

Particulars of Notice of Contravention and Review Decision

S. 49(1) *Private Career Colleges Act, 2005* (“Act”)

May 25, 2011

These particulars are posted following the issuance of an administrative penalty for which a review was requested. Penalties may be reviewed upon request within 15 days of receipt of a Notice of Contravention. The review decision is made considering not only the information originally available at the time the Notice of Contravention was issued, but also any new information not previously available that may have been supplied in support of the request for a review. On review, an administrative penalty may be upheld, rescinded or reduced. A review decision is final.

Original service date: January 13, 2011

Ontario Nail Institute
312-3 Marsland Drive
Waterloo, ON N2J 3Z1

Description:	Original Amount:	Review Decision:
<p>Act, s. 11 - Restrictions on advertising and soliciting</p> <p>On November 1, 2010, a Superintendent's Designate (“Designate”) reviewed the website www.toni.ca, maintained by The Ontario Nail Institute. This website advertises the current calendar of classes, the school's registration form and other programs and workshops offered by the school. Although the school does not advertise the full cost of the programs “Complete Nail Technology” and “Complete Aesthetics” on its website, it does advertise the cost for each module that makes up both programs. The website also states the “Complete Nail Technology” program is 125 hours in duration, and “Complete Aesthetics” is 170 hours.</p> <p>An emailed statement from the school's owner confirmed that “...the full nail program is \$3495, full esthetics is \$4530 both include textbook, uniform and some materials.”</p> <p>These cost and duration amounts exceed the exemption limits under the Act.</p>	<p>\$1,000 per day</p>	<p>Penalty reduced to \$500 per day for January 13, 2011 (inclusive).</p> <p>The balance of evidence available indicates that The Ontario Nail Institute was advertising unapproved vocational programs. The Ontario Nail Institute has come into compliance on January 13, 2011.</p>

<p>Act, s. 8 (1) – Prohibition against providing vocational programs</p> <p>The following information about Full Nail Technician and Full Aesthetics program was confirmed in an email communication from the school's owner:</p> <ul style="list-style-type: none"> • The Full Nail Technician program is 125 hours with a cost of \$3,495.00 • The Full Aesthetics program is 170 hours with a cost of \$4,530.00 <p>In addition, a Designate phoned the School on January 12, 2011 and inquired as to what programs were active. An employee of the School stated that the Full Nail Technician program was currently running with students actively in class. She also indicated that the cost of the program was \$3,149.50 with a duration of 14-15 weeks, delivered part-time with 2 sessions a week from 10am – 4 pm. She stated that the Full Aesthetics Program was not currently being offered.</p>	<p>\$1,000 per day</p>	<p>Penalty reduced to \$500 per day for January 13, 2011 (inclusive).</p> <p>The balance of evidence available indicates that The Ontario Nail Institute was operating an unregistered private career college. The Ontario Nail Institute has come into compliance on January 13, 2011.</p>
<p>Act, s. 7 – Prohibition against operating a private career college</p> <p>The following evidence has formed the basis for the Designate's reasonable belief that Ellen Flood is holding herself out as the operator of a private career college:</p> <ul style="list-style-type: none"> - the evidence offered in the previous sections that clearly indicates that the School is advertising vocational programs; - A letter addressed to Ellen Flood-Heiman from the MTCU dated February 1, 2006 approving the use of the word "institute"; - Ellen Heiman authorized the registration of the business name " The Ontario Nail Institute" on September 19, 2007; and - Ellen Flood is identified as the Owner/Operator and Educational Director of Ontario Nail Institute on the school's website. 	<p>\$1,000 per day</p>	<p>Penalty reduced to \$250 per day for January 13, 2011 (inclusive).</p> <p>The balance of evidence available indicates that The Ontario Nail Institute was providing unapproved vocational programs. The Ontario Nail Institute came into compliance on January 13, 2011.</p>
Total:		\$1,250

