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1ST CIRCUIT COURT
STATE OF HAWAII
FILED

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R. HIGA
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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

02-1-2001-08

STATE OF HAWAII, by its Office of
Consumer Protection,

Plaintiff,

vs.

STEPHEN BYRNES, dba The Academy
of Natural Therapies and Ecclesia Life
Mana,

Defendant.

CIVIL NO. _____
(Other Civil Action)

COMPLAINT AND SUMMONS

COMPLAINT

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

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Attorney for Plaintiff

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
)	
vs.)	
)	
)	
STEPHEN BYRNES, dba The Academy of Natural Therapies and Ecclesia Life Mana,)	
)	
)	
Defendant.)	
_____)	

COMPLAINT

Plaintiff, for a cause of action against the above-named Defendant,
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 Defendant 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 Stephen Byrnes (hereinafter "Byrnes") is a resident of the State of Hawaii.

4. Defendant Byrnes has established an unaccredited degree granting institution under the name The Academy of Natural Therapies ("ANT") which operates in and from the State of Hawaii law.

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

6. ANT is an "unaccredited institution" as that phrase is defined in Hawaii Rev. Stat. § 446E-1.

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

8. ANT is not a school or educational program conducted solely for religious instruction.

9. ANT offers its educational programs and services to the public at large and not solely for the instruction of its members.

10. Defendant Byrnes 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 I
FAILURE TO HAVE AN OFFICE LOCATED IN HAWAII

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

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

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

COUNT II
FAILURE TO HAVE TWENTY-FIVE HAWAII STUDENTS ENROLLED

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

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

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

COUNT III
FAILURE TO MAKE STATUTORY DISCLOSURES

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

18. ANT failed to properly and adequately disclose in all catalogs, promotional materials, including its website, and/or written contracts for instruction the fact that it is not fully accredited by any nationally recognized accrediting agency or association listed by the United States Secretary of Education in violation of Hawaii Rev. Stat. § 446E-2(a).

19. Each and every catalog, promotional material and/or written contract for instruction that failed to properly and adequately disclose the fact that ANT is and was not fully accredited by any nationally recognized accrediting agency or association listed by the United States Secretary of Education constitutes a separate and independent violation of Hawaii Rev. Stat. § 446E-2(a).

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

COUNT IV
ILLEGAL ACCEPTANCE OF PAYMENTS

21. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 20 as though fully set forth herein.

22. ANT has had a continual “presence” in the State of Hawaii as that phrase is used in Hawaii Rev. Stat. § 446E-1 and § 446E-5 since at least December 12, 1999.

23. ANT has accepted or received tuition payments or other fees on behalf of students despite not being in compliance with all of the requirements of Hawaii Rev. Stat. Chap. 446E.

24. The acceptance of such payment(s) or fee(s) from each student constitutes a separate and independent violation of Hawaii Rev. Stat. §446E-5(e).

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

COUNT V
FAILURE TO PRODUCE RECORDS AND INFORMATION

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

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

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

COUNT VI
INJUNCTIVE RELIEF

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

30. Unless Defendant Byrne is 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 Defendant's conduct, as alleged herein, violates the statutory provisions set forth above.

2. Issue a temporary restraining order, preliminary injunction and permanent injunction enjoining the Defendant, his 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 himself 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.

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

4. Award any consumers injured by the aforementioned violations full restitution, including pre and post judgment interest, against the Defendant pursuant

to Hawaii Rev. Stat. § 487-14 and the court's inherent authority and enter judgment accordingly.

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

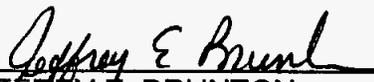
6. Award Plaintiff such other relief as the court may deem just and equitable under the circumstances.

DATED: Honolulu, Hawaii, August 22, 2002.

JEFFREY E. BRUNTON
Attorney for Plaintiff

Civil No. _____; State of Hawaii vs. Stephen Byrnes; COMPLAINT AND
SUMMONS

DATED: Honolulu, Hawaii, August 22, 2002.



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