

RESTRAINING ORDER

Served by fax to 416-484-1968, e-mail to tac@transformationalarts.com and courier

March 29, 2010

Transformational Arts International Inc.
o/a Transformational Arts College
301-3300 Yonge St
Toronto, ON, M4N 2L6

Attention: James Gordon Riddell, President

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 Transformational Arts International Inc. o/a Transformational Arts College (Transformational Arts College) 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, Transformational Arts College is:

- advertising an unregistered private career college and advertising unapproved vocational programs, contrary to sections 11(1) and (2) of the PCCA, 2005, respectively;
- operating as an unregistered private career college, contrary to section 7 of the PCCA, 2005;
- offering vocational programs that are not approved by the Superintendent of Private Career Colleges, contrary to section 8 of the PCCA, 2005; and
- charging fees for an unapproved vocational program contrary to section 9 of the PCCA, 2005.

Transformational Arts College must provide written confirmation signed by a person with authority to bind the school, together with all available supporting evidence, that the steps outlined below have been taken. This written confirmation must be delivered **immediately** by registered mail or courier to my attention and confirm that Transformational Arts College:

- has stopped advertising an unregistered Private Career College and unapproved vocational programs that require approval.
- has stopped operating as a private career college;
- has stopped providing unapproved vocational programs that require approval;
- has stopped charging fees for unapproved vocational programs that require approval;

- has provided the ministry with a list including the names and addresses of all current students;
- has provided refunds to students who were enrolled in unapproved vocational programs that require approval;
- is not holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs that require approval;
- is holding student files to be available for the Superintendent's staff to review; and
- will not reopen as a private career college until such time, if any, as it has been 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 Transformational Arts College to comply;
2. The issuance of further 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 <http://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.

Sincerely,

ORIGINAL SIGNED BY

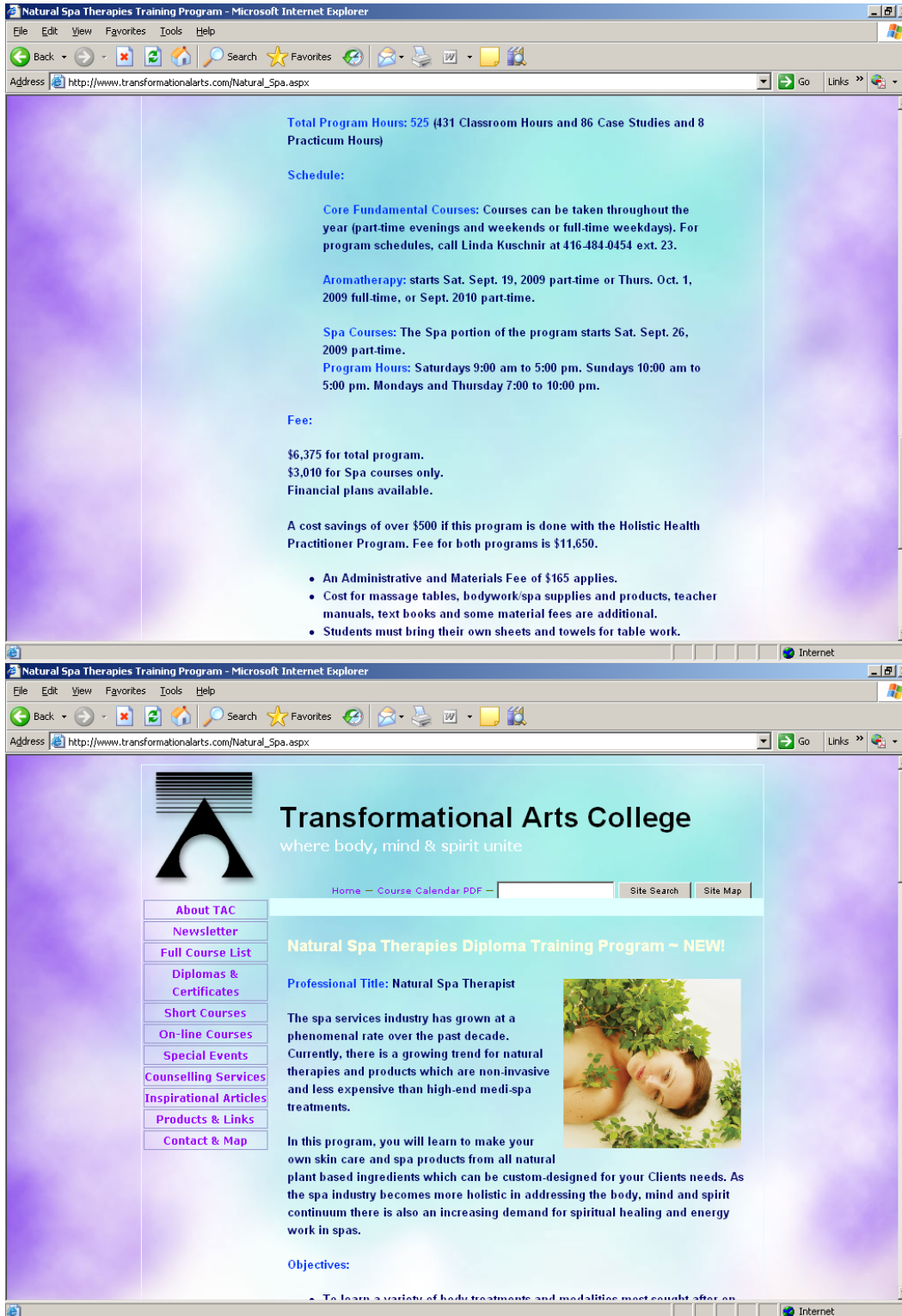
Allan Scott
Superintendent
Private Career Colleges

Attachments: Schedule A – Detailed Reasons for Decision

Schedule A – Detailed Reasons for Decision

Contravention of section 11 of the PCCA, 2005 – Advertising Unregistered Private Career College and Unapproved Programs

On March 23, 2010, the website belonging to Transformational Arts College, <http://www.transformationalarts.com/> was reviewed by Ministry staff who found it advertising two versions of a Natural Spa Therapies Diploma Training Program. The website stated that the first version of the course is 525 hours in duration and costs \$6,375, and the second version is 168 hours in duration and costs \$3,010.



Natural Spa Therapies Training Program - Microsoft: Internet Explorer

Address: http://www.transformationalarts.com/Natural_Spa.aspx

Total Program Hours: 525 (431 Classroom Hours and 86 Case Studies and 8 Practicum Hours)

Schedule:

Core Fundamental Courses: Courses can be taken throughout the year (part-time evenings and weekends or full-time weekdays). For program schedules, call Linda Kuschnir at 416-484-0454 ext. 23.

Aromatherapy: starts Sat. Sept. 19, 2009 part-time or Thurs. Oct. 1, 2009 full-time, or Sept. 2010 part-time.

Spa Courses: The Spa portion of the program starts Sat. Sept. 26, 2009 part-time.

Program Hours: Saturdays 9:00 am to 5:00 pm. Sundays 10:00 am to 5:00 pm. Mondays and Thursday 7:00 to 10:00 pm.

Fee:

\$6,375 for total program.
\$3,010 for Spa courses only.
Financial plans available.

A cost savings of over \$500 if this program is done with the Holistic Health Practitioner Program. Fee for both programs is \$11,650.

- An Administrative and Materials Fee of \$165 applies.
- Cost for massage tables, bodywork/spa supplies and products, teacher manuals, text books and some material fees are additional.
- Students must bring their own sheets and towels for table work.

Natural Spa Therapies Training Program - Microsoft: Internet Explorer

Address: http://www.transformationalarts.com/Natural_Spa.aspx

Transformational Arts College
where body, mind & spirit unite


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Natural Spa Therapies Diploma Training Program – NEW!

Professional Title: Natural Spa Therapist

The spa services industry has grown at a phenomenal rate over the past decade. Currently, there is a growing trend for natural therapies and products which are non-invasive and less expensive than high-end medi-spa treatments.



In this program, you will learn to make your own skin care and spa products from all natural plant based ingredients which can be custom-designed for your Clients needs. As the spa industry becomes more holistic in addressing the body, mind and spirit continuum there is also an increasing demand for spiritual healing and energy work in spas.

Objectives:

• To learn a variety of body treatments and modalities most sought after on

These courses correspond to National Occupational Classification (NOC) code 6482 – Estheticians, Electrologists, and Related Occupations and are therefore considered vocational programs under the Private Career Colleges Act, 2005.

The website bears the school's name, a description of its Natural Spa Therapies Diploma Training Program, an address (3300 Yonge Street, Suite 301, Toronto, Ontario, Canada, M4N 2L6), two phone numbers, and an e-mail address for the school.

On March 25, 2010, Ministry staff attended Transformational Arts College at 3300 Yonge St, Suite 301 to inspect the facility and found two flyers and a course calendar for Transformational Arts College, each of which mentioned the Natural Spa Therapies program. One of the flyers advertised an April 16, 2010 open house, while the other provided a brief outline of the Natural Spa Therapies program and content.

The course calendar devoted four pages to the Natural Spa Therapies program which contained a detailed breakdown of the course's content (including its total contact hours and cost), a testimonial, a professional recommendation for the school, and the minimum acceptance qualifications. Further, the last two interior pages of the course calendar contained a registration form, directions to the school's campus, as well as two phone numbers and an address (3300 Yonge Street, Suite 301, Toronto, Ontario, Canada, M4N 2L6).

Since this college is not registered, and this program is not approved, advertising of same is prohibited in accordance with section 11 as noted above.

**Contravention of section 7 of the PCCA, 2005 - Prohibition against operating a private career college
and
Contravention of section 8 of the PCCA, 2005 - Prohibition against providing vocational programs**

On March 25, 2010, Ministry staff attended Transformational Arts College at 3300 Yonge St, Suite 301 to inspect the facility and spoke with Maria and Linda. During the inspection, Ministry staff asked Maria if the Natural Spa Therapies program was currently being delivered. She confirmed that five students were currently enrolled in the program. Ministry staff then reviewed a sampling of the student files for the individuals who were enrolled in the 2008-2009 class, as well as those who were currently enrolled in the course. Ministry staff found signed student contracts and payment plans for the Natural Spa Therapies course that were signed on dates ranging from May 23, 2008 to February 23, 2010, and included students who had enrolled in both the \$6,375 and \$3,010 versions of the program, which the contracts refer to as "Natural Spa Therapies" and "Natural Spa Therapies (Spa only)," respectively.

Additionally, upon request, Maria produced class schedules for the Natural Spa Therapies program. These schedules outlined the course's delivery between November 15, 2008 to May 31, 2009; September 26, 2009 to June 7, 2010; and September 25, 2010 to July 10, 2011.

Contravention of section 9 of the PCCA, 2005 – Charging Fees for Unregistered Private Career College and Unapproved Programs

On March 25, 2010, Ministry staff attended Transformational Arts College at 3300 Yonge St, Suite 301 to inspect the facility and spoke with Maria and Linda. During the inspection, Ministry staff asked Maria if the Natural Spa Therapies program was currently being delivered. She confirmed that five students were currently enrolled in the program. Ministry staff asked if the students had paid all of their fees. Maria advised that not all of the students had paid in full, but some were paying via post-dated credit card transactions, or post-dated cheques. Upon request, Linda provided a copy of 13 post-dated visa transaction slips dated between April 30, 2010 and April 30, 2011 for a student who was enrolled in the \$3,010.00 Spa program. Each scheduled payment was for \$213.67 (totalling \$2,777.71). Linda also provided four post-dated cheques for another student's enrolment in the \$3,010.00 Spa program. The cheques were dated between April 1, 2010 and July 1, 2010. The cheques were payable to Transformational Arts College in the amount of \$204.67 (totalling \$818.68).

BACKGROUND

Previous contact with institution

On September 10, 2008, Transformational Arts College submitted a pre-screening application for their Holistic Health Practitioner Training Program. On September 24, 2008, Ministry staff sent a letter to the school advising that their program was exempt as it pertained to NOC code 3232, Midwives and Practitioners of Natural Healing.

In early 2009, Transformational Arts College submitted a pre-screening application for their Spiritual Psychotherapy and Spiritual Director program. On April 21, 2009, Ministry staff sent a letter to the school advising that their program was exempt as it pertained to NOC code 3232, Midwives and Practitioners of Natural Healing.

Based on the institution having pre-screened and therefore solicited these letters to determine if the programs were required to be registered, the investigator determined that they had knowledge of the process and did not pre-screen the Natural Spa Therapies program in an attempt to avoid having to register as a PCC.

Legal and Operating Entities

On February 11, 2010, Ministry staff conducted an ONBIS search which found that Transformational Arts International Inc. was incorporated on July 26, 1988, and operates from 3300 Yonge Street, Toronto Ontario, M4N 2L6. This organization registered the business name "Transformational Arts College" on August 27, 2004 (which expired on August 26, 2009).