

RESTRAINING ORDER

Served by email(wmaeroservice@bellnet.ca), by Fax(705-743-7688) and by Courier

February 3, 2011

William Maw, President
W.M. Aeroflight Inc.
R.R. #5, Peterborough Airport
Peterborough, ON K9J 6X6

and

550 Highway 7A
RR #1
Cavan, ON L0A 1C0

Dear Mr. Maw:

This is a Restraining Order issued under s. 46(1) of the *Private Career Colleges Act, 2005* ("Act"). As the Superintendent of Private Career Colleges, I believe that W.M. Aeroflight Inc. ("School") has contravened the Act and/or regulations, and I order the School to stop contravening the following provisions of the Act and/or regulations:

- Providing unapproved vocational programs, contrary to subsection 8(1) of the Act; and
- Holding itself out as a private career college without being registered, contrary to section 7 of that Act;

Detailed reasons in support of my decision to issue this order are found in Schedule "A", attached. Failure to comply with this order may result in any or all of the following, further enforcement actions:

- Application for an order from the Superior Court of Justice;
- The issuance of further Administrative Monetary Penalties; and/or
- Prosecution for offences under the Act. Upon conviction by a court,
 - A corporation is subject to a fine of up to \$250,000;
 - An individual is subject to a fine of up to \$100,000, a prison term of up to one year, or both; and

- 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.

You 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 by **February 10, 2011** by registered mail or courier to my attention and confirm that you:

- Have stopped advertising an unregistered private career college and unapproved vocational programs that require approval;
- Have stopped enrolling students into unapproved vocational programs that require approval;
- Have provided the ministry with a list including the names and addresses of all current and former students;
- Have provided refunds to students who were enrolled in unapproved vocational programs that require approval;
- Are not holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs that require approval;
- Are holding student files to be 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.

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.gov.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.

Pursuant to sections 49(2) and 49(6) of the Act, this order is published on the Ministry of Training, Colleges and Universities' website.

Kindly govern yourself accordingly,

ORIGINAL SIGNED BY

Allan Scott
Superintendent of Private Career Colleges

Attachments: Schedule A – Detailed Reasons for Decision

Schedule A – Detailed Reasons for Decision

OPERATION "Icarus"

Pursuant to subsection 23(1) of the *Private Career Colleges Act, 2005* ("Act"), private career colleges that offer flight training programs which lead to Commercial Pilot License, Flight Engineer, Flight Instructor Rating or Integrated courses such as CPL and Instructor Rating, must have the programs approved by the Superintendent of Private Career Colleges.

In response to a concern about unapproved flight training programs, and their potential impact on public safety, Operation "Icarus" was launched. Its purpose was to identify illegal operators offering unapproved vocational programs that require approval under the *Private Career Colleges Act, 2005* and to take the necessary enforcement action against them. This institution was identified as part of this operation.

Contravention of s. 11 – Restrictions on advertising and soliciting

On February 28, 2010, the School submitted a pre-screening application for the program Commercial Pilot Licence – Aeroplane. On the same day, the Ministry responded indicating that the program required approval by the Superintendent of Private Career Colleges. Further in the letter the School is warned:

Until such time as your institution has been registered and your program has been approved, it is a violation under Sections 7, 8 and 11 of the Private Career Colleges Act, 2005 to deliver or advertise the delivery of your vocational program. In addition, under Section 9 of the Act an institution cannot charge or collect a fee in relation to a vocational program until the registration and program approval process is complete

The School then proceeded to input information on the Ministry's Registration Information for Career Colleges (RICC) database in order to gain approval of the program and to register as a Private Career College. In the information provided and submitted regarding the Commercial Pilot Licence program, the School indicates that the program has a duration of 160 hours over 25 weeks, and a cost of \$10,675. To date, the School's registration application is incomplete. Therefore, the program has not yet been approved by the Superintendent.

On December 28, 2010, a Designate of the Superintendent emailed the school inquiring as to whether they offer a Commercial Pilot Licence program. The School responded on December 30, 2010 stating the following:

Yes you can start commercial training with us. You need 35 hours dual instruction plus 30 hours solo, as well as a total time of 200 hours for your commercial license. Our rate on our 172s are \$165 per hour dual and \$115 solo. You can start at any time! Just give us a call to get started!

The email was signed: Leigh Ehrmann, Chief Flight Instructor, WM Aeroflight.

The cost of the program as stated in the email comes to a total of \$9,225 with a total of 75 hours. Although this information differs from the program approval submission made by the School on RICC, it does demonstrate that the School is currently offering an unapproved vocational program. Therefore, since the School is not registered as a private career college under the Act, and the Commercial Pilot Licence program is not approved by the Superintendent, offering the program is prohibited under section 8 (1) of the Act.

Contravention of, s.7 - Prohibition against operating a private career college

The following evidence has formed the basis for the Designate's reasonable belief that the School is holding itself out as the operator of a private career college:

- the evidence offered in the previous section that clearly indicates that the School is offering vocational programs;
- when the School submitted their registration information to the Ministry to become registered, the legal name of the school was listed as W.M. Aeroflight Inc.; and
- in the email response to the Designate's inquiry of December 28, 2010 the email signature indicated it was from the Chief Flight Instructor, WM Aeroflight.

Under section 7(2) of the Act, no person shall hold themselves out as the operator of a private career college unless the person is registered. Under the Act, if an institution provides one or more vocational programs to students for a fee they are by definition a private career college.

BACKGROUND:

On February 28, 2010, the School submitted a pre-screening for the program Commercial Pilot Licence – Aeroplane. On the same day, the Ministry responded with a letter stating that the program requires approval by the Superintendent of Private Career Colleges. Further in the letter the School is warned:

Until such time as your institution has been registered and your program has been approved, it is a violation under Sections 7, 8 and 11 of the Private Career Colleges Act, 2005 to deliver or advertise the delivery of your vocational program. In addition, under Section 9 of the Act an institution cannot charge or collect a fee in relation to a vocational program until the registration and program approval process is complete

The School then proceeded to complete information on the Ministry database (RICC) for submission for approval of the program and to register as a Private Career College. In the information provided and submitted regarding the Commercial Pilot Licence program, the School states that the program is 160 hours, 25 weeks long with a cost of \$10,675. To date, the school has not completed registration and the program has not been approved by the Superintendent.

Legal and Operating Entities

W.M. Aeroflight Inc. is a registered corporation in the Province of Ontario. The corporation's president is Winston William Maw. The corporation has been registered since August 22, 2007.