

THE 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

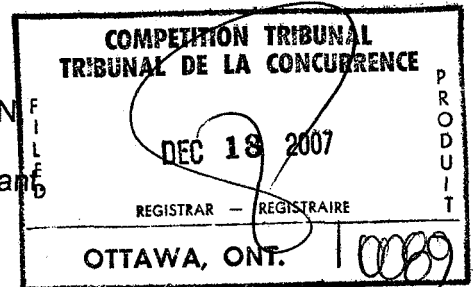
and

PREMIER CAREER MANAGEMENT GROUP CORP.

and

MINTO ROY,

Respondents.



---

REPLY

---

IN SUPPORT OF HER REPLY, THE APPLICANT PLEADS AS FOLLOWS:

- 1) With respect to paragraph 1 of the Amended Response:
  - a) She notes that the Respondents completely deny having made the impugned representations and allege that the persons named at paragraph 14 of the Amended Notice of Application were told differently about the Respondents' services;
  - b) She denies the Respondents' position and will hereafter reply to each paragraph of the Amended Response;

- c) She adds first that what is at issue in the present matter is the evidence presented by former clients of the Respondents and the impressions conveyed to them during pre-contractual meetings.
- 2) She denies paragraph 2 of the Amended Response;
  - 3) With respect to paragraph 3 of the Amended Response, she takes notice of the Respondents' admissions of paragraphs 6, 7, 8, 10 and 12 of the Amended Notice of Application;
  - 4) With respect to paragraph 4 of the Amended response:
    - a) She ignores subparagraphs 4(a) to 4(j);
    - b) She further pleads that the Respondents also promised but failed to deliver to the persons named at paragraph 14 of the Amended Notice of Application the following services:
      - i) Contacts and/or arrangements for job interviews with senior level executives of companies that have job openings;
      - ii) Help to find work quickly, typically within 90 days, and at a position with salary and benefits equal to or better than their previous job.
  - 5) She denies paragraph 5 of the Amended Response because:
    - a) Minto Roy admitted under oath on February 27, 2007 that PCMG enters into contracts with approximately 240 clients a year;
    - b) Minto Roy admitted on December 23, 2006 during a CFUN radio program that PCMG enters into contract with several hundreds of clients yearly.
  - 6) With respect to paragraph 6 of the Amended Response, she admits that PCMG clients include employed people who are seeking an employment change and also include unemployed people, and she ignores the rest of the paragraph.
  - 7) With respect to paragraph 7 of the Amended Response:
    - a) She admits that PCMG was incorporated and commenced operations in October 2004; and
    - b) Because the issue in the present matter are the false or misleading representations made by the Respondents to the persons named at

paragraph 14 of the Amended Notice of Application, she denies as irrelevant the following Respondents' allegations:

- i) *"PCMG occupied the same premises previously occupied by another counseling company, Bernard Haldane Associates (later named BH Careers)";*
  - ii) *"PCMG has no corporate affiliation with Bernard Haldane Associates".*
- 8) With respect to paragraph 8 of the Amended Response and because the issues in the present matter are the false or misleading representations made by the Respondents to the persons named at paragraph 14 of the Amended Notice of Application, she denies as irrelevant the Respondents' allegation that *"Minto Roy was an employee of Bernard Haldane Associates from 1997 to 2004"*.
  - 9) With respect to paragraph 9 of the Amended Response and because the issues in the present matter are the false or misleading representations made by the Respondents to the persons named at paragraph 14 of the Amended Notice of Application, she denies as irrelevant the Respondents' allegation that *"the Competition Bureau began investigating Minto Roy and the companies associated with him in January 2004"*.
  - 10) With respect to paragraph 10 of the Amended Response and because the issues in the present matter are the false or misleading representations made by the Respondents to the persons named at paragraph 14 of the Amended Notice of Application, she denies as irrelevant the Respondents' allegation that *"PCMG has been erroneously associated with Bernard Haldane Associates and has been affected by the negative publicity associated with that company"*.
  - 11) With respect to paragraph 11 of the Amended Response, she admits that Careers Today is a division of PCMG and she ignores the rest of the paragraph.
  - 12) She denies paragraph 12 of the Amended Response.
  - 13) With respect to paragraph 13 of the Amended Response:
    - a) She denies the Respondents' allegation that they did not make the impugned representations;
    - b) She denies the Respondents' allegation that they engaged in due diligence in regards to the representations made about their services for the reason that some promised services were not rendered;

- c) She denies the Respondents' allegation that they had "*significant quality control measures to ensure that no misrepresentations were made or relied on*" for the reason that the impugned representations were made, most of them by Minto Roy personally as indicated at paragraph 14 of the Amended Notice of Application;
  - d) She denies the Respondents' allegation "*that clients were satisfied with the services of PCMG*" for the reason that the persons named at paragraph 14 of the Amended Notice of Application are dissatisfied former clients of PCMG;
  - e) She denies the Respondents' allegation "*that there was no disconnect between the representations made and the services provided*" for the reason that some promised services were not rendered.
- 14) With respect to paragraph 14 of the Amended Response:
- a) She denies the Respondents' allegation that they had "*quality control measures*" because some promised services were not rendered;
  - b) She denies the Respondents' allegation "*that the services provided by PCMG are explained to the client*" because some promised services were explained but not rendered;
  - c) She denies the Respondents' allegation "*that the client is not guaranteed any specific interviews with specific companies*" for the reason that the Respondents actually named companies during pre-contractual meetings with some of the persons named at paragraph 14 of the Amended Notice of Application, and also conveyed the general impression that they have contracts with these companies and that they will provide these contacts and/or arrange job interviews for their clients;
  - d) She denies as irrelevant the Respondents' allegation "*that the client is not guaranteed and specific ... salary*" for the reason that this is not what is at issue in the present matter, but whether the Respondents conveyed the general impression to the persons named at paragraph 14 of the Amended Notice of Application that they would almost certainly find a position with salary and benefits equal than their previous job;
  - e) She denies as irrelevant the Respondents' allegation "*that the client is not guaranteed ... [a] time frame to obtain a new position*" for the reason that this is not what is at issue in the present matter, but whether the Respondents conveyed the general impression to the persons named at paragraph 14 of the Amended Notice of Application that they would almost certainly find work quickly with their help, typically within 90 days;

- f) She ignores as irrelevant the Respondents' allegation "*that the client is not guaranteed ... a new ... promotion*" because none of the impugned representations at issue make reference to this;
  - g) She denies as irrelevant the Respondent's allegation "*that the client answers questions in writing on evaluation forms confirming that they have received no such guarantees*" because this is not what is at issue in the present matter, as discussed above;
  - h) She denies as irrelevant the Respondents' allegation "*that the services provided by PCMG and part of a written agreement*" because what is at issue are the verbal pre-contractual representations made by the Respondents to the persons mentioned at paragraph 14 of the Amended Notice of Application.
- 15) She denies paragraph 15 of the Amended Response for the following reasons:
- a) The Respondents made the impugned verbal representations to the persons named at paragraph 14 of the Amended Notice of Application;
  - b) The impugned representations were material with respect to these persons' decisions to retain the services of the Respondents;
  - c) The representations made by the Respondents in the service contract do not negate the fact that the Respondents made the impugned verbal misrepresentations and that these misrepresentations constitute a reviewable conduct pursuant to paragraph 74.01(1)(a) of the *Competition Act*.
- 16) She denies paragraph 16 of the Amended Response for the following reasons:
- a) The impugned representations were material because they influenced the persons named at paragraph 14 of the Amended Notice of Application in deciding to retain the Respondents' services;
  - b) She further notes that the Respondents specifically deny having made these representations, i.e. they say that they were never made. Hence, the Respondents cannot possibly "alternatively" know that these representations "*were mere exaggerations and not false or misleading in any material respect*". In other words, she submits that the Respondents plead to facts they admit not knowing. She submits that these alternative factual allegations raise serious issues of credibility.

- 17) She denies paragraph 17 of the Amended Response as not being founded in facts and law.
- 18) She denies paragraph 18 of the Amended Response.
- 19) With respect to paragraph 19 of the Amended Response, she denies as irrelevant the Respondents' allegation that *"the representation, if any, consisted of and conveyed the impression that not every person was an appropriate client for PCMG"* and that such representation *"was fair and accurate"* for the reason that this is not what is at issue in the present matter, but whether the Respondents conveyed the general impression that they screen prospective clients and that they accept only those whom they consider to be highly qualified and who have a lot of potential to succeed;
- 20) With respect to paragraph 20 of the Amended Response, she denies as irrelevant the Respondents' allegation that *"PCMG does have a screening process to separate inappropriate clients who do not have the required commitment level and willingness to work hard from clients who do demonstrate those qualities"* for the reason that this is not what is at issue in the present matter, as discussed at paragraph 19 above.
- 21) She denies paragraph 21 of the Amended Response.
- 22) She denies paragraph 22 of the Amended Response.
- 23) With respect to paragraph 23 of the Amended Response:
- a) She denies as irrelevant the Respondents' allegation that any representation made by the Respondents with respect *"to contacts or links in companies were to the effect and conveyed the general impression that previous clients of PCMG could be useful sources of information about the companies they worked for"* for the reason that this is not what is at issue in the present matter, but whether the impugned verbal representations discussed at subparagraph 14(b) of the Amended Notice of Application were made;
  - b) She denies as irrelevant the Respondents' allegation that *"PCMG would help clients to develop the skill set to create their own networks and develop their own contacts"* because this is not what is at issue in the present matter, but whether the impugned verbal representations discussed at subparagraph 14(b) of the Amended Notice of Application were made;
  - c) She denies as irrelevant the Respondents' allegation that *"PCMG would help clients showcase themselves more effectively to a higher level of*

*management*" because this is not what is at issue in the present matter, but whether the impugned verbal representations were made;

- d) She denies as irrelevant the Respondents' allegation that the above noted allegations "*were fair and accurate*" because this is not what is at issue in the present matter, for the reasons explained above.

24) She denies paragraph 24 of the Amended Response.

25) With respect to paragraph 25 of the Amended Response:

- a) She denies as irrelevant the Respondents' allegation that "*clients typically found work or made a career decision within 90 days of going to market*" after completing the preparation phase of the PCMG program because this is not what is at issue in the present matter, but whether the impugned verbal representations were made;
- b) She denies as irrelevant the Respondents' allegation that the above noted allegation "*were fair and accurate*" because this is not what is at issue in the present matter, for the reasons explained above.

26) She denies paragraph 26 of the Amended Response as not being founded in facts and in law, and she further pleads that the Respondents fail to provide the facts on which they intend to base their arguments and that she will therefore be taken by surprise.

27) She denies paragraph 27 of the Amended Response as not being founded in facts and in law, and she further pleads that the Respondents fail to provide the facts on which they intend to base their arguments and that she will therefore be taken by surprise.

28) She denies paragraph 28 of the Amended Response.

29) She denies paragraph 29 of the Amended Response.

30) She denies as irrelevant paragraph 30 of the Amended Response and further pleads as follows:

- a) The Competition Tribunal can conclude that the reviewable conduct at issue has taken place contrary to paragraph 74.01(1)(a) of the *Competition Act* only from the evidence of one former client;
- b) The Respondents' position that "*this Application constitute a very small minority of PCMG clients*" shows a clear disregard for the former clients named at paragraph 14 of the Amended Notice of Application who paid on average approximately \$5000 each for the Respondents' services.

31) She denies as irrelevant paragraph 31 of the Amended Response and further pleads that the persons named at paragraph 14 of the Amended Notice of Application who were unemployed were economically vulnerable by the very fact that they were unemployed and because they were actively looking for work.

32) With respect to paragraph 32 of the Amended Response:

- a) She denies the allegations;
- b) She adds that the impugned representations were material because they influenced the persons named at paragraph 14 of the Amended Notice of Application in deciding to retain the Respondents' services;
- c) Further, she notes that the Respondents specifically deny having made these representations, i.e. they say that they were never made. Hence, she submits that the Respondents cannot possibly "alternatively" know that these representations "*did not induce clients to retain the services of PCMG*". In other words, the Respondents plead to facts they admit not knowing. She submits that these alternative factual allegations raise serious issues of credibility;
- d) Furthermore, on the issue of the materiality of the representations and on the Respondents' credibility in that regard, she rebuts that the following statements support the Applicant's case. Minto Roy and his interviewer Manny Buzunis made these statements during radio shows aired on CFUN, a Vancouver radio station. For the statements made by the interviewer Manny Buzunis, Minto Roy was present and he either approved these statements or he did not deny or correct them on the air:

Dec. 23, 2006	<p>Mr. Buzunis: "Minto, you run one of the premier career management group – thus the name of your company – in the country. <u>You put great people with great companies and great companies looking for great people. You're a – you're a matchmaker.</u> And I was reading the other day that a lot of companies are looking for a matchmaker."</p> <p>(p.1 (lines 13 to 17) – emphasis added)</p>
Dec. 23, 2006	<p>Mr. Buzunis: "Minto, in the first segment of the radio program I mentioned that in a recent survey by Manpower Canada, fully one-third of employers here in the Lower Mainland say they are going to ramp up their hiring beginning in January and through March. And you said something interesting. You're in the business. You thought</p>



	<p>that number was rather low. You think 33 percent is at the minimum a number of employers that are going to be looking. You think a lot more are on the search.</p> <p>Mr. Roy: Yeah, with our networking which is constant with companies, there's not really any companies that I talked to that are not aggressively looking for new talent. So if my research would show that 99 percent of companies that I talked to are hiring, then I'm not sure where the other 66 percent were in that survey."</p> <p>(p.16 (line 25) to p.17 (line 5))</p>
Dec.23, 2006	<p>Mr. Buzunis: "Minto, if a person has targeted a company, let's say he's run down the list of the 100 best companies in British Columbia to work for, and that list is pretty easy to get a hold of, I want to work for the best company in British Columbia and here are the 10 best that I've figured out, but there are not necessarily hiring right now. <u>Can you help a company or can you persuade a company to bring on a great person?"</u></p> <p>Mr. Roy: <u>That's a great great question. First of all, I believe strongly that there's no such thing as a company not hiring, especially one of the top hundred companies. I believe strongly that any manager or any president that I've ever talked to says, "Minto if someone can show me how they can bring my company value, how they can make me money or save me money, I will create a position for them." And that's very evident in our case studies. Our clients, we take on several hundred clients a year. I would say that almost 40 to 50 percent of our clients that have secured new positions in the market, a job was created for them. There was never one there. We created one based on the proposal that we submitted to the company and the interview process in which we engaged the company.</u></p> <p>(p.17 (line 13) to p.18 (line 12) – emphasis added)</p>
Dec.23, 2006	<p>Mr. Roy: "<u>What we find, working together collectively at PCMG is that we are constantly networking. We are constantly talking to companies. Our past clients go on to positions of hopefully influence or management. They become conduits for further information or contacts in the marketplace. We don't know everybody but we have been extremely focused on taking that proverbial six degrees of separation and making it to one degree of separation, making it a lot easier for our clients to present their</u></p>

	collateral material to the right company."  (p.27 (lines 9 to 19) – emphasis added)
Dec.23, 2006	Mr. Buzunis: <u>"Will you actually make a phone call to the right person in a company and say, "Look, I've got this great person, we've got a résumé and cover letter prepared, I think this person would be a valuable asset and certainly add to your bottom line. Will you entertain at least reading the résumé and possibly conducting the first interview?"</u>  Mr. Roy: <u>Absolutely.</u> We will do – we always talk about we'll do whatever it takes to get our clients into their career job."  (p.28 (line 1 to line 10) – emphasis added)
Jan.7, 2007	Mr. Buzunis: <u>"You write a lot of articles, Minto. You're much sought after as a speaker. You've been in business a long time putting terrific people together with terrific companies and vice versa."</u>  (p.10 (lines 13 to 16) – emphasis added)
Jan.7, 2007	Mr. Roy: "However, I've met thousands, and I continue to meet thousands of managers, higher managers, presidents, vice-presidents. Hiring for them is also frustrating. You know, they've got to add on extra time to their work week, time away from their families. They've got to recruit, post, interview strangers, listen to all these people talk about what they did the last five, ten years, when they don't really care what you did five, ten years ago, they want to know if you can solve their problem. So both sides of the corporate table represent a same comment feeling: frustration. They just don't know how to meet each other and they don't know how to talk to each other.  Mr. Buzunis: <u>Well, that's why you're in business. Absolutely. I think the consciousness of meeting both sides of the table and being able to put them together, but also not only putting them together, making sure they know what to say to each other to recognize that, you know what, both of you guys can alleviate your frustration and you can get that great career and they can get you as a great addition to their company is a really satisfying feeling."</u>

	(p.11 (lines 4 to 26) – emphasis added)
Jan.7, 2007	<p>Mr. Buzunis: <u>“Lots of people in your business. How does a person choose the right job recruiter, career coach, headhunter?”</u></p> <p>Mr. Roy: <u>That’s a great, great question and I think it’s a very confusing question for a lot of listeners out there. Number one, I will tell you something very important. I think in this industry there are a lot of people dispensing career advice who have not idea how to get people the right career. The industry is very much unregulated and there’s a lot of people that are out there teaching people the tools required, you know. But, you know, what PCMG is very proud of is that all the 16 people at our company are engaging the exact same behavior patters that we teach and we instruct our clients to do. We’re out there networking. We’re out there meeting companies. We’re on the radio. We’re writing articles. You know, we’ve become, if you will, fisherman with fish. And what’s unique about PCMG is that not only do we have a career management division where we help clients understands their market options, create the collateral material to go after the opportunities, integrate our network with their network so we have a body of management to go approach. We prepare them for each single interview. We help them negotiate a salary. But our clients become our coveted network. I can pick up the phone and call you next year if I worked with you, Mannie, and say, “Mannie, it’s Minto. I’ve got a new client targeting your company. I need your help for them.” So we’ve built their network. But with our Careers Today division, which is our sister division, we work strategically with companies on their hiring needs, and when we talk to companies we’re always talking about their hiring, we’re talking about their problems, their objectives. So our individual client at PCMG orbits around a community of activity, of opportunity. So truly, we not only advise people how. We advise people where the opportunities are and how to get them.</u></p>
Jan.7, 2007	<p>(p.17 (line 1) to p.18 (line 16) – emphasis added)</p> <p>Mr. Buzunis: <u>“Sure, a person can come in and see you, for example, and say, “Well, I’m targeting the financial industry,” and you have clients who are banks and credit companies and say, “Okay, look, these people are the people I’ve done business with. Let’s see what goods you bring to the table and then we’ll prepare you for interviews</u></p>

	<p><u>with these companies who I know because I have dealt with them before.</u> That's networking.</p> <p>Mr. Roy: <u>Absolutely, you know.</u> And this is how you differentiate. I had a recent client who came to me, who just became a client of PCMG, and he asked me in our meeting, "Minto, why you? Why should I pick you as someone who is going to dedicate to my career search with me?" And he told me about someone else that he was meeting in the market. And I said, "Well, look." I wanted to instill the confidence that we're the right person because I think he was the right person for me. Okay. I think – <u>I know I can complete that person into a new position in the marketplace.</u> So I asked him, "I'll tell you what. Let me show you my last two month's agenda." I opened up my agenda and I showed him the amount of activity that I was doing beyond my regular work, the networking events with the Board of Trade, with corporations, with speaking engagements, meeting corporations, meeting organizations, meeting quality people, other than my practice of advising clients. So he see a packed schedule for the last two or three months. I said, "You can go to the agenda book of the 15 people that work here and you'll recognize that it's the same thing. Now, I'd like you to do something. Don't become a client today. Go to the person you're talking to. Ask them to open up their two or three month agenda and show me what you see?" Well, he came back two days later and he said, "Minto, he opened up his agenda book and he had been to one networking event this month." <u>And I said, you're with a fisherman without fish.</u>"</p> <p>(p.18 (line 17) to p.20 (line 4) – emphasis added)</p>
Jan.7, 2007	<p>Mr. Buzunis: <u>"Well, let me pose a hypothetical. Mannie Buzunis comes to you. I've got a full time job, I work for a great employer, but I'm looking to make a change. And I contact Minto Roy. From that initial contact telephone or submission of my résumé to PCMGCanaa.com, till the time that you present me with four or five possible job options, how long?"</u></p> <p>Mr. Roy: <u>Mannie, we will work the process together and I think it's important to recognize that you will also dictate the pace.</u> You're working full time. Many of my clients are working. They have jobs, they don't have careers. There's a number of factors that go into play. Number one, we'd</p>

	<p>like to meet with you once a week. And the nice part about our services and our partnership is that we can meet you after hours, early mornings. We respect our clients are working. We don't want them to forfeit their responsibilities in their careers search but we're going to meet about once a week. <u>But I would venture to say that within one to ninety days Mannie Buzunis is no longer going to be working at his current employer. He's going to be happily situated and looking at offers in an exciting new career somewhere else.</u></p> <p>Mr. Buzunis: <u>Three months, ninety days, is not a long time at all when you're considering making a career change.</u> You could be defining what you're doing for the next several years, So ninety days out of several years, it's really not much time at all."</p> <p>(p.22 (line 9) to p.23 (line 11) – emphasis added).</p>
Jan.7, 2007	<p>Mr. Buzunis: "Over the years, the many years he and his company have been in business, they have literally elevated the careers of thousands of people <u>and they found lots of good companies that they work with and lots of goods employees, and they marry the great employees with the great companies, vice versa.</u>"</p> <p>(p.35 (lines 11 to 17) – emphasis added)</p>
Jan.20, 2007	<p>Mr. Buzunis: "Are people coming in to Premier Career Management Group and saying, "You know what? I live in Langlay, I live in PoCo, I live in Surrey, I'd like to be a little closer. <u>Get me something out in Chilliwack, and possibly I'll move to Chilliwack.</u> The housing's even cheaper.</p> <p>Mr. Roy: <u>Yeah.</u> No, that's a great idea for a lot of people, because not only does it reduce the commute time. Often their family, they're from that area, and they moved to Vancouver a number of years ago for the employment market, but now those markets are burgeoning. <u>So, absolutely, we get a lot of people who are very open to looking at areas outside of Vancouver.</u>"</p> <p>(p.5 (line 14) to p.6 (line 1) – emphasis added)</p>
Jan.20, 2007	<p>Mr. Buzunis: "We have so much to cover over the next few weeks, Minto, it's basically information overload here, so we'll try to dumb it down for us, anyway, and make sure that a lot of people understand exactly what you do. <u>And</u></p>

	<p><u>what you do is, you put great people together with great jobs, and you put great employers in touch with possible great recruits to come in and work in their firms."</u></p> <p>(p.10 (lines 10 to 17) – emphasis added)</p>
Jan.20, 2007	<p>Mr. Roy: "Well, you've got to understand that not only will we help you make a change at PCMG, but we're only going to do it when it's the right change. We don't take people from average jobs to terrible situations. <u>We're going to improve it, and we're going to make sure it's done under confidentiality and stability and change is going to happen, and you're going to be so much happier. And typically one thing my clients say is, "I wish I would have done this earlier, Minto."</u></p> <p>(p.22 (lines 14 to 23) – emphasis added)</p>
Jan.20, 2007	<p>Mr. Buzunis: "<u>Well, that key word is "networking", and one of your colleagues at the School of Business, York University, Toronto, recently wrote – his name is Stephen Friedman. I was reading this article the other day. He said what a lot of people, including job searches like yourself, who do it professionally, what they're now using, and what is the most important variable in all of this, is the network. Who you know.</u></p> <p>Mr. Roy: Absolutely. Well, it's pivotal. I mean, it's not only who you know. First of all, most people don't network. Networking is like breathing in career. There's no choice. The fact is, whether you're working or not working, you need to be networking. If I leave my job tomorrow, I not only bring relevant skill-sets to my new employer, but I bring an equity of a powerful network that I've built up over the last decade that I can take to that company's new product and service. That creates an immense divisible advantage for me. <u>So when we instruct our clients, and we compound them with our network, immediately the product increases value in the marketplace."</u></p> <p>(p.29 (line 25) to p.30 (line 21) – emphasis added)</p>
Jan.27, 2007	<p>Mr. Buzunis: "<u>Somebody described your job, Minto, as a "connector". You connect great companies with great people and vice versa.</u></p> <p>Mr. Roy: <u>Yeah, it's a great analogy.</u> I think in my day-to-day activities, and actually everybody at PCMG and Careers Today, we meet so many great companies</p>

	<p>looking to hire talent. But they don't know where the talent is. But then we meet so many great individuals and professionals looking to make a change. They're underemployed. They're unemployed. <u>And I just feel it's fascinating to be able to link the two together, and it's fantastic and it's rewarding work.</u></p> <p>(p.1 (line 16) to p.2 (line 2) – emphasis added)</p>
Jan.27, 2007	<p>Mr. Roy: "I recently am working with a client, and she's wanting to make a move to go to Toronto because her sister is a single mom and she wants to spend more time with her nephews and help her sister out. And she feels that's a critical important factor to her life. But she doesn't know how to relocate. And she's got to get a great new job in Toronto for it to happen. So we're working with her on a one-on-one strategy to plant seeds in Toronto, utilizing our resources, our databases, <u>and working with her on the process.</u> And we know we've already got some interest. <u>So we know that she's one to three or four months away from her dream of a great new opportunity in Toronto,</u> but also joining her sister and being with her nephews."</p> <p>(p.6 (line 23) to p.7 (line 11) – emphasis added)</p>
Jan.27, 2007	<p>Mr. Buzunis: "Well, that raises a question, when an individual comes to you, Minto, and says, you know, "I'd like to ..." – say, in this case, "... go to Toronto." <u>And you've got a worldwide network of contacts,</u> and this is how you are able to not only bring great people into this country to work for employers who are struggling to find a work force, but helping single people, individuals like this lady, find a job in Toronto. <u>In most cases, it might take 30 to 90 days to land a great job, but is there a time limit? If I was to come to you, do you say, "Okay, Mannie, you know, I'll give you three months and then if I don't find something for you in three months then, you know, try some other things.</u></p> <p>Mr. Roy: No, that's again another great point. We don't give up when we take on a client. <u>The client is reassured that we'll work with them until they are in their new career position and satisfied with that position.</u> In fact, at PCMG, our partnership, even after someone gets their new position, we actually stay with them for one year – background is important. We work on career management, development, their performance reviews, salary reviews. We help them create critical paths and market points of</p>

	<p>promotions. So we do that with purpose, because we know that if we help Mannie get a new position at a company, and he's happy and he's growing into management, then I get to pick up the phone next year and say, "Hey, Mannie, it's Minto, I've got a great new client targeting an opportunity at your company. I need you as a network resource, market intel." <u>So I build my network again, through my clients.</u> So we do it for the client, but we really benefit the business as a result.</p> <p>Mr. Buzunis: Market intel – market intelligence – and you're like a mini-spy. <u>You send out –you and your team get out there and you find out all you can about a potential employer and then to a person and say, "You know what? Here's a great employer that's looking for a person," or vice versa. But you've done the due diligence. You've done the background work or the market intel.</u></p> <p>Mr. Roy: I think it's critical that we realize that when someone becomes a partner with PCMG, whether an individual looking to make a career move, we are not any smarter than anybody else. We do this every day of our lives in helping people find great work, helping companies. But we source market intel. I'm always out there talking to companies with my 16, 17 staff. We're never asking, "Are they hiring?" We're asking, "What types of problems are they having? What are they trying to solve? What are their objectives in the new six months to a year?" <u>And gathering that market intel allows us to put together solid proposals for our clients in going after these opportunities in the market.</u>"</p> <p>(p.7 (line 12) to p.9 (line 16) – emphasis added)</p>
Jan.27, 2007	<p>Mr. Buzunis: "Minto is generally regarded across the nation as one of the premier connectors. The old saying was job recruiters. Someone mentioned that in the hallway just before we came into the studio, "Oh, there's Minto, the connector," because you do such a great job at connecting <u>people with great jobs, and employers who come to you and say, "Minto, find me some great people."</u> It works both ways. <u>You're sort of the man in the middle.</u> It's so much more than that, though, isn't it, Minto? From start to finish, we talk about a strategic plan. When someone comes to you and says, "I'd like to make a change in my career," you start developing a strategic plan based on what you and your army over there at Premier Career Management</p>



	<p>Group can find in terms of prospective employers. But it's everything from preparing the right résumé to preparing a person for the first interview to showing the prospective employer a true value of what this employee brings to the table.</p> <p>Mr. Roy: <u>Right</u>. And we treat this with a lot of severity. When someone comes to us and is looking to make a move or to find the right career, it's business. We have to hit and end result. This is not about just talking about it, this is about making sure that they land that right career in the most efficient manner possible. <u>So I know when someone comes to me, we absolutely as a team dedicate ourselves to say, "Okay, in this bandwidth of time, we have to take this individual, help them understand their options, create the right collateral material, and ensure that they have the right level of network to talk to, ensure that they're prepared for their meetings, and ensure that when they get the offer, we help them negotiate to the highest value in the market, and then work with them on their career management strategies."</u>. That has to be done."</p> <p>(p.10 (line 8) to p.11 (line 19) – emphasis added)</p>
Jan.27, 2007	<p>Mr. Buzunis: "You were mentioning earlier on on the show, Minto, if the person comes to you and said, "You know, Minto, I'm looking for more balance in my life. I want a better job. I need more money. I'm going in for, you know, a salary review," whatever the case may be, you stick to it like a pit bull. There's no time limit for your services. And we joked earlier on about – I'm not like the lawyer, where, you know, "I'll take it to the Supreme Court and if I lose there, well, too bad, you've got to pay me for that portion. And then there's a little bit more when I got to the Court of Appeal, and if that doesn't work, well, then the next level." It doesn't work that way with you.</p> <p>Mr. Roy: <u>No, we simply don't give up. We are industrious and we are partners until my client secures the right position, or when the corporation hires us secures the right talent. We just don't give up.</u> And we want to do it as efficiently as possible, because we're a business. It benefits us, it benefits the client, benefits the corporation – everybody wins. And I think that's critical if someone is in an awkward situation and seeking that life balance."</p> <p>(p.16 (line 24) to p.17 (line 11) – emphasis added)</p>

Jan.27, 2007	<p>Mr. Buzunis: From initial phone call to your office, 609-6661, to landing the right job for the person who comes to see you, or an employer who comes to see you and says, "Minto, find me a great person, here are the job qualifications, parameters, that I'm giving you, now go out and find me the right person." <u>Start to finish – and I know, generally speaking – I know, every situation is different, but generally speaking, how long does it take? If I'm looking for a job, I want it right away.</u></p> <p>Mr. Roy: Well, Mannie, this is a question I get asked every day of my life. Once someone becomes a client, from the phone call to becoming a client could take about two or three days. <u>But the reality is, after that, we know that well into the 90 percentile, our clients are secured in a new position within 1 to 90, 95 days. Think about this. If it was the first of the month, then 90 days later you're in a new atmosphere, you're happy at work, you're earning better income, and your family life is better.</u></p> <p>(p.18 (line 5) to p.18 (line 24) – emphasis added)</p>
Jan.27, 2007	<p>Mr. Roy: "I'll do a quick story of a client. I have a wonderful client, it's a great story, and he has been traveling back and forth, or he was traveling back and forth from Vancouver to Saskatchewan for a position. Now, he had twins, two years ago, and he had been traveling back and forth for 18 months. He had been spending four days every two weeks at home with his wife and his children. He'd come home on a Thursday, stay Thursday, Friday, Saturday, Sunday, and then go back to Saskatoon to work. And he was a project manager, he was earning decent income. He came to us and he told us about his situation. <u>Well, to make a long story short, we worked with him, not only one-on-one when he was here, but we worked with him remotely via phone and internet, helping him plant seeds in Vancouver market. Well, yesterday, he has secured a new position in the Vancouver market at actually a higher income level, and he told me, "You know, not only did I get a great career, but now I get to spend time with my children. I get to watch them grow. I get to build on my relationship with my wife and give her help she needs at this pivotal time."</u> That happened in a <u>hundred days</u>. His world changed. It couldn't have been done without a team effort, but for 18 months he just went through the motions. And if he did nothing – if he didn't get the help, no change. He'd be still traveling back and forth,</p>

	<p>and that's a shame. So we make just that – hopefully that little bit of difference and we are extremely proud of that.”</p> <p>(p.18 (line 25) to p.20 (line 3) – emphasis added)</p>
Jan.27, 2007	<p>Mr. Buzunis: “It’s all really in the art of negotiation, and I know, Minto, you’re a professional negotiator. You will negotiate with a prospective employee on behalf of an employer looking for people, and you will also – <u>let’s say Mannie Buzunis comes to you and says, “Minto, find me a great job,” and within 90 days, you’ll put four or five options in front of me and I’ll say, “Gee, I don’t know, Minto, will you go in and talk to them for me?” You’ll do that as well.</u> I mean, it’s really a full service organization that you run at Premier Career Management Group. That art of negotiation is a craft unto itself and should not be left to do-it-yourselfers.</p> <p>Mr. Roy: I’ve got to tell you a great story. I had a client last week, they got a great new offer for a position. Now, they had met with the employer three times. They’ve been wined and dined, the employer loves the candidate, the candidate loves the employer. Perfect situation. Now, an offer was made, and the offer was around \$73,000. And the first inclination that most people have, “I’ll take it”. And they brought the offer to me, I said, “Just a second, let’s look at the market intel, let’s look at some case studies, let’s look and see if what we can get is a good grid of payment for this level of work.” So we discovered, through our case studies, that the position in the market pays close to 85,000. In fact, the person that had the position prior to this employee was making 91. Ah. So, I wrote up with the client a counter-offer at 81,500. And the first thing my client said is, “No, no, no, Minto, I don’t want to lose this. I like the company, they like me. This is perfect. I’ve been miserable at my current job, so I just want to get it over with.” And again, I said to the candidate, “Look, if you take the job at 73, the employer is going to look at you and say, “Hmnm, why did this guy accept such a low offer? I could have paid him 81. Actually, my second and third candidate wanted 81. What’s wrong with this guy?” Or they accept you. Now, you got to work at that job. There’re paying other people your level 81, you’re making 73, who do you think they respect more? And how soon does the day come when your colleagues sit around with you and say, “Hey, you make 73? I make 81 doing the same job. That’s funny.” Actually, that’s not really that funny”. So we</p>

	<p>counter-offer. Okay? And he was very nervous sleeping overnight. They counter-offered back at 78,500. And again, we went back to – okay, should we counter-offer? He said, “No, no, no, Minto.” So finally I let him out of it, and he accepted the job at 78,500. But you know, that’s six extra thousand dollars for his children’s education, to pay the rent, to pay the mortgages. That’s a significant lifestyle change that’ll happen as a result.”</p> <p>(p.25 (line 17) to p.27 (line 22) – emphasis added)</p>
Jan.27, 2007	<p>Mr. Buzunis: “How many people come to you, Minto, and say, “You know, I’ve done the same thing for five, then years – sometimes twenty years. I’d really like to make a complete 360-degree turn and do something that is so outrageously different than what I’m doing now. What do you think?”</p> <p>Mr. Roy: I think it’s a great idea. And we do have a number of clients that get to that stage, where they just say, “Okay, look. I haven’t been happy, or satisfied, with my career for a number of years. I’m ready to do something.” And just the first phase of what we go through in a few short weeks of saying, “Mannie, listen, let me show you your options. Let me show you what I and 16 other people see in relative opportunity for your skills in the market.” You know, and all of a sudden my client says, “Wait, I didn’t see that. I could do that, that’s a great job title. I didn’t even know that existed.” So all of a sudden that 360-degree turn is not so outlandish. <u>You’ve actually stopped calling it a 360-degree turn, and you’ve identified companies and opportunities that you can go to within the next 60 to 90 days, and all of a sudden you’re actually going after it. And once you deal with that and say, “Wait a minute. Why didn’t I do this sooner?” That’s a number-one comment my clients give me. “I cannot believe I didn’t do this sooner. Why did I waste five years of my life being unhappy with my work?”</u></p> <p>(p.30 (line 13) to p.31 (line 14) – emphasis added)</p>
Feb.3, 2007	<p>Mr. Roy: (...) If you’re out there listening and say, “Wait a minute, I’m pretty talented within my industry, I’m one of the top people in my company but I’ve hit a glass ceiling, this is not where I want to be, I’m not getting the type of rewards that I expect,” you might want to contact us confidentially and acknowledge that you are interested in making a confidential move. You would submit your</p>

	<p>résumé to our firm, PCMGCanada.com, and what we would do is we would sit down, invite you in for a one-on-one meeting, and we'd discuss exactly what you want to do. <u>And confidentially, we would do the other track. I would probably call up a corporation that you might be interested in, saying, "I've got, Mannie, someone in your industry that's doing exceptionally well. They may be interested in making a strategic move within the industry. For the sake of saving a lot of time and money and training new people, I'd like to sit down and discuss if there is something for us to consider."</u></p> <p>(p.5 (line 11) to p.6 (line 5) – emphasis added)</p>
Feb.3, 2007	<p>Mr. Buzunis: "And you're back with Careers Today on CFUN 1410 AM, Mannie Buzunis along with Minto Roy, president of Premier Career Management Group helping you move your career forward. <u>If you're a company small, medium, large, looking for one or 1,000 employees, Minto is generally considered one of the best recruiters in the nation.</u>"</p> <p>(p.16 (line 22) to p.17 (line 2) – emphasis added)</p>
Feb.10, 2007	<p>Mr. Buzunis: "<u>Minto in a brief description, I like to call you a connector, but there's obviously a more defined way of describing what you do.</u></p> <p>Mr. Roy: <u>Yeah</u>, I think what best captures what we do at PCMG and Careers Today is we are a strategic, resource-based partner for something as important as your career. So I metaphorically speak. You hire lawyers, accountants, financial advisors. We really believe your career is the second most important thing in your life after your family and your health. <u>To get a strategic alignment with a professional who's got resources, network, ideas, expertise to give you a leading-edge advantage in your next career search or if you're not happy, is absolutely fundamentally sound business personal success practice.</u>"</p> <p>(p.1 (line 24) to p.2 (line 10) – emphasis added)</p>
Feb.10, 2007	<p>Mr. Roy: "So if you're an employer out there looking, there are strategic ways to capture the interests of these great job seekers and find the talent you need.</p> <p>Mr. Buzunis: Well, that's where you need an expert to do it, and Minto is one of the best in the business in the nation. He is much sought after for his advice by</p>

	<p>companies on how to bring in good employees, <u>and people who are looking for jobs go to Minto and Premier Career Management Group and say, "Look, hook me up with some great jobs."</u> That's a whole other field and we've covered it in the past we'll certainly do it again."</p> <p>(p.5 (lines 14 to 25) – emphasis added)</p>
Feb.10, 2007	<p>Mr. Buzunis: <u>"We have described Minto as a professional connector, putting great companies with great people, great people with great companies. There are number of names put to what you do, Minto – job recruiter, career coach, search firm – and there are a number of people in your business. There is no shortage of job recruitment agencies working on behalf of both individuals who are looking for a job, and for employers who are looking to sign on great employees.</u> How does a person pick a great search firm?</p> <p>Mr. Roy: As an individual I would always warn them that you've got to recognize that typical search firms don't work for you. That's important. And I meet a lot of professionals that tell me they're working with executives search firms or recruiters with their job search, and I always ask them, "What are they doing for you?" And they always say, "Well, they're helping me look." And I say always, "Well, let me get this straight. You've got a third party company that you think is looking for where you're going to spend eight to the hours a day. You have no direct involvement. They don't really know you. You don't pay them directly. They're paid by another third party. And you think that's an effective method and partnership to get what you want in your life for you and your family." And when you tailor the statement like that, most professionals really don't have any answer back because they realize, "Wait a minute, that doesn't seem effective but it's what all my friends and buddies do." <u>Well, I'm asking individuals out there to question, if your career search is really important, you want to pick a partner who's an expert, that's dedicated to working for you, that understands what you want, that's going to conduct themselves confidentially, very much like an agent, a coach and a resource to get you to where you want to go, not try to fit you into a company's agenda of what they need for their success."</u></p> <p>(p.9 line 6) to p.10 (line 21) – emphasis added)</p>
Feb.10, 2007	Mr. Buzunis: "I kind of like the fact that you got him more

money that he expected. And you have a tendency to do that. Is there an average that – you know, I mean, a person say who says, "I want the \$60,000 a year job," we use that as figure, and is there an average that you can say, "Well, you know, I think I can do a little bit better than that for you, 10-15 thousand more." How does it work?

Mr. Roy: It's a measurable stat that we measure at PCMG. We measure how long do we think it will take our client to get into a position? For the most part, over 96 percent of our clients within one to ninety days are in new positions into the marketplace. But here's the stat that's really key in terms of dollars. I would say that of our recent stats, of people taking new positions, they've increased their salary by 27 percent. So even at an income level of \$50,000, that person is making over 10 more thousand a year. At 70,000, you can image that's 15,000 a year. Now, if you put that into context – and we talk about always keeping life in context – it's not about money. But if you're making 60,000 a year and you make 27 percent less (sic), that's almost \$17,000 extra dollars into your bank account. That would be equivalent to getting about \$1,5000 more a month. Well, that would be like eliminating a mortgage payment or your rent payment and your car payment. Now, if I told Mannie or anybody, "Listen, if you work hard with us and you're really serious and committed about a new career, and we put in the effort, then in the next 90 days you will lose your mortgage or you lose your car payment and your rent," how motivated would you be to accomplish that?

Mr. Buzunis: Very motivated. I don't know if you're looking into the whites of my eyes but I'm doing a calculation with my own salary and I'm taking 27 percent of that. Hold. You know, that's a nice chunk of change. And that's why a professional like Minto can really bring some value to the fact that, you know, you're seeking out a professional job recruiter, career coach, whatever title you want to put on it. There's the value right there. Quantifiable. Minto has the statistics to prove it and he looks back his past record, and that's why I said, "Well, is it 10,000, 15?" Take 27 percent more of what you're earning now. You could have that job within one to ninety days on average. So that's a pretty good proposition. If you would like to submit your résumé to Minto as president of Premier Career Management Group, he and his team will have a look at it. Submit it to

	<p>this website address, PCMGCanada.com. Easier still, a telephone call, 609-6661. 609-6661. You are listening to Careers Today on CFUN 1410 AM. Mannie Buzunis along with Minto Roy, president of Premier Career Management Group. The average, about 60 to 90 days by the time a person first comes in, you get the ball rolling, initial interview, start getting the résumé together. Oh, that's another angle we've touched on in past months on the program, Minto, how to prepare a résumé. Too few people know how to do a really good one. The bookstores are full of books on how to prepare a résumé. I've got a couple of them at home myself that are collecting dust. They look almost antiquated now by today's standards. There are so many variables that go into this strategic plan that we talked about before. And then there's the whole interview process. And Minto, if there is the one thing you keep drilling into me and other people on Careers Today, it's you have got to be prepared for that interview in the right way. Someone once told me, only answer the questions you're asked directly. Never start telling stories. If you're being interviewed for a job, if someone asks you a question, pretend you're like the defendant on the stand. You only answer what you are asked.</p> <p>Mr. Roy: That's really correct. You know, we meet and interview thousands of people every single year, and you'll ask someone a simple question and they will ramble on for the next 20 minutes about things that you don't really care about. And if they do that at an interview, they're going to lose their opportunity and they're going to home wondering, "Hey, I was great at that interview." No. You were not strategic. You rambled on about nothing and you wasted that coveted hour of time that could have changed your life and the lives of your family."</p> <p>(p.12 (line 22) to p.16 (line 9) – emphasis added)</p>
Feb.10, 2007	<p>Mr. Buzunis: "And if you're an employer, Minto has a worldwide network of skilled and sometimes unskilled employees looking to come to this country, and he can certainly put that together for you."</p> <p>(p.16 (line 26) to p.17 (line 3)).</p>
Feb.10, 2007	<p>Mr. Roy: "(...) It makes no sense that CEOs need all this talent, and then on the other side when we hear stats that 70-plus percent of people are not satisfied with their work, they're unhappy, they're looking to make a change but</p>



they just don't know how. So it really points to one factor. The two sides don't know how to talk to each other. I'll give you a recent example. I had a client who comes to see me, a potential client. She has an MBA, she's got another master's in psychology, and she did an undergrad degree as well. And she's working at a non-profit organization, which she's not happy with. She doesn't feel that the values of the organization are really aligned with hers. So she's making 38,000 a year. Mind you, it's non-profit. So I asked her, "Why haven't you secured something new?" She says, "I've been trying. I've sent out a number of résumés." Her résumé was terrible actually, it wasn't well constructed, and she had no clarity about what she wanted to do. So I asked her, "How much money do you think you've spent educating yourself?" And she reflected back, she says, "About \$150,000." I said, "Okay. So how many years have you spent in postgraduate education, school?" She said, "About twelve." I said, "Okay. So if you didn't go to school, let's say you'd be making 35,000 a year anyways. So ten times 35,000 is 350,000, plus another 150,000 on your education. You're a \$500,000 market product, and that 500,000 is just not paying dividends in personal life satisfaction, in income. It makes no sense. You need to realign what you want to do with the market and really get value going for you and the company moving forward with your career." But it's amazing how this person, hearing that CEOs need so much talent, is underemployed. It makes no sense, Mannie.

Mr. Buzunis: Well, you'd think with an MBA she'd be able to figure that out, but sometimes, you know, you can't – the oldest expression around, you can't see the forest for the trees. And it takes someone like you to point that out, say, "Look, you feel undervalued, you probably are undervalued. You've got all of these years postgraduate work. You think you're worth this much."

(p.30 (line 9) to p.32 (line 2)).

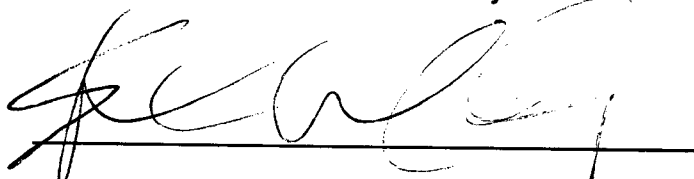
- 33) She denies paragraph 33 of the Amended Response and further pleads that the Respondents deny any wrongdoing and the Applicant seriously questions their motive for submitting in their Amended Response *"that no discussion about self-correction has occurred between the Respondents and the Commissioner"*.

34) She denies paragraphs 34, 35 and 36 of the Amended Response.

35) She accepts paragraphs 37 to 39 of the Amended Response.

36) She denies paragraph 40 and 41 of the Amended Response.

DATED at Gatineau, this 18<sup>th</sup> day of December, 2007.



---

Stéphane Lilkoff / Roger Nassrallah  
Justice Canada  
Counsel to the Applicant