

RESTRAINING ORDER

Served by e-mail to registration@nailacademy.ca and courier

April 1, 2010

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

Attention: Afsar Syed, Director

This is a **Restraining Order** issued under the authority of section 46 of the Private Career Colleges Act, 2005 (PCCA, 2005). As the Superintendent of Private Career Colleges, I HEREBY ORDER 2053137 Ontario Inc. o/a Nail Academy & School of Aesthetics o/a Nail Academy (Nail Academy) TO STOP OPERATING IN CONTRAVENTION OF THE PRIVATE CAREER COLLEGES ACT, 2005 (PCCA, 2005).

The detailed reasons supporting my order are set out in Schedule A, attached. In brief, Nail Academy is:

- advertising an unregistered private career college and advertising unapproved vocational programs, contrary to sections 11(1) and (2) of the PCCA, 2005, respectively;
- operating as an unregistered private career college, contrary to section 7 of the PCCA, 2005;
- offering vocational programs that are not approved by the Superintendent of Private Career Colleges, contrary to section 8 of the PCCA, 2005; and
- charging fees for an unapproved vocational program contrary to section 9 of the PCCA, 2005.

Nail Academy 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 **immediately** by registered mail or courier to my attention and confirm that Nail Academy:

- has stopped advertising an unregistered Private Career College and unapproved vocational programs that require approval.
- has stopped operating as a private career college;
- has stopped providing unapproved vocational programs that require approval;

- has stopped charging fees for unapproved vocational programs that require approval;
- has provided the ministry with a list including the names and addresses of all current students;
- has provided refunds to students who were enrolled in unapproved vocational programs that require approval;
- is not holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs that require approval;
- is holding student files to be available for the Superintendent's staff to review; and
- will not reopen as a private career college until such time, if any, as it has been registered.

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 Nail Academy to comply;
2. The issuance of further Administrative Monetary Penalties.
3. Prosecution for the offence of failure to comply. Upon conviction by a court of that offence, a corporation is subject to a fine of up to \$100,000; an individual, including 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.

Sincerely,

ORIGINAL SIGNED BY

Allan Scott
Superintendent
Private Career Colleges

Attachments: Schedule A – Detailed Reasons for Decision

Schedule A – Detailed Reasons for Decision

Contravention of section 11 of the PCCA, 2005 – Advertising Unregistered Private Career College and Unapproved Programs

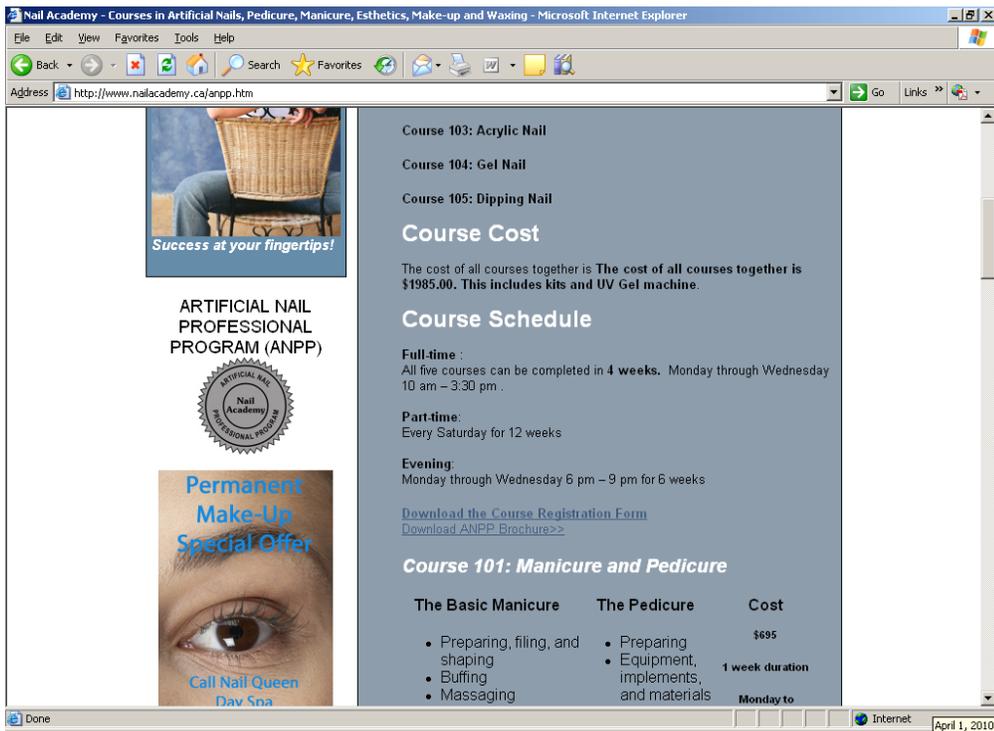
On March 19, 2010, the website belonging to Nail Academy, <http://www.nailacademy.ca/anpp.htm> was reviewed by Ministry staff who found it advertising an Artificial Nail Professional Program. The website stated that the program costs \$1,985 and may be delivered either over the course of four weeks, 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).

This program corresponds to National Occupational Classification (NOC) code 6482 – Estheticians, Electrologists, and Related Occupations and is thus a vocational program within the meaning of the Private Career Colleges Act, 2005. All vocational programs that are not otherwise exempt are required to be approved by the Superintendent pursuant to section 23 of the Act.

The website bears the school's name, a description of its Artificial Nail Professional Program diploma program, an address (377 Burnhamthorpe Road E., Central Parkway Mall, Mississauga, ON, L5A 3Y1), a phone number, and an e-mail address for the school.

Since this college is not registered, and this program is not approved, advertising of same is prohibited in accordance with section 11 as noted above.





**Contravention of section 7 of the PCCA, 2005 - Prohibition against operating a private career college and
 Contravention of section 8 of the PCCA, 2005 - Prohibition against providing vocational programs**

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.

Contravention of section 9 of the PCCA, 2005 – Charging Fees for Unregistered Private Career College and Unapproved Programs

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. When Ministry staff asked if the students enrolled in that course had paid their fees, Jane confirmed that they had.

BACKGROUND

Previous Registration and contact

In January, 1988, a school named Nail Academy Inc. operating at 377 Burnhamthorpe East, Mississauga received approval to deliver a nail technician program with a duration of 98 hours, and a cost of \$995.00. This school’s registration was terminated voluntarily by the institution.

An ONBIS search revealed that in 2004, Nail Academy was sold to 2053137 Ontario Inc. In November, 2005, Nail Academy, still operating at 377 Burnhamthorpe East, Mississauga, submitted an application for registration to the Ministry which was rejected.

Legal and Operating Entities

An ONBIS search found that on August 25, 2004, 2053137 Ontario Inc. was incorporated. This corporation registered the business name "Nail Academy & School of Aesthetics" on September 15, 2004, which expired on September 14, 2009.