

COMPETITION TRIBUNAL
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CT-2007-006

OTTAWA, ONT.

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COMPETITION TRIBUNAL

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

AND IN THE MATTER of an inquiry under 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*;

BETWEEN:

THE COMMISSIONER OF COMPETITION

Applicant.

and

PREMIER CAREER MANAGEMENT GROUP CORP.

and

MINTO ROY

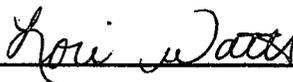
Respondents.

AFFIDAVIT OF LORI WATTS

I, LORI WATTS, Competition Law Officer at the Competition Bureau of Canada, having an office located at 300 Georgia Street West, 3rd Floor, in the City of Vancouver, SOLEMNLY AFFIRM THAT:

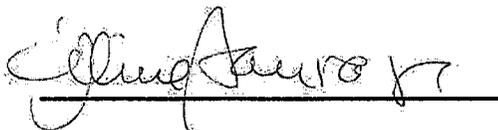
- 1) I am a Competition Law Officer with the Pacific Region office of the Competition Bureau in the Department of Industry Canada.
- 2) I am one of the officers working on the file of Premier Career Management Group ("PCMG") and Minto Roy.

- 3) On October 23, 2007, Christopher Graham contacted the Competition Bureau to file a complaint against Premier Career Management Services (PCMG) and Minto Roy.
- 4) On November 27, 2007, I met with Christopher Graham at my office.
- 5) During this meeting, Christopher Graham communicated to me the information that is found in his statement attached as Exhibit "A" of my affidavit.



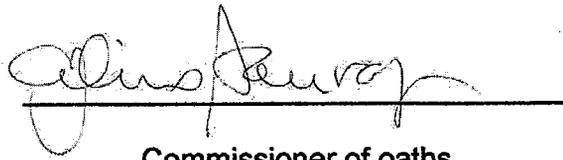
Lori Watts

Solemnly affirmed before me, on
February 4th, 2008, in Vancouver, BC.



Commissioner for oaths

This is the Annex "A" of the affidavit of Lori Watts, solemnly affirmed before me in Vancouver, BC, on February , 2008.

A handwritten signature in cursive script, appearing to read "G. Sturges", is written over a solid horizontal line.

Commissioner of oaths

STATEMENT OF CHRISTOPHER DOUGLAS GRAHAM

I, CHRISTOPHER DOUGLAS GRAHAM, 6068 Brooks Crescent, Surrey, British Columbia, V3S 7L1, SAY AS FOLLOWS:

- 1) My date of birth is January 19th, 1971.
- 2) I hold a college diploma from the Professional Golfers' Career College in Murrieta, California. I also hold a Business Diploma in Golf course management from Lethbridge Community College, Alberta.
- 3) Mid-May 2007, I was looking for a job. I had been working in the golf industry for 12 years, the last four years in Yukon, and I was looking for a new career in the Vancouver region.
- 4) While searching on the Internet, I came across Premier Career Management Group's (PCMG) website. A job offer was posted on their website. I applied for the job on-line by sending a cover letter and my resume.
- 5) A few days after, Kathy Parsons of PCMG contacted me by telephone. She told me that Minto Roy, the president and CEO of PCMG, wanted to meet me to discuss my resume. I understood that the purpose of this meeting was to do the pre-screening of candidates for the job offer.
- 6) On May 28, 2007, I met Minto Roy at PCMG's downtown office. The meeting took place in his office.
- 7) Minto Roy initially asked me questions about my previous job in the Yukon, what salary I was making, my marital status and the type of work I was looking for.
- 8) At one point during the interview, I asked Minto Roy about the job offer I had applied for. He told me that it was not a job I wanted. He said I was too qualified for that job. He told me that what "we" wanted to find me was a much higher position with a much higher rate of pay considering my experience and qualifications. He told me that many big downtown Vancouver companies were looking for persons with my experience and skills. He told me that I should have no problem finding a job in the corporate world with my experience and qualifications.
- 9) Minto Roy told me that this is where PCMG came in. He told me that they talked, knew and worked with a lot of high-ranking executives. Minto Roy told me that with their contacts and my experience I would have no problem finding work at least at the salary I used to make.

- 10) Minto Roy also told me about PCMG's former clients who had been successful in finding employment with their help, usually within 60 to 90 days.
- 11) I understood that PCMG would market my name to these high-ranking executives of Vancouver companies and provide me with their names so I could get interviews with them.
- 12) I told Minto Roy that I had been sending my resume to many non-golfing related positions and that I had received very little responses, if any.
- 13) Minto Roy told me that 80% of the people out there are looking for 20% of the jobs that are posted on the Internet. He told me that I wanted to be part of the 20% of the people that are looking for the 80% of the jobs that are never advertised and that are gained by networking and knowing the right people. He told me that so many corporations hire this way, with people they know, and they create jobs for these people and these jobs are never advertised.
- 14) Minto Roy told me that this was the type of work he had been doing for a number of years, starting in Toronto. He told me about his radio show on CFUN. He told me that he had guest speaking appearances with companies and with people looking for work as well. He told me about his extensive list of contacts with top executives and with his former clients that work in many companies. Minto Roy showed me newspaper articles that had been written about him and his radio show. He showed me declarations of past clients who had been successful in finding work with the help of PCMG.
- 15) I was very intrigued with Minto Roy's presentation. What Minto Roy was telling me sounded positive. PCMG looked to me like an employment organization involved with professionals. Minto Roy was convincing and I believed that he was telling me the truth.
- 16) Because I was back in the Vancouver region after an extended absence and had no contacts with the corporate world outside the golf industry, Minto Roy's promises about providing me with contacts with high-ranking executives sounded very interesting to me. This is what I needed. These contacts would help me get a foot in the door of businesses. This is what I was missing in my portfolio. I had a lot of experience but I needed a way to get this information to the right people. After getting the contacts, I felt confident that I could present myself well during interviews. Minto Roy's repeated comments about my qualifications and of the fact that high executives were looking for people like me made me really think that I could work at a high level in the corporate industry, one that I did not think that I was qualified for before meeting him.

- 17) Minto Roy also explained that I would have to go through a program and that there would be regular meetings with advisors. Minto Roy clearly said that most of their clients were successful in finding work after 60 to 90 days into this program.
- 18) I told Minto Roy that I was interested.
- 19) Minto Roy informed me that there would be a fee for these services. The price was \$4,860, plus taxes. I was taken aback because of the amount. I told Minto Roy that other government sponsored employment organizations did not charge for their services. Minto Roy responded that PCMG was helping people get into high paying careers, and that was the reason why there was a fee associated to this. He told me that the other free employment organizations were getting people low paying jobs and he downplayed the type of services they were rendering.
- 20) Minto Roy told me to take the time to think about PCMG's services and discuss it with my wife Jill. We agreed to meet again a couple days later. Minto Roy told me that it would be important that I come with my wife for the second meeting because it was an important financial decision to take.
- 21) The first meeting lasted approximately 45 minutes.
- 22) On May 31, 2007, my wife Jill came with me to the second meeting. We met with Minto Roy. He asked my wife what type of employment she saw for me. At that time we were thinking of having children and we informed Minto Roy about this. Minto Roy asked my wife if she would like it if I had a job that paid enough money to allow her to stay at home with the child. This scenario of having one parent stay at home with the child was of course very exiting to hear. Minto Roy told us that PCMG could make this happen for me. He reiterated his beliefs in my experience and of the fact that companies were looking for people like me. He told us that he could introduce me to the high-ranking executives, that this was the way to go to find employment and not through the Internet. He was effective in convincing my wife and I that all of this could happen for me.
- 23) Minto Roy also told us that whatever decision we were going to make about retaining PCMG's services or not had to be made quickly. He told us that most of the top executives were going away during the summer time and that we had to start working very quickly so that they could start introducing me to these executives. Minto Roy made it sound as if I would be missing out if I did not start with PCMG quickly, and that it would take a long time in the future otherwise.
- 24) I informed Minto Roy that I agreed to enter into contract with PCMG. I felt that this could lead me to where I wanted to go in terms of my career.

- 25) Minto Roy pulled out a contract and quickly discussed what it contained. At that time I felt comfortable about Minto Roy's verbal promises. I did not read the contract before signing it. Minto Roy handed it to me with the first page flipped and the back page open where I had to sign. I signed the contract on that day with PCMG.
- 26) The total contact amount of the contract, including GST, was for \$5151. I paid a deposit of \$1000 on that day. I paid the balance on or about June 4th, 2007 with my Visa card at the first meeting with my advisor Ted Paxton.
- 27) In the following weeks, I had regular meetings with Ted Paxton, my career advisor. These meetings took place once a week. I would come in from Langley to meet Ted Paxton.
- 28) Initially, I was asked to do a lot of exercises aimed at identifying the type of person I was, my values, my career achievements and my career objectives. All of this was in the form of homework. I thought that this work was good because I thought that PCMG would use it to have a good understanding of the person I was in order to better market myself to the high executives. I also worked on a new resume at that time.
- 29) Through this process, I continued to apply for jobs I would find advertised on the Internet. This was purely on my own initiative. I would ask Ted Paxton if PCMG had contacts with these companies, and he responded almost all the time that they did not.
- 30) Once, with respect to an executive position available with Big Brothers of Greater Vancouver, Ted Paxton informed me that they had a contact there. Her name was Victoria "Daxsco". I called her and we arranged to meet. However, during this meeting, I quickly found out that Victoria "Daxsco" was a junior employee at Big Brothers. She was not in contact with the Board of Directors. Victoria "Daxsco" had nothing to do with the hiring process and she did not know about the position I was applying for. This meeting was only useful in obtaining additional information about Big Brothers. I told all this to Ted Paxton after the meeting. He just responded that any contacts with any company were always good contacts. However, Victoria "Daxsco" was not a high-ranking executive contact like the ones Minto Roy had promised.
- 31) Another time, PCMG referred me to a company called Junior Achievement that was looking to hire someone. The job turned out to be a very low paying job and I only learned about it when I was there. The company people told me that I was too qualified for the job. They informed me however that a managerial position was available and that I should apply for that. I did apply, but did not get the job. This referral by PCMG was again not one to a high-level executive like the ones I had been promised.

- 32) Also, on the advice of Ted Paxton, I sent many letters to companies indicating that I was interested in meeting with them to discuss their industry. I would tell them that I was not looking for a job in their organization. Ted Paxton explained to me that I should not expect getting a job that way, but that it could at least help me meet people and ask them during the course of the meeting if they knew of job availabilities. None of those letters that I sent led me to high-ranking executives that were contacts to PCMG and that were looking to hire a person with my experience.
- 33) After 6-8 weeks, I started asking Ted Paxton what PCMG was doing to market myself with companies. He initially told me to continue doing what I had been doing. After insisting and expressing my frustration about PCMG's services, Ted Paxton responded that it was for me to market myself. I asked him how I should go about doing that. He directed me to a database called "Onesource" that was available from a computer terminal at PCMG. This database turned out to be something similar to the "Yellow Pages" where one could find company names by industry. Some of the companies listed had also the names of some of their executives. This database was not very useful because I could basically get the same information by through the "Yellow Pages" and Internet. Also, the database would give me the company names by industry, but I did not know these companies so I could not determine if they were interesting or not.
- 34) In an email to Ted Paxton, after approximately 4.5 months of having started the program, I stated my frustration to Ted Paxton and indicated to him that I wanted to meet with Minto Roy to discuss my situation. I was informed that he was not available to meet me. However, I met with Tom Locke, one of the Vice-presidents at PCMG, and he informed me that he was one of the members of the Board of directors with B.C. Sports Hall of Fame. He said that he would set up a meeting with Sue Griffin, one of the directors of the B.C. Sports Hall of Fame. I met with her but there were no job openings there. I asked her if she knew anybody who was looking to hire somebody. She responded that she did not but that she would keep her hears open for me. Again, this person was not a high-ranking executive who was looking to hire a person just like me.
- 35) Early September 2007, Minto Roy informed me of a general manager position at the Chilliwack Golf and Country Club. He told me that PCMG was looking into entering into a long-term business relationship with this company to help them in their hiring process. Minto Roy asked me if I would be interested with the job. I told him that I would be. Minto Roy told me that they would be sending my resume to the Golf and Country Club and would take care of my application for me. In the following weeks, I inquired a number of times with Ted Paxton about the job. Ted Paxton told me that Minto Roy was looking into it, but that he had not received any news about the hiring process. I

would ask Ted Paxton if I should call the Golf and Country Club to inquire, and he would tell me that it was not necessary and that Minto Roy was looking into it. After a month or so, after insisting and expressing my frustration about the length of time all this was taking, Ted Paxton finally gave me the name of their contact at Chilliwack Golf and Country Club. I called him and left a message. A couple of days after he called me back. He told me that he could not remember ever receiving my information from PCMG. He did not know who I was. He told me that the hiring process was now complete and that had already selected a person for the job and made an offer to him. However, upon telling him about my experience in the golf industry, he asked me to send him my resume in case the other person would refuse the job. I sent him my information within the next hour. The other person did accept the job and the contact at the Chilliwack Golf and Country Club called me back to let me know about it. Contrary to what they said they would do, I believe that that PCMG never sent my resume to the Chilliwack Golf and Country Club for that position of general manager.

36) On October 25, 2007, I met with Ted Paxton to discuss my problems with PCMG. I expressed my frustration, the lack of support, and their lack of marketing on my behalf. Ted Paxton kept asking me about what I had been doing to network and market myself. After 15 minutes or so, I stopped the conversation and I asked that Minto Roy be present for the rest of the meeting. I told Ted Paxton that I would not be leaving until I talked to Minto Roy. A few minutes later, Minto Roy and Tom Locke walked in the room. I again expressed my frustration with PCMG's services. Minto Roy asked me what part of the contract I felt PCMG had not fulfilled. I told Minto Roy that it was not anything in the contract but rather the promises he had made during the initial meetings with him about the contacts I would be provided with the high-ranking executives. I asked him about the companies, the top-level executives and what PCMG had done to market my name. None of them replied to these questions. Instead, Minto Roy kept asking me about what I had done to market myself. I finally told Minto Roy that I was severing ties with PCMG because I was extremely dissatisfied about the services. I asked for a refund. Minto Roy told me that he would not refund the monies I had paid.