

Ministry of Training,
Colleges and Universities
Private Career Colleges Branch
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Toronto ON M7A 1L2

Ministère de la Formation
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900, rue Bay
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RESTRAINING ORDER

December 23, 2009

Syngepharm Ltd.
501-200 Consumer Road,
Toronto, ON M2J 4R4

Attention: Ms. Yuehua Xiao

This is a **Restraining Order** issued under the authority of section 46 of the *Private Career Colleges Act, 2005* (PCCA, 2005). As the Superintendent of Private Career Colleges, I HEREBY ORDER Syngepharm Ltd. (Syngepharm) TO STOP OPERATING IN CONTRAVENTION OF THE PRIVATE CAREER COLLEGES ACT, 2005 (PCCA, 2005).

The detailed reasons supporting my order are set out in Schedule A, attached. In brief, however, the violations of the PCCA, 2005 are that Syngepharm Ltd. (Syngepharm) is not registered as a private career college, contrary to section 7 of the PCCA, 2005, nor are its vocational programs approved, contrary to section 8 of that Act. Further, Syngepharm is advertising an unregistered private career college and advertising unapproved vocational programs, contrary to section 9 and subsections 11(1) and (2) of that Act, respectively.

Syngepharm must **immediately** take the steps outlined below in this order to comply with the PCCA, 2005.

Syngepharm:

1. must stop operating;
2. must stop advertising unapproved vocational programs;
3. must stop enrolling students;
4. must provide the ministry with a list including the names and addresses of all current and former students;
5. must provide refunds to students who were enrolled in unapproved vocational programs;
6. must not hold, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs;
7. must hold student files to be available for the Superintendent's staff to review; and

8. must not reopen until such time, if any, as it is registered

Consequences of Failure to Comply with this Order

Failure to comply with this order may result in any or all of the following actions by the Superintendent:

1. Application for a court order from the Superior Court of Justice to compel Syngepharm to comply;
2. The issuance of Administrative Monetary Penalties.
3. Prosecution for the offence of failure to comply. Upon conviction by a court of that offence, a corporation is subject to a fine of up to \$100,000; an individual, including 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.

Obtaining a Copy of the PCCA, 2005

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.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.

Sincerely,

ORIGINAL SIGNED BY

Allan Scott
Superintendent
Private Career Colleges

Attachments: Schedule A – Detailed Reasons for Decision

Schedule A – Detailed Reasons for Decision

Background

Syngepharm submitted an application to operate a private career college, *Synge Institute of Pharmaceutical Sciences* on 501-200 Consumer Road, Toronto, Ontario. The application was deemed complete 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. Also starting in September 2009 as part of an ongoing enquiry regarding Mountains System Corporation (Mountains), repeated inspections of Mountains revealed that Syngepharm was delivering programs prior to their approval as a private career college. This conclusion resulted from discovering that Syngepharm acted as the “lab” for Mountains students enrolled in their Pharmaceutical Analysis program. In addition to Mountains students, Syngepharm had its own self-funded students. Further interviews with Mountains students in October 2009 verified that Syngepharm enrolled students prior to their approval as a private career college.

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 is no other Business or Operating Name for this Corporation.

Contravention of sections 7 and 8 of the PCCA, 2005 – Operating an Unregistered Private Career College and Delivering Unapproved Programs

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 “Synge” located at 501-200 Consumer Road, Toronto: the same address cited in Syngepharm’s application to operate a private career college. 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 ad guaranteed employment or else 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.

In meeting with Mountains staff on September 24, 2009 Ministry staff were told 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.

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

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

As stated in the previous contravention, the advertising promotes unregistered vocational programs at an unregistered Private Career College.