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1ST CIRCUIT COURT  
STATE OF HAWAII  
FILED

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M. TANAKA  
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of  
Consumer Protection,

Plaintiff,

vs.

MANHATTAN UNIVERSITY INC., a  
Hawaii corporation and BILL CHUCK  
LEE,

Defendants.

CIVIL NO. 02-1-2330-10  
(Other Civil Action)

COMPLAINT AND SUMMONS

**COMPLAINT**

Plaintiff, for a cause of action against the above-named Defendants, avers  
and alleges that:

**ALLEGATIONS COMMON TO ALL COUNTS**

1. This is an action brought by the Office of Consumer Protection of the  
State of Hawaii pursuant to Hawaii Rev. Stat. Chaps. 446E, 480 and 487 seeking to enjoin

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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of Consumer Protection,	)	CIVIL NO. _____
	)	(Other Civil Action)
	)	
Plaintiff,	)	COMPLAINT AND SUMMONS
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	)	
vs.	)	
	)	
	)	
MANHATTAN UNIVERSITY INC., a Hawaii corporation and BILL CHUCK LEE,	)	
	)	
Defendants.	)	
_____	)	

**COMPLAINT**

Plaintiff, for a cause of action against the above-named Defendants,  
avers and alleges that:

**ALLEGATIONS COMMON TO ALL COUNTS**

1. This is an action brought by the Office of Consumer Protection of  
the State of Hawaii pursuant to Hawaii Rev. Stat. Chaps. 446E, 480 and 487 seeking

to enjoin the Defendants from engaging in certain acts or practices in violation of Hawaii's consumer protection laws and to obtain other and additional relief.

2. This court has subject matter jurisdiction over this case pursuant to Hawaii Rev. Stat. §§ 480-21 and 603-21.5.

3. Defendant Manhattan University Inc. (hereinafter "Manhattan University") is a Hawaii corporation.

4. Defendant Bill Chuck Lee is a resident of Vancouver, British Columbia, Canada.

5. On January 8, 2002 Articles of Incorporation of Manhattan University were filed with the Department of Commerce and Consumer Affairs of the State of Hawaii.

6. Defendant Manhattan University is not now and never has been accredited by a recognized accrediting agency or association recognized by the United States Secretary of Education.

7. Defendant Lee is not now and never has been accredited by a recognized accrediting agency or association recognized by the United States Secretary of Education.

8. Manhattan University is an "unaccredited institution" as that phrase is defined in Hawaii Rev. Stat. § 446E-1.

9. Manhattan University has or had a "presence" in the State of Hawaii as that term is used in Haw. Rev. Stat. §446E-1.

**COUNT I**  
**FAILURE TO HAVE AN OFFICE LOCATED IN HAWAII**

10. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 9 as though fully set forth herein.

11. Manhattan University has failed to have an office located in Hawaii in violation of Hawaii Rev. Stat. §446E-5(d).

12. Violations of Hawaii Rev. Stat. § 446E-5(d) constitute *per se* violations of Hawaii Rev. Stat. § 480-2(a).

**COUNT II**  
**FAILURE TO HAVE AN EMPLOYEE LOCATED IN HAWAII**

13. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 12 as though fully set forth herein.

14. Manhattan University has failed to have an employee located in Hawaii in violation of Hawaii Rev. Stat. § 446E-5(d).

15. Violations of Hawaii Rev. Stat. § 446E-5(d) constitute *per se* violations of Hawaii Rev. Stat. § 480-2(a).

**COUNT III**  
**FAILURE TO HAVE TWENTY-FIVE HAWAII STUDENTS ENROLLED**

16. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 15 as though fully set forth herein.

17. Manhattan University has failed to have twenty-five enrolled students in Hawaii in violation of Hawaii Rev. Stat. § 446E-5(d).

18. Violations of Hawaii Rev. Stat. § 446E-5(d) constitute *per se* violations of Hawaii Rev. Stat. § 480-2(a).

**COUNT IV**  
**SUGGESTIONS OF STATE LICENSING, APPROVAL OR REGULATION**

19. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 18 as though fully set forth herein.

20. Manhattan University has, in its catalogs and/or promotional materials indicated or suggested that the State of Hawaii licenses, approves of or regulates its operations. Violation of Hawaii Rev. Stat. §446E-5(a).

21. Each and every catalog, promotional material and/or written contract for instruction that contains such a suggestion or indication constitutes a separate and independent violation of Hawaii Rev. Stat. § 446E-5(a).

22. Violations of Hawaii Rev. Stat. § 446E-5(a) constitute *per se* violations of Hawaii Rev. Stat. § 480-2(a).

**COUNT V**  
**FAILURE TO PRODUCE RECORDS AND INFORMATION**

23. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 22 as though fully set forth herein.

24. Manhattan University failed to provide records and information upon Plaintiff's demand in violation of Hawaii Rev. Stat. § 446E-2(b).

25. Violations of Hawaii Rev. Stat. § 446E-2(b) constitute *per se* violations of Hawaii Rev. Stat. § 480-2(a).

**COUNT VI**  
**DEFENDANT LEE'S INDIVIDUAL LIABILITY**

26. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 25 as though fully set forth herein.

27. Defendant Lee actively or passively participated in the illegal activity and/or formulated, directed, supervised, participated in, benefited from, facilitated, controlled, knew and approved of, and committed or caused the commission of the various acts and practices described herein.

**COUNT VII**  
**INJUNCTIVE RELIEF**

28. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 27 as though fully set forth herein.

29. Unless Defendants are restrained and enjoined by this court from continuing to violate Hawaii Rev. Stat. Chap. 446E and § 480-2(a) in the manner described herein, they will continue to do so, irreparably harming and injuring the consuming public of the State of Hawaii.

WHEREFORE, Plaintiff prays that this court:

1. Find, order, adjudge and declare that Defendants' conduct, as alleged herein, violates the statutory provisions set forth above.
2. Issue a temporary restraining order, preliminary injunction and permanent injunction directing the Business Registration Division of the Department of Commerce and Consumer Affairs of the State of Hawaii to dissolve, terminate,

revoke and/or cancel all trade names, trademarks, corporate registrations (including that for Manhattan University), certificates of authority held by or for the Defendants.

3. Issue a temporary restraining order, preliminary injunction and permanent injunction enjoining AOK Business Services, its agents, employees, successors and assigns, directly or indirectly, individually or in concert with others, or through any corporate or other device from providing voice mail, mail forwarding, or any other service to the defendants.

4. Issue a temporary restraining order, preliminary injunction and permanent injunction directing the defendants and any webhosters therefor to immediately take whatever steps may be necessary to ensure that the Web pages or Web sites operated, in whole or in part, by the defendants cannot be accessed by the public.

5. Issue a temporary restraining order, preliminary injunction and permanent injunction enjoining the Defendants, their agents, employees, successors and assigns, directly or indirectly, individually or in concert with others, or through any corporate or other device from any of the following:

- 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, claiming to operate under the laws of the State of Hawaii, or having a presence in Hawaii until all restitution, civil penalties and costs entered herein are fully satisfied.

6. Assess appropriate civil penalties against the Defendants individually pursuant to Hawaii Rev. Stat. § 480-3.1 and enter judgment in favor of Plaintiff accordingly.

7. Award any consumers injured by the aforementioned violations full restitution, including pre and post judgment interest, against the Defendants, jointly and severally, pursuant to Hawaii Rev. Stat. § 487-14 and the court's inherent authority and enter judgment accordingly.

8. Assess and award judgment in favor of Plaintiff and against the Defendants, for attorneys' fees, costs, costs of investigation, interest, and other expenses.

9. Award Plaintiff such other relief as the court may deem just and equitable under the circumstances.

DATED: Honolulu, Hawaii, October 2, 2002.

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Attorney for Plaintiff



6. Assess appropriate civil penalties against the Defendants individually pursuant to Hawaii Rev. Stat. § 480-3.1 and enter judgment in favor of Plaintiff accordingly.

7. Award any consumers injured by the aforementioned violations full restitution, including pre and post judgment interest, against the Defendants, jointly and severally, pursuant to Hawaii Rev. Stat. § 487-14 and the court's inherent authority and enter judgment accordingly.

8. Assess and award judgment in favor of Plaintiff and against the Defendants, for attorneys' fees, costs, costs of investigation, interest, and other expenses.

9. Award Plaintiff such other relief as the court may deem just and equitable under the circumstances.

DATED: Honolulu, Hawaii, October 2, 2002.

  
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JEFFREY E. BRUNTON  
Attorney for Plaintiff