

JEFFREY E. BRUNTON #2833
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Attorney for Plaintiff

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

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M.N. TANAKA
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of)
Consumer Protection,)
)
Plaintiff,)

vs.)
)
)
)
)

BRIGHTON UNIVERSITY, a Hawaii)
corporation; BRIGHTON UNIVERSITY,)
INC., a Missouri corporation; MARK H.)
SEYER and RONALD W. BEALERT,)
)
Defendants.)

CIVIL NO. 02-1-1503-06 (SSM)
(Other Civil Action)

STIPULATED PERMANENT
INJUNCTION AND FINAL JUDGMENT
AGAINST DEFENDANT RONALD W.
BEALERT

Trial Date: None
SCF Date: None

STIPULATED PERMANENT INJUNCTION AND FINAL
JUDGMENT AGAINST DEFENDANT RONALD W. BEALERT

Plaintiff and Defendant Ronald W. Bealert (hereinafter "Defendant")

hereby stipulate and agree to the entry of this Stipulated Permanent Injunction and
Final Judgment Against Defendant Ronald W. Bealert as follows:

JEFFREY E. BRUNTON #2833
Office of Consumer Protection
235 South Beretania Street, Suite 801
Honolulu, Hawaii 96813-2419
Telephone: (808) 586-2636

Attorney for Plaintiff

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

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|--|---|-------------------------------|
| STATE OF HAWAII, by its Office of Consumer Protection, |) | CIVIL NO. 02-1-1503-06 (SSM) |
| |) | (Other Civil Action) |
| |) | |
| Plaintiff, |) | STIPULATED PERMANENT |
| |) | INJUNCTION AND FINAL JUDGMENT |
| |) | AGAINST DEFENDANT RONALD W. |
| |) | BEALERT |
| vs. |) | |
| |) | |
| |) | |
| |) | |
| BRIGHTON UNIVERSITY, a Hawaii corporation; BRIGHTON UNIVERSITY, INC., a Missouri corporation; MARK H.) SEYER and RONALD W. BEALERT, |) | Trial Date: None |
| |) | SCF Date: None |
| Defendants. |) | |
| |) | |

STIPULATED PERMANENT INJUNCTION AND FINAL
JUDGMENT AGAINST DEFENDANT RONALD W. BEALERT

Plaintiff and Defendant Ronald W. Bealert (hereinafter "Defendant")

hereby stipulate and agree to the entry of this Stipulated Permanent Injunction and
Final Judgment Against Defendant Ronald W. Bealert as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. This court has jurisdiction over this matter and the parties hereto pursuant to Hawaii Rev. Stat. Chaps. 446E, 480, 487 and 603 and venue is proper herein.

2. Plaintiff's Complaint states claims against the Defendant upon which relief may be granted under Hawaii Rev. Stat. Chap. 446E and Hawaii Rev. Stat. § 480-2(a).

3. Defendant, his officers, agents, servants, employees and those persons in active concert or participation with it who receive actual notice of this order by personal service or otherwise, are hereby restrained and enjoined from failing to comply with the requirements set forth herein.

4. Defendant shall be responsible for making the substantive terms and conditions of this judgment known to its officers, directors, successors, managers, employees and those persons associated with Defendant who are responsible for implementing the obligations set forth in this judgment.

5. Defendant shall not effect any change in his form of doing business or organizational identity for the purpose of avoiding the terms and conditions contained in this judgment.

6. Unless otherwise specified herein, this judgment shall take effect on filing with the court. The receipt or deposit by the Office of Consumer Protection of any monies pursuant to this judgment does not constitute acceptance

by the Office of Consumer Protection and any monies received will be returned if this judgment is not executed by the Office of Consumer Protection or the court.

7. Defendant his agents, employees, successors and assigns, directly or indirectly, individually or in concert with others, or through any corporate or other device, be and are hereby permanently enjoined from:

- a. Providing any post-secondary instructional programs or courses leading to a degree;
- b. Acting as or holding themselves out as a “college, academy, institute, institution, university” or anything similar thereto;
- c. Failing to comply with Hawaii Rev. Stat. Chap. 446E or § 480-2(a) in any particulars; and
- d. Owning or operating any business in the State of Hawaii or claiming to operate under the laws of the State of Hawaii until all restitution, civil penalties and costs entered herein are fully satisfied.

8. Defendant shall promptly provide to the Office of Consumer Protection upon request proof of any action(s) required to be taken by the Defendant pursuant to the terms of this stipulated judgment.

9. Under no circumstances shall this document or the name of State of Hawaii, the Office of Consumer Protection, Department of Commerce and Consumer Affairs, or any of its employees or subdivisions be used by Defendant in connection with any selling, advertising or promotion of any product or service.

The parties understand that this document shall not be construed as an approval or

sanction by the State of Hawaii of Defendant's business practices. Nothing in this document shall be construed to permit or make lawful any act, practice, or course of conduct prohibited or made unlawful by Hawaii Rev. Stat. Chap. 446E, 480 or 481A or any other law.

10. This stipulated judgment shall apply to Defendant, his agents, employees, successors and assigns.

11. This court shall retain jurisdiction of this case for the purpose of enabling any of the parties to this stipulation to apply to this court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this stipulation, to modify or terminate any of their provisions, to enforce compliance, and to punish violations of its provisions. If it shall be made to appear to the court that there has been a violation of any of the terms of this stipulation, upon motion, this court may enter an order to show cause why Defendant should not be found in contempt. Nothing in this document shall bar Plaintiff from seeking, or the court from imposing, against Defendant or any other person any other relief available under any other applicable provision of law for violation of this document, in addition to or in lieu of the civil penalties provided for above.

12. All payments required under this stipulated judgment shall be made by cashier's checks.

16. Defendant has been given the opportunity to consult with legal counsel regarding the effect and consequences of this assurance and hereby waives his right to legal counsel.

137. There is no just reason for delay and this judgment is expressly directed to be entered herein.

18. Plaintiffs claims against Defendants Brighton University, Brighton University, Inc. and Mark H. Seyer remain.

DATED: Honolulu, Hawaii, _____.

Judge of the above-entitled Court

APPROVED AS TO FORM AND CONTENT AND AGREED:

JEFFREY E. BRUNTON
Attorney for Plaintiff

RONALD W. BEALERT
Defendant

Civil No. 02-1-1503-06 (SSM); State of Hawaii vs. Brighton University, et al;
STIPULATED PERMANENT INJUNCTION AND FINAL JUDGMENT AGAINST
DEFENDANT RONALD W. BEALERT

137. There is no just reason for delay and this judgment is expressly directed to be entered herein.

18. Plaintiffs claims against Defendants Brighton University, Brighton University, Inc. and Mark H. Seyer remain.

DATED: Honolulu, Hawaii, DEC 31 2002

KAREN M. RADIUS



Judge of the above-entitled Court

APPROVED AS TO FORM AND CONTENT AND AGREED:

Jeffrey E Brunton
JEFFREY E. BRUNTON
Attorney for Plaintiff

Ronald W. Bealert December 24, 2002
RONALD W. BEALERT
Defendant

Civil No. 02-1-1503-06 (SSM); State of Hawaii vs. Brighton University, et al;
STIPULATED PERMANENT INJUNCTION AND FINAL JUDGMENT AGAINST
DEFENDANT RONALD W. BEALERT