

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
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Notice of Contravention #38

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

NOTICE OF CONTRAVENTION

This letter is to inform you that on February 24, 2010, it was determined that you contravened the following section(s) of the *Private Career Colleges Act, 2005* and/or regulations made under the Act:

- Act, s. 11 — Restrictions on advertising and soliciting (\$1,000)
- O.Reg 415/06, s. 44 – Prohibition against charging fees for a program in a currency other than Canadian dollars (\$750)

For a Summary of each contravention see attached Schedule A.

As per section 51 of *Ontario Regulation 415/06* made under the *Private Career Colleges Act, 2005*, All Metal Welding is subject to a penalty in the total amount of \$1,750 per day. It is important to note that the penalty is levied daily. The total penalty amount is calculated by multiplying the penalty amount indicated above by the number of successive days that the contravention continues.

For example: following 5 successive days that the contravention continues the penalty amount due will be \$8,750.

following 15 successive days that the contravention continues the penalty amount due will be \$26,250.

At this time you are required to provide the ministry with written confirmation of compliance with the Act. Please supply the ministry with the following documents confirming that you have come into compliance with the Act:

Written Confirmation that you:

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

Once you have confirmed compliance with the Act, the penalties will cease to accumulate and you will receive an invoice that sets out the total penalty outstanding. Payment of the full amount is due within **30 days** of the date of your notification.

If payment is not received within **30 days** after the date the notice of contravention was received, the amount will be subject to interest at the current postjudgment interest rate beginning on the 31st day following the date of notice. The current rate can be found at the following address:

www.attorneygeneral.jus.gov.on.ca/english/courts/interestrates.asp.

Review

If you believe that the decision made above is inaccurate you may request a review of this decision by submitting a Request for a Review of a Notice of Contravention form to the Minister of Training, Colleges and Universities within **15 days** of receipt of the Notice of Contravention.

Original signed by

Allan Scott
Superintendent of Private Career Colleges

Schedule A

Act, s. 11 — Restrictions on advertising and soliciting (\$1,000)

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.

O.Reg 415/06, s. 44 – Prohibition against charging fees for a program in a currency other than Canadian dollars (\$750)

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.