

Ministry of Training,  
Colleges and Universities  
Private Career Colleges Branch  
9<sup>th</sup> 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<sup>e</sup> étage, édifice Mowat  
900, rue Bay  
Toronto ON M7A 1L2



## RESTRAINING ORDER

**Served by Fax (416) 755-4074 email: [gail@creative.on.ca](mailto:gail@creative.on.ca) and Courier**

January 26, 2010

Gail Acton  
Access Care Academy of Job Skills Inc.  
1630 O'Connor Drive  
Toronto, ON M4B3P4

AND

Gail Acton  
118 Drive-In Cr  
R.R. #5 ,Owen Sound  
ON N4K5N7

Attention: Gail Acton, President and 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 Access Care Academy of Job Skills Inc. 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 Access Care Academy of Job Skills Inc. is:

- operating an unregistered private career college Act, contrary to section 7 of the PCCA, 2005
- providing unapproved vocational programs, contrary to section 8 (1) of the Act
- charging fees to students for unapproved vocational programs, contrary to section 9(1) of the Act
- advertising a private career college and the provision of a vocational program without prior approval from the Superintendent of Private Career Colleges, contrary to section 11(1) and subsection (2) of the Act.

Access Care Academy of Job Skills Inc. must **immediately** take the steps outlined below in this order to comply with the PCCA, 2005.

Access Care Academy of Job Skills Inc.:

- must stop operating as a private career college;
- must stop advertising the 'Certified Personal Support Worker Program'
- must stop providing the 'Certified Personal Support Worker program" until such time as an approval has been granted under the *Private Career colleges Act, 2005*;
- must stop enrolling students in the Certified Personal Support Worker program" until such time as an approval has been granted under the *Private Career colleges Act, 2005*;
- must stop advertising the 'Bridging to Personal Support Worker Program' until such time that a pre-screening application has been reviewed, a decision made as to whether or not the program requires approval, and is approved should approval be required;
- must stop providing the "Bridging to Personal Support Worker Program" until such time that a pre-screening application has been reviewed by the Ministry, a decision made as to whether or not the program requires approval under the Act, and is approved should approval be required;
- must stop enrolling students in the "Bridging to Personal Support Worker Program" until such time that a pre-screening application has been reviewed by the Ministry and a decision made as to whether or not the program requires approval under the Act;
- must provide the ministry with a list including the names, phone numbers and addresses of all current and former students enrolled in the Certified Personal Support Worker program" and the "Bridging to Personal Support Worker Program";
- must provide full refunds to students who were enrolled in unapproved vocational programs;
- must not hold, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs;
- must hold student files to be made 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 Access Care Academy of Job Skills Inc 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](http://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

### **Act, s. 7 — Prohibition against operating a private career college \$1,000**

On Thursday January 21<sup>st</sup> 2010, the Private Career College branch conducted a facility inspection at 1630 O' Connor Drive, Toronto, Ontario. During this facility inspection, Ministry staff interviewed the Manager of the Access Care Job Skills Academy, Aurora Caballero. During the inspection Mrs. Caballero confirmed that she is offering a Certified Personal Support Worker Program, on behalf of Gail Acton who is the owner of the company. Aurora Caballero also confirmed that Access Care Job Skills Academy has four students currently enrolled in a 'Bridging to Personal Support Worker' Program and has 1 student enrolled in the Certified Personal Support Worker (CPSW) program. A student list with enrolment dates was provided to Ministry staff. This list contained the names of 25 individuals who were enrolled at the Access Care Academy of Job Skills between the academic years of 2008-2010. An attendance sheet was also supplied to the Ministry showing student enrolment between the periods of October 2008-January 2010.

Evidence collected at the facility includes:

1. a classroom schedule for the Certified Personal Support Worker (CPSW) program
2. Copies of student files with contracts dating back to September 27, 2008
3. A list of student names and fee schedules for each program
4. A license agreement between Creative Career Systems Inc.(a company owned by Gail C. Acton) and Access Care Academy of Job Skills for the operation of a private vocational college
5. Course curriculum binders for each of the four modules of the Certified Personal Support Worker (CPSW) and the 'Bridging to Personal Support Worker" program.
6. Certified Personal Support Worker Diplomas for the following individuals:
  - [REDACTED], dated November 30<sup>th</sup> 2009
  - [REDACTED], dated November 30<sup>th</sup> 2009
  - [REDACTED], dated November 30<sup>th</sup> 2009

### **Act, s. 8 (1) — Prohibition against providing vocational programs \$1,000**

During a facility inspection conducted at 1630 O'Connor Drive, Toronto, Ontario the manager of Access Care Job Skills Academy Inc., Aurora Caballero informed Ministry inspectors that the institution is offering a Certified Personal Support Worker Program and a "Bridging to Personal Support Worker Program".

In addition to the information provided, the Ministry has obtained copies of the curriculum for the Certified Personal Support Worker (CPSW) program, specifically, course curriculum binders for each of the four modules of the Certified Personal Support Worker (CPSW) and the ‘Bridging to Personal Support Worker’ program were obtained. A copy of the course schedule obtained from the facility was also retained by Ministry staff.

The Certified Personal Support Worker Program (CPSW) requires approval under the Private Career Colleges Act, 2005.

The “*Bridging to Personal Support Worker*” program must be pre-screened to determine whether or not it requires approved under the *Private Career Colleges Act, 2005*.

**Act, s. 9 — Prohibition against charging fee**

**\$1,000**

Evidence collected at the institution includes a fee schedule for each program and a payment spreadsheet listing the fees charged to the students, the amount paid with date of payment, and outstanding balances owing.

The names of the students listed in the spreadsheet are:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]
13. [REDACTED]
14. [REDACTED]
15. [REDACTED]
16. [REDACTED]
17. [REDACTED]
18. [REDACTED]

19. [REDACTED]
20. [REDACTED]
21. [REDACTED]
22. [REDACTED]
23. [REDACTED]
24. [REDACTED]
25. [REDACTED]

**Act, s. 11 — Restrictions on advertising and soliciting                    \$ 1,000**

- Advertising a private career college without registration (outdoor signage):



- Advertising found in Balita Filipino Newspaper, November 16-30 2009 issue no. 22 Page 64