

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

Attorney for Plaintiff

FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

2002 JUL 24 PM 1:57

H. CHING  
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of  
Consumer Protection,

Plaintiff,

vs.

SOUTH PACIFIC UNIVERSITY, a  
Hawaii nonprofit corporation and  
CURTIS E. SMITH,

Defendants.

CIVIL NO. 01-1-2766-09 (DDD)  
(Other Civil Action)

JUDGMENT AGAINST DEFENDANT  
SOUTH PACIFIC UNIVERSITY;  
EXHIBITS 1 AND 2

(Motion filed April 19, 2002)

HEARING

Date: July 11, 2002

Time: 9:00 a.m.

Judge: Dexter D. Del Rosario

Trial Date: None

SCF Date: None

JUDGMENT AGAINST  
DEFENDANT SOUTH PACIFIC UNIVERSITY

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant South Pacific University, its 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:

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

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. 01-1-2766-09 (DDD)
	)	(Other Civil Action)
	)	
Plaintiff,	)	JUDGMENT AGAINST DEFENDANT
	)	SOUTH PACIFIC UNIVERSITY;
	)	EXHIBITS 1 AND 2
vs.	)	
	)	(Motion filed April 19, 2002)
	)	
SOUTH PACIFIC UNIVERSITY, a	)	<u>HEARING</u>
Hawaii nonprofit corporation and	)	Date: July 11, 2002
CURTIS E. SMITH,	)	Time: 9:00 a.m.
	)	Judge: Dexter D. Del Rosario
Defendants.	)	
	)	Trial Date: None
	)	SCF Date: None
	)	

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JUDGMENT AGAINST  
DEFENDANT SOUTH PACIFIC UNIVERSITY

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendant South Pacific University, its 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 itself 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.

**IT IS FURTHER ORDERED** that the Business Registration Division of the Department of Commerce and Consumer Affairs of the State of Hawaii dissolve, terminate, revoke and/or cancel all trademarks, corporate registrations (including that for South Pacific University) and certificates of authority held by or for Defendant South Pacific University.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant South Pacific University be and is hereby ordered to implement a restitution program as follows. Defendant South Pacific University be and is hereby ordered to immediately compile a list of those students who enrolled in or graduated from South Pacific University subsequent to July 1, 1999. Defendant South Pacific University be and is hereby ordered to send a written offer of restitution to each such individual in the appropriate form attached as Exhibits 1 or 2. Defendant South Pacific University be and is hereby ordered to make restitution to anyone requesting it within twenty days of the receipt of such a request.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that, pursuant to Hawaii Rev. Stat. § 480-3.1, Defendant South Pacific University be and hereby is liable to Plaintiff for civil penalties in the amount of \$250,000.00.

Plaintiff's claims against Defendant Curtis E. Smith are the only remaining claims against any party.

DATED: Honolulu, Hawaii, \_\_\_\_\_.

\_\_\_\_\_  
Judge of the above-entitled Court

CIVIL NO. 01-1-2766-09 (DDD); State of Hawaii vs. South Pacific University, et al.; JUDGMENT AGAINST DEFENDANT SOUTH PACIFIC UNIVERSITY; EXHIBITS 1 AND 2

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that, pursuant to Hawaii Rev. Stat. § 480-3.1, Defendant South Pacific University be and hereby is liable to Plaintiff for civil penalties in the amount of \$250,000.00.

Plaintiff's claims against Defendant Curtis E. Smith are the only remaining claims against any party.

DATED: Honolulu, Hawaii, JUL 24 2002.

DEXTER D. DEL ROSARIO

\_\_\_\_\_  
Judge of the above-entitled Court



CIVIL NO. 01-1-2766-09 (DDD); State of Hawaii vs. South Pacific University, et al.;  
JUDGMENT AGAINST DEFENDANT SOUTH PACIFIC UNIVERSITY; EXHIBITS 1  
AND 2

Date

Name

Address

City, State Zip code

Dear Student:

We are writing to inform you that during your course of studies, South Pacific University was operating in violation of Hawaii's laws relating to unaccredited degree granting institutions. By law, such violations are automatically considered unfair or deceptive business practices.

As a result of a court order, we are offering all graduates a full refund of the tuition paid. If you would like to accept this offer, please simply indicate that fact on the duplicate original and return it to us. Your refund will be processed within twenty days of its receipt.

If you choose to accept this offer, you will be barred from seeking any other damages against the university. You should know that under Hawaii law, you have the right to bring your own lawsuit for damages and, in the event you prevail, you would be awarded not less than \$1,000 or threefold the damage, whichever is greater. You would also, in that event, be awarded your attorneys fees.

If you have any questions about this offer, you may call the State of Hawaii's Consumer Resource Center at (808) 586-2653.

Very truly yours,

CHARLES E. SMITH, President  
South Pacific University

Date

Name  
Address  
City, State Zip code

Dear Student:

We are writing to inform you that during your course of studies, South Pacific University was operating in violation of Hawaii's laws relating to unaccredited degree granting institutions. By law, such violations are automatically considered unfair or deceptive business practices.

As a result of a court order, we are offering all graduates a full refund of the tuition paid. If you would like to accept this offer, please simply indicate that fact on the duplicate original and return it to us. Your refund will be processed within twenty days of its receipt.

If you choose to accept this offer, you will be barred from seeking any other damages against the university. You should know that under Hawaii law, you have the right to bring your own lawsuit for damages and, in the event you prevail, you would be awarded not less than \$1,000 or threefold the damage, whichever is greater. You would also, in that event, be awarded your attorneys fees.

If you have any questions about this offer, you may call the State of Hawaii's Consumer Resource Center at (808) 586-2653.

Very truly yours,

CHARLES E. SMITH, President  
South Pacific University

EXHIBIT 1

Date

Name  
Address  
City, State Zip code

Dear Graduate:

We are writing to inform you that during your course of studies, South Pacific University was operating in violation of Hawaii's laws relating to unaccredited degree granting institutions. By law, such violations are automatically considered unfair or deceptive business practices.

As a result of a court order, we are offering all graduates a full refund of the tuition paid conditioned on return of the diploma. If you would like to accept this offer, please simply indicate that fact on the duplicate original and return it to us with the diploma. Your refund will be processed within twenty days of its receipt.

If you choose to accept this offer, you will be barred from seeking any other damages against the university. You should know that under Hawaii law, you have the right to bring your own lawsuit for damages and, in the event you prevail, you would be awarded not less than \$1,000 or threefold the damage, whichever is greater. You would also, in that event, be awarded your attorneys fees.

If you have any questions about this offer, you may call the State of Hawaii's Consumer Resource Center at (808) 586-2653.

Very truly yours,

CURTIS E. SMITH, President  
South Pacific University



Date

Name  
Address  
City, State Zip code

Dear Graduate:

We are writing to inform you that during your course of studies, South Pacific University was operating in violation of Hawaii's laws relating to unaccredited degree granting institutions. By law, such violations are automatically considered unfair or deceptive business practices.

As a result of a court order, we are offering all graduates a full refund of the tuition paid conditioned on return of the diploma. If you would like to accept this offer, please simply indicate that fact on the duplicate original and return it to us with the diploma. Your refund will be processed within twenty days of its receipt.

If you choose to accept this offer, you will be barred from seeking any other damages against the university. You should know that under Hawaii law, you have the right to bring your own lawsuit for damages and, in the event you prevail, you would be awarded not less than \$1,000 or threefold the damage, whichever is greater. You would also, in that event, be awarded your attorneys fees.

If you have any questions about this offer, you may call the State of Hawaii's Consumer Resource Center at (808) 586-2653.

Very truly yours,

CURTIS E. SMITH, President  
South Pacific University

EXHIBIT 2