

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 # 155A

NOTICE OF CONTRAVENTION

Served by email (register@torontoacademyofacting.com), by fax (416) 536-0227 and by Courier

August 12, 2011

Susan Burych
President
Toronto Academy of Acting for Film and Television
Suite 214-1179 King Street West
Toronto, Ontario M6K3C5

Dear Ms. Burych,

[1] This letter is to inform you as the President of the Toronto Academy of Acting for Film and Television (the "Business") that on August 12, 2011 it was determined that the Business contravened the following section(s) of the *Private Career Colleges Act, 2005* and/or of regulations made under the Act:

A. Act, s. 38 (10) – Inquiries and examinations, Obstruction

For a detailed explanation of each contravention see attached Schedule A.

[2] As per section 51 of *Ontario Regulation 415/06* of the *Private Career Colleges Act, 2005* the Business is required to pay a penalty of \$1,000 within **30 days** of the date of this notice. At this time you are required to pay this amount.

[3] 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

[4] 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 post judgment 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

[5] 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.

Issued by:

ORIGINAL SIGNED BY

Allan Scott
Superintendent
Private Career Colleges Branch

Schedule A

[6] The Superintendent has issued this Notice of Contravention based on the following findings, supporting facts and evidence:

A. Contravention of section 38 (10) of the Act – Inquiries and examinations, Obstruction

[7] During a June 22, 2011 field visit to the Business's address at 1179 King Street West unit #215, Designates were unsuccessful at reaching Ms. Burych or any other representative of the Business. Designates left the King Street location and immediately proceeded to the advertised campus address located at Studio 66 - 62/64 Fraser Avenue. Upon arrival at this location, Designates witnessed a class in session. There were approximately 7 to 10 individuals observed in the classroom at the time. When Designates inquired about the program that was in session, the students stated that it was the "Three Month Acting Program". When asked who was instructing the class, students pointed to a gentleman at the back of the classroom. The instructor (who identified himself as ██████████) advised the Designates to wait until his student concluded his presentation.

[8] Upon speaking with the instructor, he advised Designates that the class that was in session was the "Three Month Program". When asked about the start date for the program, the instructor questioned the students and they replied "May 2nd". The instructor was asked for details about the tuition fee that was being paid; however, he immediately advised the Designates that he felt uncomfortable answering any additional questions and felt that these questions should be directed to Ms. Burych who was the owner of the Business. A Designate informed ██████████ that if he does not provide full cooperation then it can be considered as obstruction under the Act. ██████████ stated that he is 'prepared to take that chance.' Designates advised the instructor that the Superintendent was concerned that the Business was offering an unapproved vocational program.

[9] Following the field visit to the campus address, Designates left the premises and

returned to 1179 King Street West on Thursday June 23, 2011 to speak with Ms. Burych. During the field visit with Ms. Burych the following was observed and confirmed:

- When Designates inquired about the three month program, Ms. Burych initially advised Designates that there was no three month film acting course being delivered
- Ms. Burych stated that the Business was only offering a 7 week long program for “the serious actor”
- Ms. Burych stated that the course Designates witnessed the day prior was ‘the course for serious actors’ and not the ‘three month course’.
- Ms. Burych stated that the ‘three month program’ was only being advertised to gauge interest from prospective students to help them determine whether or not the Business should offer the course, but was not actually being delivered.

[10] During the site visit of June 23, a Designate obtained an email from Susan Burych, in which she provides direction to her staff on how to answer questions from Ministry investigators. In this email Ms. Burych made reference to the Designates visit to the Business’s campus on June 22, 2011. She advised her staff “...*all you have to be prepared to state you are teaching a course that consists of 25 hours or 38 hours depending on what is being taught. Each course is \$875. Simple as that.*” She later provided an outline to her staff for “*these courses called Film Acting courses for the Serious Actor*”. A copy of the email has been provided below.

From: register [register@torontoacademyofacting.com]
Sent: Wednesday, June 22, 2011 2:03 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: TORONTO ACADEMY OF ACTING DAY STUDENTS

Ok, The Ministry sent two investigators out and questioned [REDACTED] today, [REDACTED] was really composed and just said he's teaching stand up comedy. They asked him how much is the course and he asked for them to contact administration.

Not sure if they are coming back but all of you have to be prepared to state you are teaching a course which consists of 25 hours or 38 hours depending on what is being taught. Each course is \$875.00. Simple as that. Here is the outline for these courses called Film Acting courses for the Serious Actor.



Toronto Academy of Acting for Film & Television
1179 King Street West,
Suite #214
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(416) 536-8574 Toll free #1-866-420-4077
email: register@torontoacademyofacting.com
www.torontoacademyofacting.com

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7/4/2011

[11] Upon reading this email aloud to Ms. Burych, the Designate informed her that it is an offence to provide false or misleading information to a Designate of the Superintendent. The Designate continued to question Ms. Burych about the program and advised her that it would appear that she is attempting to obstruct them in their duties. The Designate informed Ms. Burych that it appears that the course is happening and that she is taking steps to cover it up. The Designate also informed Ms. Burych that she will be reporting this finding to the Superintendent. Ms. Burych asked "*what does this mean. Does it mean that she is not going to get accreditation?*" The Designate informed her that she cannot offer the program regardless, it is being offered illegally.

[12] After reviewing additional files and obtaining a class list, Ms. Burych was advised by the Designate that the visit was being concluded and a report would be filed with the Superintendent. Ms. Burych advised the Designates that she “doesn’t watch what is going on with some of her people”. She continued to state that “the reason that she sent the email to the teachers is because they don’t know what to say”. She stated that she “has to baby-sit them.” And that she knows “it looks bad”.

[13] The evidence obtained by the Designates and presented in the earlier sections of this document contradicts the statements provided by Ms. Burych.

[14] The above mentioned statements regarding the three month program have been shown to be false. Documents found on Ms. Burych’s computer demonstrate that students have been enrolled in the three month program, as does the June 22, 2011 field visit during which the program was observed to be in session.

[15] Further, the June 22, 2011 e-mail suggests that Ms. Burych was instructing the Business’s staff to provide misleading information to Designates if further inquiries were to be made into the Business’s activities.

[16] The Superintendent therefore finds that Ms. Susan Burych, as Director of Toronto Academy of Acting for Film & Television and her staff did obstruct Designates as they made inquiries at the Business, contrary to s. 38(10) of the Act.

[17] PRIOR CONTACT WITH THE MINISTRY

Date	Contact
December 15, 2010	The Private Career Colleges Branch sent an email to the Business informing them of the requirement to submit a pre-screening application for their courses.
January 19, 2011	Ms. Susan Burych submitted a pre-screening application for two of the programs offered at her Business. It was immediately brought to Ms. Burych’s attention that there were other courses that

	required pre-screening, including a <i>Film Acting Program consisting of 24 hours/8 weeks and costing \$875.00 and the Acting for Film, TV, Theatre, consisting of 300 hours/12 weeks and costing \$5,500.</i>
February 10, 2011	Ms. Burych responded to the Ministry advising that the programs that were advertised are not actually being offered but were posted on the website to gauge student interest. She also advised that the <i>One Month Film Making</i> course did not appear to attract students and should not be advertised. At this time, Ms. Burych also stated that the Business would remove the 8- week film making program and that a decision about the 2-week guerrilla film making program is to be decided.
February 11, 2011	Ms. Burych was advised by a Designate to remove “any programs that the Business is claiming not to offer off her website immediately as it is misleading to the public”.
February 23, 2011	Ms. Burych removed the <i>One Month Film Making</i> program consisting of 100 hours, from the Business’s website. A response letter was sent to Ms. Burych from a Designate informing her that Acting for Film, TV and Theatre (a.k.a. Three Month Film Making program) required approval.

INVESTIGATIVE METHODS USED

[18] In obtaining the above evidence a Designate of the Superintendent, employed as an Investigator with the Ministry’s Private Career College’s Branch, the Designate conducted electronic searches for online information and advertising about the Business. This allows the Designate to see how the Business markets itself to consumers. Generally speaking, findings are based on advertising supplied or controlled directly by the Business, rather than third party sources of information over which the Business may exercise little control.

[19] The Investigator used authority provided under Sec. 38 of the Act. The Act states that “...if in the Superintendent’s opinion, a person that is not a registrant is or was required to be registered, the Superintendent or person designated by the

Superintendent may make such inquiries and conduct such examinations of the person's affairs as the Superintendent or Designate considers appropriate in the circumstances." This can entail a field visit to the Business, photographing the premises, inspection of documents, interviewing both staff and students, and removal or copying of any material, either electronic or paper, which the Investigator feels is relevant to the investigation or inquiry. Use of these authorities allows the Investigator to obtain information about the Business's activities which assists the Superintendent in reaching a determination.