

Ministry of Training,
Colleges and Universities
Private Career Colleges Branch
9th Floor, Mowat Block
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Toronto ON M7A 1L2

Ministère de la Formation
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Served via fax – 1-905-522-8644, courier and email – institute@lubamera.com

January 20, 2010

Lubamera Yewchyn-Pawczuk
603667 Ontario Inc. operating as
LubaMera Institute of Aesthetics and Cosmetology
370 Main Street East
Hamilton, ON L8N1J6

Attention: Lubamera Yewchyn-Pawczuk

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 603667 Ontario Inc. operating as LubaMera Institute of Aesthetics and Cosmetology (LubaMera Institute) 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 LubaMera Institute is not in compliance with section 11 (2) of the PCCA, 2005 and section 33 of the PCCA read with O.Reg 415/06 section 16 (1) paragraphs 3 and 4.

LubaMera Institute 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 LubaMera Institute:

- Has removed all advertising from its website referring to the Cosmetology Diploma Course
- Has removed all advertising from its website referring to the Advanced Aesthetic Diploma
- Has removed all advertising from its website advertising using incorrect registration wording.

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. Suspension and revocation of LubaMera Institute of Aesthetics and Cosmetology's of Private Career College registration
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 July 7th, 2009 an inspection was conducted at LubaMera Institute of Aesthetics and Cosmetology (LubaMera Institute). During the inspection, evidence was collected which demonstrated that LubaMera Institute was offering unapproved vocational programs. Specifically, the Advanced Aesthetics diploma program and the Cosmetology Diploma program were being offered as variations to the approved Advanced Aesthetics and Cosmetology diploma.

During the inspection, LubaMera Institute was advised by Ministry staff that the institution is only approved to offer one vocational program.

On July 9th, 2009 an email was sent to LubaMera Institute and its administrator Sarah-Jane Balfour. An excerpt of an email between LubaMera Institute and their Program Consultant is below:

“When advertising your program, you have to advertise it as it was approved and you can only issue 1 credential. If you wish to issue two credentials, I advised you that you will need to submit two new programs.”

On September 25th, 2009 LubaMera Institute responded to the inspection report stating “LubaMera Institute will be offering one approved program, Advanced Aesthetics and Cosmetology Diploma.”

A follow up response was submitted on December 21st, 2009, confirming the above statement.

On January 14th, 2010, at approximately 4:11p.m, a Ministry staff member posing as a student contacted LubaMera Institute to gather information about the programs advertised and spoke to a representative named Sarah-Jane.

Sarah-Jane informed the caller that they are offering one vocational program “Advanced Aesthetics & Cosmetology”. The program details provided are as follows:

- Includes laser and waxing;
- The full cost of the program is \$10,000 (tuition), \$2,030 books and materials plus \$162.40 PST;
- The program duration is 8 months in length Monday to Thursday 9am-4pm;
- The program does not have a job placement;
- The program has a 100% placement rate co-op.

When questioned whether or not a student can take the Cosmetology course (advertised on the website) and the Advanced Aesthetics course separately, the representative stated that the courses cannot be taken separately; however, they are split on the website so that the students can “see the different programs.”

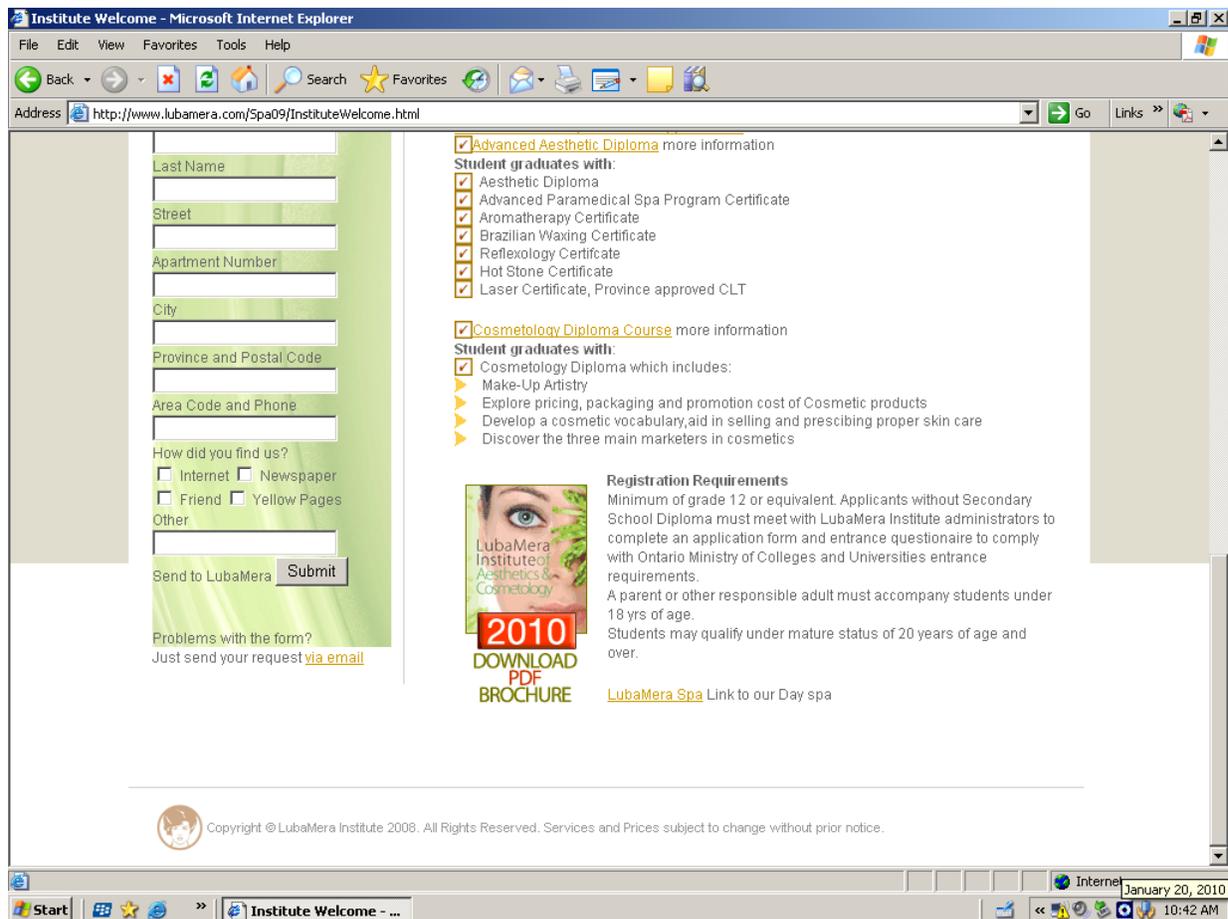
Legal and Operating Entities

603667 Ontario Inc. was registered as a corporation on April 19, 1985. Its registered operating name is LubaMera Institute of Aesthetics and Cosmetology.

Contravention of Subsection 11(2) of the PCCA, 2005 – Advertising Unapproved vocational programs

On January 13th 2010, Ministry staff reviewed the corporate website of LubaMera Institute of Aesthetics & Cosmetology (LubaMera Institute) <http://www.lubamera.com/Spa09/InstituteWelcome.html>. The website advertises two unapproved programs:

- Advances Aesthetic Diploma
- Cosmetology Diploma Course



LubaMera Institute only has one program approved by the Superintendent of Private Career Colleges, which is Advanced Aesthetics and Cosmetology. Although these may be components of the approved program, advertising them as distinct programs, with distinct credentials, requires approval.

Contravention of section 33 of the PCCA, 2005 – Advertising, read with O.Reg 415/06 s. 16(1) paragraphs 1, 3,4, 5 and 6-Content of advertising

Lubamera Institute's website advertising uses incorrect registration wording. Advertisement states that LubaMera Institute is "Fully accredited and bonded. O.S.A.P registered and Ontario Government monitored." This wording is not in compliance with O.Reg s.16 (1) paragraph 3.

