

**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



RESTRAINING ORDER

Served by Email (info@umcollege.ca); Fax (416-512-0024) and by Courier

February 8, 2010

Sun Young Yoon, Director
Daniel Education Centre Corp.
operating as
Upper Madison College
100 Upper Madison Avenue
Toronto, ON
M2N 5K1

And

4950 Yonge Street
Suite C-88
Toronto, ON
M2N 6K1

Attention: Sun Young Yoon, Director

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 Daniel Education Centre Corp. operating as Upper Madison 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, Upper Madison College is:

- advertising an unregistered private career college and advertising unapproved vocational programs, contrary to subsections 11(1) and (2) of the PCCA, 2005, respectively;
- operating as an unregistered private career college, contrary to section 7 of that Act; and

- offering vocational programs that are not approved by the Superintendent of Private Career Colleges, contrary to section 8 of the PCCA, 2005.
- Charging fees for a program in a currency other than Canadian dollars, contrary to section 44 of O. Reg 415/06.

Upper Madison 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 Upper Madison College:

- has stopped advertising an unregistered Private Career College and unapproved vocational programs in all locations under the same legal entity in Ontario;
- has stopped operating as a private career college;
- has stopped providing unapproved vocational programs;
- has stopped charging students in a currency other than Canadian dollars;
- provides the ministry with a list including the names and addresses of all current and former students;
- provides refunds to students who were enrolled in unapproved vocational programs;
- is not holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs;
- 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 compel Upper Madison 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 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

On September 4, 2009 Ministry staff attended the Upper Madison College campus at 100 Upper Madison in Toronto, ON and spoke with Maiko Kasai, who identified herself as the Marketing Manager. At the time, the school website had a TESOL program listed. Ms. Kasai indicated there were no students currently enrolled and agreed to remove the TESOL offering from the school website.

On September 8, 2009 ministry staff made a follow up phone call and spoke with Justine Jun who also agreed to remove the TESOL program from the school's website.

On September 14, 2009 a compliance letter was sent to Upper Madison College directing the institution to cease advertising the TESOL program by October 5, 2009.

On October 5, 2009 Ministry staff called Upper Madison College. The phone rang with no answer. A review of the school's website revealed that the TESOL program was still being advertised.

On October 6, 2009 Ministry staff spoke with Sunny Choi who identified herself as the General Director of Upper Madison College. Ms. Choi was directed to cease advertising TESOL and provide confirmation of same in writing forthwith. These requirements were complied with same day.

Once this institution came into compliance, the Superintendent elected not to pursue further enforcement action at that time. Notwithstanding the restraint of the Superintendent with respect to further enforcement, Upper Madison College has been found recently to have resumed operating illegally.

Legal and Operating Entities

Daniel Education Centre Corp. was incorporated October 3, 2005. The business name of Upper Madison College registered on July 19, 2007.

Contravention of Subsection 11 of the PCCA, 2005 – Advertising unregistered Private Career College and advertising unapproved vocational programs

On February 8, 2010 the Upper Madison College website <http://www.umcollege.ca/>, was reviewed by Ministry staff who found it advertising a "Professional Program – Interpreting Diploma" with a listed duration of 8 weeks at 20 hours per week (160 hours) and a "Professional Program – TESOL" with a listed duration of 8 weeks at 25 hours per week (200 hours). These program correspond to National Occupational Classification (NOC) codes 5125 Translators, Terminologists and Interpreters and 4131 College and Other

Vocational Instructors respectively. Delivering programs ascribed to these NOCs requires an institution to be registered and have the aforementioned programs approved.

The screenshot shows a Microsoft Internet Explorer browser window displaying the website for UpperMadison College. The address bar shows the URL: <http://www.umcollege.ca/program/itdp.asp>. The page features the college's logo and a navigation menu with options like HOME, ABOUT US, OUR ADVANTAGE, PROGRAMS, ADMISSION, LIFE AT UMC, CONTACT US, and LANGUAGE. The main content area is titled 'PROFESSIONAL PROGRAM - INTERPRETING DIPLOMA'. It includes a sidebar with a list of programs, a main text area with details such as 'Duration: 8 weeks', 'Start date: Monday of every 2 weeks', and 'Description: UMC offers a full-time interpreting diploma program...'. There are also sections for 'Advantages' and 'Core subjects'.

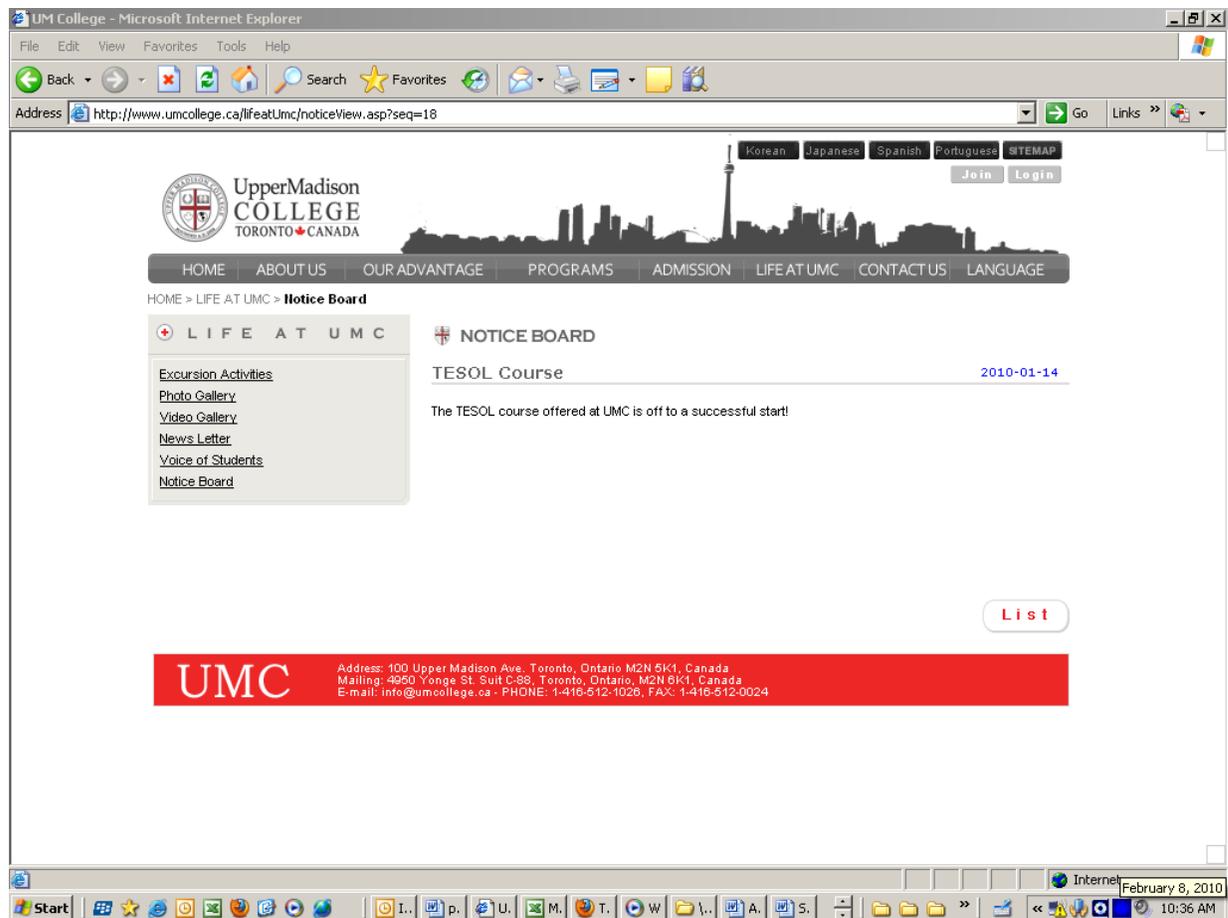
The screenshot shows a Microsoft Internet Explorer browser window displaying the website for UpperMadison College. The address bar shows the URL: <http://www.umcollege.ca/program/tesol.asp>. The page features the college's logo and a navigation menu. The main content area is titled 'PROFESSIONAL PROGRAM - TESOL'. It includes a sidebar with a list of programs, a main text area with details such as 'Duration: 8 weeks', 'Start date: Monday of every 2 weeks', and 'Description: Our TESOL program is designed for people who love teaching language...'. There are also sections for 'Core subjects' and 'Teaching materials', which includes images of three books: 'TOEFL READING', 'VOCABULARY', and 'ACTUAL TEST READING'.

A phone call was made by Ministry staff to Upper Madison College on February 8, 2010 at 9:20 am inquiring about the “Professional Program – Interpreting Diploma” program. A male named James answered and indicated that:

- the “Professional Program – Interpreting Diploma” program had 2 different costs: \$2,500 for the Japanese version and \$2,700 for the Korean version; and
- the “Professional Program – TESOL” program cost was \$2,700.

Contravention of Sections 7, 8 of the PCCA, 2005 – operating as an unregistered private career college and offering vocational programs that are not approved.

On February 8, 2010 the Notice Board webpage (<http://www.umcollege.ca/lifeatUmc/noticeList.asp>) was reviewed by Ministry staff who found an entry on January 14th that stated: “The TESOL course offered at UMC is off to a successful start!”. The TESOL Program is an 8 week program which if it started the week of January 14, 2010 would be in week 5 as of February 8, 2010.



A phone call was made by Ministry staff to Upper Madison College on February 8, 2010 at 10:57 am inquiring about if the “Professional Program – TESOL” and

“Professional Program – Interpreting Diploma” programs were currently running. A male named James answered and indicated that both classes were running.

Contravention of section 44 of O. Reg 415/06 – Prohibition against charging a fee for a vocational program in foreign dollars

The Application Procedure section (<http://www.umcollege.ca/admission/applicationProcedure.asp>) of the Upper Madison College website provides instructions on how to pay fees in US dollars including the following information on how to make the wire transfer:

- The Canadian Bank - TD Canada Trust
- Correspondent US bank : Bank of America, New York
- Fed wire ABA No : 026009593
- Beneficiary : Upper Madison College
- Account No : 0618-7206855
- Transit No : 19762-004
- Swift code : TDOMCATTOR

A private career college shall only charge and accept payment of a fee in relation to a vocational program in Canadian dollars.

The screenshot shows a Microsoft Internet Explorer browser window displaying the Upper Madison College website. The address bar shows the URL: <http://www.umcollege.ca/admission/applicationProcedure.asp>. The website header includes the college logo and navigation tabs: HOME, ABOUT US, OUR ADVANTAGE, PROGRAMS, ADMISSION, LIFE AT UMC, CONTACT US, LANGUAGE. The main content area is titled "APPLY —APPLICATION PROCEDURE" and contains the following information:

ADMISSION

- [Apply](#)
- [- On-line application](#)
- [- Apply for trial lesson\(on-line\)](#)
- [- printable application](#)
- [- application procedure](#)
- [Tuition Calculator](#)
- [Payment/Refund Policy](#)

APPLICATION PROCEDURE

1. Please send us the UMC application form with the name, date of birth, starting date, and the course name and duration. Upon receipt the application, we will send you your invoice.
2. Please remit the full course fee to Upper Madison College before the due date on the invoice.
3. When you need the acceptance letter from UMC, you should send the fees in full. Upon receive the fees in full, we will send the acceptance letter by mail, fax, or email.

PAYMENT INFORMATION

Payment of fees is due once UMC sends an invoice. The invoice will state the exact fees owing and detailed instructions about the method of payment (i.e. bank wire transfer, money order, or certified check). Fees should be paid in Canadian (or U.S. *) dollars and the check should be payable to Upper Madison College. The tuitions fees must be paid in full before you receive an official acceptance letter.

Bank draft or international money order

Please mail to Upper Madison College
4950 Yonge St. Suit. C-88, Toronto, Ontario, M2N 6K1, CANADA

Wire transfer

Canadian dollar : TD Canada Trust
Bank address : 4841 Yonge St. Willowdale, Ontario, M2N 5X2
Beneficiary : Upper Madison College
Account No : 0618-5214611
Transit No : 19762-004
Swift code : TDOMCATTOR

US dollar : TD Canada Trust
Correspondent bank : Bank of America, New York
Fed wire ABA No : 026009593
Beneficiary : Upper Madison College
Account No : 0618-7206855
Transit No : 19762-004
Swift code : TDOMCATTOR