

Particulars of Notice of Contravention and Review Decision

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

May 5, 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 On review, an administrative penalty may be upheld, rescinded or reduced.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 08, 2010

Sun Young Yoon, Director
Daniel Education Centre Corp.
o/a
Upper Madison College
100 Upper Madison Avenue
Toronto, ON
M2N 5K1

And

4950 Yonge Street
Suite C-88
Toronto, ON
M2N 6K1

Description:	Original Amount:	Review Decision:
<p>Act. s. 11 – Restrictions on advertising and soliciting</p> <p>On November 25, 2010, a Designate reviewed the website belonging to Upper Madison, www.umcollege.ca, and found it to be promoting an ACE 3 program that is 8 weeks in duration, 20 hours per week (160 hours total), and costs \$2,600. This website also contains a page titled “contact us” which provides an address, phone number, fax number, and six e-mail addresses that can be used to contact Upper Madison.</p>	<p>\$2,000 per day</p>	<p>Penalty reduced to \$1,000 per day for the period of December 8, 2010 – December 13, 2010 (inclusive).</p> <p>The balance of evidence available indicates that Daniel Education Centre Corp. was advertising unapproved vocational programs. Daniel Education Centre Corp. has come into compliance on December 13, 2010.</p>
<p>Act. s. 7 – Prohibition against operating a private career college</p>	<p>\$2,000 per day</p>	<p>Penalty reduced to \$1,000 per day for the period of December 8, 2010 – December 13, 2010</p>

<p>A Designate reviewed a selection of Upper Madison's student files. The Designate identified four files containing documents confirming that Upper Madison continued to offer and enrol students in its TESOL/ACE 3 program after the February 8, 2010 Restraining Order.</p> <p>Documentary evidence as well as statements made by Upper Madison's director and an instructor on November 24, 2010 indicate that there is no substantial difference between the school's TESOL and ACE 3 programs with respect to content, cost or duration. Three students are currently taking the class.</p>		<p>(inclusive).</p> <p>The balance of evidence available indicates that Daniel Education Centre Corp. was operating an unregistered private career college. Daniel Education Centre Corp. has come into compliance on December 13, 2010.</p>
<p>Act, s. 8 (1) – Prohibition against providing vocational programs</p> <p>A Designate reviewed a selection of Upper Madison's student files. The Designate identified four files containing documents confirming that Upper Madison continued to offer and enrol students in its TESOL/ACE 3 program after the February 8, 2010 Restraining Order.</p> <p>Documentary evidence as well as statements made by Upper Madison's director and an instructor on November 24, 2010 indicate that there is no substantial difference between the school's TESOL and ACE 3 programs with respect to content, cost or duration. Three students are currently taking the class.</p>	<p>\$2,000 per day</p>	<p>Penalty reduced to \$1,000 per day for the period of December 8, 2010 – December 13, 2010 (inclusive).</p> <p>The balance of evidence available indicates that Daniel Education Centre Corp. was providing unapproved vocational programs. Daniel Education Centre Corp. came into compliance on December 13, 2010.</p>
<p>s. 9 - Prohibition against charging fee.</p> <p>On November 24, 2010, a Designate attended Upper Madison's campus at 4950 Yonge Street, Toronto, to conduct a field visit. The Designate reviewed a selection of Upper Madison's student files and found documents proving that three students had either been charged or had paid in full the fees owing for enrolment in Upper Madison's TESOL program.</p>	<p>\$1,000 per day</p>	<p>Penalty reduced to \$500 per day for the period of December 8, 2010 – December 15, 2010 (inclusive).</p> <p>The balance of evidence available indicates that Daniel Education Centre Corp. was charging fees for unapproved vocational programs. Daniel Education Centre Corp. came into compliance on December 15, 2010.</p>
<p>Failure to comply with an order of the Superintendent made under s. 46 of the Act.</p> <p>On February 8, 2010, the Superintendent of Private Career Colleges issued a Restraining Order to Upper Madison ordering the school to, among other things, stop operating as a private career college, stop advertising unapproved vocational programs, and stop enrolling students in unapproved vocational programs.</p>	<p>\$1,000 per day</p>	<p>Penalty reduced to \$500 per day for the period of December 8, 2010 – December 15, 2010 (inclusive).</p> <p>The balance of evidence available indicates that Daniel Education Centre Corp. failed to comply with the Superintendent's order issued to</p>

<p>In spite of this order, Upper Madison has continued to operate as a private career college, advertise an unapproved vocational program, and enroll students in an unapproved vocational program. Upper Madison has therefore failed to comply with the Superintendent's February 8, 2010 Restraining Order.</p>		<p>Daniel Education Centre Corp. on February 8, 2010. Daniel Education Centre Corp. came into compliance on December 15, 2010.</p>
Total:		\$26,000