

Ministry of Training,
Colleges and Universities
Student Support Branch
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Ministère de la Formation
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Direction du soutien aux étudiants
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Toronto ON M7A 1L2



SERVED IN PERSON AND BY REGULAR MAIL

September 8, 2009

Sierra Fox Inc.
Ferrari Flight Training
Box 1236,
Gravenhurst, Ontario P1P 1V4
Attention: Sandy Ferrari

Dear Sir:

Re: Notice of Restraining Order under clause 46 (1) of the *Private Career Colleges Act, 2005*

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 **Sierra Fox Inc. operating as Ferrari Flight Training** 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 **Sierra Fox Inc. operating as Ferrari Flight Training** ("Ferrari Flight Training") is not registered as a private career college, contrary to section 7 of the PCCA, 2005, nor is its vocational program approved, contrary to section 8 of that Act.

Ferrari Flight Training must **immediately** take the steps outlined below in this order to comply with the PCCA, 2005. Ferrari Flight Training must also 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 by registered mail or courier to my attention **September 23, 2009**.

Ferrari Flight Training:

1. has stopped offering unapproved programs;
2. has stopped advertising unapproved vocational programs;
3. has stopped enrolling students in unapproved vocational programs;
4. has attached a list including the names and addresses of all current and former students of commercial pilot program;
5. has issued refunds to students who were enrolled in an unapproved vocational program;

6. is not holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs;
7. is holding student files, and sets out a date and time **no later than September 23, 2009** when files will be made available for the Superintendent's staff to review; and
8. a) will not offer Commercial Pilot training at all, OR
b) will not offer Commercial Pilot training until and unless it is properly registered as a private career college and has obtained approval for all vocational programs as required under the PCCA, 2005.

If Ferrari Flight Training proceeds to registration and seeks approval to offer Commercial Pilot training, you must also, **by September 23, 2009**, do the following:

9. Submit completed online applications for registration of a private career college and for approval of all vocational programs as listed in Schedule A.
10. Submit required hard copy documents for the application for registration of a private career college and for approval of all vocational programs.
11. Explain in writing why Ferrari Flight Training was offering and enrolling students in vocational programs prior to obtaining approval of those programs from and prior to registration of Ferrari Flight Training by the Superintendent.

Further information regarding applications for registration and approval is found in Schedule B, attached.

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. Publication of this order on the Ministry's public website;
2. Application for a court order from the Superior Court of Justice to compel Ferrari Flight Training to comply;
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

Noah Morris
Superintendent
Private Career Colleges

Attachments: Schedule A – Detailed Reasons for Decision
Schedule B – Compliance with the PCCA, 2005

Schedule A – Detailed Reasons for Decision

Background

On September 19, 2007 the Ministry sent Ferrari Flight Training correspondence indicating that the institution had missed the deadline for registration of flight training schools under the *Private Career Colleges Act, 2005*. The deadline was September 18, 2009. No response was received by the Ministry.

Legal and Operating Names

Legal name: Sierra Fox Inc.

Operating name: Ferrari Flight Training

Sierra Fox Inc. operating as Ferrari Flight Training was first registered on January 22, 2001.

Contravention of sections 8 of the PCCA, 2005 – Delivering Unapproved Programs

Ministry staff interviewed Mr. Sandy Ferrari by telephone on August 26, 2009. The first question asked was, “Do you offer commercial pilot license program?” Mr. Sandy Ferrari replied “Yes”. When asked whether he was aware that Commercial Pilot training is vocational under the PCCA and therefore had to be approved, Mr. Ferrari responded that he did not agree because he “does not teach the course, an instructor does”. Ministry staff then asked is his Flight Training Unit Operator Certificate lists Commercial Pilot license, Mr. Ferrari replied, “Yes”. When asked whether Mr. Ferrari had an employee who was qualified to teach Commercial piloting, he responded “Yes”.

Staff explained that Mr. Ferrari was required to register with the Ministry and submit his Commercial Pilot training program for approval. Mr. Ferrari responded that he “will not be registering”. Staff then advised Mr. Ferrari that he was not within his rights to offer this program. He said he would not offer the course in that case.

Ministry staff asked Mr. Ferrari if he currently had any students enrolled in a Commercial Pilot Program, he replied that he had none. When staff asked if he had had any students enrolled in a Commercial Pilot Program in 2009, Mr. Ferrari replied “No”. However, when Mr. Ferrari was asked when the last time he had a student in this program, his response was that he did not know. Staff then advised Mr. Ferrari that he would be receiving an Order which would require a written response to be sent to the Ministry.

Schedule B – Compliance with the PCCA, 2005

If you wish to operate a private career college, the first step towards ensuring compliance with the PCCA, 2005 is the submission of full and complete registration documents for this unregistered private career college and for all unapproved vocational programs. Please note that a separate registration is required for each campus (different location) of a private career college, together with separate approval of programs to be offered at each campus.

As reflected in the Restraining Order attached, you must not operate, advertise, collect fees from or enrol students in any vocational program until and unless your private career college is registered and your program is approved. If you have been operating, you must stop and wait for the registration and approval.

All private career college registration forms and guidelines can be found at www.serviceontario.ca. Simply click on *Get the Forms You Need Quickly and Easily*, and follow the *Education and Training* link to *Private Career Colleges*.

A CD-Rom with an instruction manual for registering your institution and a hard copy list of on-line and hard copy documentation required to complete registration will be provided to Ferrari Flight Training on September 8, 2009.

If you have any questions after reviewing the forms and the manual, please call the Private Career Colleges Unit at (416) 314-0500.