

Competition Tribunal



Tribunal de la Concurrence

Reference: *The Commissioner of Competition v. Premier Career Management Group and Minto Roy*, 2009 Comp. Trib. 17
File No.: CT-2007-006
Registry Document No.: 0175

IN THE MATTER of the *Competition Act*, R.S.C. 1985, c. C-34, as amended;

AND IN THE MATTER of an inquiry pursuant to subparagraph 10(1)(b)(ii) of the *Competition Act* relating to certain marketing practices of Premier Career Management Group Corp. and Minto Roy;

AND IN THE MATTER of an application by the Commissioner of Competition for an order under section 74.1 of the *Competition Act*.

B E T W E E N:

The Commissioner of Competition
(applicant)

and

**Premier Career Management Group Corp. and
Minto Roy**
(respondents)



Date of Conference call: 20091021
Presiding Judicial Member: Simpson J.
Date of Order: October 21, 2009
Order signed by: Justice Sandra J. Simpson

**ORDER REQUIRING PCMG AND MINTO ROY TO CEASE AND DESIST AND
RESERVING ON OTHER REMEDIES**

[1] **UPON THE** Tribunal decision dated July 15, 2008 dismissing the application filed by the Commissioner of Competition (the “Commissioner”) for an order under section 74.1 of the *Competition Act*, R.S.C. 1985, c. C-34, as amended (the “Application);

[2] **AND UPON THE** Federal Court of Appeal’s decision of October 15, 2009, allowing the Application with costs, but remitting the matter back to the Tribunal on the issue of remedies;

[3] **AND UPON** hearing submissions of counsel for both parties by teleconference today;

[4] **AND UPON** determining that the remedies to be dealt with are as follows:

- (i) the issuance of a cease and desist order;
- (ii) the publication of corrective notice in the Vancouver Sun and on PCMG’s website;
- (iii) the announcement of a corrective notice on Minto Roy’s radio show;
- (iv) administrative monetary penalties of \$100,000.00 (for PCMG) and \$50,000.00 (for Minto Roy); and
- (v) costs;

THE TRIBUNAL NOTES AS FOLLOWS:

[5] Counsel for the Commissioner has agreed that the Commissioner will decide on or before Friday, November 6, 2009, whether she wishes to pursue the publication of a corrective notice and a radio announcement;

[6] Counsel for the Respondents has agreed that, on or before Thursday, November 5, 2009, Minto Roy will provide the Commissioner information about his current financial status;

[7] Counsel for the Commissioner has agreed that, on or before Thursday, November 5, 2009, the Commissioner will provide Respondents’ counsel with a draft bill of costs for one counsel, prepared on a party-and-party basis at the midpoint of column III of Tariff B to the *Federal Courts Rules*, SOR/98-106.

[8] Counsel for both parties have agreed that a further teleconference will be held on Friday, November 6, 2009, at 10 a.m.

NOW THEREFORE THE TRIBUNAL ORDERS THAT:

[9] The Respondents and any person acting on their behalf or for their benefit, including all directors, officers, employees, agents or assigns of the Respondents, or any other person or corporation acting on behalf of any or all of the Respondents, shall for a period of ten (10) years from the date of this order, cease making, causing to be made, or permitting to be made, by any means whatsoever, false or misleading representations to the public for the purpose of promoting any career coaching or counselling services or any other services which assist individuals to find employment. Without limiting the generality of the foregoing, the Respondents, or either of them, shall cease making, causing to be made or permitting to be made by any means

whatsoever, the following representations to the public or representations to convey the general impression that:

- PCMG and/or Minto Roy have an extensive network of personal contacts or “links” with senior level executives of companies that have job openings, and that they will use this network to provide contacts and/or arrange job interviews with such senior level executives for clients who enter into contract with PCMG; and
- PCMG and/or Minto Roy’s potential clients will almost certainly find work quickly with their help, typically within 90 days, and at a position with salary and benefits equal to or better than their previous job.

[10] An order with respect to the other remedies described above in paragraph 4 will be made at a future date.

DATED at Ottawa, this 21st day of October, 2009.

SIGNED on behalf of the Tribunal by the Chairperson.

(s) Sandra J. Simpson

COUNSEL:

For the applicant:

The Commissioner of Competition

John Syme

For the respondents:

Premier Career Management Group Corp. and Minto Roy

Michael Osborne