

**Ministry of Training,
Colleges and Universities**

Office of the Superintendent

Private Career Colleges Branch
9th Floor, Mowat Block
900 Bay Street
Toronto ON M7A 1L2

**Ministère de la Formation
et des Collèges et Universités**

Bureau du Surintendant

Direction des collèges
privés d'enseignement professionnel
9^e étage, édifice Mowat
900, rue Bay
Toronto ON M7A 1L2



RESTRAINING ORDER

April 1, 2011

George Rondina
Director
Number 9 Sound Studios Inc.
operating as Number 9 Audio Group; Number Nine; and Number 9
222 Gerrard Street East
Toronto ON, M5A 2E8

Dear Mr. Rondina:

This is a Restraining Order issued under s. 46(1) of the *Private Career Colleges Act, 2005* ("Act"). As the Superintendent of Private Career Colleges, I believe that Number 9 Sound Studios Inc. operating as Number 9 Audio Group; Number Nine; and Number 9 ("School") has contravened the Act and/or regulations, and I order the School to stop contravening the following provisions of the Act and/or regulations:

- Advertising an unregistered private career college and advertising unapproved vocational programs, contrary to subsections 11(1) and (2) of the Act, respectively.

Detailed reasons in support of my decision to issue this order are found in Schedule "A", attached. Failure to comply with this order may result in any or all of the following, further enforcement actions:

- Application for an order from the Superior Court of Justice;
- The issuance of further Administrative Monetary Penalties; and/or
- Prosecution for offences under the Act. Upon conviction by a court,
 - A corporation is subject to a fine of up to \$250,000;
 - An individual is subject to a fine of up to \$100,000, a prison term of up to one year, or both; and

- 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.

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 by April 7, 2011 by registered mail or courier to my attention and confirm that the School:

- has stopped advertising an unregistered private career college and unapproved vocational programs that require approval; and
- has submitted a pre-screening application for any other vocational programs, including “101 Recording Course”.

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.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.

Pursuant to sections 49(2) and 49(6) of the Act, this order is published on the Ministry of Training, Colleges and Universities' website.

Kindly govern yourself accordingly,

ORIGINAL SIGNED BY

Allan Scott
Superintendent of Private Career Colleges

Schedule "A"

Detailed Reasons and Findings

The Superintendent has issued this order based on the following findings and supporting facts and evidence:

Contravention of section 11 of the Act – Restrictions on Advertising and Soliciting

On February 17, 2011, a Designate of the Superintendent ("Designate") reviewed a website belonging to the School, www.number9.ca and found it advertising a Complete Recording Course. The site contains the following statements about the course:

- "After completing our audio engineering courses, you will be well on your way to becoming an industry professional";
- "After course completion, students have the option to intern and assist on professional recording sessions."; and
- "We don't just say we'll help you find work when you complete the course – we really do it. 90% of our students are working in the industry, and some or [sic] them are working right here at Number 9."

The website states that a certification diploma is received upon completion of the course, and that it takes approximately 6-8 months to complete. It also provides a street address (222 Gerrard Street East, Toronto), two telephone numbers, a fax number and an e-mail address.

Between March 22 and March 28, 2011 a Designate exchanged e-mails with George Rondina, managing director of the School. In the e-mails the Designate inquired about the cost and the duration of the Complete Recording Course, if a student studies for 3-4 hours per week. Mr. Rondina advised that the course costs \$10,995 and has a duration of 6-12 months. The course, therefore, takes a minimum of 78 hours to complete (6 months = 26 weeks. 26 weeks * 3 hours per week = 78 hours).

The Complete Recording Course corresponds to National Occupational Classification (NOC) code 5225 - Audio and Video Recording Technicians. Based on the evidence gathered the Complete Recording Course offered by the School fits the definition of a vocational program requiring approval of the Superintendent according to the Act. Since this program is not approved, advertising of same is prohibited in accordance with Section 11 of the Act.

Previous Efforts to Obtain Compliance Had No Effect

On June 15, 2010 a Designate began to review a pre-screening application submitted by the School for a Recording/Audio Engineer program. Pre-screening is a free service afforded to the public that allows vocational programs to be

assessed, and the School told whether or not the program requires approval under the Act.

On June 29, 2010 a Designate sent a letter to George Rondina advising that the Recording/Audio Engineer program requires approval. This letter was sent to the same address that is still listed in ONBIS as the School's head office. The School has not yet applied to receive this approval and has continued to advertise this program, despite the letter expressly stating that "Until such time as your institution has been registered and your program has been approved, it is a violation...to deliver or advertise the delivery of your vocational program."

Legal and Operating Entities

According to an ONBIS search, Number 9 Sound Studios Inc. was registered in Ontario on October 24, 1989. George Rondina is currently listed as a director. Its head office is located at 222 Gerrard Street East, Toronto On, M5A 2E8.