

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

January 5, 2010

Syngepharm Ltd.
200 Consumers Road
Suite 501
Toronto, Ontario
M2J 4R4

Attn: Yuehua Xiao, President

Dear Madam:

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 *Private Career Colleges Act, 2005*, I hereby give notice in writing that I am refusing to register Syngepharm Ltd. as a private career college.

I am advised that Syngepharm Ltd. and Yuehua Xiao, on July 30, 2009, filed an incomplete application for registration to operate a private career college under the Act. Further documentation which was required to complete the application was received on September 3 and 4, 2009. Since then, my staff have attempted to determine whether Syngepharm Ltd. could operate in compliance with the Act.

DECISION - Refusal to register

I am of the view that Syngepharm Ltd. is not operating in compliance with the *Private Career Colleges Act 2005*. I am proposing under subsection 18(1) of the Act to refuse to register Syngepharm Ltd. as I am not satisfied that all of the requirements described in subsection 14(1) are met. The facts supporting my decision are set out in Schedule A, attached, and are summarized below.

Criteria for grounds for proposal to refuse registration

It has been determined that Syngepharm Ltd. and Yueha Xiao ("Synge") have:

1. Operating as an unregistered private career college delivering unapproved programs for which fees were collected, contrary to sections 7, 8 and 9,

respectively, of the PCCA, 2005. The violations of the Act provide grounds for the belief that the applicant will not operate the private career college in compliance with the Act and the regulations as required by clause 14(1)(b);

2. Advertised as an unregistered private career college and unapproved vocational programs, contrary to subsections 11 (1) and (2) respectively, of the PCCA, 2005. An order restraining Syngepharm Ltd. from continued violation of the PCCA, 2005 was issued on December 23, 2009. The violations of the advertising section of the Act provides grounds for the belief that the applicant will not operate the private career college in compliance with the Act and the regulations as required by clause 14(1)(b);

3. Misrepresentations to Ministry staff provides grounds for the belief that the private career college would not be operated in accordance with the law and with integrity and honesty as required by clause 14(1)(e) of the PCCA, 2005.

4. The information contained in the application provides grounds for the belief that the applicant may be unable to be financially responsible in the operation of a private career college as required by clause 14 (1)(d) of the *Private Career Colleges Act 2005*.

Appeal Process

If you disagree with the Superintendent's decision to refuse to register, you are entitled to appeal pursuant to subss. 20(3) and 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 made thereunder. The legislation and regulation is 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 questions regarding this Order, you may contact Margot Devlin at 416-314-0500.

Sincerely,

ORIGINAL SIGNED BY

Allan Scott
Superintendent
Private Career Colleges

Attachments:

- Schedule A Facts in support of Decision to Refuse to Register
 - A) Background
 - B) Legal and Operating Names
 - C) Chronology of Events
 - D) Relevant criteria for grounds for proposals to refuse registration
 - 1. Operating as an unregistered private career college offering unapproved programs
 - 2. Advertising an unregistered private career college and unapproved programs
 - 3. Honesty and Integrity
 - 4. Financial Viability

- Schedule B Entitlement to Hearing by Licence Appeal Tribunal

Schedule "A"

Facts in support of Decision to Refuse to Register

A) Background

Syngepharm submitted an application to operate a private career college, *Syngé Institute of Pharmaceutical Sciences* on 501-200 Consumer Road, Toronto, Ontario. The application was deemed complete for purposes of commencing the review, on September 4, 2009.

On September 23, 2009, Ministry staff became aware of print advertising where Syngepharm represented itself as a vocational college offering vocational programs. In addition, starting in September 2009 as part of an ongoing enquiry of Mountains Institute of Technology ("Mountains"), Ministry staff's inspections of Mountains and interviews with Mountains staff and students revealed that Syngepharm was delivering programs prior to their approval as a private career college.

B) Legal and Operating Names

Syngepharm Ltd. is a registered corporation, incorporated on January 14, 2009. Yuehua Xiao is listed as the President of the corporation. There are no other officers and directors. There is no registered Business or Operating Name for this Corporation.

C) Chronology of Events:

Date	Event
2002 – 2005	Xin Ding's Instructor Qualification form which he completed for Mountains Institute of Technology Canada during his employment as an instructor, indicated that Mr. Ding was an instructor at Industrain. Industrain was a registered private career college but the Ministry obtained an Injunction against Industrain and it was closed.
January 13, 2004	Web advertisement of YT – Syngé Ding instructor in pharmaceutical program.
April 5, 2006	The Ministry received the Initial Application for Registration to Operate A Private Career College from Yeetech Technology Inc. o/a Pharmaceutical Science College of Canada. "Syngé" (also known as Xin) Ding was the contact person. Xin Ding was also one of the applicants and a director and officer of the corporation.
November 7, 2006	Yeetech Technology Inc. o/a Pharmaceutical Science College of Canada was registered as a private career college.
October 18, 2008	The Ministry received notice that Xin Ding was no longer a shareholder in Yeetech Technology Inc., but was still an instructor at Pharmaceutical Science College of Canada.

Date	Event
November 23, 2008	Synge Drug Institute of Technology web advertisement of 80% pass rate for students.
February 27, 2009	The Ministry received an anonymous letter containing an advertisement of Synge for vocational programs in North American Weekend paper on February 21, 2009. When the Ministry searched the telephone number in the advertisement, the registered private career college, Pharmaceutical Science College of Canada, was revealed. It appears that Synge was using the telephone number of Pharmaceutical Science College of Canada, while Xin or Synge Ding was employed there.
April 27, 2009	The Ministry received pre-screening forms from Xin Ding and told him that he needed to register as a private career college as the programs were vocational.
May 19, 2009	Jessica Qiu sent in a Business Name Approval Form for Synge Institute of Pharmaceutical Sciences. The name was approved but it was never registered.
July 30, 2009	Incomplete application to register a private career college was received by the Ministry. The applicant was Yuehua Xiao. There was no mention of Mr. Ding.
September 3, 2009	Document received by the Ministry for the application by Syngepharm Ltd.
September 4, 2009	Document received by the Ministry for the application by Syngepharm Ltd. The application was now complete and a program consultant could review same.
September 18, 2009	Inspection by the Ministry of Mountains Institute of Technology. Xin Ding was the only instructor of their program, Pharmaceutical Analysis. Mountains reported that this program had an off-site "lab" (Syngepharm) with an address of 150 Consumers Road, Suite 501.
September 18, 2009	Advertisement by Synge for vocational programs. Paper is North American Weekly Times.
September 23, 2009	Ministry staff attended at 150 Consumers Road, Suite 501 and there was no lab. Ministry staff then attended at 200 Consumers Road, Suite 501, which was the address on the corporate record for Syngepharm Ltd. Mr. Ding was on site with a classroom of approximately 10 students. Mr. Ding advised Ministry staff that they were "volunteers". Mr. Ding stated that there were no Mountains students on site that day. He also said that Syngepharm was his wife's company.
September 23, 2009	Ministry staff attended at another Private Career College, Pharmaceutical Science College of Canada. It was at this school that Ministry staff were provided with a copy of the advertising for "Synge" at 200 Consumers Road, Suite 501. In addition, Ministry staff were advised that Mr. Ding stopped working as an instructor at Pharmaceutical Science College on

Date	Event
	or about January 2009.
September 24, 2009	<p>Ministry staff met with Mountains. Ms. He, the training manager for Mountains, advised that she knew that Mr. Ding had self-paid students in addition to the students that Mountains sent to Mr. Ding.</p> <p>Mr. Ding was on site at Mountains (50 Acadia Drive, Markham) instructing the Pharmaceutical program.</p>
September 24, 2009	Ministry staff attended at 200 Consumers Road, Suite 501 and posted a notice on the door advising that Syngepharm Ltd. was Not a Private Career College.
October and November 2009	Interviews of Mountains students. 3 Mountains students confirmed that their Pharmaceutical Analysis program was taught at Syngepharm Ltd., 200 Consumers Road, Suite 501.
November 12, 2009	Inspection of Syngepharm Ltd. Ministry staff attended at 200 Consumers Road, Suite 501. There appeared to be 5 students in the classroom. One of the students was a student in Mountains Institute's Pharmaceutical Analysis program. Mr. Ding advised Ministry staff that he was training students for free. Ministry staff asked if Mr. Ding intended to instruct at the new college – Syngepharm. He said yes and was informed by Ministry staff that he needed to complete an Instructor Qualification Form. Ms. Xiao was not on site.
November 16, 2009	Ministry staff received an Instructor Qualification Form from Mr. Ding for “Synge Institute”. Mr. Ding indicated on this form that he was the Manager of Syngepharm Ltd.
December 2, 2009	<p>██████████, President of ██████████ contacted the Ministry to discuss Mr. Ding, her former partner. She advised that she had bought him out as he did not care about the “rules” of the business. He did not care about student contracts or test papers. She had reported him to the police for a violation of her privacy. She stated that Mr. Ding had never invested any money in the business – it had been all her money and that she had bought him out to get rid of him. He was going to use that money to set up his new school.</p>
December 10, 2009	Anonymous complaint by mail from “██████████”. Mr. ██████████ did provide an email address but will not respond to emails. There was no return address on the letter. Mr. ██████████ reported that he answered an advertisement in the Chinese newspaper for a Pharmaceutical program offered by Dr. Synge Ding. He stated that Mr. Ding stated that his institute was affiliated with Mountains Institute and that Mr. ██████████ would apply for Second Career funding through Mountains Institute.
December 23, 2009	The Superintendent issued a restraining order against Syngepharm Ltd.

D) 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.

1. Contravention of sections 7, 8 and 9 of the PCCA, 2005 – Unregistered Private Career College Delivering Unapproved Programs

Syngepharm Ltd. is not registered as a private career college, nor are its vocational programs approved. Syngepharm Ltd. has, however, been operating as an unregistered private career college delivering unapproved programs for which fees were collected, contrary to sections 7, 8 and 9 respectively, of the PCCA, 2005.

On September 23, 2009 Ministry staff visited another private career college which offered Pharmaceutical programs to conduct an inspection. During the course of the inspection, Ministry staff were presented with a copy of an advertisement from a Chinese newspaper for "Syngel" located at 501-200 Consumer Road, Toronto. The school's staff translated the ad and explained that it was for vocational programs. The vocational programs in the ad were as follows:

- Pharmaceutical Analysis and Lab (6 months theory and 3 months practicum) Full time day time diploma
- Pharmaceutical Diploma (weekends)
- Pharmaceutical Manufacturing and Quality Assurance – weekends

The advertisement guaranteed employment or Syngepharm would refund fees. It stated that Syngepharm had helped over 300 people obtain a pharmaceutical job and that almost every Pharmaceutical company had Syngepharm Grads.

On September 24, 2009, in a meeting with Mountains Institute staff, Ministry staff were told by Helen He, Training Manager, that Syngepharm had its own self-funded students.

On October 15, 2009, a Mountains' student who attended Syngepharm for the Pharmaceutical Analysis program "lab" stated that Syngepharm had self-funded students as well as the Mountains students.

On December 7, 2009, a complaint was received from a "Synge Institute" student. The student stated that he had seen the advertisement for a Pharmaceutical Analysis program provided by Dr. Synge Ding. He applied to his college but found that the Letter of Acceptance was from Mountains Institute. The student said that Dr. Ding told him that his institute was affiliated with Mountains Institute and Dr. Ding showed him a few student contracts that successfully obtained funding approval from Second Career.

The advertising documents that Syngepharm offers vocational programs as defined in the PCCA, 2005. The statements by Mountains staff and Mountains students offer evidence that Syngepharm is charging fees for and delivering unapproved programs and is operating as an unregistered Private Career College.

An order restraining Syngepharm Ltd. from continued violation of the *Private Career Colleges Act 2005* was issued on December 23, 2009.

The violations of the Act provide grounds for the belief that the applicant will not operate the private career college in compliance with the Act and the regulations as required by clause 14(1)(b);

2. Contravention of Subsections 11(1) and (2) of the PCCA, 2005 – Advertising Unregistered Private Career College and Unapproved Programs

Syngepharm is advertising an unregistered private career college and unapproved vocational programs, contrary to subsections 11(1) and (2) respectively, of the PCCA, 2005.

On September 23, 2009, Ministry staff became aware of print advertising where Syngepharm represented itself as a vocational college offering vocational programs.

As stated in the previous section, on September 23, 2009, Ministry staff became aware of advertisements in a Chinese newspaper, North American Weekly Times, for the week of September 18, 2009. The advertisement was for “Synge” at 200 Consumer Road, Suite 501. Programs advertised were:

- Pharmaceutical Analysis and Lab (6 months theory and 3 months practicum) Full time day time diploma
- Pharmaceutical Diploma (weekends)
- Pharmaceutical Manufacturing and Quality Assurance – weekends

The advertisement promised a job or a refund and continued to state that “Synge” had helped over 300 people find a pharmaceutical job and that almost every Pharmaceutical company had “Synge” grads.

The advertising promotes unapproved vocational programs at an unregistered Private Career College.

An order restraining Syngepharm Ltd. from continued violation of the *Private Career Colleges Act 2005* was issued on December 23, 2009.

The violations of the Act provide grounds for the belief that the applicant will not operate the private career college in compliance with the Act and the regulations as required by clause 14(1)(b).

3. Honesty and Integrity

a) Failure to Disclose Mr. Ding’s Interest

The application to register Syngepharm Ltd as a private career college was remitted by applicant Yuehua Xiao. Ms. Xiao is the wife of Xin (Synge) Ding. Ministry staff have attended at Syngepharm on three occasions and Ms. Xiao has not been in attendance. Mr. Ding was in attendance on two of the inspection dates. All emails enquiring as to the status of the application are received from Xin Ding at synge.ding@yahoo.ca, although some are “signed” Yueha Xiao.

Mr. Ding had not prepared an Instructor Qualification Form until Ministry staff asked, at the November 12, 2009 site inspection, if he were not intending to instruct at his wife’s school. He said that he was to be an instructor and prepared the Instructor Qualification Form received by the Ministry on November 16, 2009.

In the Instructor Qualification Form received from Mr. Ding on November 16, 2009, Mr. Ding reported that he was the Manager of Syngepharm Ltd. He reports that he is “managing and supervising schedule of new drug product development.”

It appears that Mr. Ding is the operating mind behind the school and its application, but has failed to disclose to the Ministry his direct, or indirect (through his spouse), ownership of Syngepharm Ltd.

b) Misrepresentations to Ministry staff

On September 23, 2009, Ministry staff attended at 200 Consumers Road, Suite 501 and found a classroom with “students”. Mr. Ding was at the front of the class instructing part of a Pharmaceutical program. When questioned, Mr. Ding stated that all of the “students” were “volunteers” of his company. He said that they were working on developing products.

Ministry staff asked if there were any Mountains students on site. Mr. Ding said no and he did not know where they were. He admitted that he was the only instructor for the Mountains’ Pharmaceutical Analysis program, but did not know where his students were, but he guessed that they might be at Mountains.

On September 24, 2009, Ministry staff met with Mountains staff and Mr. Ding. Mr. Ding stated that 2 Mountains students arrived after Ministry staff left Syngepharm Ltd.

On October 14, 2009, Ministry staff interviewed a Mountains student who stated that on September 23, 2009, the “students” in the Syngepharm Ltd. classroom had been almost all Mountains students.

On October 15, 2009, Ministry staff interviewed a Mountains student who stated that Mr. Ding had self-funded students as well as Mountains students. She stated that she had been in the lab on September 23, 2009 when Ministry staff inspected.

On November 3, 2009, Ministry staff interviewed a Mountains student who stated that he had been in the lab on September 23, 2009 when Ministry staff inspected.

On November 12, 2009, Ministry staff inspected Syngepharm Ltd. At this date, there were 5 “students” studying in the classroom. One student was recognized by Ministry staff as a former Mountains student. Mr. Ding claimed that he was training students for free.

It appears that Mr. Ding made misrepresentations to Ministry staff. It appears that the “students” were Mountains students and self-funded Syngepharm Ltd. students and that they were not “volunteers”.

c) Violation of Copyright Law

On November 12, 2009, Ministry staff made a site visit to Syngepharm Ltd. In support of the application, Mr. Ding was asked to produce the textbooks that he

intended to sell to students, if the school was registered. Mr. Ding produced photocopied books.

Ministry staff advised Mr. Ding that photocopying textbooks required permission. Mr. Ding admitted that he did not have permission. Ministry staff advised Mr. Ding that this was a violation of copyright law. Mr. Ding indicated that other schools sell photocopied books to students, some of whom are funded.

d) Former Partner

On December 2, 2009, Ministry staff spoke to Mr. Ding's former partner. Mr. Ding and his partner had owned another private career college. The partner advised Ministry staff that Mr. Ding did not care about the "rules" of the business. He did not care about contracts or test papers. She stated that they separated the business in February 2009 and even though he had never invested in the school, she paid him out.

Summary:

Mr. Ding is not new to the PCCA, 2005. He has been a co-owner of another private career college. He has taught in at least three private career colleges and should be familiar with the requirements of the PCCA, 2005.

Mr. Ding claims that his wife is the sole owner of Syngepharm Ltd. and that she is the applicant behind the school application; however, Ministry staff have only seen Mr. Ding on site and have only dealt with Mr. Ding on the application. It appears that Mr. Ding is the undisclosed, operating mind behind Syngepharm Ltd. and that he has effective control of the corporation. Mr. Ding should or ought to have been aware that unregistered schools can not deliver unapproved vocational programs.

The above four honesty and integrity issues provide grounds for the belief that the private career college would not be operated in accordance with the law and with integrity and honesty as required by clause 14(1)(e) of the PCCA, 2005.

4. Financial Responsibility

On December 2, 2009, Mr. Ding's former partner in another private career college advised the Ministry that she bought Mr. Ding out so that he could start his new school. She said that he had never invested any money into the private career college which they owned together, but he had been an instructor with the school.

The Pro Forma financial statement remitted by his accountant does not indicate any substantial capital investment. Share capital is \$100 with an additional advance from the shareholder of \$17,900 which is recorded as a long-term liability.

Proposed tuition for the programs is \$9,600 for the Pharmaceutical Quality Assurance program and Quality Control and \$4,500 for the Pharmaceutical Analysis Research and Development program. Projected revenue is \$100,200 based on projected enrolment of 6 students in each program.

The school leases space and has substantial rent payable each month in the amount of \$3,100.

Financial Security was provided in the form of a letter of credit in the amount of \$10,020.00 in support of the Syngpharm Ltd. application.

Projected revenue is optimistic and operating expenses are high. There is insufficient capital investment to support the growth of a business.

The information contained in the application and from Mr. Ding's former partner provides grounds for the belief that the applicant may be unable to be financially responsible in the operation of a private career college as required by clause 14 (1)(d) of the *Private Career Colleges Act 2005*.

SCHEDULE "B"

ENTITLEMENT TO HEARING BY LICENCE APPEAL TRIBUNAL:

If **Syngepharm Ltd.** disagrees with the Superintendent's decision to refuse to register it as a private career college pursuant to the *Private Career Colleges Act, 2005*, **Syngepharm Ltd.** 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 Friday, January 22, 2010**.

If **Syngepharm Ltd.** does not require a hearing by the Tribunal as set out above, the decision to refuse the school's registration application will as of **Friday, January 22, 2010** be final.

If **Syngepharm Ltd.** 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.