

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

Wednesday, July 21, 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 On review, an administrative penalty may be upheld, rescinded or reduced.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: April 5, 2010

Afsar Syed
2053137 Ontario Inc. o/a Nail Academy & School of Aesthetics
o/a Nail Academy
377 Burnhamthorpe Road E.
Central Parkway Mall
Mississauga, ON L5A 3Y1

Description:	Original Amount:	Review Decision:
<p>PCCA 2005, s.11 Restrictions on advertising and soliciting.</p> <p>On March 19, 2010, the website belonging to Nail Academy, http://www.nailacademy.ca/anpp.htm was reviewed by Ministry staff who found it advertising an Artificial Nail Professional Program. The website stated that the program costs \$1,985 and may be delivered either over the course of four weeks, Monday through Wednesday, 10:00am – 3:30pm (66 hours total); over the course of twelve Saturdays (unspecified hours); or over the course of six weeks, Monday through Wednesday evenings, 6pm-9pm (54 hours).</p>	<p>\$1,000 per day</p>	<p>Penalty of \$1,000 per day is upheld for the period of April 5, 2010 to April 6, 2010 (inclusive).</p> <p>The balance of evidence available indicates that 2053137 Ontario Inc. was advertising an unregistered private career college and an unapproved program. Nail Academy came into compliance by ceasing to advertise the unregistered private career college and unapproved programs.</p>
<p>PCCA 2005, s. 7 Prohibition against operating a private career college.</p> <p>On March 30, 2010, Ministry staff attended Nail Academy at 377 Burnhamthorpe Rd. East, Mississauga On, L5A 3Y1 and spoke with Nagina. Nagina advised that Ministry staff should speak with Asfar and provided a phone number at which he could be reached. Ministry staff phoned this number and spoke with Asfar, who confirmed that two students were enrolled in the Artificial Nail Professional</p>	<p>\$1,000 per day</p>	<p>Penalty of \$1,000 per day is upheld for the period of April 5, 2010 to April 6, 2010 (inclusive).</p> <p>The balance of evidence available indicates that Nail Academy was holding itself out as private career college. Nail Academy came into compliance by ceasing to hold itself out as a private career college.</p>

<p>Program which is delivered on Saturdays. Ministry staff asked for documentation which describes the content of the program. Asfar advised that the brochure available on Nail Academy's website contains an accurate description of the program.</p>		
<p>PCCA 2005, s. 8 (1) Prohibition against providing vocational programs.</p> <p>On March 30, 2010, Ministry staff attended Nail Academy at 377 Burnhamthorpe Rd. East, Mississauga On, L5A 3Y1 and spoke with Nagina. Nagina advised that Ministry staff should speak with Asfar and provided a phone number at which he could be reached. Ministry staff phoned this number and spoke with Asfar, who confirmed that two students were enrolled in the Artificial Nail Professional Program which is delivered on Saturdays. Ministry staff asked for documentation which describes the content of the program. Asfar advised that the brochure available on Nail Academy's website contains an accurate description of the program.</p>	<p>\$1,000 per day</p>	<p>Penalty of \$1,000 per day is rescinded for the period of April 5, 2010 to April 6, 2010 (inclusive).</p> <p>The balance of evidence available does not indicate that Nail Academy did contravened s. 8(1) of the <i>Private Career Colleges Act, 2005</i> by charging a fee for a vocational program without being registered and without Superintendent's approval.</p>
<p>PCCA 2005, s. 9 Prohibition against charging fee.</p> <p>On March 19, 2010, Ministry staff telephoned Nail Academy and spoke with Jane. Jane confirmed that a new session of the Artificial Nail Professional Program would be commencing next Saturday (March 27). When Ministry staff asked if these students had paid their fees, Jane confirmed that they had.</p>	<p>\$1,000 per day</p>	<p>Penalty of \$1,000 per day is rescinded for the period of April 5, 2010 to April 6, 2010 (inclusive).</p> <p>The balance of evidence available does not indicate that Nail Academy contravened s. 9 of the <i>Private Career Colleges Act, 2005</i> by charging a fee for a vocational program without being registered and without Superintendent's approval.</p>
Total:		\$4,000