

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



SERVED BY FAX AND COURIER

April 15, 2010

My ERP Partners
5650 Yonge St.
Toronto, On
M2M 4G3

Attn: Mr. Munish Sharma, Director

Dear Mr. Sharma:

**Re: Refusal to Register pursuant to subsection 18 (1) of the
Private Career Colleges Act, 2005 (the “Act”)**

Pursuant to clause 19(1) (a) of the Act, I hereby give notice in writing that I am refusing to register 2191607 Ontario Inc o/a My ERP Partners as a private career college.

My ERP Partners and Mr. Munish Sharma filed an incomplete application for registration to operate a private career college on February 25, 2009. Further documentation required to complete the application had been received by October 27, 2009. Since then, Ministry staff have attempted to determine if My ERP Partners could operate in compliance with the Act.

DECISION - Refusal to register

I am of the view that My ERP Partners is not operating in compliance with the Act. I am proposing under subsection 18(1) of the Act to refuse to register My ERP Partners as I am not satisfied that all of the requirements described in subsection 14(1) of the Act are met. The facts supporting my decision are set out in Schedule A, attached, and are summarized below.

Grounds for proposal to refuse registration

It has been determined that My ERP Partners and Mr. Munish Sharma have:

1. made misrepresentations to students and to staff of the Ministry of Training, Colleges and Universities (Ministry) by contracting with

students in ERP- Systems Applications and Products (SAP) program funded by the Ministry through its Education and Training Division as a full –time program (Monday to Friday) while, in fact, the number of hours of training actually delivered were significantly fewer than what was set out on the contract and the classes were held part-time on weekends. This misrepresentation occurred repeatedly between May to September 2009 on student contracts and letters of acceptance issued by My ERP Partners as well as in various verbal and written statements made to the Ministry staff.

The ERP- SAP program was not approved and not registered under the Act as it was not vocational - but was presented by My ERP partners on contracts as if it were an approved program and My ERP partners were a registered PCC. By presenting misleading information to both students and the Ministry about the nature of the program, the honesty and integrity of the applicant is in question and provides grounds for the belief that the private career college would not operate in accordance with the law and with integrity and honesty as required by clause 14(1)(e) of the Act.

2. Offered misleading information on student enrolment contracts issued by My ERP Partners between May and September 2009 by using vocational contracts and making within these contracts the following false statement regarding the status of the institution:
“this contract is to be used by an institution registered with the Ministry of Training, Colleges and Universities (MTCU) Ontario to enrol a student into a program which is registered by MTCU”.

The Ministry determined in 2007 that the ERP-SAP program was exempt from the requirements to be approved under the Act based on information supplied by the applicant that supported a conclusion that the program was non-vocational.

My ERP Partners was not registered as a PCC, and the program offered by My ERP Partners was not approved by the Superintendent. The statements noted in # 2 above were made to induce students to enrol in the program and to obtain funds for contracts in programs which were not approved by the Superintendent. This is a direct violation of sec.18 (1) of the O. Reg 415/06, as made under the Act, which provides that:

“ No person, operator, officer, director (...) acting on behalf of a private career college shall make a false or misleading statement, written or oral, or any statement described in paragraph 2 of subsection 16 (1), for the purpose of inducing a student or prospective student to enrol in a program or enter into a contract with a private career college “

Misleading information offered to members of the public and the Ministry provides grounds for the belief that the applicant will not operate the private career college in compliance with the Act and its regulations as required by clause 14 (1) (b) of the Act and will not operate the private career college in accordance with the law and with integrity and honesty, as required by clause 14(1) (e) of the Act.

Appeal Process

If you disagree with the Superintendent's decision to refuse to register, you are entitled to appeal the decision pursuant to subsection 19(3) of the Act. Information on the appeals process is set out in Schedule B attached.

Letters to the Superintendent must be sent by registered mail or courier to the address above.

Obtaining a Copy of the Private Career Colleges Act, 2005

The legislation applicable to this Order is the *Private Career Colleges Act, 2005* and Ontario Regulation 415/06 and 414/06, as made thereunder. The legislation and regulations are available at www.e-laws.gov.on.ca.

In the event that you are unable to access any relevant information on e-laws, or if you have any questions regarding this Order, you may contact Yvonne Bogorya at 416-314-0504.

Sincerely,

ORIGINAL SIGNED BY

Allan Scott
Superintendent of Private Career Colleges

Attachments:

- Schedule A Facts in support of Decision to Refuse to Register
 - A) Background
 - B) Legal and Operating Names
 - C) Relevant criteria for grounds for proposals to refuse registration

- Schedule B Entitlement to Hearing by Licence Appeal Tribunal

Schedule “A”

Facts in Support of Decision to Refuse to Register

A) Background

On February 29, 2009 My ERP Partners submitted a hard copy application to operate a private career college (PCC) for a corporation with the legal name: 2191607 Ontario Inc and an operating name of My ERP Partners located at Suite 1500 – 5650 Yonge Street in Toronto.

The required on-line application for the vocational program “Diploma in Business Management –ERP” was submitted on the Registration Information for Career Colleges system (RICC) on or about October 27, 2009. Pending registration, My ERP partners was offering a non-vocational ERP-Systems Applications and Products (SAP) program which did not require approval by the Superintendent.

Ministry staff conducted an inspection of the facilities at Suite 1500, 5650 Yonge Street Toronto on May 15, 2009 as a part of the application review process. The campus consisted of one rented room in a commercial building with no administrative office. The classroom was furnished and equipped with laptops, ready for course delivery.

On August 26, 2009, the Private Career Colleges Compliance Unit received a request from the Employment and Training Division (ETD) of the Ministry to check the operation of My ERP Partners as it was receiving many Second Career funded students under the ERP-SAP program. A list of student names was provided by ETD to compare with the student information (student contracts, records of attendance and fee payments) to be found at My ERP Partners. ETD had concerns with quality and delivery.

On August 27, 2009, Ministry staff conducted two unannounced inspections at My ERP Partners locations- a location for which no application to register had been made at 1300 Britannia Rd. East, Suite 207, Mississauga and the campus for the proposed private career college at 5650 Yonge St. Suite 1500, Toronto. As a result of these two inspections, Ministry staff established that approximately 20 students from the ETD provided enrolment list had signed contracts with My ERP Partners, however no students were in attendance in Mississauga on the day of inspection (11.00 am to 2.30 pm).

When Ministry staff asked Mr. Sharma about the students, he said that the class will be offered later in the afternoon and later said that the class was cancelled. Ministry staff reviewed student records located at the Mississauga location. Student contracts listed two locations of MY ERP Partners but it was difficult to determine when the training was taking place and at which location.

During the inspection, no staff, instructors or teaching/learning resources were seen at the Mississauga campus (except for 3 study guides). Ministry staff compared the list of students who had signed contracts with My ERP Partners against the funded students on the ETD list and found matches for most of the students. However, eight of the students on ETD's list were not found in My ERP Partners' files. Some student attendance records were available but incomplete, while others were not available at all. Names and phone numbers of students were on the student contracts. Ministry staff called several students: two students were available and said that they were attending classes on weekends. Others did not respond.

On the same day Ministry staff inspected the second location - 5650 Yonge Street Suite 1500 Toronto from 3.30 pm to 5.00 pm. Mr. Sharma introduced XXXXX as an instructor and two students who were not on the list of funded students. During an interview with the two students by Ministry staff, they stated that majority of the classes were offered on Saturday or Sunday and there was only sporadic tutorial assistance available during the week depending on the need to assist students. The instructor explained that the course was taught in components: students would tell him when instruction was needed and classes were held when students had difficulty in understanding the course material. They were allowed to study at home.

There was no fixed class schedule available. It was difficult to obtain any clear information as to the particular days of a week or time when classes were held.

Student Contracts

20 Student enrolment contracts for the ERP – SAP program issued by My ERP Partners were collected and reviewed by Ministry staff at the Mississauga location. It was found that these contracts contained the following misleading statement:

“this contract is to be used by an institution registered with the Ministry of Training, Colleges and Universities (MTCU)”.

The 20 Student contracts collected by the Ministry staff during August 27, 2009 inspection in Mississauga location show as follows:

Student's Name	Course title	Length	Time	Start	End	Payment received
XXXXX	ERP-SAP	44 wks	full	20/07/09	18/06/2010	\$10,331
XXXXX	ERP-SAP	33 wks	full	29/03/09	15/02/2010	\$ 8,662
XXXXX	ERP-SAP	36 wks	full	20/07/09	26/03/10	\$15,500 refunded \$3,000 14/08/09
XXXXX	ERP-SAP	36 wks	full	01/06/09	29/01/10	\$6,662 Balance due
XXXXX	ERP-SAP	33 wks	no info	15/06/09	05/02/10	Paid in full
XXXXX	ERP-SAP	35 wks	full	01/06/09	29/01/10	\$7,412 Balance due
XXXXX	ERP-SAP	33 wks	No info	16/08/09	09/04/10	Paid in full
XXXXX	ERP-SAP	33 wks	No info	13/04/09	27/11/09	\$13,950 Refund \$3,225 23/05/09
XXXXX	ERP-SAP	33 wks	No info	04/08/09	09/04/10	\$7,250
XXXXX	ERP-SAP	No info	No info	05/04/09	01/08/10	\$13,950 Paid in full
XXXXX	ERP-SAP	35 wks	full	30/08/09	01/05/10	Due Sept/09
XXXXX	ERP-SAP	No info	No info	Not clear copy	Not clear copy	\$7,410 Balance due
XXXXX	ERP-SAP	990 hrs	full	15/06/09	05/02/10	\$14,000
XXXXX	ERP-SAP	33 wks	No info	27/07/09	02/04/10	\$9,500
XXXXX	ERP-SAP	33 wks	No info	03/08/09	09/04/10	\$13,950 Paid in full
XXXXX	ERP-SAP	No info	full	25/05/09	15/01/10	\$6,750 Balance due
XXXXX	ERP-	No info	No	13/09/09	12/11/09	\$11,334

	SAP		info			Refund \$2,666
XXXXX	ERP- SAP	No info	No info	23/08/09	30/04/10	\$14,750 Due 23/08/09
XXXXX	ERP- SAP	No info	full	11/05/09	20/02/10	\$13,650 Paid in full
XXXXX	ERP- SAP	33 wks	full	13/04/09	27/11/09	\$13,650 +\$450 Paid in full

All the information contained in the above table is based on the copies of the original documents taken from My ERP Partners Mississauga office. Payments made by students are not the actual amounts of tuition fees but a record of tuition payments received by My ERP Partners up to August 27, 2009.

The 20 student contracts issued by My ERP Partners cover the time period from March 2009 to April 2010 and provide proof that students were registered to take ERP-SAP programs for durations of time ranging from 33 weeks to 45 weeks. None of the contracts were for a time period shorter than 33 weeks. Contracts did not indicate the location where classes will be held or the exact days and times (contrary to the letters of acceptance where it was clearly stated "30 hours per week –Monday to Friday (classes are not held on weekends and holidays)). Class schedule 9:30 am to 3:30 pm. The letters of acceptance were used by students to support their applications for funding from ETD.

In some cases there was no indication on the contract whether the course was full time or part time but a majority of contracts indicated a full time status.

All student names presented here are the same as on the list provided by EDT. These were students who obtained funds to attend the ERP-SAP program at one of the locations as per the letters of acceptance signed by Mr. Sharma. The length of the program is clearly indicated on the contracts. Received payments indicate that sometimes tuition and book payments were made in advance of classes being delivered, as the course was still running after August 2009.

Application for registration of My ERP Partners as a PCC

While the application for a registration of a private career college operating as My ERP Partners at 5650 Yonge Street Toronto was still in progress, some discrepancies in the data submitted by the applicant on the hard copy of the program application and on-line registration system (RICC) had been found. Information on the pro-forma financial statement and on RICC with respect to the projected numbers of students and the tuition amounts was different. As a result

of these discrepancies Ministry staff requested the applicant make necessary revisions. The financial assessment could not be completed without revisions made on the electronic submission.

On November 3, 2009, Mr. Sharma requested that a change be made on RICC for the proposed vocational program application - a Diploma in Business Management –ERP. Once Mr. Sharma realized that the projection of student numbers is directly related to the amount of the financial security required to be posted for the purposes of student protection, he changed the information. The original enrolment projection of 50 domestic students and 20 international students was lowered to 8 domestic students and 0 international students. This data was not consistent with the hard copy of the program application: Domestic 20; International 5. The amounts of tuition fee differed on the program application and on RICC. Due to various inconsistencies in information, the financial review was not completed.

Student complaints

In the meantime more reports of student complaints about My ERP Partners came from ETD to our office. Students complained that inadequate instructional hours for the ERP-SAP program were being provided. The number of hours delivered by the school did not correspond with the number of hours the applicant promised in its student contract and in the letters of acceptance delivered to the students.

Two formal student complaints were submitted to the Private Career Colleges Branch regarding insufficient hours delivered by My ERP Partners for the ERP-SAP course.

On December 30, 2009, XXXXX, an ERP-SAP course student at My ERP Partners in Mississauga, submitted a formal complaint to the Ministry. He complained about inadequate instructional hours, deficient course materials and an alleged attempt to force him to falsify attendance records by the Director, Mr. Sharma. He stated that he attended SAP ERP (Human Resources/Human Capital Management module) on Saturdays from 2:30 pm. to 8:30 pm although the course admission letter stated that he would be taught “30 hrs a week- Monday to Friday. No weekend classes” The student claimed that he had received only 87 hours of instruction from August 1 to December, 2009. The EDT training agreement for XXXXX was for the amount of \$9,500. The third payment was still outstanding. When the student complained about the poor quality of training on December 12, 2009 Mr. Sharma allegedly presented him with blank time sheets and “asked me to sign and he said that he will fill in the dates later” (as per student statement signed on December 22, 2009 and attached to the complaint sent to the Ministry). “We have to repeat this signing every two weeks”, “Mr. Sharma said that MTCU was checking to see if they were

attending classes Monday to Friday” – that is why they had to sign the blank forms.

When XXXXX confronted Mr. Sharma with his complaint, he cut his SAP-ERP System access which made it impossible for XXXXX to complete his assignments. The student claims that he received only 20% of the training that he contracted for, and that he paid for using training funding from ETD (XXXXX e-mail dated 14 December 2009). Mr. Sharma refused to pay any refund for this student’s training and denied all the allegations.

On January 12, 2009, XXXXX submitted a written complaint regarding the insufficient instructional hours for the ERP-SAP course funded by ETD and offered by My ERP Partners. She complained about false information provided by My ERP Partners in her letter of acceptance. The letter of acceptance issued to XXXXX on October 31, 2009 stated that ERP SAP course will be held “Monday to Friday (classes are not held on weekends and holidays” and the class schedule is “9:30 am to 3:30 pm”. In her written complaint XXXXX stated “course does not meet contracted full-time requirement of 30 hrs. per week- Monday to Friday” as per the signed contract. “In actual fact, this course is taught only on Saturdays from 2:00 to 7:00 pm (5 hours a week) and there was no lab class at all”. She stated further that “the school charged \$250 for books, but after 25 hrs of classes “they provided us with “loose papers as books” the cost of the handouts did not match the amount charged”. She asked for a full refund based on the above reasons. She did not get any refund from My ERP Partners.

The two formal written student complaints described above and the results of inspections of the applicant’s business by Ministry staff have given rise to the Superintendent’s concerns about the honesty and integrity of the applicant.

B) Legal and Operating Names

2191607 Ontario Inc. is a registered corporation operating as My ERP Partners. A Master Business Licence from the Ministry of Government Services for My ERP Partners was issued on February 10, 2009 and it names two partners: Munish Sharma and 2191607 Ontario Inc. The partnership agreement was signed by Mr. Munish Sharma on February 11, 2009 as the only Director. There were no other officers and directors named. Mr. Munish Sharma appears as the only controlling operating mind of the numbered company.

C) Relevant Criteria for grounds for proposal to refuse registration

Subsection 14(1) of the Act provides that:

The Superintendent shall register an applicant to operate a private career college and shall renew an applicant’s registration if the Superintendent is satisfied that,

(a) it is in the public interest to grant the registration or to renew the registration;

- (b) the applicant will operate the private career college in compliance with this Act and the regulations;*
- (c) the vocational programs that are provided, or are proposed to be provided, by the private career college meet, or are likely to meet, the requirements of this Act and the regulations;*
- (d) having regard to the applicant's financial position, the applicant can be expected to be financially responsible in the operation of the private career college;*
- (e) the past conduct of the applicant or, if the applicant is a corporation, of its officers and directors, provides grounds for the belief that the private career college will be operated in accordance with the law and with integrity and honesty; and*
- (f) the applicant is not carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.*

S. 14(1) should be read in conjunction with s. 18(1) of the Act, which provides that:

Refusal to register

S. 18 (1) of the Act provides that:

Subject to section 19, the Superintendent may refuse to register an applicant if he or she is not satisfied that all of the requirements described in subsection 14 (1) are met.

SCHEDULE "B"

ENTITLEMENT TO HEARING BY LICENCE APPEAL TRIBUNAL:

If My ERP Partners disagrees with the Superintendent's decision to refuse to register it as a private career college pursuant to the *Private Career Colleges Act, 2005*, My ERP Partners is entitled to a hearing by the Licence Appeal Tribunal (the "Tribunal") if it mails or delivers to both the Superintendent of Private Career Colleges and the Tribunal a notice in writing, requesting such a hearing.

Such notice must be delivered, by registered mail or courier, to the Superintendent and to the Tribunal by April 30, 2010

If My ERP Partners does not require a hearing by the Tribunal as set out above, the decision to refuse the school's registration application will be effective as of **April 30, 2010**.

If My ERP Partners does choose to request a hearing by the Tribunal, the notice to the Tribunal should be addressed to:

Licence Appeal Tribunal
CIBC Building, 12th Floor
1 St. Clair Avenue West
Toronto, ON M4V 1K6

Service of the required notice on the Superintendent should be sent to:

Superintendent of Private Career Colleges
Ministry of Training, Colleges and Universities
9th Floor, Mowat Block
900 Bay Street
Toronto, ON M7A 1L2

Please note that the Tribunal has its own forms for filing applications with the Tribunal. You may contact the Tribunal directly at 416-314-4260 or 1-800-255-2214 for information on the Tribunal and its application forms, or obtain such information from the Tribunal's website at: **www.lat.gov.on.ca**.