

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



Notice of Contravention #87

Served by courier and e-mail to info_ontariobarberassociation.ca

July 30, 2010

The Ontario Barber Association
510 Main St E
Hamilton ON
L8N 1K7

NOTICE OF CONTRAVENTION

This letter is to inform you, Sean Gibson, as the Director of The Ontario Barber Association that on July 30, 2010, it was determined that The Ontario Barber Association contravened the following section(s) of the *Private Career Colleges Act, 2005* and/or of regulations made under the Act:

- Act, s. 38 (6) – Inquiries and examinations, Duty to Assist (\$1,000)
- Act, s. 11 — Restrictions on advertising and soliciting (\$1,000)

For a Summary of each contravention see attached Schedule A.

As per section 51 of *Ontario Regulation 415/06* of the *Private Career Colleges Act, 2005* The Ontario Barber Association is required to pay a penalty of \$2,000 within **30 days** of the date of this notice. At this time you are required to pay this amount and provide the ministry with written confirmation of compliance with the *Private Career Colleges Act, 2005* and its regulations. Please supply the ministry with the following documents confirming that you have come into compliance with the Act:

- written confirmation that The Ontario Barber Association has assisted the Superintendent's designate by providing a response to each of the questions posed to The Ontario Barber Association on July 23, 2010.
- written confirmation that The Ontario Barber Association has stopped advertising an unregistered Private Career College and unapproved vocational programs that require approval.

Please return your payment by cheque or money order payable to the **Minister of Finance**, along with the invoice you will receive in the mail, to:

Ministry of Finance
Payment Processing Centre
33 King Street West
P.O Box 647
Oshawa, ON L1J 8X3

If payment is not received within **30 days** after the date the Notice of Contravention was received, the amount will be subject to interest at the current postjudgment interest rate beginning on the 31st day following the date of notice. The current rate can be found at the following address:

www.attorneygeneral.jus.gov.on.ca/english/courts/interestrates.asp.

Review

If you believe that the decision made above is inaccurate you may request a review of this decision by submitting a Request for a Review of a Notice of Contravention form to the Ministry of Training, Colleges and Universities within **15 days** of receipt of the Notice of Contravention.

ORIGINAL SIGNED BY

Allan Scott
Superintendent of Private Career Colleges

Schedule A

Act, s.38 (6) – Inquiries and examinations, Duty to Assist (\$1,000)

On July 12, 2010 a designate of the Superintendent reviewed the website belonging to The Ontario Barber Association, <http://ontariobarberassociation.ca/>, and found it to be advertising a two month barbering course. The site did not list the cost of the program.



On July 15, 2010, designates of the Superintendent attended 510 Main St. E, Hamilton Ontario, the same address provided on The Ontario Barber Association's website. Designates of the Superintendent noticed that the sign for the barber shop contained the statement "Ontario's first educational facility for barbers." Designates of the Superintendent entered the shop and spoke with Sean Gibson, a director of the association. He acknowledged that the education is provided in that shop. Designates of the Superintendent asked about the cost and duration of the program. Mr. Gibson confirmed that the course is 8 weeks in length and costs \$3,000. When designates of the Superintendent asked Mr. Gibson about the specific contact hours required to complete the course he stated that he did not have that information available.

On July 23, 2010, a designate of the Superintendent sent a letter to Sean Gibson of The Ontario Barber Association by courier and e-mail. This letter instructed Mr. Gibson to provide the following information:

- 1) *The number of students enrolled in the barbering course since January 2009, their names, and the dates on which they commenced and graduated the program;*
- 2) *The amounts paid by each of the aforementioned students for enrolment in the program (including any fees for materials, textbooks, certifications etc.);*
- 3) *The number of contact hours (lectures, practical training etc.) taken by each of the aforementioned students;*
- 4) *The current cost and number of hours for the barbering program; and*
- 5) *Any other courses being offered by The Ontario Barber Association and the cost and duration of those courses.*

On July 25, 2010 Mr., Gibson sent an e-mail to a designate of the Superintendent that intimated he would not be providing any further information to the Ministry.

On July 26, 2010, a designate of the Superintendent sent an e-mail to Mr. Gibson advising that his July 25, 2010 response was not sufficient and informing of his legislated duty to assist in inquiries and investigations conducted by the Superintendent or a designate.

On July 26, 2010 Mr. Gibson sent an e-mail to a designate of the Superintendent which contained the following introductory sentence: "While we are teaching barbering at this location "The Barber Centre" The suggestion that our facility is a Private Careers College is erroneous." Mr. Gibson provided no other information about the barbering program he mentioned, nor did he answer any of the questions posed on July 23, 2010.

On July 27, 2010, a designate of the Superintendent e-mailed Mr. Gibson and once again reminded him of the July 27 deadline to provide the aforementioned information. A designate of the Superintendent cautioned Mr. Gibson of the possibility of administrative monetary penalties being issued for contraventions under section 38 of the *Private Career Colleges Act, 2005*.

On July 27, 2010, Mr. Gibson sent an e-mail to a designate of the Superintendent that provided no additional information about the barbering programs that were/are offered by The Ontario Barber Association, or offer a direct response to any of the five questions that were posed to him on July 23, 2010.

Despite being duly informed of his legislated obligations, Sean Gibson has not provided answers to questions posed to him by a designate of the Superintendent on July 23, 2010 and is therefore in contravention of section 38 (6) of the *Private Career Colleges Act, 2005*.

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

On July 12, 2010 a designate of the Superintendent reviewed the website belonging to The Ontario Barber Association, <http://ontariobarberassociation.ca/>, and found it to be advertising a two month barbering course. The site did not list the cost of the program.



The screenshot shows a Mozilla Firefox browser window displaying the Ontario Barber Association website. The address bar shows the URL <http://ontariobarberassociation.ca/node/3>. The website has a dark red header with the Ontario Barber Association logo and the text "Ontario Barber Association". Below the header, there is a navigation menu with links for "Barbers", "Become a Member", "Education", "Events", and "Homepage". The "Education" link is highlighted. The main content area is titled "Education" and features a section for "CLASSES". The text describes a 2-month barbering course for new students, providing theory and practical training in a barber shop setting. It mentions that students receive one-on-one training with Master Barbers. A "Course Outline" is listed with items such as "Barbering Terminology", "The Conventional Cut", "Identifying the Hair Types", "Manipulating your tools", and "Outlining and Edging". An image shows a barber in a white coat presenting to a group of students in a classroom setting. On the right side of the page, there are sections for "Who's new" (listing "webmaster"), "Navigation" (listing "Recent posts"), "User login" (with fields for "Username" and "Password", and a "Log in" button), and a "Poll" titled "Do you like the new Design and Appearance?" with a "Yes" option. The browser's status bar at the bottom shows the date "July 15, 2010" and the time "3:10 PM".

On July 15, 2010, designates of the Superintendent attended 510 Main St. E, Hamilton Ontario, the same address provided on The Ontario Barber Association's website. Designates of the Superintendent noticed that the sign for the barber shop contained the statement "Ontario's first educational facility for barbers." Designates of the Superintendent entered the shop and spoke with Sean Gibson, a director of the association. He acknowledged that the education is provided in that shop. Designates of the Superintendent asked about the cost and duration of the program. Mr. Gibson confirmed that the course is 8 weeks in length and costs \$2,000. When designates of the Superintendent asked Mr. Gibson about the specific contact hours required to complete the course he stated that he did not have that information available. Designates of the Superintendent did, however, form reasonable grounds to believe the program exceeded 40 hours in length.

Based on the information provided about the cost and length of the barbering program, it fits the definition of vocational programs according to the PCCA, 2005 and corresponds to National Occupational Classification (NOC) code 6271 Hairstylists and

Barbers and is thus a vocational program within the meaning of the *Private Career Colleges Act, 2005* and is required to be approved by the Superintendent pursuant to section 23 of the Act. Since this college is not registered, and these programs are not approved, advertising either of them is prohibited in accordance with section 11 as noted above.