

**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 Email <info@newimagecollege.com>, by Fax 416-665-8476 and Courier

February 24, 2010

Pavlo Ilyashenko
o/a New Image College of Design and Technology
4544 Dufferin Street, Unit 204
Toronto, ON
M3H 5X2

And

1001 Finch Avenue West, Suite 200A
Toronto, ON
M3J 2C7

Attention: Pavlo Ilyashenko, Owner

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 Pavlo Ilyashenko o/a New Image College of Design and Technology 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, you are:

- advertising an unregistered private career college and advertising unapproved vocational programs, contrary to subsections 11(1) and (2) of the PCCA, 2005, respectively;
- charging fees for a program in a currency other than Canadian dollars, contrary to section 44 of O. Reg 415/06.

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

- have stopped advertising an unregistered Private Career College and unapproved vocational programs that require approval;
- have stopped charging fees for unapproved vocational programs that require approval in a currency other than Canadian dollars;

If you are currently providing unapproved vocational programs as an unregistered Private Career College, these actions would be contrary to sections 7 and 8 of the PCCA, 2005 respectively. You would then be required to **immediately** take the steps outlined below in this order to comply with the PCCA, 2005.

Specifically, you:

- must stop operating an unregistered Private Career College;
- must stop providing unapproved vocational programs that require approval;
- must stop enrolling students into unapproved vocational programs that require approval;
- must provide the ministry with a list including the names and addresses of all current and former students;
- must provide refunds to students who were enrolled in unapproved vocational programs that required approval;
- must not hold, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs that require approval;
- must hold student files to be available for the Superintendent's staff to review; and
- must 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 compel New Image College 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 www.e-laws.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

BACKGROUND:

On June 2, 2006, the Ministry sent a letter to New Image College of Design and Technology stating that two programs; Mastering Graphics Software for Print and Web, and Computer applications for Medical Offices, did not require registration. However, the letter states that additional programs on the website may require registration. Specifically it refers to the programs entitled; Digital Design Master Certificate, Graphic Design Certificate and Web Design Certificate. An additional letter was sent on November 14, 2006 which advises that New Image needs to register two of their programs; Digital Media Design Diploma program and Mastering Graphics Software for Print and Web and Computer Applications for Medical Offices courses.

Legal and Operating Entities

New Image College of Design and Technology is a sole proprietorship which was registered on February 2, 2006. Pavlo Ilyashenko is the registered owner. The business address is listed as 1001 Finch Avenue West, Suite 200A, Toronto, M3J 2C7. A 411 search shows New Image College of Design located at 4544 Dufferin Street, Unit #204, Toronto. As well, the website www.newimagecollege.com lists 4544 Dufferin Street, Suite 204, Toronto on the contact portion of the site.

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

On January 19, 2010 the Ministry received a complaint from a former student of New Image College and Technology stating that she did not receive the full training promised by New Image. The student alleged the college would not grant her a diploma for the program even though she had completed all of the program elements. As a result of this complaint, Ministry staff reviewed the website: www.newimagecollege.com and made the following observations:

- 1) The website was in both Russian and English. Courses offered on the Russian portion of the website differed from those offered on the English portion of the website.
- 2) The following programs on the English portion of the website meet the Ministry definition of a vocational program:
 - a. Graphic Design and DTP/Graphic Design Certificate – the cost of the program is \$6,800.00 for a duration of 21 weeks, three times a week; classes in the afternoon or evening.

NOTE: if a student did only 2 hours a week the program would exceed the 40 hour exemption threshold. (A student complaint filed with the Ministry regarding a program entitled 'Mastering Graphic Software for Print and Web' [a program not listed on the website] stated that each class was three hours long.)

- 3) The following programs on the Russian portion of the website meet the Ministry definition of a vocational program (translated):
- a. Theory and Methods of Teaching Art – offered for a cost per month of \$329 CAN, \$329 US, € 129 for residents of the Commonwealth of Independent States (the former USSR), and € 329 for residents from countries in Western Europe. Program length is 24 months (6 semesters. The duration of one semester is 4 months) which would bring the total estimated cost to \$7,896 CAN, \$7,896 US, € 3,096 Euro and € 7,896 respectively.
 - b. Design: Computer Graphics and Advertising – offered for a cost per month of \$329 CD, \$329 US, € 200 for residents of the Commonwealth of Independent States (the former USSR), and € 329 for residents from countries in Western Europe. Program length is 12-18 months which would bring the total estimated cost to \$3,948 - \$5,922 CAN, \$3,948 - \$5,922 US, € 2,400 – € 3,600 Euro, and € 3,948 – € 5,922 Euro respectively.
 - c. Design and Art Fashion Design – offered for € 199. The program is 24 months (6 academic semesters with each semester 4 months long) which would bring the total estimated cost to € 4,776.

NOTE: if a student did only 2 hours a week the program would exceed the 40 hour exemption threshold. (A student complaint filed with the Ministry regarding a program entitled 'Mastering Graphic Software for Print and Web' [a program not listed on the website] stated that each class was three hours long.)

According to the description provided on the website, the programs fit the definition of vocational programs according to the PCCA, 2005. Therefore the school is contravening the PCCA, 2005 by advertising unapproved vocational programs and thereby advertising itself as a Private Career College.

Contravention of section 44(6) of O.Reg 415/06 – Prohibition against charging a fee for a vocational program in foreign dollars.

The website www.newimagecollege.com states the following regarding the cost of the Graphic Design and DTP/Graphic Design Certificate:

Tuition: (including educational materials)

- \$6,800* Ca for the residents of Canada
- \$6,800* US for the US and CIS students

The Russian portion of the website cites the following for the cost of the Theory and Methods of Teaching Art:

Russian	English Translation
Стоимость курса*:	Cost per course
\$329 CA за один месяц для жителей Канады	\$329 CAN for one month for students from Canada
10% скидка при оплате за весь год	10% discount for full year payment
\$329 US за один месяц студентов из США	\$329 US for one month for students that are from the United States
€129 за один месяц для граждан стран СНГ	€ 129 for one month for students from CIS
€329 за один месяц для жителей западной Европы и Израиля	€329 for one month for students that are from Western Europe and Israel

Both instances show currency being used other than Canadian Dollars. Additionally, the Design: Computer Graphics and Advertising program's tuition is listed in US dollars and Euros. The Design and Art Fashion Design is only offered in Euros. This is in violation of section 44 of the Ontario Regulation 415/06 under the Private Career College Act, 2005.