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Attorney for Plaintiff

FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

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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.

AMERICAN INTERNATIONAL  
UNIVERSITY OF MANAGEMENT &  
TECHNOLOGY, INC., a Hawaii  
corporation and ABNISH C. AMAR,

Defendants.

CIVIL NO. 02-1-0725-03  
(Other Civil Action)

COMPLAINT AND SUMMONS

COMPLAINT

Plaintiff, for a cause of action against the above-named Defendants, avers  
and alleges that:

JEFFREY E. BRUNTON #2833  
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Honolulu, Hawaii 96813-2419  
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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 Consumer Protection,	)	CIVIL NO. _____
	)	(Other Civil Action)
	)	
Plaintiff,	)	COMPLAINT AND SUMMONS
	)	
vs.	)	
	)	
	)	
AMERICAN INTERNATIONAL	)	
UNIVERSITY OF MANAGEMENT &	)	
TECHNOLOGY, INC., a Hawaii	)	
corporation and ABNISH C. AMAR,	)	
	)	
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. Chapters 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 American International University of Management & Technology, Inc. ("AIUMT") is a Hawaii corporation.

4. Upon information and belief, Defendant Abnish C. Amar is a resident of Irvine, California.

5. On November 26, 1996 Articles of Incorporation of American International Institute of Technology, Inc. were filed with the Department of Commerce and Consumer Affairs of the State of Hawaii.

6. On May 15, 1997 Articles of Amendment to Change Corporate Name of American International Institute of Technology, Inc. to American International University of Management & Technology, Inc. were filed with the Department of Commerce and Consumer Affairs of the State of Hawaii.

7. On November 22, 1999 Articles of Amendment to Change Corporate Name of American International Institute of Technology, Inc. to American International University of Management & Technology, Inc. were filed with the Department of Commerce and Consumer Affairs of the State of Hawaii.

8. AIUMT's annual corporate exhibit for the year ending December 31, 2000 identify its registered office as being located at 758 Kapahulu Avenue, Suite #152, Honolulu, Hawaii 96816-1128.

9. AIUMT's annual corporate exhibit for the year ending December 31, 2000 identify its specific purpose as "university teaching and training activities in higher education."

10. AIUMT's annual corporate exhibit for the year ending December 31, 2000 identify its president as Defendant Abnish C. Amar.

11. AIUMT maintained a website located at <http://www.aiumtech.com>. That uniform resource locator address is registered to Abnish Amar.

12. The address 758 Kapahulu Avenue, Suite #152, Honolulu, Hawaii 96816-1128 is a Mail Boxes Etc. mail forwarding service.

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

14. Defendant Abnish C. Amar is not now and never has been accredited by a recognized accrediting agency or association recognized by the United States Secretary of Education.

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

16. AIUMT had a "presence" in the State of Hawaii as that term is used in Haw. Rev. Stat. §446E-1.

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

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

18. AIUMT 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 II**  
**FAILURE TO MAKE STATUTORY DISCLOSURES**

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

20. AIUMT 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).

21. Each and every catalog, promotional material and/or written contract for instruction that failed to properly and adequately disclose the fact that AIUMT 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).

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

**COUNT III**  
**FAILURE TO HAVE AN OFFICE LOCATED IN HAWAII**

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

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

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

**COUNT IV**  
**FAILURE TO HAVE AN EMPLOYEE LOCATED IN HAWAII**

26. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 25 as though fully set forth herein.

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

28. 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**

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

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

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

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

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

33. AIUMT 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).

34. 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).

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

**COUNT VII**  
**ILLEGAL ACCEPTANCE OF PAYMENTS**

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

37. AIUMT 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 November 26, 1996.

38. AIUMT 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.

39. 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).

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

**COUNT VIII**  
**DEFENDANT ABNISH C. AMAR'S INDIVIDUAL LIABILITY**

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

42. Defendant Abnish C. Amar 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**  
**INJUNCTIVE RELIEF**

43. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 42 as though fully set forth herein.

44. 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 enjoining American International University of Management & Technology, Inc. and Abnish C. Amar, its agents, employees, successors and assigns, directly or indirectly, individually or in concert with others, or through any corporate or other device from providing voice mail, mail forwarding, or any other service to the Defendants.

3. 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 American International University of Management & Technology, Inc.), and certificates of authority held by or for the defendants.

4. 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.

5. Assess appropriate civil penalties against the defendants individually 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 defendants, jointly and severally, 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 defendants, 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, March 21, 2002.

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JEFFREY E. BRUNTON  
Attorney for Plaintiff

Civil No. \_\_\_\_\_; State of Hawaii vs. American International University of  
Management & Technology, Inc., et al; COMPLAINT AND SUMMONS.

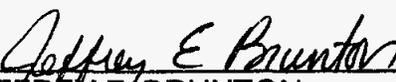
5. Assess appropriate civil penalties against the defendants individually pursuant to Hawaii Rev. Stat. § 480-3.1 and enter judgment in favor of plaintiff accordingly.

6. Award any consumers injured by the aforementioned violations full restitution, including pre and post judgment interest, against the defendants, jointly and severally, 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 defendants, 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, March 21, 2002.

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

Civil No. \_\_\_\_\_; State of Hawaii vs. American International University of Management & Technology, Inc., et al; COMPLAINT AND SUMMONS.