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Attorney for Plaintiff

1ST CIRCUIT COURT  
STATE OF HAWAII  
FILED

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N. ANAYA  
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of  
Consumer Protection,

Plaintiff,

vs.

UNIVERSITY OF EAST-WEST  
ALTERNATIVE MEDICINE, a Hawaii  
nonprofit corporation,

Defendant.

CIVIL NO. 03-1-1995-10 (SSM)  
(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. Chapters 446E, 480 and 487 seeking to

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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

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STATE OF HAWAII, by its Office of	)	CIVIL NO. _____
Consumer Protection,	)	(Other Civil Action)
	)	
Plaintiff,	)	COMPLAINT AND SUMMONS
	)	
	)	
vs.	)	
	)	
	)	
UNIVERSITY OF EAST-WEST	)	
ALTERNATIVE MEDICINE, a Hawaii	)	
nonprofit corporation,	)	
	)	
Defendant.	)	
	)	
_____	)	

**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. Chapters 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 University of East-West Alternative Medicine ("UEWAM") is a Hawaii nonprofit corporation.

4. On February 28, 2003 Articles of Incorporation of UEWAM were filed with the Department of Commerce and Consumer Affairs of the State of Hawaii.

5. UEWAM's articles of incorporation identify its principal office as being located at 122 Haili Street, Hilo, Hawaii 96720. UEWAM's articles of incorporation also identify its registered agent at that address as being Byung Soo Choi.

6. UEWAM maintains a website located at <http://www.bcpuniversity.org>. That uniform resource locator address is registered to Park Se Jong, BCP University, 209 Mauna Loa Street. Hilo, HI 209-209, USA 96720.

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

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

9. UEWAM has a "presence" in the State of Hawaii as that term is used in Hawaii Rev. Stat. §446E-1.

10. Having learned of UEWAM's operations, plaintiff asked it and its principals to demonstrate that they were in compliance with Hawaii's laws regarding unaccredited degree granting institutions

11. Plaintiff received no responses to its request.

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

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

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

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

**COUNT II**  
**FAILURE TO CONTINUOUSLY MAINTAIN AN AGENT IN HAWAII**

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

16. UEWAM has failed to continuously maintain an agent for service of process within the State of Hawaii as required by Hawaii Rev. Stat. § 446E-4(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. UEWAM 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 UEWAM 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**  
**FAILURE TO HAVE AN EMPLOYEE LOCATED IN HAWAII**

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

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

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

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

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

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

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

**COUNT VI**  
**UNFAIR AND DECEPTIVE TRADE PRACTICES**

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

28. UEWAM has misappropriated and copied the website of the American Institute of Alternative Medicine without its permission or consent.

29. Such conduct constitutes a violation of Hawaii Rev. Stat. §480-2(a).

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

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

31. Unless Defendant 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, it 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 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 tradenames, trademarks, corporate registrations (including that for University of East-West Alternative Medicine), certificates of authority held by or for the defendant.

3. Issue a temporary restraining order, preliminary injunction and permanent injunction ordering the defendant, and/or any agent, employee of associate of defendant, or any Host or Hosting Company for defendant to immediately take whatever steps may be necessary to ensure that the following Web pages or Web sites operated, in whole or in part, by the defendant cannot be accessed by the public: <http://www.bcpuniversity.org>.

4. Issue a temporary restraining order, preliminary injunction and permanent injunction enjoining the defendant, its 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.

5. Assess appropriate civil penalties against the defendant pursuant to Hawaii Rev. Stat. § 480-3.1 and enter judgment in favor of plaintiff accordingly.

6. 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.

7. Assess and award judgment in favor of plaintiff and against the defendant, for attorneys' fees, costs, costs of investigation, interest, and other expenses.

8. Award plaintiff such other relief as the court may deem just and equitable under the circumstances.

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

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JEFFREY E. BRUNTON  
Attorney for Plaintiff



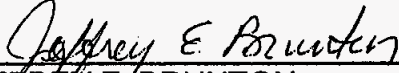
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6. Award any consumers injured by the aforementioned violations full restitution, including pre and post judgment interest, against the defendant pursuant to Hawaii Rev. Stat. § 487-14 and the court's inherent authority and enter judgment accordingly.

7. Assess and award judgment in favor of plaintiff and against the defendant, for attorneys' fees, costs, costs of investigation, interest, and other expenses.

8. Award plaintiff such other relief as the court may deem just and equitable under the circumstances.

DATED: Honolulu, Hawaii, OCT 02 2003

  
\_\_\_\_\_  
JEFFREY E. BRUNTON  
Attorney for Plaintiff