

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

Attorney for Petitioner

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2009 MAR -2 PM 3:44

J. KUBO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of Consumer Protection,	)	S.P. NO. <u>09-1-0058 BIA</u>
)	
Petitioner,	)	<u>(Special Proceeding)</u>
)	
vs.	)	PETITIONER'S EX PARTE MOTION FOR
	)	ORDER TO SHOW CAUSE;
	)	MEMORANDUM IN SUPPORT OF
	)	MOTION; AFFIDAVIT OF JEFFREY E.
	)	BRUNTON, EXHIBITS 1 - 4; ORDER TO
	)	SHOW CAUSE AND CERTIFICATE OF
	)	SERVICE
EAST WEST UNIVERSITY LLC, a Hawaii corporation,	)	<u>HEARING</u>
	)	Date: <u>MAR 31 2009</u>
Respondent.	)	Time: <u>10:30 a.m</u>
	)	Judge: <u>BERT I. AYABE</u>
)	
)	
)	


PETITIONER'S EX PARTE MOTION FOR ORDER TO SHOW CAUSE

Petitioner moves this court for an order requiring East West University LLC to appear and show cause why it should not be found in contempt for failing to appear and to produce all of those documents specified by the subpoena duces tecum

issued by the Executive Director of the Office of Consumer Protection and served upon them.

This motion is brought pursuant to Hawaii Rev. Stat. § 487-9 and Hawaii R. Civ. P. 45(f) and is based on the records of the case, the materials attached hereto and such further matters as may be presented in court.

DATED: Honolulu, Hawaii, February 27, 2009.


JEFFREY E. BRUNTON
Attorney for Petitioner

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of
Consumer Protection,) S.P. NO. _____
) (Special Proceeding)
)
Petitioner,) MEMORANDUM IN SUPPORT OF
) MOTION
)
vs.)
)
EAST WEST UNIVERSITY LLC, a)
Hawaii corporation,)
)
Respondent.)
)
_____)

MEMORANDUM IN SUPPORT OF MOTION

1. INTRODUCTION

This is the latest in a series of enforcement actions brought by the State of Hawaii against suspected diploma mills operating from or claiming to operate under the authority of Hawaii law.

II. EAST WEST UNIVERSITY

On December 19, 2008, East West University LLC (“EWU”) filed Articles of Incorporation with the Business Registration Division of the State of Hawaii. Exhibit 1. The Business Registration Division shortly thereafter notified Petitioner of the filing.

In order to determine whether EWU was operating as an unaccredited degree granting institution subject to Hawaii Rev. Stat. Chap. 446E, Petitioner wrote to EWU enclosing its standard questionnaire. Exhibit 2.

When no response was received from EWU, on January 27, 2009 Petitioner issued an administrative Subpoena Duces Tecum directed to EWU. The subpoena was served on EWU's registered agent on January 28, 2009. Exhibit 3. EWU's appearance was set for February 5, 2009. No one appeared on that date and no objection to the subpoena was received by Petitioner.

On February 20, 2009, Petitioner warned EWU that it intended to institute these proceedings, again without response. Exhibit 4.

III. THE ISSUANCE OF THE INVESTIGATIVE SUBPOENA DUCES TECUM

Hawaii's consumer protector, like his counterparts in other states, is authorized by statute to issue subpoenas¹ to aid his investigation process. Hawaii Rev. Stat. § 487-9 provides that:

The director in the course of the director's investigations is empowered pursuant to and in accordance with the rules of court to subpoena witnesses, examine them under oath, and require the production of books, papers, documents or objects which the director deems relevant or material to the inquiry.. .

This pre-complaint discovery power is usually construed quite liberally by the courts in order that the state agency can effectively perform its function of enforcing the state consumer protection laws. Dee Pridgen, *Consumer Protection and the Law*, § 7.02[1] at 7-6 (1990 ed.).

The power to issue such an investigative subpoena does not require a showing of probable cause. *Brovelli v. Superior Court*, 56 Cal. 2d 524, 529 (1961); *United States v. Powell*, 379 U.S. 48 (1964); *In re Dymo Industries, Inc.*, 300 F. Supp. 532, *aff'd* 418 F. 2d 500 (9th Cir. 1970). State agencies may issue these types of

¹ In other states, these are sometimes referred to as civil investigative demands.

subpoenas either upon a suspicion that a violation has occurred or just to satisfy themselves that they should have no suspicions. *United States v. Morton Salt Co.*, 338 U.S. 632, 642 (1949); *Brovelli v. Superior Court*, 56 Cal. 2d 524, 529 (1961); *People v. West Coast Shows, Inc.*, 10 Cal. App. 3d 462 (1970); *Fielder v. Berkeley Properties Co.*, 23 Cal. App. 3d 30 (1972).

Petitioner has issued and served an administrative subpoena duces tecum on Respondent East West University LLC in care of its registered agent, Incorporating Services, Ltd. asking for information and any and all documents pertaining to East West University LLC. Respondent failed to appear at the specified date and time.

Hawaii Rev. Stat. § 487-9, in conjunction with Hawaii R. Civ. P. 45, contain the mechanism for resolving disputes concerning these types of subpoenas and enforcing their requirements. Hawaii Rev. Stat. § 487-9 provides:


Upon application by the director, obedience to the subpoena may be enforced by the circuit court in the county where the person subpoenaed resides or is found in the same manner as a subpoena issued by the clerk of a circuit court.

Hawaii R. Civ. P. 45(f) states that failure by any person without adequate excuse to obey a subpoena served upon him may be deemed a contempt of the court from which the subpoena was issued.

IV. CONCLUSION

Since all of the requirements for the enforcement of its investigative subpoena duces tecum have been met, Petitioner requests the court issue an order to Respondent directing it to show cause why it is not in contempt. At the hearing hereon, Petitioner requests that the court hold it in contempt and impose a fine of \$500.00 per day until such time as it fully complies with the terms of the investigative subpoena.

DATED: Honolulu, Hawaii, February 27, 2009.


JEFFREY E. BRUNTON
Attorney for Petitioner

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of Consumer Protection,) S.P.NO. _____
) (Special Proceeding)
)
Petitioner,) AFFIDAVIT OF JEFFREY E. BRUNTON,
) EXHIBITS 1 -4
)
vs.)
)
)
EAST WEST UNIVERSITY LLC, a)
Hawaii corporation,)
)
Respondent.)
)
_____)

AFFIDAVIT OF JEFFREY E. BRUNTON

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

JEFFREY E. BRUNTON, being first duly sworn on oath, deposes and says that:

1. I am the petitioner's attorney in this matter, I have personal knowledge of the matters in this affidavit and I am authorized to make this statement.
2. Attached hereto as Exhibit 1 is a true and correct copy of the Articles of Incorporation filed by East West University LLC obtained from the Business Registration Division of the State of Hawaii.

3. Attached hereto as Exhibit 2 is a true and correct copy of a letter which I mailed to East West University. The statutory enclosure has been omitted for brevity's sake. No response has ever been received.

4. Attached hereto as Exhibit 3 is a true and correct copy of a Subpoena Duces Tecum issued by the Petitioner and served upon the Respondent as indicated thereon. At the date and time specified therein, Respondent failed to appear and no objection to the subpoena has been received.

5. Attached hereto as Exhibit 4 is a true and correct copy of a letter which I mailed to East West University. No response has ever been received.

Further Affiant sayeth naught.


JEFFREY E. BRUNTON

This 2-page Affidavit of Counsel, undated at time of notarization, was subscribed and sworn to before me this 26th day of February, 2009, in the First Circuit of the State of Hawaii, by Jeffrey E. Brunton,


EDNA M. KELLEY, Notary Public



My commission expires: March 18, 2012

FILED 12/19/2008 03:08 PM
Business Registration Division
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
State of Hawaii

STATE OF HAWAII
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
Business Registration Division
335 Merchant Street
Mailing Address: P O Box 40, Honolulu, Hawaii 96810
Phone No. (808) 586-2727

FORM LLC-1
7/2008



12/22/2008 20026

ARTICLES OF ORGANIZATION FOR LIMITED LIABILITY COMPANY
(Section 409-209, Hawaii Revised Statutes)

PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK

The undersigned, for the purpose of forming a limited liability company under the laws of the State of Hawaii, do hereby make and execute these Articles of Organization:

The name of the company shall be:

East West University LLC

(This name must contain the words Limited Liability Company or the abbreviation L.L.C. or LLC)

The mailing address of the initial principal office is:

Av. Defensores de Chevas, 15-6^a E, Lisbon, Portugal

The company shall have and continuously maintain in the State of Hawaii an agent and street address of the agent for service of process on the company. The agent may be an individual resident of Hawaii, a domestic entity, or a foreign entity authorized to transact or conduct affairs in this State, whose business office is identical with the registered office.

a. The name of the company's initial agent for service of process is:

33907 F1

Incorporating Services, Ltd.

(Name of Registered Agent)

Delaware

(State or Country)

b. The street address of the initial registered office in this State is:

1136 Union Mall Suite 301 Honolulu, HI 96813

The name and address of each organizer is:

Incorporating Services, Ltd.

3500 S. DuPont Highway, Dover, DE 19801

EXHIBIT 1

12/22/2008 20026

The period of duration is (check one):

At-will

For a specified term to expire on _____
Month Day Year

V

The company is (check one):

a Manager-managed, and the names and addresses of the initial managers are listed in paragraph "c",
and the number of initial members are: 1

b Member-managed, and the names and addresses of the initial members are listed in paragraph "c"

c List the names and addresses of the initial managers if the company is Manager-managed, or
List the names and addresses of the initial members if the company is Member-managed

PB

NG

<u>Luciania Investments Limited</u>	<u>Oceanic House Duke Street, Grand Turk</u>
_____	<u>Turks & Caicos Islands</u>
_____	_____
_____	_____
_____	_____

VII

The members of the company (check one):

Shall not be liable for the debts, obligations and liabilities of the company

Shall be liable for all debts, obligations and liabilities of the company

Shall be liable for specified debts, obligations and liabilities of the company as stated below, and have consented in writing to the election of this provision or to be bound by the provision

We certify, under the penalties set forth in the Hawaii Uniform Limited Liability Company Act, that we have read the above statements, I am authorized to sign this Articles of Organization, and that the above statements are true and correct to the best of our knowledge and belief

Signed this 19th day of December, 2008

Karen E. Elliott
(Type or Print Name of Organizer)

Karen E. Elliott, Assistant Secretary of Incorporating Services, Ltd.
(Type or Print Name of Organizer)

(Signature of Organizer)

(Signature of Organizer)

SEE INSTRUCTIONS PAGE. The articles must be signed and certified by at least one organizer of the company



75%

Page 3 of 4

Image File 1 of 1



LINDA LINGLE
GOVERNOR
JAMES R. AIONA, JR.
LT GOVERNOR

STATE OF HAWAII
OFFICE OF CONSUMER PROTECTION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
LEIOPAPA A KAMEHAMEHA BUILDING
235 SOUTH BERETANIA STREET, ROOM 801
HONOLULU, HAWAII 96813-2419
Phone Number: (808) 586-2636
Fax Number: (808) 586-2640
www.hawaii.gov/dcca/ocp

LAWRENCE M. REIFURTH
DIRECTOR
DEPARTMENT OF COMMERCE
AND CONSUMER AFFAIRS
RONALD BOYER
DEPUTY DIRECTOR
STEPHEN H. LEVINS
EXECUTIVE DIRECTOR
OFFICE OF CONSUMER PROTECTION
JEFFREY E. ERUNTON
LISA P. TONG
MICHAEL J.S. MORIYAMA
STAFF ATTORNEYS

January 15, 2009

Lusitania Investments Limited
Oceanic House Duke Street
Grand Turk
Turks & Caicos Island

Karen E. Elliott
Incorporating Services, Ltd.
3500 S. DuPont Highway
Dover, DE 19901

Honolulu Information Services, Inc.
1136 Union Mall, Ste 301
Honolulu, HI 96813

East West University, LLC
Av. Defensores de Chaves, 15-6°
Lisbon, Portugal

RE: East West University LLC
Our File No.: OCP 2009-xxx

Dear Sirs and Mesdames:

I am an enforcement attorney with the State of Hawaii's Office of Consumer Protection. It has come to our attention that you may be the owner or operator of an unaccredited degree granting institution either within our jurisdiction or claiming to operate under the laws of this state.

Chapter 446E of the Hawaii Revised Statutes governs the operation of unaccredited degree granting of institutions in Hawaii or operating under the auspices of Hawaii law. A copy of the statute is enclosed. In addition, these businesses are subject to all Hawaii laws, including those pertaining to unfair or deceptive business practices.

All unaccredited degree granting institutions subject to Chapter 446E are required to keep true and accurate records of student enrollment, courses, fees and matriculation rates for five years. State law requires that those records and any other information requested by our office be made available to us on request. Hawaii Rev. Stat. § 446E-2(b).

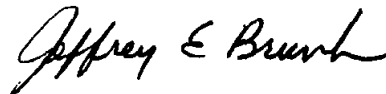
EXHIBIT 2

In order to provide you with this opportunity to demonstrate that you are in compliance with our laws, we have enclosed a series of questions that we ask you to complete and return to my attention by fax at (808) 586-2640 within five days of the date of this letter. In addition, we have also enclosed a list of documents which we ask you to send us by regular mail. We are requesting this information in the course of an official investigation.

For your information, any person who violates Chapter 446E is deemed to have violated Hawaii Rev. Stat. § 480-2(a). The penalties for violating that section range between \$500 and \$10,000 for each separate violation. Any person involved in a joint enterprise or venture, and any person who aids and abets, actively or passively participates in, formulates, directs, supervises, controls, commits, causes, knows and approves of or benefits or profits from such violations is also subject to these fines, including officers, directors, employees and agents of corporations.

If we do not receive your response in the time indicated, we will proceed accordingly. If you have any questions about this request, please feel free to contact me at (808) 586-2636.

Very truly yours,



JEFFREY E. BRUNTON

Enclosures

INSTRUCTIONS

Answer each question separately and fully. Answers may be inserted in the spaces provided in the questions and, to the extent that such spaces are inadequate, attach additional pages to the end of the document. Do not leave any questions blank. Return the questions and answers (not the instructions or definitions) by fax to (808) 586-2640.

TIME PERIOD

Unless otherwise stated herein, the relevant period of time covered by these questions is from January 1, 2009 to the present.

DEFINITIONS

1. "You", "your" and "yours", means East West University LLC ("EWU") and its affiliates, employees, agents, representatives (including, without limitation, attorneys, accountants, independent contractors and advisers) and any other person or persons acting or purporting to act on its behalf.

2. The word "document(s)" is used in its customary broad sense and includes all written, typed, printed, recorded or graphic statements, communications or other matter, however produced or reproduced, and whether or not now in existence, in your possession, custody or control including without limitation:

all writings: studies: analyses: tabulations: evaluations:
reports; reviews; agreements; contracts; communications,
including intracompany communications: letters or other
correspondence: messages; telegrams: telexes: cables:
memoranda: records; notes, reports, summaries, sound
recordings or transcripts of personal or telephone
conversations, meetings, conferences or interviews; telephone
toll records: diaries: desk calendars: appointment books:
forecasts; accountants' work papers: drawings: graphs: charts:
maps: diagrams: blueprints: tables; indices: pictures:

photographs; films; phonograph records; tapes; microfilm; microfiche; charges; ledgers; accounts; cost sheets; financial statements or reports; statistical or analytical records; minutes or records of board of directors, committee or other meetings or conferences; reports or summaries of investigations; opinions or reports of consultants; appraisals; reports of summaries of negotiations; books; brochures; pamphlets; circulars; trade letters; press releases; newspaper and handwritten or any other notes; notebooks; projections; working papers; checks, front and back; check stubs or receipts; invoice vouchers; tape data sheets or data processing cards or discs or any other written, recorded, transcribed, punched, taped, filed or graphic matter, however produced or reproduced; and any other documents, writing or other data compilation of whatever description, including but not limited to any information contained in any computer although not yet printed out or the memory units containing such data from which information can be obtained or translated into reasonably usable form, and all drafts and non-identical copies of the foregoing.

5. The word “identify” when used with respect to an individual means to state such individual’s: (a) full name, present or last known residence and business address(es) and telephone number(s); (b) present or last known employer(s), place of employment and job title, if any; and (c) the nature (including job title, if any) and dates of any affiliation, by employment or otherwise, with any party to this litigation.

6. The word “office” means space within a structure that is leased, subleased, rented, or owned by EWU or one of its officers or directors for the exclusive use of the university. “Office” does not include an arrangement for mail forwarding services or mailbox rental.

7. The word “employee” means a person who is hired on an hourly or salaried basis for twenty or more hours per week.

IMPORTANT NOTE

Under Hawaii law, a person commits the misdemeanor offense of unsworn falsification to authorities if, with an intent to mislead a public servant in the performance of the public servant's duty, the person: (a) Makes any written statement, which the person does not believe to be true. . . in a record or report required by law to be submitted to any governmental agency; (b) Submits or invites reliance on any writing which the person knows to be falsely made, completed or altered; or (c) Submits or invites reliance on any sample, specimen, map, boundary-mark, or other object the person knows to be false.
Hawaii Rev. Stat. § 710-1063.

QUESTIONS

1. Does EWU currently provide any post-secondary instructional courses leading to a degree? (Check the appropriate box)

Yes: _____

No: _____

2. Does EWU charge a fee for its services?

Yes: _____

No: _____

3. Is EWU accredited or a candidate for accreditation by any nationally recognized accrediting agency listed by the United States Secretary of Education?

Yes: _____

No: _____

4. If the answer to the preceding question is yes, identify that accrediting agency.

Name: _____

Address: _____

City: _____

State, Zip: _____

Telephone: _____

5. Does EWU claim to be exempt from the application of Hawaii Revised Statutes Chapter 446E?

Yes: _____

No: _____

6. If the answer to the preceding question is yes, specify the exact subsection or subsections of § 446E-1.6 under which EWU claims such exemption.

Subsection (1) _____
(2) _____
(3) _____
(4) _____
(5) _____
(6) _____
(7) _____
(8) _____
(9) _____
(10) _____
(11) _____
(12) _____

7. Does EWU currently offer or issue or has it ever offered or issued juris doctor degrees, master of law degrees or any equivalent or comparable degree?

Yes: _____
No: _____

8. Does EWU currently offer or issue or has it ever offered or issued doctor of medicine degrees or any equivalent or comparable degree?

Yes: _____
No: _____

9. Identify the agent in Hawaii authorized to accept service of process on behalf of EWU.

Name:
Residence Address:
City:
State, Zip:
Telephone No.:

10. Identify the employee required by § 446E-5(d) that resides in Hawaii.

Name:
Street:
City:
State, Zip:
Telephone No.:

12. Identify the twenty-five enrolled students in Hawaii required by § 446E-5(d).

Student 1

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 2

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 3

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 4

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 5

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 6

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 7

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 8

Name:
Address:
City:
State, Zip:
TelephoneNo.:

Student 9

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 10

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 11

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 12

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 13

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 14

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 15

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 16

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 17

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 18

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 19

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 20

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 21

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 22

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 23

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 24

Name:
Address:
City:
State, Zip:
Telephone No.:

Student 25

Name:
Address:
City:
State, Zip:
Telephone No.:

13. Identify all publications, in which you place, caused to be placed or have any advertisements placed on your behalf.

14. Do you maintain any websites?

Yes: _____

No: _____

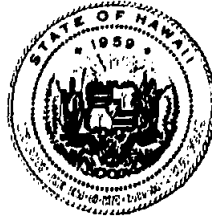
15. If the answer to the preceding question is yes, provide the uniform resource locator (URL): _____.

16. Identify the person answering these questions and/or providing information in response to them.

Name:
Street:
City:
State, Zip:
Telephone No.:

Requested Documents

1. The written lease agreement, sublease agreement, rental agreement or conveyance document evidencing that you have met the requirement of an "office" in Hawaii Rev. Stat. § 446E-5(d).
2. Specimen copies of any Websites you maintain.
3. Specimen copies of your catalog.
4. Specimen copies of any contract for instruction.
5. Specimen copies of any promotional materials.
6. Copies of any and all advertisements placed, caused to be placed, or placed on your behalf in any publication.
7. Specimen copies of the forms of diplomas used by EWU.



SUBPOENA Duces Tecum

STATE OF HAWAII OFFICE OF CONSUMER PROTECTION


TO: East West University LLC
c/o Incorporating Services Ltd, Registered Agent
1136 Union Mall, Suite 310
Honolulu, HI 96813

You are hereby commanded to appear before JEFFREY E. BRUNTON, Staff Attorney, and/or any other such person as is designated by the Director of the Office of Consumer Protection, at 235 South Beretania Street, Room 801 on February 5, 2009 at **3:00** o'clock p.m. (or an earlier date or time at your convenience) to testify regarding potential violations of Hawaii Rev. Stat. Chapter **446E** by East **West** University LLC.

You are also hereby commanded to bring with you and produce at said time and place the books, papers, documents and objects described on the attached exhibit.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT OF COURT.

DATED: Honolulu, Hawaii, January 27, 2009.



STEPHEN H. LEVINS, Executive Director
of the Office of Consumer Protection

EXHIBIT 3

Exhibit

1. "You", "your" and "yours", means East West University LLC and its employees, agents, representatives (including, without limitation, attorneys, accountants, and advisers) and any other person or persons acting or purporting to act on their behalf.

2. The word "person(s)" means individuals and entities, including, without limitation, sole proprietorships, firms, associations, companies, partnerships, joint ventures, corporations, trusts, estates, and any other legal, business or governmental entity.

3. "And" and "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive. The use of the words "include(s)" and "including" shall be construed to mean "without limitation."

4. The word "document(s)" is used in its customary broad sense and includes all written, typed, printed, recorded or graphic statements, communications or other matter, however produced or reproduced, and whether or not now in existence, in the possession, custody or control of defendants including without limitation:

all writings; studies; analyses; tabulations; evaluations; reports; reviews; agreements; contracts; communications, including intracompany communications; letters or other correspondence; messages; telegrams; telexes; cables; memoranda; records; notes, reports, summaries, sound recordings or transcripts of personal or telephone conversations, meetings, conferences or interviews; telephone toll records; diaries; desk calendars; appointment books; forecasts; accountants' work papers; drawings; graphs; charts; maps; diagrams; blueprints; tables; indices; pictures; photographs; films; phonograph records; tapes; microfilm; microfiche; charges; ledgers; accounts; cost

sheets; financial statements or reports; statistical or analytical records; minutes or records of board of directors, committee or other meetings or conferences; reports or summaries of investigations; opinions or reports of consultants; appraisals; reports of summaries of negotiations; books; brochures; pamphlets; circulars; trade letters; press releases; newspaper and handwritten or any other notes; notebooks; projections; working papers; checks, front and back; check stubs or receipts; invoice vouchers; tape data sheets or data processing cards or discs or any other written, recorded, transcribed, punched, taped, filed or graphic matter, however produced or reproduced; and any other documents, writing or other data compilation of whatever description, including but not limited to any information contained in any computer although not yet printed out or the memory units containing such data from which information can be obtained or translated into reasonably usable form, and all drafts and non-identical copies of the foregoing.

TIME PERIOD

This subpoena calls for all documents generated, prepared or received from January 1, 2008 up to the date of production, or which refer to matters occurring within such period (the "relevant period"). The Office of Consumer Protection reserves **the** right to request additional documents.

CONTINUING OBLIGATIONS

This request requires prompt further and supplemental production if you locate or obtains possession, custody or control of additional responsive documents at any time.

WITHHELD DOCUMENTS

If you withhold any documents called for in this subpoena for any reason, identify in writing each document so withheld and provide the following information:

- a. the reason for withholding the documents;

- b. a statement of the basis for the claim of privilege, work product or other ground of non-disclosure; and
- c. a brief description of the document, including:
 - (i) the date of the document:
 - (ii) number of pages, attachments, and appendices;
 - (iii) the names of its author, authors or preparers and an identification by employment and title of each such person:
 - (iv) the name of each person who was sent, shown a blind or carbon copied document, has had access to or custody of the document, together with an identification of each such person:
 - (v) the present custodian; and
 - (vi) the subject matter of the document, and in the case of any document relating or referring to a meeting or conversation, identification of such meeting or conversation.

LOST OR DESTROYED DOCUMENTS

If any subpoenaed document was at one time in existence, but has been lost, discarded or destroyed, identify such document as completely as possible, providing as much of the following information as possible:

- a. the type of document;
- b. its date:
- c. the date or approximate date it was lost, discarded or destroyed;
- d. the circumstances and manner in which it was lost, discarded or destroyed:
- e. the reason or reasons for disposing of the document (if discarded or destroyed);
- f. the identity of all persons authorizing or having knowledge of the

- circumstances surrounding the disposal of the document;
- g. the identity of the person(s) who lost, discarded or destroyed the document; and
 - h. the identity of all persons has knowledge of the contents thereof.

INSTRUCTIONS FOR COMPLIANCE

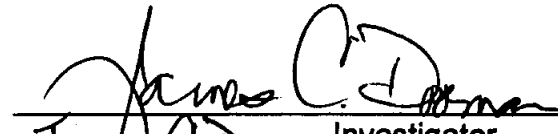
It is requested that all documents be produced in the file folders and file cartons in which they have been maintained or stored, clipped, stapled or otherwise arranged in the same form and manner as they were found. If you choose to produce the documents requested corresponding with the categories in the requests, it is requested that you also identify the file folders, drawers or cartons in which the documents were originally maintained and the person or persons in whose custody or control such files are or were maintained.

THE FOLLOWING DOCUMENTS MUST BE PRODUCED TO COMPLY WITH THIS SUBPOENA DUCES TECUM:

Any and all documents pertaining to East West University LLC.

RETURN OF SERVICE

Service of this Subpoena Duces Tecum was made on 1-28-09,
by personally delivering a copy to Abhishek Duggal
at 1136 UNION MALL STE 301 HONOLULU, HI.
DATED: 1-28-09.



James C. Doman Investigator

ACKNOWLEDGEMENT OF SERVICE

I was personally served a copy of this Subpoena Duces Tecum on

_____.

Signature

Print Name



LINDA LINGLE
GOVERNOR
JAMES A. AIONA, JR.
LT GOVERNOR

STATE OF HAWAII
OFFICE OF CONSUMER PROTECTION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
LEIOPAPA A KAMEHAMEH BUILDING
235 SOUTH BERETANIA STREET, ROOM 801
HONOLULU, HAWAII 96813-2419
Phone Number: (808)586-2636
Fax Number (808)586-2640
www.hawaii.gov/dcca/ocp

LAWRENCE M. REIFURTH
DIRECTOR
DEPARTMENT OF COMMERCE
AND CONSUMER AFFAIRS
RONALD BOYER
DEPUTY DIRECTOR
STEPHEN H. LEVINS
EXECUTIVE DIRECTOR
OFFICE OF CONSUMER PROTECTION
JEFFREY E. BRUNTON
LISA P. TONG
MICHAEL J.S. MORIYAMA
STAFF ATTORNEYS

February 20, 2009

Lusitania Investments Limited
Oceanic House Duke Street
Grand Turk,
Turks & Caicos Island

East West University
c/o Karen E. Elliott
Incorporating Services, Ltd.
3500 S. DuPont Highway
Dover, DE 19901

East West University
c/o Honolulu Information Services, inc.
1136 Union Mall, Ste 301
Honolulu, HI 96813

East West University, LLC
Av. Defensores de Chaves, 15-6°
Lisbon, Portugal

RE: East West University LLC
Our File No.: OCP 2009-45

Dear Sirs and Mesdames:

You have previously been served with a Subpoena Duces Tecum and have failed to appear as required therein. Unless I hear from you by February 27, 2009 we shall institute contempt proceedings before our court.

Very truly yours,

JEFFREY E. BRUNTON

EXHIBIT 4

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of Consumer Protection,	)	S.P. NO. _____
	)	(Special Proceeding)
)	
Petitioner,	)	ORDER TO SHOW CAUSE
)	
)	
vs.)	
)	
)	
EAST WEST UNIVERSITY LLC, a Hawaii corporation,)	
)	
)	
Respondent.)	
_____)	

ORDER TO SHOW CAUSE

Upon the Motion for Order to Show Cause and good cause appearing therefor,


RESPONDENT EAST WEST UNIVERSITY LLC IS HEREBY ORDERED TO APPEAR before the Honorable **BERT I. AYABE**, Judge of the above-entitled Court, in his or her courtroom on the Fourth Floor of the Kaahumanu Hale, 777 Punchbowl Street, Honolulu, Hawaii at 10:30 o'clock A.m., on **MAR 31 2009**, or as soon thereafter as counsel can be heard, to show cause why they should not be found in contempt for failing to appear and to produce the documents specified by subpoena before the properly designated representative of the Executive Director of the Office of Consumer Protection.

It is further ordered that a copy of this order and the motion filed herein be immediately served upon the Respondent.

DATED: Honolulu, Hawaii, MAR 2 2009.

BERT I. AYABE

Judge of the above entitled Court

A circular seal for the First Circuit Court of the State of Hawaii. The outer ring contains the text "FIRST CIRCUIT COURT" at the top and "STATE OF HAWAII" at the bottom. In the center, the word "SEAL" is written in large, bold, capital letters.

**S. P. NO. _____; State vs. East West University LLC; ORDER TO
SHOW CAUSE**

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of) **S.P. NO.** _____
Consumer Protection,) (**Special Proceeding**)
)
Petitioner,) **CERTIFICATE OF SERVICE**
)
)
vs.)
)
)
EAST WEST UNIVERSTY LLC, a)
Hawaii corporation,)
)
Respondent.)
_____)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a file-stamped copy of the foregoing will also be served on the following at their respective addresses by depositing same in the United States mail, postage prepaid.

Lusitania Investments Limited
Oceanic House Duke Street
Grand Turk
Turks and Caicos Islands

East West University
c/o Honolulu Information Services, Inc.
1136 Union Mall, Suite **301**
Honolulu, Hawaii 96813

East West University
c/o Karen E. Elliot
Incorporating Services, Ltd.
3500 **S.** DuPont Highway
Dover, Delaware 19901

East West University, LLC
Av. Defensores de Chaves, 15-6°E
Lisbon, Portugal

DATED: Honolulu, Hawaii, February 27, 2009.



JEFFREY E. BRUNTON
Attorney for Petitioner