Ministry of Training, Colleges and Universities

Office of the Superintendent

Private Career Colleges Branch 9th Floor, Mowat Block 900 Bay Street Toronto ON M7A 1L2

Ministère de la Formation et des Collèges et Universités

Bureau du Surintendent

Direction des colleges privés d'enseignement professionnel 9^e étage, édifice Mowat 900, rue Bay Toronto ON M7A 1L2



RESTRAINING ORDER

Served by email (info@sgiccanada.com), by fax(416-929-2965) and by courier

February 28, 2011

Jun Dong Lyu, President Dong Chul Lyu, President St. George International College Corporation 200-150 Dundas St. W. Toronto, Ontario M5G 1C6

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 St. George International College ("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:

- Act, s.8 (1) Prohibition against providing vocational programs
- Act, s.9 (1) Prohibition against charging a fee
- Act, s. 11 of the PCCA, 2005 Prohibition against advertising an unregistered private career college and unapproved programs
- Act, s.7 of the PCCA, 2005 Prohibition against operating a private career college

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 March 3, 2011 by registered mail or courier to my attention and confirm that the School:

- has stopped providing unapproved vocational programs that require approval;
- has stopped charging fees for unapproved vocational programs;
- has stopped advertising an unregistered Private Career College and unapproved vocational programs that require approval; and
- has stopped operating as a private career college.

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

Schedule "A"

Contravention of section 8 of the PCCA, 2005 - Prohibition against providing vocational programs

On January 20, 2011 designates of the Superintendent conducted a site visit of St. George International College (SGIC). During the site visit, designates interviewed SGIC staff and students. Student records were also reviewed.

During the interview with school representatives, designates questioned the school's owner Dong Chul Lyu (Tony) as to whether or not he continued to enrol students in the ESL Methodologies for Children (EMC) program. The school was advised by the Private Career Colleges Branch on December 2, 2010 that this program required approval under the Act. Tony notified the Superintendent in writing on December 7, 2010 that "at this time, we have suspended the program in accordance with your demands."

When asked if the school has stopped teaching the EMC program as declared by Tony on December 7 2010, Tony responded "No, there are students in class now." When questioned further about the EMC program, school representatives advised designates that the program does not prepare students to teach English to children but is an ESL course designed to teach students English. The school's representatives that were present included Michelle Kim, Tania Davidson (outgoing Education Manager), Tony and Gregory R. Hopkins (incoming Education Manager replacing Tania Davidson).

School administrator Michelle stated "they (students) all want to learn English to get a better job". Tania Davidson stated that "the course is not sufficient to teach English to children. It would not qualify them (students) to teach. They might go in that direction in future but that is not how the course is promoted. It is not a stand alone certificate".

When asked again to clarify the status of the program, Tony stated that "they sent emails to agents to stop promoting the course but they are still very interested in doing it (teaching the course)".

Evidence obtained during student interviews and following review of student files confirmed that the school did in fact continue to offer the EMC program despite being advised by the Ministry on December 2, 2010 that the program required approval.

The program cost as documented on the Letters of Acceptance is \$1495.00. This cost exceeds the exemption threshold of \$1000. Furthermore, the duration of the program is estimated at 4 weeks with full time attendance of 25 hours per week. The total duration of the course is 100 hours. This duration exceeds the exemption threshold of 40 hours.

Pre-screening letter:

Fm on Dec 3/10



Thursday, December 2, 2010

Tania Davidson St. George International College Suite 200 - 150 Dundas Street West Toronto, ON M5G 1C6

Re: Registration under the Private Career Colleges Act, 2005

Thank you for completing the private career college pre-screening process to determine whether the following program(s) require approval under the *Private Career Colleges Act*, 2005 ("the Act");

. ESL Methodologies for Children

Based on the information provided in your pre-screening application, the above noted Based on the information provided in your pre-screening application, the above noted program <u>requires approval</u> by the Superintendent of Private Career Colleges. The program is vocational within the meaning of the Act as it is intended to provide students with the skills and knowledge required to obtain employment in a recognized vocation. You are now required to submit an application to register as a Private Career College (PCC) which will include an application for program approval for the above named

On-line Registration & Program Approval

Enclosed you will find a copy of the new User Manual for the Registration Information for Career Colleges System (RICC) on a CD Rom. The RICC system can be accessed at <a href="https://www.serviceontatio.ca/iric.A-ministry-issued username and password is required to access the service. Your username and password will be sent to you by email at the address you provided during pre-screening. If you forget your username or password, please email the ministry at pcc@cniani.ca. Please also refer to the attached paper

document that outlines processes for applications, including any hard copy documentation required.

Until your institution has been registered and your program(s) have been approved, it is a <u>violation</u> under Sections 8 and 11 of the Act to offer or deliver or to advertise the delivery of your vocational program(s), respectively. Additionally, until such time as your institution is registered and your programs are approved, it is also a <u>violation</u> of section 9 of the Act to charge or collect a fee in relation to a vocational program.

If the Superintendent of Private Career Colleges believes that a person has contravened certain provisions of the Act or the regulations made under the Act, any or all of the following enforcement actions may be taken:

- Application for an order from the Superior Court of Justice
- The issuance of Administrative Monetary Penalties; and/or
 Prosecution for offences under the PCCA, 2005. 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.

As an applicant and prospective future PCC operator, you are required to comply with the Act and Ontario Regulations 414/06 and 415/06, which can be found by visiting the government's E-laws website at http://www.e-laws.gov.on.ca

If, upon reviewing the requirements for registration, you decide that your institution will not be offering the above-noted program(s), you <u>must</u> notify the ministry in writing so that we may update our files.

If you have any further questions, regarding the registration and program approval process, please contact the Ministry Hotline at (416) 325-0500 or via email at PCC@ontario.ca.

Sincerely.

Evangelia Puddefoot Research Analyst Compliance and Enforcement Unit Private Career Colleges Branch

Response Letter from SGIC: Statement from school that program delivery has ceased

St. George international College 150 Dundas St. West Suite 200 Toronto, Ontario

Ministry of Training, Colleges and Universities Post Secondary Education Division 7th Floor, Mowat block 900 Bay Street Toronto, Ontario M7A 1L2

Dear Ministry of Training, Colleges and Universities:

This letter is in response to a request for registration of our EMC course (ESL Methodologies for Children) as it has been recognized as a vocational course by the ministry despite our previous understanding that the course does not qualify as such.

At this time, we have suspended the program in accordance with your demands. In order to move forward we would like to schedule a sit-down meeting with an MTCU representative in order to further discuss this situation.

We look forward to meeting with you in person and welcome you to contact us either by phone or e-mail to arrange this consultation.

Sincerely,

Dong Chul Lyu Director

The Private Career Colleges Branch has not received an Application for Registration of a Private Career College from SGIC. By offering a vocational program for a fee without first seeking approval from the Superintendent, including having students actively enrolled, SGIC is in contravention of s. 8 of the Act.

Note: This school was previously issued a notice of contravention for offering an illegal TESOL program on May 21 2010.

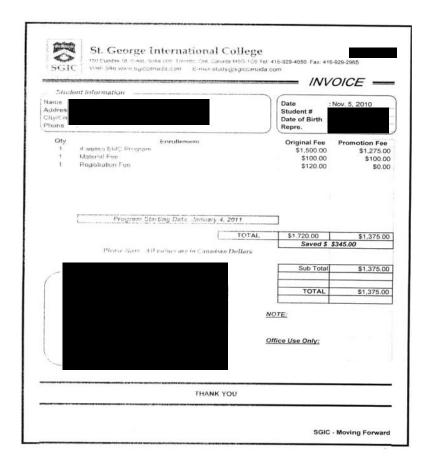
Contravention of section 9 of the PCCA, 2005 – Prohibition against charging a fee in respect of an unapproved program at an unregistered school

Upon reviewing student files, evidence was gathered to confirm that students were in fact charged a fee for the EMC program.

A total of 10 student files were copied and reviewed. Evidence was obtained from the following student files:

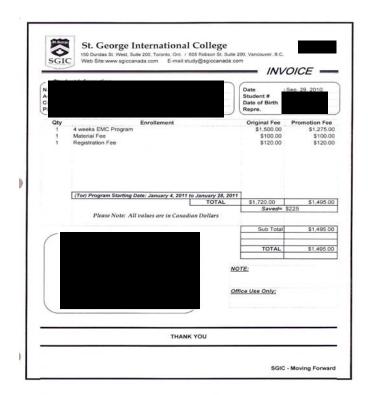
1.

- Enrolled in 4 week EMC program
- Start date January 4 2011
- Total fees charged \$1375.00
- Invoice dated November 05, 022010



2.

- Enrolled in 4 week EMC program
- Start date January 4, 2011
- Total fees charged \$1495.00
- Total paid (as evidenced by receipts) \$1152.57
- Invoice dated September 29, 2010







ST. GEORGE INTERNATIONAL COLLEGE
vias St. West Suits 200 Toronto, On Canada M5G 1C6 Tel: 416-929-4050 Fax: 416-929-2965

PERSONAL INFORMATION 1. Family nam 2. Given name 3. Date of birt 4. Student ID INSTITUTIONAL INFORMATION 1. Type of school / Institution. 1. Family nam 2. Given name 4. Student ID INSTITUTIONAL INFORMATION 1. Type of school / Institution. 1. Family name and address of institution: 1. Student ID INSTITUTIONAL INFORMATION 1. Type of school / Institution. Private 1. Use sate and a-mail address. 1. Use sate and a-mail

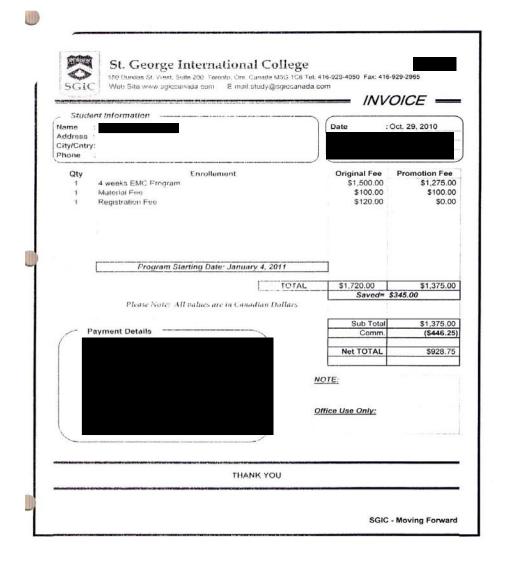
Printed name of institution representative:

David Lyu (Manager Astimisations)

A student is not considered accepted and will not be admitted to class unit arrangements to pay fel fusion that have their completed. After the approval of student visa by Canadan Authority, or refund will be made if an applicant does not come to Canada for personal reason. We both torward to having you as a student of \$1. Charges international Colleger in your canada. When the conduction is the conduction in the conduction of the c

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- 3.
- Enrolled in 4 week EMC program
- Start date January 4, 2011
- Total fees charged \$1275.00
- Invoice dated October 29, 2010



Based upon the information supplied above, the Designate came to the reasonable belief that St. George International College (SGIC) continued to charge and collect fees for the EMC program despite being advised on December 2, 2010 that the program required approval. The existence of invoices, acceptance letters and Interac receipts support the claim that the school is violating s. 9 of the Act. This evidence also contradicts the school owner's written attestation that SGIC ceased delivery of the EMC program as of December 7, 2010.

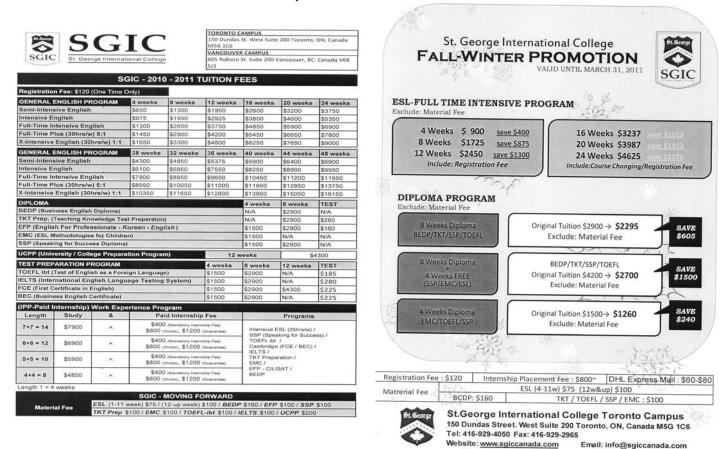
Contravention of section 11 of the PCCA, 2005 – Prohibition against advertising a private career college an unregistered private career college and unapproved programs

As of January 20, 2011 SGIC continued to advertise the EMC program.

During the site visit, Designates retrieved a tuition fee schedule at the school that advertised the program details. On the Tuition Fee schedule, the EMC program is advertised as being a diploma program that is for 4 weeks in duration at a cost of \$1500.

In addition to the fee schedule, designates obtained a copy of a Fall/Winter promotion sheet that listed the 4 week EMC (combined with TOEFL and SSP) program. With the discount applied the program is \$1260.00. The promotion is advertised as valid until March 2011

This fee schedule and Fall/Winter promotion sheet are attached below:



Based upon the information supplied above SGIC continues to advertise the EMC program. The information contained in the 'Tuition Fee Schedule' and in the 'Fall/Winter promotion', along with information gathered from students during interviews provides a reasonable basis to conclude that this is the same program

that SGIC was told required approval under the Act. It is therefore concluded, that SGIC continues to violate s.11 of the Act, by advertising a vocational program that has not received approval from the Superintendent.

Contravention of section 7 of the PCCA, 2005 - Prohibition against operating a private career college

A "private career college" is defined in the Act as an educational institution or other institution, agency or entity that provides one or more vocational programs to students for a fee and pursuant to individual contracts with the students,

As noted above, evidence was obtained to conclude that the SGIC is in contravention of section 8 of the Act as it is offering a vocational program without the Superintendent's approval. The school offers an ESL Methodologies for Children (EMC) course to students despite advising the Superintendent on December 7, 2010 that the school is no longer offering this program.

The EMC program was pre-screened by the Compliance and Enforcement Unit and a determination was made on December 2, 2010 that it required approval under the Act. When questioned during an interview on January 20, 2011 about the number of students who were currently enrolled, the schools owner Dong Chul Lyu (Tony) stated that there were '6 – 8 students' in class.

Designates were provided with a list of students who were enrolled in the EMC program. There were a total of 14 students on this list.

Students were interviewed and questioned as to the reason they were taking the EMC program the responses to the question included "I want to teach English to Children" to "I already own a school where I teach children but I do not know how to teach English to Children."; "I want to learn the skills to teach English".

SGIC was advised during the pre-screening process that if it was interested in offering this program, they would have to submit an Application for Registration of a Private Career College.

Also noted above, evidence was obtained to conclude that SGIC is charging a fee for a vocational program without the Superintendents approval. Consequently, SGIC is in contravention of section 9 of the Act.

SGIC is also advertising the program and is in contravention of section 11 of the Act.

Based on the evidence presented in this section, SGIC fits the definition of a private career college as it:

 Is advertising itself as an educational institution offering vocational programs for a fee pursuant to individual contracts with students;

- Delivering vocational programs to students for a fee pursuant to individual contracts with said students; and
- Charging fees to students in vocational programs to pursuant to individual contracts with the students.

Therefore, SGIC is in contravention of S. 7 of the Act.

BACKGROUND:

On July 25, 2009, a program consultant from the Private Career College Compliance Unit attended St. George International College for an inspection. As a result of this inspection, questions arose regarding the TESL program being offered by the school. At the time, the school offered a TESOL/TKT program and a TESOL program. The school stated that they had corresponded with the Ministry of Training, Colleges and Universities (MTCU) several times over the past 2 to 3 years and as a result it was concluded that SGIC was classified as an ESL school. SGIC stated that MTCU informed them that because they were not offering the *TESL Canada* course that they could not become registered. However, in follow up communication with the school, they were not able to produce any of the alleged correspondence with MTCU and stated that all communication with MTCU occurred over the phone.

St. George International College was required to submit descriptions of selected programs to the Ministry to determine whether or not they needed the superintendent's approval. In discussions regarding the TESOL program, representatives of St. George International College were adamant that students who finished the TESOL program would not be qualified to teach and would not be able to find employment. In an email dated May 27, 2009, Vicki Di Rado, Education Manager of SGIC stated; "Although the program does introduce teaching skills for the ESL field, it does not qualify our students to get a job as an ESL teacher upon completion of the program." After extensive reviews by both the program consultant and the policy unit, the school changed the program name to TESOL/TKT Prep, a change which was approved by the Private Career Colleges Branch on October 6, 2009. On March 3, 2010, the Ministry sent out letters confirming that the TESOL/TKT PREP Program did not require approval. It is important to note that the Ministry came to its conclusion based on the attestation of the college in the pre-screening process that students would not be able to find employment with their certificate.

Subsequent concerns were raised regarding the college's offering of an ESL Methodologies for Children program. SGIC pre-screened the program and it was determined by the Compliance and Enforcement Unit that the program requires approval.

Legal and Operating Entities

An ONBIS search conducted February 14, 2011 shows that St. George International College Corporation is an active corporation in the province of Ontario registered on November 21, 2005. The office and mailing address is listed as; 200-150 Dundas St. W., Toronto, Ontario M5G 1C6. It lists Jun Dong Lyu as the president and secretary of the corporation since Nov. 21, 2005. Dong Chul Lyu is also listed as president and a director since May 8, 2007. No business names exist for this corporation.