

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



Notice of Contravention #160

NOTICE OF CONTRAVENTION

By Email (booking@polarisrecording.com) and Courier

August 4, 2011

George Hellow, Director
Polaris Productions Limited known as Polaris Recording Studios
1151 Drouillard Avenue
Windsor, ON N8Y 2R2

Dear Mr. Hellow:

[1] This letter is to inform you as the Director of Polaris Productions Limited known as Polaris Recording Studios (the "Business") that on August 4, 2011, it was determined that the Business contravened the following section(s) of the *Private Career Colleges Act, 2005* and/or of regulations made under the Act:

A. Act, s. 11 – Restrictions on advertising and soliciting

For a detailed explanation of each contravention see attached Schedule A.

[2] As per section 51 of *Ontario Regulation 415/06* made under the *Private Career Colleges Act, 2005*, the Business is subject to a penalty in the total amount of \$1,000 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 \$5,000.

following 15 successive days that the contravention continues the penalty amount due will be \$15,000.

[3] At this time you are required to provide the Ministry with written confirmation of compliance with the *Private Career Colleges Act, 2005* and its regulations. Please supply the Ministry with the following documents confirming that you have come into compliance with the Act:

1. Written confirmation that you have stopped advertising an unregistered private career college and have stopped advertising unapproved vocational programs that require approval.

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.

[4] 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

[5] 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.

Issued by:

ORIGINAL SIGNED BY

Allan Scott
Superintendent of Private Career Colleges

Schedule A

[6] The Superintendent has issued this Notice of Contravention based on the following findings, supporting facts and evidence:

A. Advertising an unregistered Private Career College, contrary to section 11(1) of the Act and advertising unapproved vocational programs, contrary to section 11(2) of the Act

[7] On April 4, 2011, a Designate of the Superintendent (“Designate”) viewed the website belonging to the Business: <http://www.polarisrecording.com>.

[8] The following evidence led a Designate of the Superintendent (“Designate”) to the reasonable belief that this Business is advertising itself as an unregistered private career college (PCC):

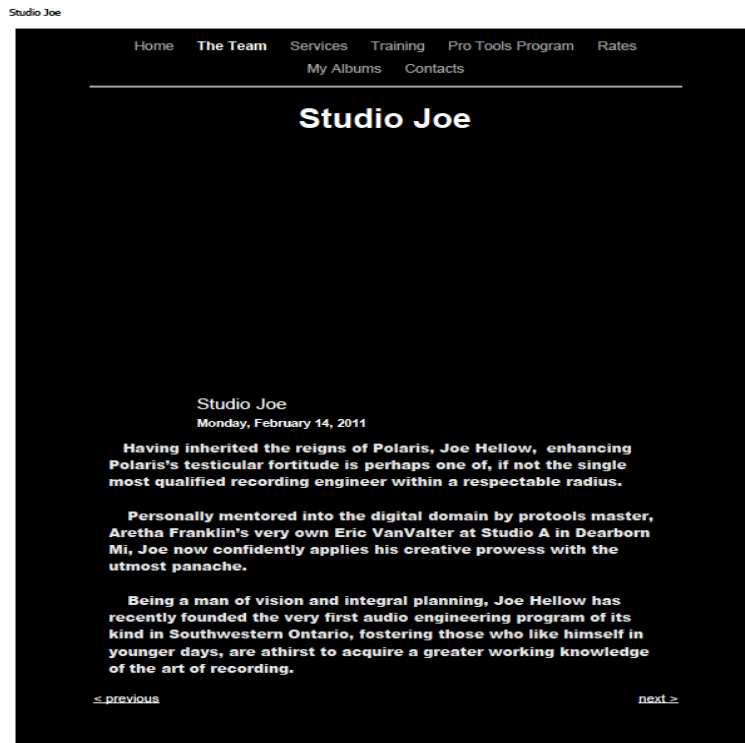
- i) This Business is registered as a corporate entity in Ontario: According to an ONBIS search conducted on July 26, 2011, Polaris Productions Ltd. is an active Ontario corporation which was incorporated on April 6, 1970. It has a physical office address at 1151 Drouillard Avenue, Windsor, ON N8Y 2R2, which is the same physical address listed on the Business’ website (<http://www.polarisrecording.com/Contacts.html>). George Hellow is listed as the Director and Officer of the corporation.
- ii) A WHOIS search conducted on July 26, 2011 shows that the domain name polarisrecording.com was registered on February 2, 2009. The administrative and technical contact is George Hellow of Polaris Production: 1151 Drouillard Rd, Windsor, ON N8Y 2R2, polarisproduction@gmail.com, (519) 973-4944. Mr. Hellow was identified as the Director and Officer of the corporation in i). This address matches the address listed for the Business in its corporate records in i).

- iii) The Business' website (http://www.polarisrecording.com/The_Team/The_Team.html) also lists George Hellow as the founder and CEO of Polaris Recording Studios.
- iv) The Business' website (<http://www.polarisrecording.com/Training.html>) states: "Being a state of the art facility, the programs here at Polaris cover all criterium essential to the intellectual advancement of our respective clientele."
- v) The Business also offers prospective students the opportunity to make an appointment and personally talk to one of their instructors who will answer questions about the training being offered (<http://www.polarisrecording.com/Training.html>).
- vi) A detailed description of faculty members is provided with biographies and photographs on this Business' website. "Sil B" is listed as the "Lead instructor/Mixing Engineer" (http://www.polarisrecording.com/The_Team/Entries/2011/2/14_Sil_B.htm) In his email of July 6, 2011 to the Designate, which is described in further detail in paragraph 14 of this Notice, Sil Barresi identified himself as the Training Program Coordinator at Polaris Recording Studio. A screen shot of that webpage appears here:



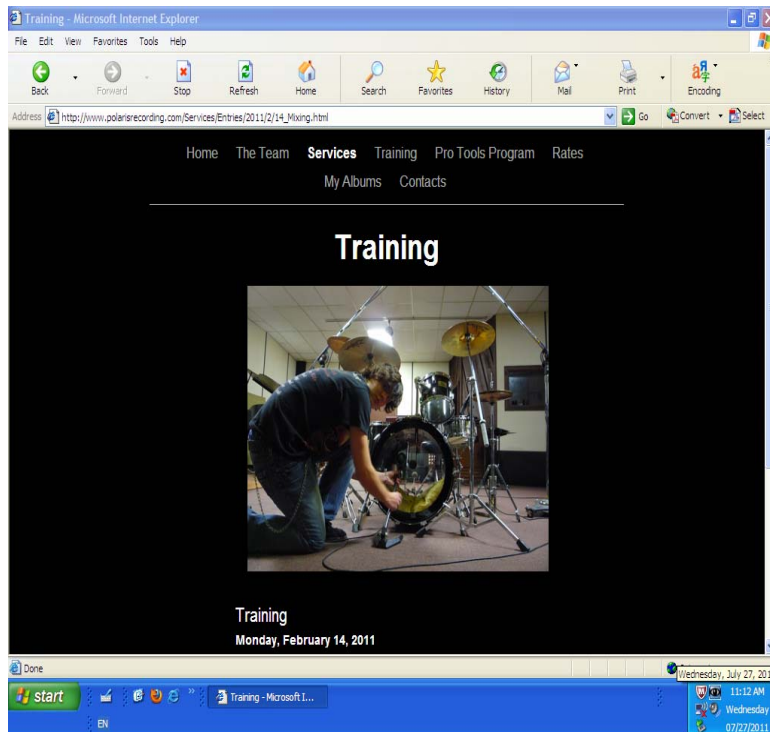
http://www.polarisrecording.com/The_Team/Entries/2011/2/14_Sil_B.htm[04/04/2011 10:13:04 AM]

- vii) Also on the Business “The Team” webpage (http://www.polarisrecording.com/The_Team/The_Team.html), Joe Hellow is identified as the founder of the audio program as follows: “Joe Hellow has recently founded the very first audio program of its kind in Southwestern Ontario...” A screenshot of that webpage appears here:



http://www.polarisrecording.com/The_Team/Entries/2011/2/14_Studio_Joe.html[07/27/2011 11:25:26 AM]

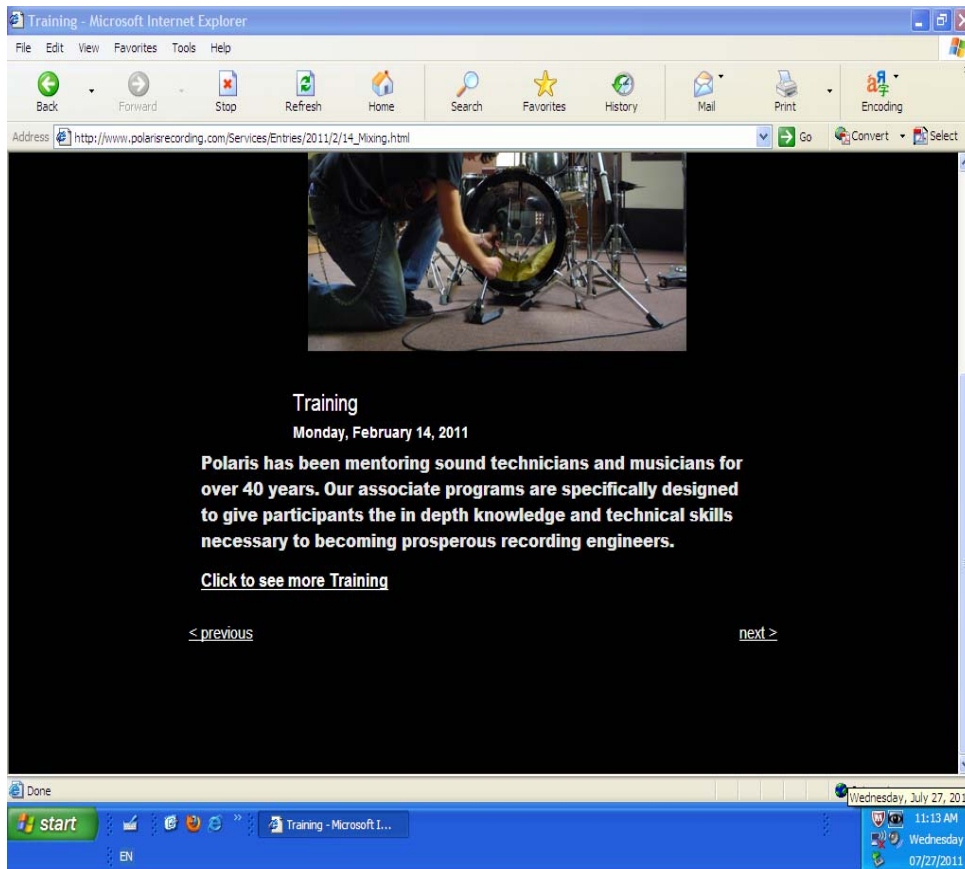
- viii) On this Business' website
(http://www.polarisrecording.com/Services/Entries/2011/2/14_Mixing.html)
, it has a photograph advertising its training in an action shot, as follows:



[9] Based on the evidence outlined in paragraph 8, the Designate came to the reasonable belief that the Business is in contravention of section 11 (1) of the Act for advertising a PCC without being registered.

[10] Evidence outlined below in paragraphs 11 to 22 also led a Designate to the reasonable belief that this Business is advertising unapproved vocational training programs without being registered as a PCC.

[11] On its website, this Business advertises the existence of “associate programs” and states that these programs “...are specifically designed to give participants the in depth knowledge and technical skills necessary to becoming prosperous recording engineers.” A screen shot of this advertising, as viewed on July 27, 2011 appears here:



[12] One of the unapproved vocational programs being advertised by this Business on its website is a full-time Audio Engineering and Music Production Program, which is referenced at the bottom of the webpage describing another program called the Pro Tools Training program (which is exempt under the Act for being under 40 hours in duration). A screenshot of this webpage appears here:

Pro Tools Program

Home The Team Services Training **Pro Tools Program** Rates
My Albums Contacts

Pro Tools Training

- Pro Tools basics 30 hrs training course that focuses on the foundational skills needed to learn and function within the Pro Tools environment. Pro Tools 101 covers basic Pro Tools principles, giving you what you need to complete a Pro Tools project, from initial set up to final mix down. Whether your project involves recording of live instruments, MIDI sequencing of software synthesizers, or audio looping, this course will give you the basic skills to succeed. We cover not only the fundamentals of pro tools but all the great out sourced plug ins, such as mcdsp, waves ect.

Topics:

- Getting to know Pro Tools
- Getting to know Pro Tools
- Getting inside Pro Tools
- Creating your first session
- Making your first audio recording
- Importing media
- Making your first MIDI recording
- Selecting and navigating
- Basic editing techniques
- Introduction to mixing
- Finishing your work

- Pro Tools intermediate is a 40 hrs course that provides a more detailed look at the Pro Tools system. This three-day course covers all the key concepts and skills needed to operate a Pro Tools system.

Topics:

- Getting started: Configuring your studio and session
- Controlling Pro Tools: What is an external controller?
- Managing sessions and tracks
- Recording MIDI and audio
- Loop recording and auditioning
- Understanding timescales
- Virtual instruments and plug-ins
- Editing MIDI
- Editing audio
- Understanding automation
- Mixing: Use of sends, returns, and plug-ins

- We also offer a full-time Audio Engineering and Music Production Program, and

http://www.polarisrecording.com/Pro_Tools_Program.html[04/04/2011 10:13:38 AM]

http://www.polarisrecording.com/Pro_Tools_Program.html[04/04/2011 10:13:38 AM]

[13] On July 6, 2011, the Designate telephoned the Business to inquire about the Audio Engineering Program being advertised on the Business' website and spoke to an individual who identified himself as George. George told the Designate that the program lasts 36 weeks with lessons once a week for four hours (36 weeks x 4 hours = 144 hours total duration), costs \$6,000 and includes a manual worth \$50. George advised that after the Designate took the program, the Designate would become a certified Audio Engineer and should be able to "walk" into any recording studio and start working there. George told the Designate to email 'Silvio' for more information.

[14] Also on July 6, 2011, the Designate sent an email to booking@polarisrecording.com while posing as a prospective student. On the same day, Sil Barresi, who identified himself as the Mix Engineer and Training Program Coordinator at Polaris Recording Studio, sent an email reply to the Designate. Mr. Barresi advised that they offer two programs, one of which is 36 weeks (144 hours) and a Basic Bootcamp type of program which is 3 weeks/36 hours in duration. Although he did not specify the name of the 36 week program in his email, Mr. Barresi suggested that the Designate make an appointment to visit the studio where they could answer questions and concerns and show the Designate around their studio. Mr. Barresi also

indicated that Thursday night is a scheduled class night and that if the Designate could make it down to the studio that Thursday (July 7, 2011) around 6:00 p.m., then they could discuss the Designate's concerns about which program best suited the Designate's needs. He stated that class starts at 7:00 p.m.

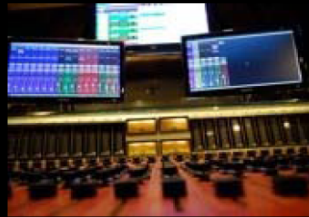
[15] To summarize, based on the description provided by the Business, the Audio Engineering and Music Production Program is 144 hours in duration at a cost of \$6,000, which exceeds the exemption limits of section 9 (1) of Ontario Regulation 415/06 and is therefore a vocational program.

[16] Another unapproved vocational program being advertised by this Business on its website (<http://www.polarisrecording.com/Training.html>) is a three semester/36 week Career Enhancement Audio Recording Program intended for "...anyone wanting to pursue a career in the recording arts..." A screenshot of the advertising of this program appears here:

Training

From analog to digital theory basics, to advanced live recording and sound, studio equalization, dynamic and multiband compression, to exacting mic selection, placement and control vital to an ambient recording atmosphere.

Being a state of the art facility, the programs here at Polaris cover all criterium essential to the intellectual advancement of our respective clientele.



Our Career Enhancement Audio Recording Program concentrates on the science and the art of capturing sound and music on 'tape', in the analogue world, and 'bits' in the digital world. We'll take you through the theory and the terminology of audio production. You'll get plenty of hands-on experience in both analogue and digital formats, to take an audio production project to its completion in a professional manner.

Our program is divided into three semesters, twelve weeks per semester, covering topics such as:

Sound Theory

Studio Acoustics and Design

Microphones: Design, Selection, Placement

Analogue and Digital Technologies

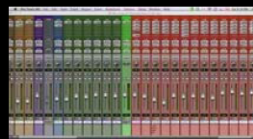
DAW: Digital Audio Workstations

MIDI: Musical Instrument Digital Interface

Synchronization

Amplifiers

Monitoring



Art of Mixing

Mixing Technology

Signal Processing: EQ, Compression, Limiting, etc.

Noise Reduction

Plug-ins and Outboard Gear

Mastering

Product Manufacture

Studio Tips and Techniques

and more . . .

These programs are intended for;

- 1. anyone wanting to pursue a career in the recording arts,**
- 2. for musicians and recording musicians who wish to become productive and efficient in a studio environment,**
- 3. for producers, writers, composers, who wish to become more productive and efficient in a studio environment**
- 4. for the home recording hobbyists**

If you are interested, contact the studio and make an appointment to personally talk to one of our instructors, who will answer all your questions.

<http://www.polarisrecording.com/Training.html>[04/04/2011 10:12:21 AM]

[17] On July 12, 2011, the Designate telephoned the Business while posing as a prospective student to inquire about the Career Enhancement Audio Recording Program. The Designate spoke to an individual who identified himself as George Jr. The Designate asked whether prior experience in the field/industry was required to take the program. George Jr. stated that the Designate did not need prior experience and that the program was meant to take in beginners and take them from “0 to 60 in 9 months.” George Jr. stated that classes are held three days per week for four hours per day (3 days x 4 hours over approximately 36 weeks = 432 hours total duration) and that the whole program costs \$6,000. George Jr. advised that Silvio could better explain the payment program if the Designate called back.

[18] In follow-up, the Designate telephoned the Business later the same day (July 12, 2011) while posing as a prospective student and spoke to an individual who identified himself as Joe. Joe confirmed that the next segment will be starting in September. He suggested that the Designate do their summer camp (which would be an exempt for being under 40 hours in duration at a cost under \$1,000) before committing to the full nine month program.

[19] Although the program is advertised by this Business as "Career Enhancement," George Jr.'s statement that the Designate did not need prior experience and that the program was meant to take in beginners and take them from "0 to 60 in 9 months" led the Designate to the reasonable belief that this program is vocational and not simply a program of professional development for professionals already working in the audio recording industry. An analysis of the courses included in this program demonstrates that they cover the skills required under National Occupational Classification (NOC) Code 5225 - Audio and Video Recording Technicians. These skills include the ability to operate equipment to record, mix and edit sound, music and videotape for various medium.

[20] To summarize, the Career Enhancement Audio Recording Program is approximately 432 hours in duration at a cost of \$6,000, which exceeds the exemption limits of section 9 (1) of Ontario Regulation 415/06 and is therefore a vocational program.

[21] In follow-up, Sil Barresi sent an email to the Designate on July 26, 2011 with an attachment for their "fall Audio Training Program at Polaris Studio." Mr. Barresi advised that they would be having an open house next Tuesday (August 2, 2011). In the attachment, the Business states that the fall program will start on September 29, 2011. A copy of the attachment sent with the email appears here:

Polaris Productions Ltd. - Fall Audio Training Program Update

Well, as our first audio recording program comes to an end, we are pleased to announce that this group is leaving our facility with the chops and practical experience, to take a recording project to completion. From pre recording planning, to mic selection and mic placement, signal routing through an analogue console and analogue outboard gear, interface into digital domain, DSP processing, editing, mixing, and final pre master preparation, these guys can now do it all. They've also gained quite a bit of knowledge and know-how with Protools as well.

Their success has become our success. We started this program with the objective of raising the audio knowledge base and skills of local audio recording techs and recording talent in the surrounding area. To take their skills to a higher and more appreciative level. We are confident that this group knows what it takes to get a sound on tape or to a live audience.

But we are not going to stop here. We've only just begun. Sounds like a song, doesn't it? Our next program will begin Thursday, September 29, 2011.

For all of you that are interested in our fall program, we invite you to attend an open house at Polaris Recording Studio on Tuesday, August 2, 2011, from 6pm - 9 pm, to meet and greet the instructors as well as some of the current attendees of the present program. Ask us or ask them the questions that you may have. Get all your questions answered.

There will be an incentive offered to all how sign up for the fall program that night.

So don't miss out.

See you then.

Sil Barresi
Training Program Coordinator, Polaris Recording Studio
Polaris Productions Ltd.
1151 Drouillard rd.
Windsor ON N8Y 2R2

[22] The Audio Engineering program and the Career Enhancement Audio Recording Programs both correspond to NOC Code 5225 - Audio and Video Recording Technicians.

[23] This Business is not registered as a PCC and has not obtained the approval of the Superintendent to offer or deliver this program. The Superintendent therefore finds that the Business is advertising itself as a PCC and is advertising an unapproved vocational program contrary to section 11(1) and (2) of the Act.

PRIOR CONTACT WITH THE MINISTRY

[24] Pre-screening is a free service afforded to the public that allows vocational programs to be assessed, and the Business is told whether or not the program requires approval under the Act.

[25] The Ministry's Registration Information for Career Colleges system (RICC) shows that Polaris Recording Studio pre-screened an Audio Recording program on October 15, 2010, which was rejected. The Business indicated its proposed operating name would be Polaris Recording Institute. The contact email provided by the Business in its pre-screening application was polaris.hellow7@gmail.com.

[26] A pre-screening application was also submitted by Polaris Productions Ltd. on July 9, 2010 for an Audio Recording program, which was rejected. The Business indicated its proposed operating name would be Windsor Recording Institute. The contact email provided by the Business in its pre-screening application was polarismac@gmail.com.

[27] "Rejected" status is generally used for improperly completed pre-screening forms or where a business has failed to reply to Ministry inquiries for further information.

[28] An ONBIS search conducted on July 26, 2011 shows that Polaris Productions Ltd. is an active Ontario corporation which was incorporated on April 6, 1970. The registered office address is 1151 Drouillard Avenue, Windsor, ON N8Y 2R2 and the Business/Mailing/Club/Principal Office in Ontario is listed as Boggsturnermoor LLP, 711 Kennedy Drive West, Windsor, ON N9G 1S8. Business names do not exist for this corporation. George Hellow is listed as a Director and an Officer of the corporation at the Drouillard Avenue address since November 4, 1970. His name appears to have a correlation with the email address provided in the pre-screening application for Polaris Recording Studio: "polaris.hellow7@gmail.com."

[29] Based on the fact that this Business attempted to pre-screen its program, a determination has been made that this Business had prior contact with the Ministry, and was therefore aware that regulatory requirements exist for vocational programs in Ontario.

INVESTIGATIVE METHODS USED

[30] In obtaining the above evidence a Designate of the Superintendent, employed as an Investigator with the Ministry's Private Career College's Branch, posed as a prospective student in order to directly experience how the Business markets its good and services to the general public. This practice, known as "test shopping" or "secret shopping", is a longstanding, commonly used investigative method in regulatory compliance and enforcement work. It allows the Designate to put him or herself into the position of a typical consumer to determine whether or not prospective students are receiving the protections intended for them under the Act and regulations. The Investigator therefore gathers evidence after placing the Business in the position and context it would normally occupy in the ordinary course of its business.

[31] The Investigator also conducted electronic searches for online information and advertising about the Business. This allows the Designate to see how the Business markets itself to consumers. Generally speaking, findings are based on advertising

supplied or controlled directly by the Business, rather than third party sources of information over which the Business may exercise little control.