

Particulars of Notice of Contravention and Review Decision

S. 49(1) *Private Career Colleges Act, 2005* (“Act”)

Friday March 25, 2011

These particulars are posted following the issuance of an administrative penalty for which a review was requested. Penalties may be reviewed upon request within 15 days of receipt of a Notice of Contravention. The review decision is made considering not only the information originally available at the time the Notice of Contravention was issued, but also any new information not previously available that may have been supplied in support of the request for a review. On review, an administrative penalty may be upheld, rescinded or reduced. A review decision is final.

Original service date: December 8, 2010

Gorav Bhatia known as Shawn Truck, Forklift & Car Training School and/or Shawn Truck & Forklift Driving School and/or Shawn Truck & Forklift Training School
40 Nugget Avenue, Unit #8
Scarborough, ON M1H2A8

Description:	Original Amount:	Review Decision:
<p>Act, s. 11 — Restrictions on advertising and soliciting</p> <p>Designates of the Superintendent (Designates) reviewed internet advertising for “Shawn Truck & Forklift Driving School” on:</p> <ul style="list-style-type: none"> • A web link to the Canada 411 advertisement for “Shawn Truck & Forklift Driving School” (the “school”); and • the Canada Tamil Business Directory at http://www.tamilbizcard.com. That advertising specifies the same business address and telephone number as in the Canada 411 advertisement. <p>On November 16, 2010, Designates conducted a field visit to the school. Signage outside the school advertised the existence of the school by name. Designates met with Harry Singh at the school, who identified himself as an employee and operating agent for the school. Mr. Singh told the Designates that Gorav Bhatia, his son, is the owner of the school. Although Mr. Singh provided several contradictions to the Designates during the field visit, a reasonable belief that this school is advertising unapproved AZ, BZ and DZ truck trucking programs at an unregistered school was formed by the Designates based on the</p>	<p>\$1,000 per day</p>	<p>Penalty of \$1,000 was upheld for December 8, 2010 (inclusive).</p> <p>The balance of evidence available indicates that Shawn Truck & Forklift Driving School was advertising an unregistered private career college.</p>

<p>telephone calls where school representatives offered unapproved vocational training, Mr. Singh's admission that the school offers AZ, DZ and BZ truck driver training during the field visit and as evidenced by the vocational contract for the Az Tractor-Trailer Course removed from the school. AZ, BZ and DZ training corresponds to National Occupational Classification (NOC) code 7411 – Truck Drivers. As these unapproved programs fit the definition of vocational programs requiring the approval of the Superintendent according to the Act, and based on the fact that this school is not registered, advertising of same is prohibited in accordance with subsections 11(1) and (2) of the Act, respectively.</p>		
<p>Act, s. 8 (1) — Prohibition against providing vocational programs</p>	<p>\$1,000 per day</p>	<p>Penalty Rescinded.</p>
<p>Act, s. 7 — Prohibition against operating a private career college</p> <p>During the field visit of November 15, 2010 Mr. Singh said the school offers AZ with unlimited lessons and road tests for \$2,500. Mr. Singh also advised the Designates that the school offers a DZ course with unlimited lessons for \$1,150 and a school bus (BZ) course with unlimited lessons for \$1,150. 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. Based on the fact that Mr. Singh identified his son as the current owner of the school and described the unapproved vocational programs being offered at the school, the school is in contravention of subsection 7(2) of the Act.</p>	<p>\$1,000 per day</p>	<p>Penalty of \$1,000 was upheld for December 8, 2010 (inclusive).</p> <p>The balance of evidence available indicates that Shawn Truck & Forklift Driving School was holding itself out as a private career college without being registered.</p>
<p>Act, s. 38 (10) — Inquiries and examinations, Obstruction</p> <p>On November 16, 2010, Designates conducted a field visit to the school and met with Harry Singh, who identified himself as an employee and operating agent for the school. During the conversation with the Designates, Mr. Singh provided several pieces of conflicting information after he was told that he was offering/delivering unapproved vocational training which requires approval under the Act. Based on Mr. Singh's contradictions during the field visit, Designates formed the reasonable belief that Mr. Singh obstructed the Designates conducting the inquiry by providing them with information on matters relevant to the inquiry that Mr. Singh knew to be false or misleading, in contravention of subsection 38(10) of the Act.</p>	<p>\$1,000 one time</p>	<p>Penalty of \$1,000 was upheld for December 8, 2010 (inclusive).</p> <p>The balance of evidence available indicates that Shawn Driving School did obstruct the duties of the Superintendent's designates while they were conducting and examination/inquiry.</p>
<p>Total:</p>		<p>\$3,000</p>