

ARTICLES FOR 10-19-17 ROUNDUP

ATTORNEY GENERAL LAXALT APPOINTS NEVADA'S FIRST STATEWIDE OPIOID COORDINATOR

Carson City, NV – Today, Nevada Attorney General Adam Paul Laxalt announced the appointment of Terry Kerns as Nevada's first ever statewide opioid coordinator in the Office of the Nevada Attorney General. In this role, Kerns will endeavor to bridge the gap between local law enforcement and state victims' service providers, to ensure a coordinated response to opioid crisis in Nevada.

Kerns, a recently retired Special Agent with the Federal Bureau of Investigation (FBI) and a registered nurse, will work to identify and implement best practices concerning the opioid crisis in other states; identify and expand on current best practices regarding the continuum of care from incarceration to release; expand on criminal justice interventions regarding prescription drugs in the community; and bolster law enforcement cooperation with health care providers.

“As a former federal law enforcement officer and registered nurse, Kerns is a perfect fit to assist law enforcement and victim services coordinate responses to the opioid crisis,” said Attorney General Laxalt. “As the chair of Nevada’s Substance Abuse Working Group, I understand that prevention goes hand-in-hand with law enforcement efforts. I look forward to the ways in which Kerns will enhance our ongoing efforts to educate at risk youth in our communities and collaborate with local law enforcement.”

Kerns brings with her a wealth of experience and knowledge with degrees in the medical profession and emergency management. Most recently, she served as a supervisory special agent for the FBI’s Joint Terrorism Task Force, and has law enforcement experience in multiple states.

“I’m honored to step into this new role where I can prioritize the public’s health and safety,” added Kerns. “I would like to thank Attorney General Laxalt for the opportunity to continue my public service, and look forward to working with the dedicated individuals committed to this mission.”

Kerns is based in the Las Vegas office and may be reached by email at TKerns@ag.nv.gov or by phone at 702-486-0978.

RUTLEDGE NAMES CORY COX AS CHIEF OF STAFF

Thanks Carl Vogelpohl for his service to the office and state

LITTLE ROCK – Arkansas Attorney General Leslie Rutledge today named Cory Cox of Perryville as Chief of Staff at the Attorney General’s office following the departure of Carl Vogelpohl, who has served in that role since the beginning of Rutledge’s term.

“There is no one better prepared to serve as my Chief of Staff than Cory Cox,” said Attorney General Rutledge. “Not only does Cory have many years of experience across state government, but as my Legislative Director for nearly three years, he has developed strong relationships with members of the General Assembly and understands the need for this office to be the top law firm in the state. He has a tremendous work ethic, a desire to serve the public and I am confident he will do an exceptional job leading the team at the office to ensure that we continue to protect Arkansans from criminals, con artists and an overreaching federal government.”

Cox, who has been serving as Legislative Director at Attorney General’s office since 2015, began his career as Assistant Legal Counsel to Huckabee before being promoted to Deputy Chief Counsel. Under Huckabee, he formulated policy and legislation, served on the Criminal Code Revision Commission, the Arkansas Crime Information Center Steering Committee and as legislative counsel to the Governor during the 2003 Regular Session. In 2005, Cox was appointed as Director of the Criminal Investigation Division of the Arkansas Insurance Department. He served as Chairman of the Education and Training Committee of the National Association of Insurance Commissioners Anti-Fraud Task Force and as a subject matter expert in insurance fraud for the National White Collar Crime Center. Cox was a Partner in the law firm of Hiland, Thomas and Cox from 2009 until 2011, when he began serving under Commissioner of State Lands John Thurston as Staff Attorney and Legislative Affairs Liaison. In 2014, he was named Managing Attorney for the Arkansas Department of Human Services Division of Policy and Legal Services. A graduate of Arkansas Tech University, Cox obtained his juris doctor from the University Of Arkansas William H. Bowen School Of Law. Cox is also a member of the Perryville School Board.

On the departure of Vogelpohl, Rutledge said, “Carl has been a trusted and influential advisor. He has been a key member of my leadership team from the transition period before taking office through these first few years in my administration. Since his instrumental work on my 2014 campaign, I knew that at some point Carl would want to return to political consulting and with the 2018 election season approaching, that time has come. I am grateful to Carl for his advice and counsel, and more importantly his service to the people of Arkansas. I wish him nothing but the best as he pursues a new challenge.”

ATTORNEY GENERAL’S ELDER ABUSE & FINANCIAL EXPLOITATION SUBDIVISION CONTINUES TO SEE INCREASE IN DEMAND FOR SERVICES

PIERRE, S.D. – Attorney General Marty Jackley confirms today that his Elder Abuse & Financial Exploitation Subdivision continues to see an increase in referrals and prosecutions since its inception in 2016. The Subdivision received 122 leads/referrals and cut 28 cases in the July – September 2017 quarter.

“Elder financial abuse is increasing as our state population continues to age. Often these crimes are underreported making it challenging to investigate and prosecute,” said Jackley. “This is why the public’s help and support is so important, and why our Elder Abuse community outreach continues to spread the word that these cases will be taken seriously.”

The Elder Abuse & Financial Exploitation Subdivision was created by the Legislature during the 2016 legislative session and is comprised of one full-time investigator and one full-time prosecutor and primarily investigates and prosecutes cases involving theft of assets from the elderly in South Dakota.

In addition to the investigative and prosecutorial work this Subdivision does, they provide education to seniors and their families on the seriousness of elder financial abuse. Organizations are encouraged to call the Attorney General's Office at (605) 773-3215 to schedule an outreach event.

AG REPORT REVEALS DATA OF NEARLY 3 MILLION WASHINGTONIANS COMPROMISED IN PAST YEAR

Twice as many data breaches, six times the number of consumers impacted compared to previous year

OLYMPIA — Today Washington state Attorney General Bob Ferguson released his second annual Data Breach Report. His report finds that between July of 2016 and July of this year, data breaches affected nearly 3 million Washingtonians — more than six times the number impacted in the previous 12 months period.

The report focuses exclusively on significant data breaches that affected 500 or more Washingtonians. During the last fiscal year, 78 data breaches were reported — twice the number of significant breaches reported to the Attorney General the previous fiscal year.

The release of the new Data Breach Report follows recent news that credit-monitoring company Equifax suffered a data breach, compromising the personal information of more than 145 million people nationwide. The Equifax breach happened after the dates covered by this year's report.

“Data breaches are a serious threat to our personal and financial security, and the more information consumers have, the better they can protect themselves,” Ferguson said. “My office will continue to serve as a watchdog to protect the people of Washington.”

The report also details the causes of the breaches. For the second year in a row, malicious cyber-attacks accounted for the largest share of the breaches. A quarter of the breaches resulted from unauthorized people — such as third-party vendors or employees — gaining access to information. A small number of breaches resulted directly from loss or theft of equipment or hardware.

Over the time period covered, governments were responsible for 3 percent of the breaches, but 52 percent of the compromised data consisted of government records. Ferguson's report recommends government do a better job of securing data, including ensuring government contractors adequately secure personal consumer information.

Ferguson's report also recommends businesses work to identify and resolve data breaches more quickly, and policymakers investigate whether to require swifter notice to the Attorney General and affected consumers after a breach.

In 2015, Attorney General Request legislation updated Washington's data breach notification statute. Washington's law now requires businesses and governments to notify the Attorney General's Office after suffering breaches affecting the personal information of at least 500 Washingtonians.

Attorney General Ferguson has been working with a multistate group of state attorneys general to investigate and hold businesses accountable when their security measures fall short. For example, in May 2017, Target Corporation entered into a binding agreement to resolve an investigation by Washington and 46 other state attorneys general into the 2013 breach that compromised millions of consumers' personal information. The agreement required Target to pay an \$18.5 million dollar penalty to the states, provide free credit monitoring to impacted consumers, and take significant measures to further strengthen their data security.

More information about data breaches in Washington, including the individual data breach reports submitted to the AGO, is available at <http://www.atg.wa.gov/data-breach-notifications>. Information for businesses on reporting data breaches is available at <http://www.atg.wa.gov/identity-theft-and-privacy-guide-businesses#Report>.

STATE RECEIVES \$593,000 IN LEGAL FEES FROM BLM

(Anchorage, AK) – The Bureau of Land Management (BLM) recently paid the State \$593,007.71 in legal fees as a result of a federal court's decision that the federal agency acted in bad faith in a lawsuit involving the navigability of an Alaskan waterway.

“This award of attorneys’ fees is important not only because of the money we got back but because of the message it sent to BLM,” said Deputy Attorney General Ed Sniffen. “We hope this will convince the federal agencies to sit down with us and work through these disputes in advance, instead of forcing us to file needless litigation.”

In June 2012, the State filed a lawsuit to resolve a longstanding dispute over the ownership of lands beneath the Mosquito Fork, a tributary of the Forty-mile River. The fundamental dispute was whether the Mosquito Fork was a navigable waterway, which, under the Submerged Lands Act (43 U.S.C. §§1301-1315) and equal footing doctrine, meant that the bed of the river is owned by the State. BLM’s refusal to acknowledge the State’s ownership created confusion and hardship for Alaskans seeking to use the river, particularly miners with state mining claims.

As the case proceeded over multiple years, BLM continued to contest the State’s ownership, making many arguments that had already been rejected by the Ninth Circuit Court of Appeals and the U.S. Supreme Court. BLM suddenly changed course shortly before trial. One day prior to a court hearing, the federal government abandoned all legal claims to the submerged lands, essentially nullifying the lawsuit.

Although the State had achieved its goal of quieting title to the riverbed, the State had needlessly spent hundreds of thousands of dollars preparing for trial. The State filed a motion for full attorneys’ fees on the grounds that BLM acted in bad faith during the lawsuit. In May 2016, the

federal district court agreed with the State. In her 22-page opinion, Judge Gleason stated that the federal government's frivolous arguments increased the State's costs of litigation. The court ultimately ordered BLM to reimburse the State \$593,007.71 of its attorney's fees and costs. BLM withdrew its appeal and recently paid the State the awarded amount.

“SOVEREIGN CITIZENS” SENTENCED TO PRISON IN ATTEMPTED PROPERTY TITLE FRAUD SCHEME

PHOENIX – Attorney General Mark Brnovich announced inmate Jason Bullard, the ringleader of a property fraud title scheme, was sentenced to 20 years in prison. Co-conspirator Rockney Martineau was sentenced to 18 years in prison for his role in the fraud scheme.

Bullard has been incarcerated in Arizona for more than 25 years. However, Bullard and Martineau have a history of attempting to take over deeds to properties they don't own. The defendants falsely claim to be the homeowners and attempt to take loans out against the property. The true owner is then left with a costly legal battle to reclaim the title to their own home. Bullard and Martineau claim they have the right to do this as “sovereign citizens.”

The most recent conviction comes after Bullard and Martineau attempted to file a quit claim deed on a property in Mesa. The Maricopa County Recorder's Office pulled the deed since it looked "odd." A manager at the Maricopa County Recorder's Office is familiar with both defendants due to their fraudulent filings over the years and immediately contacted the Mesa Police Department. She did not record the deed.

A jury found Martineau and Bullard guilty of Attempted Fraudulent Schemes and Artifices, Conducting an Illegal Enterprise, and Forgery.

Assistant Attorneys General Shawn Steinberg and Michelle Hogan prosecuted this case.

ATTORNEY GENERAL STEIN PARTNERS WITH FEDERAL TRADE COMMISSION IN CRACKDOWN ON STUDENT DEBT RELIEF SCAMS

RALEIGH – Attorney General Josh Stein today announced that his office is partnering with the Federal Trade Commission (FTC) to target student loan debt relief scams. The sweep, called “Operation Game of Loans,” will target scammers who use deceptive marketing tactics, charge illegal upfront fees, and fail to provide expert services.

“Education is one of the most important investments a person can make,” said AG Stein. “North Carolinians working hard to pay off their student loan debt deserve protection from fraud. I am proud to work with federal and state partners who also prioritize protecting student borrowers.”

In March, Attorney General Stein resolved a lawsuit against Student Loan Group (SLG) for charging illegal upfront fees and failing to deliver the promised debt management services. As a result, Student Loan Group was required to refund \$377,048 to borrowers. This represented a full refund to consumers of the illegal fees charged by SLG.

More than 60 percent of North Carolina's college graduates have student loan debt. The average student loan borrower in North Carolina owes more than \$25,000. Student loan debt in the U.S. totals over \$1.4 trillion, which makes it the second largest debt category after mortgages.

Consumers should remember that only scammers promise fast loan forgiveness and ask for upfront fees. Borrowers should never share their Federal Student Aid ID, even if the company claims to be affiliated with the government.

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AG SCHIMEL OBTAINS TEMPORARY INJUNCTION AGAINST DECEPTIVE PROPERTY MANAGEMENT COMPANY AND ITS MANY AFFILIATES

MADISON, Wis. – Today, Attorney General Brad Schimel, on behalf of the Department of Financial Institutions and the Department of Agriculture, Trade and Consumer Protection, obtained a temporary injunction against Vision Property Management (VPM), a South Carolina-based property management company and its many affiliates. In June, the state filed a lawsuit against VPM alleging that the company used misleading and deceiving business practices to induce Wisconsin consumers to lease, rent, or purchase uninhabitable properties in violation of Wisconsin landlord-tenant and mortgage banking laws.

“This injunction will provide relief to consumers impacted by this company’s deceptive business model,” said Attorney General Schimel. “Companies that deceive Wisconsin consumers are not welcome in our state and we will continue to pursue the lawsuit against VPM.”

The state obtained a court order requiring that, for the duration of this litigation, VPM, which has nearly 200 properties in Wisconsin, cease from entering into new Wisconsin leases, cease threatening to evict or evicting Wisconsin tenants, permit Wisconsin tenants to terminate their leases with VPM without penalty, and allow current Wisconsin tenants to seek pecuniary losses that resulted from VPM’s prohibited acts and practices.

The case is based on VPM’s business model, which induces tenants into leasing run-down properties, with the prospect of someday being able to purchase them. VPM requires the tenants to rehabilitate the property in three to four short months, pay all the overdue taxes, which are sometimes years overdue, and resolve any outstanding building code violations with the city. If the tenants fail to do any of these things, VPM evicts the tenant and repeats the cycle by renting the uninhabitable property to yet another Wisconsin consumer.

The case is being prosecuted by Assistant Attorney General Lara Sutherlin. If you have further information about this company, please contact Wisconsin Consumer Protection Unit Investigator Camelia Howe at (608) 266-8063.

ATTORNEY GENERAL DONOVAN CHALLENGES VIRGINIA LAW FIRM THAT SEEKS TO INVADE VERMONTERS PRIVACY

Today the Vermont Attorney General's Office filed motions to stay and appeal the Energy and Environment Legal Institute (EELI) matter. EELI seeks to depose and gain access to personal emails and other personal communications of former Attorney General Bill Sorrell, and now expands their request and seeks to obtain personal emails from three current and former Assistant Attorneys General. It is the firm position of the Vermont Attorney General's Office that state employees must follow "The Public Records Act," but the Act does not strip those in public service of their right to privacy.

The Public Records Act requires public agencies to produce public records, and all state agencies including The Attorney General's Office produce records every day.

The Act also recognizes that all Vermonters have privacy rights.

Vermonters who work as public servants don't check those rights at the door. From school board members, to town clerks, to state officials, people have privacy rights. Plaintiffs have taken the position that anyone can sue any Vermonter who ever worked for a public agency and invade their privacy.

The Vermont Attorney General's Office disagrees.

Attorney General TJ Donovan said: "This is a precedent setting case. Until the Vermont Supreme Court rules or the Legislature acts, I will continue to protect public servants' privacy- from the Governor to a select board member. I look forward to litigating this matter"