

RESTRAINING ORDER

Served by email (pawz@rogers.com), fax (613-739-4656) and by courier

April 27, 2010

The Wizard of Pawz and/or Pawz Inn and/or The Doggie Divas
3320 McCarthy Road
Ottawa, ON K1V 0X3

and

1988 Rosebella Ave E
Ottawa, ON K1T 1G7

and

1930 Bank Street
Ottawa, ON K1V 7Z8

Attention: Lynn Tomalty a.k.a. Lynn Tomalty-Yee and Linda Tomalty

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 LYNN TOMALTY A.K.A LYNN TOMALTY-YEE AND LINDA TOMALTY (“LYNN TOMALTY”) 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, you are:

- operating as an unregistered private career college, contrary to section 7 of the PCCA, 2005;
- offering vocational programs that are not approved by the Superintendent of Private Career Colleges, contrary to section 8 of the PCCA, 2005; and
- charging fees for an unregistered private career college and unapproved programs, contrary to section 9 of the PCCA, 2005; and
- soliciting students to enrol in an unapproved Private Career College and unapproved vocational programs in Ontario.

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 **immediately** by registered mail or courier to my attention and confirm that you:

- have stopped operating as a private career college;
- have stopped providing unapproved vocational programs that require approval;
- have stopped charging fees for unapproved vocational programs that require approval;
- have stopped soliciting students to enrol in an unapproved Private Career College and unapproved vocational programs in Ontario;
- have provided the ministry with a list including the names and addresses of all current students;
- have provided full refunds to students who requested refunds in writing and 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.

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. Application for a court order from the Superior Court of Justice to you to comply;
2. The issuance of further Administrative Monetary Penalties.
3. Prosecution for offences under the Act. 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.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.

Sincerely,

ORIGINAL SIGNED BY

Allan Scott
Superintendent
Private Career Colleges

Attachments: Schedule A – Detailed Reasons for Decision

Schedule A – Detailed Reasons for Decision

Contravention of section 7 of the PCCA, 2005 - Prohibition against operating a private career college and Contravention of section 8 of the PCCA, 2005 - Prohibition against providing vocational programs

On April 15, 19 & 20 and 23, 2010, Ministry staff spoke to students currently attending a grooming course in the back room of a private business known as The Wizard of Pawz being run by Lynn Tomalty-Yee (also known as Lynn Tomalty; hereinafter “Lynn Tomalty”) located at 3320 McCarthy Road in Ottawa. Another business called Pawz Inn and/or The Doggie Divas appears to operate from the same location by Lynn Tomalty.

Students advised Ministry staff that Lynn Tomalty told students the grooming course would take 12 weeks to complete at a minimum of 450 hours in length, however, students discovered that the course takes longer than 12 weeks because Ms. Tomalty is only available to teach 2 days per week.

Students reported having paid different amounts for the grooming course and their grooming kit. One student advised Ministry staff that the student had paid \$7800 including tax for the course fees, plus an additional \$1800 for the grooming kit. Another student reported paying \$7500 total for course fees (\$5800) and the grooming kit (\$1600). Another student reported having paid \$6,000 for the groomer course. Students reported to Ministry staff that they had not received all or part of their grooming kits from Lynn Tomalty.

One student told Ministry staff that five students are currently taking the grooming course at The Wizard of Pawz, some of whom have been attending classes for two years because they only attend classes sometimes. Starting dates ranged from March 2008 to January 2010.

The student told Ministry staff that classes are currently held on Wednesday from 9:30 a.m. to 4:00 p.m. and on Thursday evenings from 6:30 p.m. to 8:30 p.m. During the Wednesday classes, students work on customers’ animals and the customers pay cash to the owner for this service. During Thursday evening classes, students need to bring in their own dogs to be groomed. Classes are held in the back room of The Wizard of Pawz, which is also a dog daycare. One student reported to Ministry staff that during the next day’s class (Wednesday, April 23, 2010), each student was expected to groom three dogs.

A student advised the Ministry that one student showed up for class on Wednesday, April 23, 2010 and all five students were in attendance on Thursday night, April 24, 2010.

Students complained to Ministry staff that the students were being used as “cheap labour” or “free labour” because the teacher was making money off students who continued to groom dogs for the business during class time. Students told Ministry staff that they either groomed client dogs of The Wizard of Paws entirely (in circumstances where the client’s dog did not require any hair trimmed) or performed

all of the grooming tasks required except required trimming (“bber” – bathe, brush, ears and nails), at which point Lynn Tomalty finished the job. Some of the students believed they had either completed all the required class hours or were close to completing them, yet students had not been taught how to shave dogs, been given an opportunity to write the final test and had not received their certificates.

Students became suspicious of Lynn Tomalty and advised Ministry staff that she has six active warrants against her by the Monroe County Sheriff’s Office in Florida, issued on May 6, 2001, two examples of which are included here:

The screenshot shows a Microsoft Internet Explorer browser window with the address bar displaying <http://www2.keyssso.net/WebWarrants/T/Prt7522.htm>. The page content is as follows:

Monroe County Sheriff's Office

Active Warrant

Do NOT attempt to make any arrests or apprehensions based on this information.
Please contact the Monroe County Sheriff's Office if you have any information concerning these persons.
If you wish to remain anonymous contact CrimeStoppers of the Florida Keys at crimestoppers@keyssso.net or 1-800-346-TIPS(8477).
If you have immediate information, call 911 and then contact CrimeStoppers with the information you gave to 911.
If you have any questions regarding these warrants, please contact the Sheriff's Office Warrant Division at (305) 293-7407 or [via email](#).



TOMALTY-YEA, LINDA

DoB: **06/12/1945** Age: **64** Race: **W** Sex: **F** Height: **503** Weight: **110** Hair: **BLN** Eyes: **GRN**

Last Known Address: **206 SOUTHARD ST 1 KEY WEST, FL 33040**

Charges:
1 Unknown Count(s) of 948.06

The browser's taskbar at the bottom shows the date as Tuesday, April 27, 2010, and the time as 9:46 AM. Several application windows are open, including 'Inbox - Mic...', 'AMP Reco...', 'The Wizard...', and two instances of 'M.C.S.O. A...'.

Active Warrant

Do **NOT** attempt to make any arrests or apprehensions based on this information.
Please contact the Monroe County Sheriff's Office if you have any information concerning these persons.
If you wish to remain anonymous contact CrimeStoppers of the Florida Keys at crimestoppers@keyss.net or 1-800-346-TIPS(8477).
If you have immediate information, call 911 and then contact CrimeStoppers with the information you gave to 911.
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TOMALTY-YEA, LINDA G

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Last Known Address: **206 SOUTHARD ST 1 KEY WEST, FL 33040**

Charges:
1 Unknown Count(s) of **948.06**.
OR COMMUNITY CONTROL REF UNK/FEL/MISD/JUV NON CRITERIA

Warrant # **MCSO01ARR005396** Issued: **06/05/2001** Bond Amount: **\$0**

Students then contacted the Ottawa Police to file a statement about Lynn Tomalty on April 22, 2010, accusing her of fraud.

The Ministry was provided with a copy of a document given to students entitled “The Wizard of Pawz 2009 Grooming School”. The cover also has the words “Helping you achieve your goals as a pet groomer.” The first page of the document has a box with the following wording:

Welcome to the WIZARD OF PAWZ Grooming School. The following is a brief description of the 12-week course, as well as other information that will help you while you train to be the most successful groomer you can be! ENJOY!

The document lists the following information:

- Course fees are \$5,800 for the grooming course (plus taxes) and approximately \$1,600 for equipment.
- The course is 12 weeks with a minimum of 450 hours of hands-on training.
- Class times run from 8:30 a.m. to 3:00 p.m.
- Students absent for more than 15% of the course will be dismissed without refund.

The last page of the document states: “Acting responsibly is important. This is your Career!” and offers a welcome message from “The Wizard & Master Groomer, Lynn Tomalty” at the bottom of the page.

One student provided the Ministry with a grooming course receipt for \$4,208.00 dated June 10th, 2009. The receipt specifies that \$1,808 is for grooming kit, \$700 cash, \$700 cheque and \$1,000 cash at the top of it. The bottom of the receipt has the words “for Grooming Course at the Wizard of Paws.” A second receipt provided to the Ministry has “The Wizard of Pawz” logo on the top, is for “Grooming Course,” and is dated 11-05-09. This receipt states “paid in full” and has a signature under the words “The Wizard” at the bottom. The student indicated to Ministry staff the school was “taking payments” of fees.

Pet grooming courses correspond to National Occupational Classification (NOC) code 6483 Pet Groomers and Animal Care Workers and require the approval of the Superintendent of Private Career Colleges to be offered as vocational programs.

Since The Wizard of Pawz is not registered as a private career college under the PCCA, 2005, and the grooming course is not approved, offering the course is prohibited in accordance with section 7 & 8 of the PCCA, 2005.

Contravention of section 9 of the PCCA, 2005 – Prohibition Against Charging Fee

A current student of The Wizard of Pawz provided the Ministry with a receipt for \$4,208.00 dated June 10th, 2009. The receipt specifies that \$1,808 is for grooming kit, \$700 cash, \$700 cheque and \$1,000 cash at the top of it. The bottom of the receipt has the words “for Grooming Course at the Wizard of Paws.” A second receipt provided to the Ministry has “The Wizard of Pawz” logo on the top, is for “Grooming Course,” and is dated 11-05-09. This receipt states “paid in full” and has a signature under the words “The Wizard” at the bottom. The student indicated to Ministry staff the school was “taking payments” of fees.

Contravention of section 11(3) of the PCCA, 2005 – Restrictions on Advertising and Soliciting

There is no advertising of the grooming course on the website (<http://www.wizardofpawz.com>) belonging to The Wizard of Pawz or the website (<http://www.pawz-inn.com/>) belonging to Pawz Inn/The Doggie Divas. However, one of the current students told Ministry staff that the student met Lynn Tomalty in 2008 while the student was working at another retail business. Lynn Tomalty was a customer of that retail business. Lynn Tomalty said the following to the student:

- The student should take a pet grooming course with her;
- The student would make lots of money doing the grooming;
- The student would make more than the student was making at the student’s current job. The student would make in a week as a groomer what the student currently made in a month at the current job; and
- The student could make \$42,000 - \$50,000 per year.

Another current student of The Wizard of Pawz told Ministry staff that the student’s mother took her dog to get groomed at The Wizard of Paws and Lynn Tomalty told the student’s mother that the student should be a groomer and take the course from Lynn.

Both students continue to be enrolled in the grooming program as of April 27, 2010.

Based on this information, it is clear that Lynn Tomalty is soliciting the enrolment of students, which is in contravention of the PCCA, 2005.

BACKGROUND:

On April 15, 19 & 20 and 23, 2010, Ministry staff spoke to students currently attending a grooming course at a private business known as The Wizard of Pawz.

Legal and Operating Entities

On March 15, 2010, Ministry staff conducted an ONBIS search of Wizard of Pawz and found it listed as a sole proprietorship carrying on the business of pet supplies and grooming. Linda Tomalty is listed as the sole proprietor at 1988 Rosebella Street, Ottawa, ON K1T 1G7.

There is no current business names registration for Wizard of Pawz, however, the registered business name was Wizard of Pawz from January 31, 2002 to January 30, 2007. The business is known as “The Wizard of Paws” on its website.

A federal corporate search conducted on April 21, 2010 indicates Wizard of Pawz Ltd. was incorporated on February 2, 2004, but was dissolved for non-compliance (s. 212) on June 8, 2007. Lynn Tomalty is listed as the Director at 1930 Bank Street, Ottawa, ON K1V 7Z8.

The website belonging to The Wizard of Pawz (<http://www.wizardofpawz.com/>) indicates the business address is 3320 McCarthy Road, Ottawa, ON K1B 0X3, which matches the business description provided by students currently taking the grooming course. On the contact page of the website, the contact email address pawz@rogers.com is listed.

The website belonging to Pawz Inn (<http://www.pawz-inn.com/>) is also operated at 3320 McCarthy Road, Ottawa, ON K1B 0X3. That website specifies that “Lynn” is the owner. The same email address is provided for Lynn on this website (pawz@rogers.com).

On April 27, 2010, an ONBIS search conducted on “Pawz Inn” and “The Doggie Divas” produced no records. These businesses appear to operate from the same location by the same individual, Lynn Tomalty. Neither business is registered as a federal corporation.