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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	)	CIVIL NO. _____
Consumer Protection,	)	(Other Civil Action)
	)	
Plaintiff,	)	COMPLAINT AND SUMMONS
	)	
	)	
vs.	)	
	)	
	)	
SOUTHWEST INTERNATIONAL	)	
UNIVERSITY OF NEVADA, INC., a	)	
Hawaii corporation; MAO JUNG LEE,	)	
JAMES KING and ADAM Y. HAN,	)	
	)	
Defendants.	)	
	)	
	)	

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**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 Southwest International University of Nevada, Inc. (hereinafter "SWIUNV") is a Hawaii corporation.

4. Upon information and belief, Defendant Mao Jung Lee is a resident of the State of California.

5. Upon information and belief, Defendant James King is a resident of Taiwan in the Republic of China.

6. Upon information and belief, Defendant Adam Y. Han is a resident of the State of California.

7. On February 20, 2002 Articles of Incorporation of SWIUNV were filed with the Department of Commerce and Consumer Affairs of the State of Hawaii.

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

9. 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.

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

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

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

13. SWIUNV 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**

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

15. SWIUNV has failed to have an office located 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 II**  
**FAILURE TO HAVE AN EMPLOYEE LOCATED IN HAWAII**

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

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

19. 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**

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

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

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

**COUNT IV**  
**ILLEGAL ACCEPTANCE OF PAYMENTS**

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

24. SWIUNV 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 February 20, 2002.

25. SWIUNV 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.

26. 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).

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

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

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

29. SWIUNV 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).

30. 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).

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

**COUNT VI**  
**FAILURE TO PRODUE RECORDS AND INFORMATION**

32. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 31 as though fully set forth herein.

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

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

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

35. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 34 as though fully set forth herein.

36. Defendant Mao Jung 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 VIII**  
**DEFENDANT KING'S INDIVIDUAL LIABILITY**

37. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 36 as though fully set forth herein.

38. Defendant James King 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 IX**  
**DEFENDANT HAN'S INDIVIDUAL LIABILITY**

39. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 38 as though fully set forth herein.

40. Defendant Adam Y. Han 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 X**  
**INJUNCTIVE RELIEF**

41. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 40 as though fully set forth herein.

42. 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 Trinity College), certificates of authority held by or for the Defendants.

3. 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.

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

5. 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.

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

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

DATED: Honolulu, Hawaii, August 20, 2002.

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Attorney for Plaintiff

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.

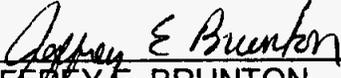
4. Assess appropriate civil penalties against the Defendants individually pursuant to Hawaii Rev. Stat. § 480-3.1 and enter judgment in favor of Plaintiff accordingly.

5. 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.

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

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

DATED: Honolulu, Hawaii, August 20, 2002.

  
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JEFFREY E. BRUNTON  
Attorney for Plaintiff