

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

Attorney for Plaintiff

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2009 NOV -2 PM 2: 39

J. KUBO
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, by its Office of
Consumer Protection,

Plaintiff,

vs.

AMERICAN ANDROGOGY
UNIVERSITY INC., a Hawaii
corporation,

Defendant.

CIVIL NO. 09-1-2568-11
(Other Civil Action)

COMPLAINT AND SUMMONS

D H M C

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. 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 American Androgogy University Inc. ("AAU") is a Hawaii for-profit corporation.

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

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

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

COUNT I
FAILURE TO PRODUCE RECORDS AND INFORMATION

7. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 6 as though fully set forth herein.

8. AAU failed to provide records and information upon Plaintiff's demands in violation of Hawaii Rev. Stat. §446E-2(c).

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

COUNT II
FAILURE TO HAVE AN OFFICE LOCATED IN HAWAII

10. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 9 as though fully set forth herein.

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

12. 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

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

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

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

COUNT IV
MISLEADING STATEMENTS

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

17. AAU has made misleading statements about the circumstances under which it will issue degrees on its website in violation of Hawaii Rev. Stat. §480-2(a).

COUNT V
DECEPTIVE OMISSIONS REGARDING THE LEGALITY OF AAU DEGREES

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

19. AAU website fails to note that it is not authorized in any jurisdiction to legally issue degrees."

20. In addition AAU fails to disclose that the use of AAU degrees in a number of jurisdictions is a criminal or civil offense and may very well subject the user to being terminated from employment and potentially indicted.

21. Each such misrepresentation constitutes a separate and independent violation of Hawaii Rev. Stat. § 480-2(a).

COUNT VI
INJUNCTIVE RELIEF

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

23. 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 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 itself out as a "college, academy, institute, institution, university" or anything similar thereto; and

c. Owning or operating any business in the State of 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 the 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 the 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, November 2, 2009.



JEFFREY E. BRUNTON
Attorney for Plaintiff

State of Hawaii vs. American Androgogy University Inc., a Hawaii corporation;
Civil No. _____; COMPLAINT AND SUMMONS

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| STATE OF HAWAI'I CIRCUIT COURT OF THE FIRST CIRCUIT | SUMMONS TO ANSWER CIVIL COMPLAINT | CASE NUMBER CIVIL NO. |
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| PLAINTIFF STATE OF HAWAI'I, by its Office of Consumer Protection | vs. DEFENDANT AMERICAN ANDROGOGY UNIVERSITY INC., a Hawaii corporation |
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PLAINTIFF'S ATTORNEY (NAME, ADDRESS, TEL. NO.)
JEFFREY E. BRUNTON #2833
Office of Consumer Protection
235 South Beretania Street, Room 801
Honolulu, Hawaii 96813-2419
Telephone: (808) 586-2636

TO THE DEFENDANT(S):

You are hereby summoned and required to serve upon plaintiff's attorney, whose address is stated above, an answer to the complaint which is attached. This action must be taken within twenty days after service of this summons upon you, exclusive of the day of service.

If you fail to make your answer within the twenty 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.

A failure to obey this summons may result in an entry of default and default judgment against the disobeying person or party.



In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the First Circuit Court Administration Office at PHONE NO. 539-4333, FAX 539-4322, or TTY 539-4853, at least ten (10) working days prior to your hearing or appointment date.

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| DATE ISSUED NOV - 2 2009 | CLERK J. KUBO |
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| I do hereby certify that this is a full, true, and correct copy of the original on file in this office. | CIRCUIT COURT CLERK |
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