

**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

By Email (info@signalwindsor.com) and by Courier

May 30, 2011

Sasha Ristic
Known as Signal Driving School
2679 Howard Ave
Windsor Ontario
N8X 3X2

And

1160 Central Ave
Windsor Ontario
N8Y 4B4

Dear Mr. Ristic:

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 you have contravened the Act and/or regulations, and I order you to stop contravening the following provisions of the Act and/or regulations:

- Advertising an unregistered private career college and unapproved vocational programs that require approval, in contravention of section 11 of the Act;
- Operating an unregistered private career college and holding yourself out as the operator of a private career college, in contravention of section 7 of the Act; and
- Providing unapproved vocational programs that require approval, in contravention of section 8(1) of the Act.

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, signed confirmation, together with all available supporting evidence, that the steps outlined below have been taken. This written confirmation must be delivered by June 1, 2011 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 operating an unregistered private career college and holding yourself out as the operator of a private career college; and
- Have stopped providing unapproved vocational programs that require approval.

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

Contravention of section 11 of the Act - Restrictions on advertising and soliciting

On May 20, 2011, a Designate of the Superintendent reviewed the website belonging to Signal Driving School ("School"), <http://www.signalwindsor.com> and found it to be advertising an "ACZ Professional Driving Course". The cost and duration of the course were not listed on the website, but a phone number (519-991-4444) and address (2679 Howard Ave, Windsor, ON N8X3X2) were. The "services" page of the website contains the statement "*Note: NOT A VOCATIONAL PROGRAM - This program does not require approval under Private Career Colleges Act, 2005*".

The Designate proceeded to phone the School at 519-991-4444 and spoke with Sasha, who identified himself as being the School's operator. The Designate asked about the School's AZ program. Sasha stated that the course costs \$2,950 and includes air brake training, unlimited in truck training, and unlimited use of the truck for road tests. Given the "unlimited" nature of the truck training, the Designate came to the reasonable conclusion that the school's AZ program exceeds the duration exemption of under 40 hours as per section 9 (1) of Ontario Regulation 415/06 made under the Act.

The Designate then asked if this course was reduced in cost. Sasha advised that it is currently 60% off which translates to a total cost of \$1,180 which exceeds the cost exemption of under \$1,000 as per section 9 (1) of Ontario Regulation 415/06 made under the Act. The Designate also asked if the School is still located on Windsor Ave. Sasha advised that the School is moving to 1160 Central Ave, Windsor Ontario.

The ACZ Professional Driving Course corresponds to National Occupational Classification (NOC) code 7411 - Truck Drivers. Based on the evidence gathered this course 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.

Contravention of section 8(1) of the Act - Prohibition against providing vocational programs

On May 20, 2011, a Designate of the Superintendent reviewed the website belonging to Signal Driving School ("School"), <http://www.signalwindsor.com> and found it to be advertising an "ACZ Professional Driving Course". The cost and duration of the course were not listed on the website, but a phone number (519-991-4444) and address (2679 Howard Ave, Windsor, ON N8X3X2) were. The

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The Designate also spoke with Sasha about the delivery of the program and the number of students currently enrolled. Sasha advised that the classes are very small, and are done in groups of 2-3. He stated that he has 2-3 students right now. The Designate also asked how payments could be made. Sasha said that \$1,000 must be paid up front, but that the remaining fees could be paid in instalments.

By providing an unapproved vocational program, the School is acting in contravention of section 8 (1) of the Act.

Contravention of section 7 of the Act - Prohibition against operating a private career college

Under section 7(2) of the Act, no person shall hold themselves out as the operator of a private career college unless the person is registered. Under the Act, if an institution provides one or more vocational programs to students for a fee they are by definition a private career college.

The following evidence has formed the basis for the Designates reasonable belief that Sasha Ristic is holding himself out to be the operator of a private career college:

- the evidence offered in the previous section clearly indicates that the School is advertising and offering vocational programs for a fee;
- the website <http://www.signalwindsor.com> provides the School’s address, phone number and e-mail address;

- during a May 20, 2011 conversation with a Designate, Sasha advised that he is the School's operator;
- during a May 20, 2011 conversation with a Designate, Sasha advised that the School is offering and providing vocational programs;
- According to ONBIS, the business name Signal Driving School was registered to Sasha Ristic as a sole proprietor on March 24, 2005. The registration expired on May 20, 2011.

By advertising unapproved vocational programs, offering or providing vocational programs, and stating that he is the operator of an unregistered private career college, Sasha Ristic has held himself out to be the operator of a private career college in contravention of section 7 of the Act.

Previous Efforts to Obtain Compliance Had No Effect

On October 31, 2008, Sasha Ristic registered as a private career college with the business name Signal Driving School. On August 28, 2010, Sasha Ristic's registration expired due to the fact that he did not submit an application for renewal.

On September 10, 2010, the Manager of the Private Career Colleges Branch's Registration Unit sent a letter to Sasha Ristic advising of the expiry, and instructing him to, among other things, stop advertising, offering, or providing vocational programs.

On October 25, 2010, the Private Career Colleges branch received a letter from Sasha Ristic in which he claimed that he is not providing vocational training that requires approval under the Act.

On February 21, 2011, Sasha Ristic sent an e-mail to a Designate in which he described several courses that he intended to offer to ask if they require approval under the Act. Each course was 8 hours in duration, and no AZ program was listed

On February 24, 2011, a Designate sent an e-mail to Sasha Ristic confirming that the programs about which he had enquired do not require approval, but also stated that Mr. Ristic must not offer any vocational programs.

On March 7, 2011, a Designate received a tip that the School has been holding itself out to be a private career college.

Despite having been previously registered and receiving several communications from the Ministry regarding their legal obligations, the School was found to be operating in contravention of the Act.

Tractor-Trailer (AZ) Driver Training Standard

As of August 13, 2010, Tractor-Trailer training schools that offer vocational programs leading to the AZ driver licensing must adhere to the Superintendent's *Policy Directive #5* and *Tractor-Trailer (AZ) Driver Training Standard* that prescribes program standards for training programs leading to AZ driver licensing. Both documents are available on the Ministry's public website at:

<http://www.tcu.gov.on.ca/pepg/audiences/pcc/superintendent.html>

Pursuant to section 53 (1) of the *Private Career Colleges Act, 2005*, the Superintendent has the authority to override the 40 hours of exemption through issuing a policy directive that prescribes program duration. In order to offer Tractor-Trailer AZ driver training at a private institution in Ontario, you must be registered as a private career college and have your program approved by the Superintendent. Policy Directive #5 requires a Tractor-Trailer AZ driver programs to include at least 200 hours of instruction and be in compliance with the standards set out by the Ministry. All future PCC operators must adopt the required *Tractor-Trailer (AZ) Driver Training Standard* by August 31, 2011

Legal and Operating Entities

According to ONBIS, the business name Signal Driving School was registered to Sasha Ristic as a sole proprietor on March 24, 2005. The registration expired on May 20, 2011.

When Sasha Ristic was registered as a private career college, the business name on file was "Signal Driving School".