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IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAI'I

CATHERINE BETTS, In Her Official
Capacity as Director of the Department of
Human Services, State of Hawai'i,

Plaintiff,

vs.

KALAMAPI'I PLAY SCHOOL; MIE
KANAMORI; KIMBERLY PIERCE; JOHN
DOE 1-10; JANE DOE 1-10; DOE
ENTITIES 1-10,

Defendants.

CIVIL NO. _____
(Other Civil Action)

COMPLAINT; SUMMONS

COMPLAINT

Plaintiff Catherine Betts, in her Official Capacity as Director of the Department of Human Services (DHS), State of Hawai'i, by and through her attorneys, Holly T. Shikada, Attorney General, State of Hawai'i, and James W. Walther, and Melissa L. Lewis, Deputy Attorneys General, for a complaint against Defendants KALAMAPI'I PLAY SCHOOL, KIM PIERCE and MIE KANAMORI (Collectively referred to as DEFENDANTS), alleges, and avers as follows:

1. Plaintiff is the Director of DHS and brings this suit pursuant to Hawaii Revised Statutes (HRS) sections 346-14(11), 346-151, 346-156 and 346-161.

2. Defendant KALAMAPI'I PLAY SCHOOL (KPS) is a domestic nonprofit corporation incorporated in the State of Hawai'i.

3. At all relevant times, Defendant KIM PIERCE was and is the owner of KPS.

4. At all relevant times, Defendant MIE KANAMORI was and is the acting Director of KPS.

5. At all relevant times, DEFENDANTS were and are located in Hilo, in the County of Hawai'i, State of Hawai'i.

6. This court has jurisdiction of this matter pursuant to sections 603-21.5 and 603-23, HRS.

7. Venue is proper pursuant to section 603-36, HRS.

8. Upon information and belief, from August 22, 2022 to present, DEFENDANTS operated, maintained, or conducted a "child care facility" within the meaning of sections 346-151 and 346-161, HRS. The KPS child care facility was a "group child care home or a group child care center" within the meaning of sections 346-151 and 346-161, HRS.

9. Upon information and belief, at all relevant times, the KPS child care facility was and is located at 55 Ululani Street, Hilo, Hawai'i, County of Hawai'i, State of Hawai'i.

10. A license from DHS is required to operate, maintain, or conduct a group child care home or a group child care center, pursuant to sections 346-151 and 346-161, HRS.

11. Upon information and belief, during the time that DEFENDANTS operated, maintained, or conducted a group child care home or a group child care center, DEFENDANTS were not licensed with DHS as required by law.

12. By reason of the foregoing, DEFENDANTS violated section 346-161, HRS.

13. The penalty for violating section 346-161, HRS, is set out in section 346-156(a), HRS, which provides as follows: “Any person, entity, agency, or organization violating any provision of this part, or any rule made pursuant thereto shall be fined up to \$1,000 for each day of violation; *provided that the fine may be up to \$3,000 for each day for a violation of section 346-161 or 346-171.*” (Emphasis added).

WHEREFORE, Plaintiff prays as follows:

1. That this Court issue a preliminary and permanent injunction enjoining and restraining DEFENDANTS from operating, maintaining, or conducting an unlicensed or child care facility pursuant to section 603-23, HRS.

2. That this Court order the DEFENDANTS to pay the fine of \$1,500 per day of violation, from August 22, 2022 to and including the date this Complaint is filed, in the amount of \$40,500; and

3. That this Court grant such other and further relief as this Court deems just and proper.

DATED: Honolulu, Hawai‘i, September 27, 2022.

HOLLY T. SHIKADA
ATTORNEY GENERAL
STATE OF HAWAI‘I

/s/ Melissa L. Lewis
JAMES W. WALTHER
MELISSA L. LEWIS
Deputy Attorneys General

Attorneys for Plaintiff
State of Hawai‘i, Department of Human Services

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CATHERINE BETTS, In Her Official
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SUMMONS

SUMMONS

STATE OF HAWAI'I

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to file with the Court and to serve upon Plaintiff's attorneys, whose address is Kekuanao`a Building, Room 200, 465 South King Street, Honolulu, Hawai'i 96813, an answer to the attached Complaint. This action must be taken within twenty (20) days after service of this summons upon you, exclusive of the day of service.

If you fail to make your answer within the twenty (20) day time limit, judgment by default will be taken against you for the relief demanded in the Complaint.

This summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the general public, unless a judge of the above-entitled court permits, in writing on this Summons, personal delivery during those hours.

Failure to obey this summons may result in an entry of a default and default judgment against the person noticed.

DATED: Honolulu, Hawai'i _____.

CLERK OF THE ABOVE-ENTITLED COURT