicated that Mr. Ding stated that lab was optional and that he did not have any Mountains students on September 23, 2009. Ministry staff stated that Mr. Ding had not advised Ministry staff that Mountains students were scheduled for later that day.

Helen He stated that she spoke to Mr. Ding on Friday, September 18 and he advised that there were 10 students in the lab.

Ms. He stated that there were approximately 10 Pharmaceutical Analysis students and that they do lab in the evenings and on weekends.

Ministry staff advised Ms. He that the Mountains schedule says that students are in lab during the day.

Mr. Ding joined the meeting as he was onsite at Mountains.

Mr. Ding stated that 2 Mountains students were in the lab in the afternoon of September 23, 2009 after Ministry staff left. Mr. Ding stated that Mountains students attend his lab Friday, Saturday, Sunday and sometimes Wednesday afternoons. He likes no more than 2 to 3 students at a time. He works 4 days a week, 5 hours a day at Mountains teaching 10 students. The lab is optional. When Ministry staff asked about a schedule for the lab, Mr. Ding said that his schedule is in his mind and that is different from the Mountains' schedule. He notifies the students of his schedule.

Ministry staff asked for the names of the students who attend his lab. Mr. Ding stated that he does not like to remember names.

Ministry staff asked if Mr. Ding has a record of attendance for the students in his lab and what information, if any, does he provide to Mountains. Mr. Ding stated that attendance records are at the lab and he provides verbal information to Mountains.

Ministry staff asked if he recalled speaking to Helen He on Friday, September 18. Mr. Ding stated that he had no recollection of speaking with Helen last Friday.

No one provided an answer for where the other Pharmaceutical students were on Friday, September 18, 2009.

Misrepresentations:

On June 29, 2009 Mountains provided a list of current Pharmaceutical Analysis students to Ministry staff. 6 funded students enrolled at Mountains were missing from this list.

On September 18, 2009 Mountains provided a list of current Pharmaceutical Analysis. 4 funded students enrolled at Mountains were missing from this list.

On June 29, and on September 18, 2009, Mountains provided schedules which indicated that Pharmaceutical Analysis students were off-site at a lab. Mountains advised that the students were off-site at a lab. The schedule is for 5 days a week.

On September 23, 2009, the instructor, Mr. Ding stated that he is the only instructor of the Pharmaceutical Analysis program. He said that he teaches 4 days a week from 9:30 am to 2:30 pm and he only instructs at Mountains.

Mr. Ding said that the "lab" is optional.

Ms. He said that she spoke to Mr. Ding on September 18 and he advised that 10 Pharmaceutical Analysis students were on-site and would be there all day until 4:30 pm.

Mr. Ding stated that he did not remember speaking to Helen. He said that there were 2 or 3 Mountains students in attendance but he could not remember their names. As the lab is "optional", he keeps the schedule for it in his mind and advises students. He did not know where the other students were but said that perhaps they were at the college.

Ministry staff did not see any Pharmaceutical Analysis students on site at Mountains on June 29, July 7 or September 18, 2009. Ministry staff did not see any Pharmaceutical Analysis students on site at the "lab" on September 23, 2009.

Neither Mr. Ding and Ms. He could not advise Ministry staff where the students were on September 18, 2009.

On September 18, 2009, Ms. He told Ministry staff that students' exams and tests for the Pharmaceutical Analysis program were either given to the students or were with the instructor.

On September 23, 2009, Mr. Ding told Ministry staff that he gave all the tests and exams to the college.

- c. **Misrepresenting to Ministry staff and to the Employment Training Division of the Ministry that students were attending a co-op placement for Certificate of CNC Operation/ Programming. This conduct contravenes a requirement of registration, clauses 14(1)(e) and subsection 38(10) of the Private Career Colleges Act, 2005;**

CNC program

The CNC program does not have an approved placement or co-op.

Inspection of Co-op

On July 7, 2009, Helen He provided Ministry staff with the address of the co-op placement for their CNC students. The co-op was at 555 Edward Ave, Unit 16, Richmond Hill.

On July 7, 2009, Ms. He had indicated that the co-op for CNC was 120 hours and that they had a maximum of 5-6 students on co-op during the program cycle.

On September 18, 2009, Helen He advised Ministry staff that 9 CNC students were on co-op that day. The students on co-op, according to Ms. He were the following:

	Student Name	Start date	End date
1		July 6, 2009	December 18, 2009
2		June 8, 2009	November 20, 2009
3		April 6, 2009	September 18, 2009
4		June 1, 2009	November 13, 2009
5		January 5, 2009	June 19, 2009
6		June 8, 2009	November 20, 2009
7		June 22, 2009	December 11, 2009
8		July 6, 2009	December 11, 2009
9		May 11, 2009	October 23, 2009

Ms. He advised that the co-op was still the Richmond Hill address.

On September 23, 2009, Ministry staff attended at the CNC co-op. The intention was to verify the number of students on site. Ministry staff found no Mountains students there. The owner of the business, [REDACTED], told Ministry staff that 3 Mountains students had finished “yesterday”, September 22, 2009. He said that he receives \$450 a student from Mountains.

█ could not remember the students' names. He thought perhaps █ and █ but was not sure of the 3rd student. The students completed 40 hours. █ advised that they get 6 months training at Mountains and then come to him. A review of the students' end dates in the chart above indicates that only two students had completed the 6 month program.

He stated that the last Mountain students would have been approximately 3 months before the group that finished yesterday.

The group that finished on September 22, 2009 took longer because his machine broke down last week and he was not able to train. █ stated that he does not do an assessment or exam. There is practical work only and there is no feedback to the school.

The most recent students were with him on September 21 and September 22 and 2 days very early in the previous week because his machine broke. There were definitely no students with him on Friday, September 18, 2009.

Explanation for missing CNC students

During Ministry staff's meeting with Mountains on September 24, 2009, Ministry staff stated that they had visited the CNC co-op in Richmond Hill on September 23, 2009 and did not find any students onsite.

Ms. He explained that there were no students on co-op this week. The last cycle of co-op was 40 hours and there were 3 students- █, █ and █.

Ministry staff stated that on September 18, 2009, Ms. He had reviewed the list of funded students and identified 9 funded students currently on co-op; however, █ had stated that he had 3 students in the co-op. Ministry staff asked where the other 6 students were placed.

Ms. He explained that students can do their own co-op. Some have friends with whom they do a co-op. There is no contract with the school. She did not know where the 6 students were taking their co-op.

Misrepresentations:

Ms. He stated that the co-op was 120 hours on July 7, 2009 but on September 24, 2009, she stated that the co-op was 40 hours.

She stated on September 18, 2009 that there were 9 students in co-op but on September 24, 2009 she said there were 3 students in co-op.

On September 18, 2009 Ms. He stated that the 9 students were in co-op at the Richmond Hill placement.

On September 24, 2009, Ms. He stated that students can do their own co-op and she could not answer where 6 of the 9 students were taking their co-op.

- d. Misrepresenting to Ministry staff that Mountains no longer holds itself out to be a degree-granting institution, when verifying in August 2009 to a credential assessment company, the authenticity of a “Bachelor of Science of Business Adminin” (sic) transcript issued by Mountains.**

Holding out to be degree-granting

In 2004, Mountains was found by the Ministry to be offering and delivering degree programs. According to Mountains’ website, students may take courses leading to a degree.

On March 12, 2004, the Director of Universities Branch, Kevin French, wrote to Young Shao and stated that it had come to the Ministry’s attention that Mountains Institute of Technology Canada was advertising on their website that students may take courses leading to the following degree programs:

- Bachelor of Science in Computer Science
- Bachelor of Business Administration
- Master of Business Administration
- Master of Science in MIS.

The advertisement was a contravention of the Post-secondary Education Choice and Excellence Act, 2000, as the Act requires Ministerial consent in order to deliver programs leading to a degree. The Director required Mountains to cease and desist and to immediately:

- terminate immediately all program activities associated with a program leading to a degree;
- immediately advise all students currently registered in or studying through your institution that the degree programs will cease to be offered and appropriate arrangements made for the refunding of fees and charges;
- terminate immediately all promotional materials, including the web, of any reference to any program leading to a degree being offered, by your institution or in co-operation with another degree-granting institution outside of Ontario;
- advise individuals interested in the institute=s programs that it does not have degree-granting authority in the Province of Ontario.

The Ministry confirmed that the website information had been removed on July 5, 2005.

Inspection of June 29 and July 7, 2009

Ministry staff reviewed the file of Instructor Qualification Forms (“IQF”) and found 3 instructor resumes which referenced instructing an on-line degree program for Mountains Institute.

The following was noted on their resumes:

1. Yanrong Cao – “Mountains Institute of Technology Canada, Toronto, Masters of Business Administration (Salem International University online program) 2005 till now”

There was no IQF for this instructor.

2. Jane Haddad – “Mountains Institute of Technology Canada – MBA 670 Global Challenges of Communications and Human Resources Management (Salem International University online MBA program), Summer 2006 and Winter 2007”

There was an Instructor Qualification Form signed by Jane Haddad on February 15, 2007 and by Yang Shao on February 2, 2007

3. Geoffrey A. Prince – “Mountains Institute of Technology Canada, Salem International University MBA program – Professor – Economics and Business Administration 2005 – Present”

There was no Instructor Qualification Form for this instructor.

On July 7, 2009, Ministry staff asked Young Shao about offering degree programs. Mr. Shao advised me that they had ceased offering the programs a long time ago.

Enquiry from Credential Assessment company, “Educational Perspectives”

On October 1, 2009, Kenneth Warren, President of Educational Perspectives, contacted the Ministry to advise that in August 2009, his company which was a credential assessment company, had received a transcript from a student for assessment. The transcript was from Mountains Institute of Technology for a “Bachelor of Science of Bus. Adminin” (sic) program for a 3 year program ending in the winter term 2007. The transcript is dated May 18, 2007. It is stamped with “Mitc Official Transcript”.

Mr. Warren reported inconsistencies in the transcript as follows:

- 3 different student numbers for the same student
- Transcripts were received from the school in August 2009 but all were dated 2006-2007

Due to the issues, Mr. Warrant’s evaluator, Richard Cox wrote to Mountains and asked them to verify if the attached documents were authentic. On August 13, 2009, a hand-written Mountains envelope was posted returning the verification. It was only a check-mark verification. There was no cover-letter or business card attached to indicate who at Mountains had verified the transcript.

In October 2009, the Director of Universities Branch wrote to Educational Perspectives with a copy to Mountains to advise that Mountains does not have authority to grant degrees.

Misrepresentation to Ministry staff

It appears, based on Mountains verification of the transcript dated May 2007 that they continued to offer the degree program in contravention of the March 2004 Cease and Desist directive from the Director of Universities Branch.

While Mr. Shao advised me on July 7, 2009 that they had ceased offering the programs, one month later Mountains verified the transcript for a degree program to Educational Perspectives, thus continuing to hold themselves out as a degree-granting institution.

2. Failure to notify the Superintendent of substantial changes to programs in contravention of subsection 23(6) of the Private Career Colleges Act, 2005. Pursuant to s. 13 of O. Reg 415/06, substantial changes include:

a. CNC – introducing a co-op placement where none was approved;

On June 29 and July 7, 2009, Ms. He advised Ministry staff that there was a co-op for their CNC program. She stated that the co-op was 120 hours and that there is a maximum of 5 to 6 students per cycle of the co-op.

There is no approved co-op placement module for this program.

b. Pharmaceutical Analysis – reducing the program hours by the 260 hour co-op placement; change of content and change of location;

This program was approved on June 21, 2005. The program's duration is 29 weeks with 586 hours, averaging 20 hours a week, delivered as follows:

Method	Contact hours
Classroom – Instructor led	450 hours
Lab Work	100 hours
Computer-based training	36 hours

The co-op placement's 260 co-op hours were in addition to the 586 hours.

Contrary to the information in the approved program, Young Shao advised Ministry staff that the co-op hours were included in the 586 hours for this program. The letters of acceptance for students in the program support Young Shao's statement in regard to the method in which Mountains is delivering the program. Based on this information, the students would receive 260 hours less of lab and classroom instruction, than those set out in the approved program.

The Pharmaceutical Analysis program was approved with 14 specific modules and website advertising is consistent with this; however, the student transcripts and the flyer in the school reception area indicate that some of the approved modules are not delivered as part of the program. The chart below sets out the differences:

Modules	Approved Program Modules	In – Lobby Flyer identified different modules	Student Transcript Daphne Xu	Student Transcript Hui Chen
Biology	X			
Chemistry	X			
Introduction to Computer Applications	X		X	X
Physics	X			
Organic Chemistry	X		X	X
Laboratory Assay Methods	X		X	X
Pharmaceutical Analysis	X		X	X
BioChemistry	X			
Microbiology	X			
Pharmaceutical Calculations	X		X	
Pharmacology	X		X	
BioPharmaceutical	X			
Contamination Control in Pharmaceutical Manufacturing	X		X	
Pharmaceutical Manufacturing Technology		X	X	X
College English	X			
Regulations of Laboratory and Pharmacopoeia		X		
HPLC		X	X	
Dissolution		X	X	X
Stability		X		
Documentations, SOPs and cGMP		X	X	X
GC		X	X	
UV/VIS spectrophotometer		X	X	X
Lab Practice		X		
	Co-op not part of approved 586 hours (website advertising mentions practical training)	Co-op	X (with Dr. Ding)	

On July 7, 2009, Ms. He advised Ministry staff that the landlord would not permit Mountains to maintain Pharmaceutical Analysis equipment on the premises. The program was approved with labwork to be done at the college. Mountains stopped delivering the program as approved and advised Ministry staff during the inspection, that the lab portion of the program was done at an off-site lab. Mountains failed to report the changes to the Ministry.

c. ECA – changing the mode of delivery by adding unapproved “field trips” to the program as part of the approved number of program hours; reduction of placement hours;

The program is approved at 840 hours with clinical placement at 226 hours and classroom instruction at 614 hours.

On September 18, 2009, Ms. He advised Ministry staff that the 9 funded students in this program were on a field trip to a mall to buy a toy. Ms. He indicated that the students are on field trips every Friday.

Program approval was not obtained for students to conduct “field trips”.

Furthermore, Ms. He reported that the practicum for this program is 185 hours which is a change from the approved 226 hours in the program.

d. Software Development – changing the mode of delivery to “distance learning” where students can work from home (subsection 13(3) of O. Reg 415/06).

On September 18, 2009, there were 21 funded students enrolled in this Mountains program; however, only 1 student was in the school. Ms. He stated that students can log in from home to do the Unix / Networking Lab, but on all other days, they are in class.

Program approval was not obtained for students to “work at home”. In addition, some of the ETD contracts include funding for transportation to the school.

3. Failure to maintain current co-op placement agreements (ECA, Accounting and Pharmaceutical) as part of the approved program; or in the alternative, not providing placements and misrepresenting to Ministry staff that students are in co-op placements in contravention of a requirement of registration, clauses 14(1)(e) and subsection 38(10) of the Private Career Colleges Act, 2005.

On June 29, 2009 and July 7, 2009 Ministry staff reviewed the issue of work placements or “co-op” with Mountains staff, Young Shao, Manager and Helen He, Training Manager. Helen He stated that the last two months of each program were for co-op placements.

They indicated that the programs that they offered were set up as follows:

Program	Class-room hours	Co-op	Total hours	Co-op cycle
Accounting	600 hours	240 hours (30 hours per week)	840 hours	Maximum of 15 students on a co-op. The January and February students were cycled into the co-op at this time.
CNC	360 hours	120 hours	480 hours	Maximum of 5-6 students on co-op
ECA	655 hours	185 hours	840 hours	Each day care centre on a list provided to the Ministry takes a maximum of 3 students.
Software	720 hours	280 (35 hours per week for 2 months)	1000 hours	There are 3 companies on their list of placement hosts. There is a maximum of 5 students per company. At that time they indicated that they had 9 or 10 students on co-op.
Pharmaceutical Analysis	586 hours (1/2 in lab and 1/2 in classroom)	260 hours (8 to 11 weeks)	846 hours (not approved for this number of hours)	They indicated that they had 2 or 3 students out on co-op.

On June 29 and July 7, 2009, placement host agreements were not provided to Ministry staff. Mountains advised that the agreements were maintained by the owner who was out of the country on vacation.

On September 18, 2009, the placement host agreements were still not maintained centrally. Some were at the owner, Sam Shao's home and had to be faxed to the school. Agreements were provided for Accounting and CNC.

Pharmaceutical Analysis

In addition a "sample" agreement for Pharmaceutical Analysis was provided. These agreements between the host and the school were done for each student individually, according to George Li, the student counsellor. Mountains could not, on September 18, 2009, provide Pharmaceutical Analysis host agreements for all students. The agreements were not in the files and were not provided to Ministry staff.

The approved program states that the work placement of 260 hours would be obtained for students “based on school’s supervision”. The supervisor would give students an assessment and students were “required submit weekly report” to Mountains.

There were no assessments in the student files from the placement host. There was no attendance maintained by Mountains for the students on placement. There were no weekly reports from the students. There was no tracking of students on placement. Mountains could not provide Ministry staff with a list of students and their respective placement hosts.

CNC

On September 24, 2009, Mountains could not explain where six CNC students were taking their co-op. Helen He stated that co-op for CNC was 40 hours which is inconsistent with the statement made on July 7, 2009 where she stated that the co-op was 120 hours.

4. Failure to maintain Instructor Qualification forms or ensure that instructors are qualified to instruct in accordance with subsection 42(2) and section 41 of O. Reg 415/06, respectively;

On June 29 and on July 7, 2009, Mountains provided their Instructor Qualification Forms. The file contained a number of forms for instructors who no longer worked at the college. In addition, there were resumes but no instructor qualification forms for current instructors including Gary Huang, Jessica Walkinshaw and Kimberley Faber.

On September 18, 2009, Mountains had removed the outdated Instructor Qualification Forms and there were forms for current instructors.

The forms were still incomplete, however as set out in the chart below:

Instructor	No assessment of Non-Canadian credential for equivalency	No references
Albert Wang	X	X
Gary Huang	X	
Sanaz Sehhati	X	
Xin Ding	X	
Winston Zhao	X	

Pharmaceutical Analysis Instructor

On July 7, 2009, Mountains provided Ministry staff with the Instructor Qualification Forms. Ministry staff found one instructor’s form for the Pharmaceutical Analysis program. The instructor’s name was Mehrdada Ebadi. Mr. Ebadi signed the form on February 8, 2007.

On September 18, 2009, Mountains advised Ministry staff that there was only one instructor for Pharmaceutical Analysis. Xin Ding had taught the program since January 2007.

Mr. Ding's Instructor Qualification Form states that he has a Master's degree from the University of Fukui, Fukui, Japan; however, there was no copy of a credential and no equivalency assessment.

Mr. Ding's teaching experience included other private career colleges as follows:

- Pharmaceutical Science College 2006-2007
- Industrain 2002-2005

Industrain was never approved to deliver a Pharmaceutical program, so it is unclear what Mr. Ding was teaching at Industrain.

On September 23, 2009, Mr. Ding told Ministry staff that his PHD is in Chemistry from Shizuoka University, Japan. There was no PHD from any university listed in the information on his Instructor Qualification Form.

5. Failure to properly administer the private career college by:

a. Failing to properly complete requisite details of student contracts. (s. 20 of O. Reg 415/06)

Ministry staff reviewed 33 student files. The contracts were included in each file; however, they were not fully completed. Missing information included location of practicum, class schedule, admission requirements not checked off and incomplete addresses. One student (■■■■) signed the contract on June 22, 2009 but started the program on May 4, 2009.

Some student contracts included start and end dates which differed from the start and end date on their ETD contract.

Contracts were not always signed by a college representative (e.g. ■■■■■ and ■■■■■).

b. Failing to perform mid-point evaluations (s. 12 of O. Reg 415/06) and failing to file academic evaluations in student file (s. 45(2) of O. Reg 415/06)

There were no mid-point evaluations performed or filed in the student files, nor were there copies of any academic evaluations of students in their file. When asked for copies of the Pharmaceutical Analysis tests and exams, Mountains could not provide same.

On September 18, 2009, Ministry staff reviewed the Pharmaceutical Analysis student files. There were no tests, exams or evaluations of students in the Pharmaceutical Analysis student files. Ms. He said that the instructor, Dr. Ding has the tests for the students. She stated that the exams, tests, etc. are placed in the files when the

students graduate; however, the files of graduated students that Ministry staff reviewed did not contain any type of evaluation of students. Ms. He then changed her statement and indicated that tests and exams are given to students or she added, the instructor may have them.

On September 23, 2009, Mr. Ding stated that he gave all the tests and exams to the college.

c. Failing to ensure that students meet admission requirements of approved programs (s. 19 of O. Reg 415/06)

The Pharmaceutical Analysis admission requirements as set out in the approved program include minimum education as follows:

“Students must have an accredited university degree or a three year science college diploma in biology, chemistry or Pharmaceutical studies and demonstrated proficiency in English.”

Ministry staff reviewed 14 Pharmaceutical Analysis student files and found that while it is a post-graduate program, there is no evidence that students have degrees or college diplomas. When questioned about this, Helen He provided some student resumes which were printed from her computer. The resumes included educational background at some international Universities. Helen He advised that she knew all the universities in China and thus knew that the students had real credentials.

Ministry staff indicated that proof, in the form of copied credentials and assessment of those credentials if the degrees were international, had to be maintained in the student files as proof that the students met the admission requirements. Helen He could not provide any credentials from the students.

6. Failure to comply with the Private Career Colleges Act, 2005 and direction from Ministry staff. Over a period of 6 years, inspections have disclosed repeated contraventions of the Act, and its predecessor. Pursuant to clause 18(2)(a), a requirement in Registration subsection 14(1) is no longer met.

History of Issues

Ministry staff received information in February 2003 which indicated that an unapproved program had been reported to the federal funding branch, HRDC, as registered and approved by the Superintendent. A copy of the program approval form revealed that the positioning of the stamp on the program approval form appeared to be similar to another stamped and approved program which had been registered the previous year for Mountains. It suggested to Ministry staff that Mountains had manipulated the documentation in order to assist a student to obtain funding for an unapproved program at Mountains. Ministry staff met with Mountains. There is no memorandum to file with the results of the meeting.

In September 2003 Ministry staff discovered that Mountains had moved without informing the Superintendent. Ministry staff communicated this contravention to Mountains and conducted a facility inspection.

In October 2003, Ministry staff conducted a full inspection which identified concerns outlined below. At that time Mountains had only international students.

In 2004, Ministry staff received anonymous information that Mountains was advertising that they were delivering an MBA degree program. A copy of the advertisement was remitted to the Ministry. On March 9, 2004, the school was asked to cease offering degree programs immediately. They were to remit confirmation of the cessation in a letter to the Ministry. No response letter was found in the records.

Additional inspections were performed and it has been identified that Mountains has contravened the Act and its regulations over a period of at least 6 years. The contraventions reported by Ministry staff are set out in the chart below:

Contravention	2003 inspection	2004 inspection	2005 inspection	2008 re-registration review	2009 inspection
Failed to advise Superintendent of change	X (address)				X (program changes)
Administration of student files not in compliance	X		X		X
Student contract not completed properly	X	X	X	X	X
No verification of prerequisites or academic records	X				X
Advertising	X	X	X	X	
Instructor Qualification Forms not in compliance	X		X		X
Unapproved programs		X	X	X	
Offering degree programs		X (MBA)			

SCHEDULE "B"

Background

Mountains is located at 50 Acadia Avenue, Suite 120, Markham, Ontario LRO 0B3.

They are approved to offer the following programs:

Program Name	Weeks	Hours	Tuition Fees	Books Fees	Campus Program Status
Accounting and Business Administration	28	840	7,200.00	450.00	Approved
Certificate of CNC Operation/Programming	24	480	7,500.00	450.00	Approved
Diploma of Early Childhood Assistant	24	840	5,200.00	350.00	Approved
Diploma of Software Development and Analysis	29	1000	8,500.00	500.00	Approved
Pharmaceutical Analysis (Post-Grad. Dip)	29	586	8,550.00	650.00	Approved
Post-Grad Business Admin Diploma	42	840	8,000.00	2,200.00	Approved

According to Helen He, Training Manager, all approved programs are delivered except for the Post-Graduate Business Administration Program. In addition to the approved programs they are offering Unix programs.

The college is open 7 days a week. On Saturdays, Mountains offers the tax module of the Accounting program and on Sundays they offer English as a Second Language programs.

Current Enrolment

There are as at September 24, 2009, 108 students attending at Mountains. 100% of the students currently attending Mountains Institute of Technology are receiving funding.

Corporate Record

Mountains System Corporation was incorporated on July 15, 1999. Sam (Qingsan) Shao is the president and sole officer and director of the corporation. The corporation has two operating names:

- Mountains Institute of Technology
- PowerIT Group Canada

In addition Sam (Qingsan) Shao manages another corporation, federally registered, which operates out of this address. Canadian Data Management Inc. was registered August 16, 2008 and also uses the operating name PowerIT Group Canada. Advertisement for the Canadian College for Education exists in the reception area of Mountains. Helen He, Mountains' Training Manager, advised me that the College does not operate and they will remove the signs. The corporation behind this operating name is MITC Education Group Inc. Sam (Qingsan) Shao is the president. The corporate registration has been cancelled due to its failure to carry out its legal obligations under the Corporations Tax Act. Other operating names are registered for this expired corporation as follows:

- Canadian College for Education
- Canadian College of Finance and Insurance
- Mountains Institute of Technology Canada
- International Culture and Education
- Canadian Institute of Pharmaceutical and Bio-Technology

Ministry staff found no web advertising for the above operating names other than Mountains. Mountains does, however, have two websites:

www.mitcedu.com and www.mountainscollege.com.

Financial Security

Mountains has a Government of Canada Bond in the amount of \$32,200.00 as registered financial security.

SCHEDULE "C"

ENTITLEMENT TO HEARING BY LICENCE APPEAL TRIBUNAL:

If Mountains System Corporation o/a Mountains Institute of Technology Canada disagrees with the Superintendent's decision to immediately suspend its registration and revoke its registration as a private career college, it is entitled to a hearing by the Licence Appeal Tribunal (the "Tribunal") if it mails or delivers to both the Superintendent of Private Career Colleges and the Tribunal a notice in writing, requesting such a hearing.

Such notice must be delivered, **by registered mail or courier**, to the Superintendent and to the Tribunal **by Friday, October 23, 2009**.

If Mountains System Corporation o/a Mountains Institute of Technology Canada does not require a hearing by the Tribunal as set out above, the decision to revoke the school's registration will be final as of **Friday, October 23, 2009**.

If Mountains System Corporation o/a Mountains Institute of Technology Canada does choose to request a hearing by the Tribunal, the notice to the Tribunal should be addressed to:

Licence Appeal Tribunal
CIBC Building, 12th Floor
1 St. Clair Avenue West
Toronto, ON M4V 1K6

Service of the required notice on the Superintendent should be sent to:

Superintendent of Private Career Colleges
Ministry of Training, Colleges and Universities
9th Floor, Mowat Block
900 Bay Street
Toronto, ON M7A 1L2

Please note that the Tribunal has its own forms for filing applications with the Tribunal. You may contact the Tribunal directly at 416-314-4260 or 1-800-255-2214 for information on the Tribunal and its application forms, or obtain such information from the Tribunal's website at: www.lat.gov.on.ca.