

RESTRAINING ORDER

Served by e-mail to bruce@winningtouch.ca, and courier

February 23, 2010

Bruce Vernon March
o/a Winning Touch
4681 Queen Street
Niagara Falls, Ontario, L2E 2L9

Attention: Bruce Vernon March

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 Bruce Vernon March 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, you are:

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

You 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 you:

- have stopped advertising an unregistered Private Career College and unapproved vocational programs in Ontario.

If you are currently providing unapproved vocational programs as an unregistered Private Career College, these actions would be contrary to sections 7 and 8 of the PCCA, 2005 respectively. You would then be required to **immediately** take the steps outlined below in this order to comply with the PCCA, 2005.

Specifically, you:

- must stop operating an unregistered Private Career College;
- must stop providing unapproved vocational programs that require approval;
- must stop enrolling students into unapproved vocational programs that require approval;

- must provide the ministry with a list including the names and addresses of all current and former students;
- must provide refunds to students who were enrolled in unapproved vocational programs that required approval;
- must not hold, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs that require approval;
- must hold student files to be available for the Superintendent's staff to review; and
- must 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 you 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

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

On February 16, 2010, the website belonging to Winning Touch <http://www.winningtouch.ca/>, was reviewed by Ministry staff who found it advertising a Craps program for \$2,000.00, as well as a combination of any four of the following games for \$1,500 – Blackjack, Roulette, Mini Baccarat, Pai Gow Poker, Hold'em Poker. The website did not list the instructional hours for any of the above mentioned certificate programs. The website also referenced that: "Since 1994, Winning Touch Casino Gambling School has been the top choice for aspiring casino dealers in Ontario.", which establishes that the programs being offered are for casino dealers and not programs providing instruction to players of the games listed.

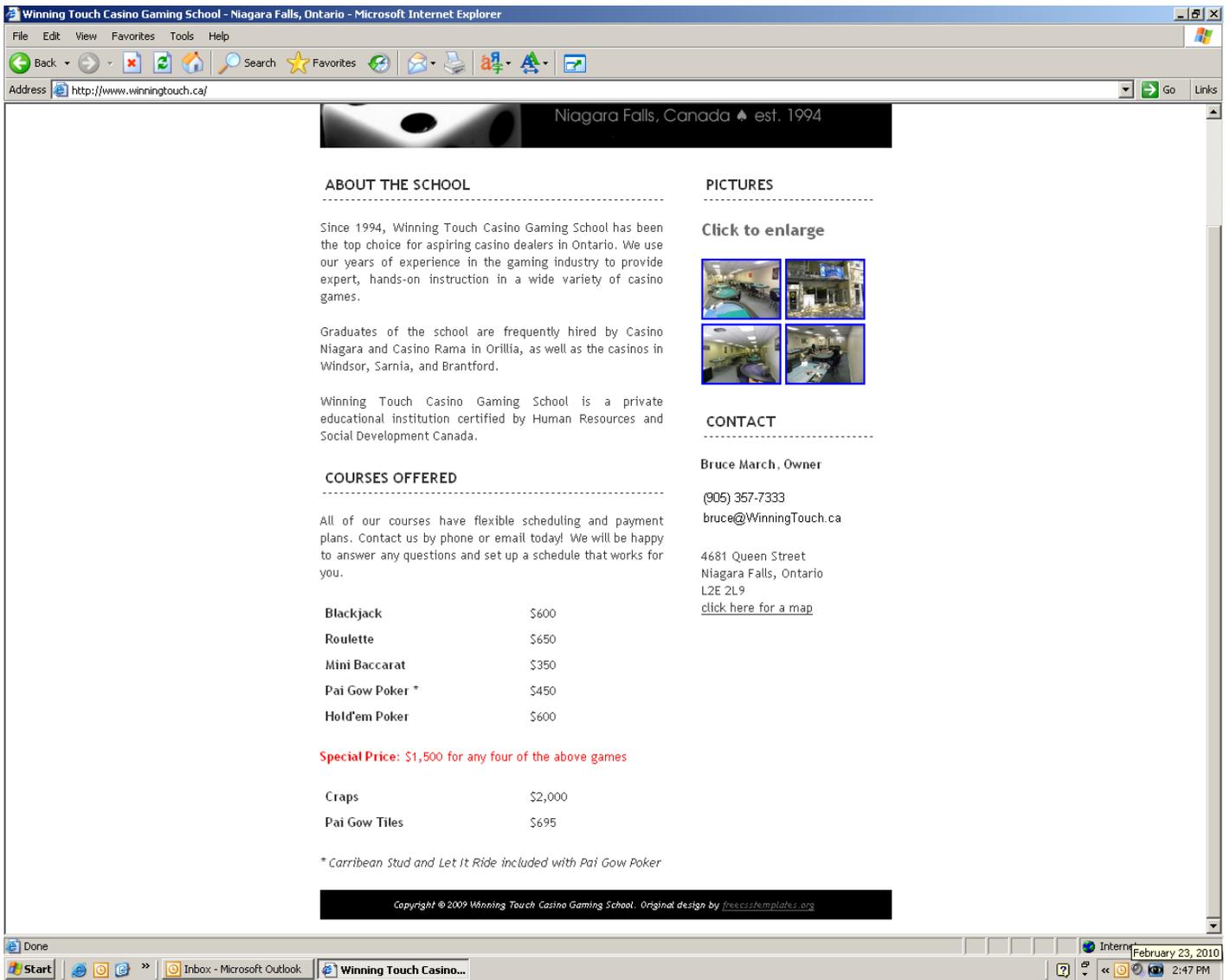
On February 16, 2010, Ministry staff phoned Winning Touch at 905-357-7333 and spoke with Bruce, who advised that the craps certificate course is 9 weeks in duration, 5 days per week, 5 hours per day (and therefore consists of 225 instructional hours). Bruce also stated that students taking four courses for \$1,500 would receive a certificate for each individual course, rather than one all encompassing certificate. When asked about the current enrolment in the craps course, Bruce advised that there were no students currently enrolled in the program, as he will not provide the course to fewer than three students at once, and that at that time, two students had expressed an interest in the program.

On February 17, 2010, Ministry staff phoned Winning Touch again at 905-357-7333 and spoke with Bruce. Ministry staff asked how long it would take to complete the four bundled courses if classes lasted for two hours per night, five days per week. Bruce advised that it would take approximately two months to complete the training (therefore, taking four courses for \$1,500 would include approximately 80 instructional hours).

Both the craps certificate program, and every variation of the bundled individual programs correspond to National Occupational Classification (NOC) code 6443 – Casino Occupations, and are thus vocational programs within the meaning of the Act. These programs, on their face, do not fit any of the exemptions from the requirement for approval as set out in section 9 of Ontario Regulation 415/06. All vocational programs that are not otherwise exempt are required to be approved by the Superintendent pursuant to section 23 of the Act.

The website bears the school's name, a list of its programs, as well as an address, phone number, and e-mail address for the school.

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



BACKGROUND:

On February 15, 2010, the Ministry received an inquiry regarding Winning Touch and subsequently launched an investigation.

LEGAL AND OPERATING ENTITIES

On February 18, 2010, Ministry staff conducted an ONBIS search and found that Winning Touch is a sole proprietorship registered to Bruce Vernon March as of August 1, 2008.