

## **ARTICLES FOR 10-26-17 ROUNDUP**

### **HAWAII ATTORNEY GENERAL RECEIVES “CHAMPION FOR SOCIAL JUSTICE AWARD” FROM THE HAWAII STATE BAR ASSOCIATION**

Attorney General Doug Chin yesterday received the “Champion for Social Justice Award” from the Hawaii State Bar Association during its annual convention. The award is intended to honor “courageous legal work in the face of public controversy that helps promote the interests of justice and preserves the integrity of the judiciary.” Attorney General Chin said, “I was honored to receive the Champion for Social Justice Award from the Hawaii State Bar Association. The work I’ve been able to do that resulted in this award would not have been possible without the tireless contributions of everyone at the Department of the Attorney General.”

### **AG SAYS ALASKA’S TRIBES HAVE LEGAL SOVEREIGNTY**

By The Associated Press

The Associated Press

ANCHORAGE, Alaska (AP) — The state’s top lawyer released a legal opinion Friday saying that, despite some misconceptions, Alaska Native tribes have sovereignty and legally exist in the state.

State Attorney General Jahna Lindemuth wrote the opinion at the request of Gov. Bill Walker, who had heard concerns from his tribal advisory council about a perceived lack of recognition of the status of tribal sovereignty in the state. Some misconceptions involve the state’s unique Alaska Native Claims Settlement Act.

“The existence of a tribe or tribal government does not require a federal determination and tribal sovereignty does not originate with the federal government,” Lindemuth wrote. “That said, the United States Constitution gives Congress the authority to legislate with respect to Indian tribes.”

The 16-page opinion outlines tribal issues clarified over the years by the courts. It does not take positions on areas courts have not addressed.

Currently, there are 229 federally recognized tribes in Alaska. There is just one reservation, the southeast Alaska community of Metlakatla.

Lindemuth said in the document there continue to be misunderstandings about Alaska’s tribes. A common misconception is that tribes were legally terminated by the 1971 Alaska Native Claims Settlement Act.

That law compensated tribes for the loss of historically used lands and established regional and village Native corporations. It also let the corporations select 44 million acres and appropriated them nearly \$963 million.

According to the opinion, tribes were not explicitly extinguished by ANCSA, thus their status as sovereign governments is not affected. In fact, the Alaska Supreme Court has consistently recognized the tribes' inherent sovereignty.

The document says that sovereignty also includes the jurisdiction to initiate Indian Child Welfare Act child custody proceedings. Lindemuth said related tribal court orders are entitled to "full faith and credit" by state courts and its agencies.

Tribal sovereignty also includes a "plausible claim" to terminate parental rights to children in a tribe, even when a parent is not a tribal citizen.

"Further, tribal court remedies must be exhausted before a tribal court decision can be collaterally attacked in state court," Lindamuth wrote.

## **ATTORNEY GENERAL LAXALT LAUNCHES "NEVADA'S PRESCRIPTION FOR ADDICTION" OPIOID INITIATIVE WITH UNANIMOUS BIPARTISAN APPROVAL FROM THE LEGISLATURE**

Today, Nevada Attorney General Adam Paul Laxalt issued the following statement after the Interim Finance Committee's unanimous, bipartisan approval of his office's "Prescription for Addiction" opioid initiative to combat the use, abuse and misuse of prescription drugs in Nevada:

"On average, one Nevadan dies per day from drug overdose, and opioid-related overdoses have become the lead cause of death in America. My office's 'Prescription for Addiction' opioid initiative creates an opportunity to face the epidemic that touches our families, friends and loved ones, and to promote prevention in Nevada. Today the Legislature approved this initiative that includes the purchase of drug incinerators, the distribution of Nalaxone to first responders, funding allocated toward prevention and education efforts, and the creation of an investigative position to assist with federal efforts to curb opioid abuse. I am grateful to our Legislature for their support of this critical issue facing our State and nation, and am hopeful that these efforts will make a much-needed difference in our communities."

The opioid initiative incorporates key elements addressed and recommended in Governor Sandoval's Prescription Drug Abuse Prevention Plan, and by the Center for Disease Control, National Governor's Association, as well as experts, as paramount to success in ending the opioid epidemic. The five points address priority areas including:

Provide one full-time dedicated criminal investigator to be assigned to the Federal Bureau of Investigation's new opioid task force created in response to Nevada's opioid epidemic.  
Purchase and install five drug disposal incinerators to be placed strategically in secure law enforcement locations throughout the State to incinerate prescription and illicit drugs seized or received through a take-back program.

Grant approximately \$500,000 to after-school prevention and education programs concerning drug and opioid abuse.

Allocate \$250,000 to the Department of Health and Human Services to purchase Naloxone/Narcan for local law enforcement agencies and first responders to be used to reverse the effects of opioid overdoses. This medication is needed to prevent opioid overdoses and save lives.

Allocate approximately \$675,000 to the Department of Health and Human Services to strengthen the efforts of statewide partners currently working on prevention and education efforts related to opioid addiction.

Funding for the initiative results from a \$5.3 million deceptive trade practice settlement with Volkswagen from June, 2016. Through support and collaboration with other stakeholders such as the Governor's Office, law enforcement agencies, behavioral health professionals and educators, AG Laxalt's office will provide these funds in support of a five-point plan to help combat opioid abuse within Nevada.

In June, 2017, AG Laxalt announced an ongoing bipartisan investigation with a majority of attorneys general to evaluate whether manufacturers have engaged in unlawful practices in the marketing and sale of opioids. The attorneys general are investigating what role the opioid manufacturers may have played in creating or prolonging this epidemic. In September, 2017, AG Laxalt and other attorneys general issued subpoenas to pharmaceutical manufacturers and distributors related to the ongoing investigation.

Opioid abuse and misuse results in behavioral and biological health issues that affect individuals, families and communities, and costs the United States more than \$740 billion in crime, lost work productivity and health care each year. Nationwide and in Nevada, opioids—prescription and illicit—are the main driver of drug overdose deaths. According to the Centers for Disease Control and Prevention, opioids were involved in 33,091 nationwide deaths in 2015, and opioid overdoses have quadrupled since 1999. In 2016, Nevada was ranked as the sixth highest state for the number of milligrams of opioids distributed per adult according to a study by the Drug Enforcement Agency.

## **AG JEPSEN LEADS BIPARTISAN LETTER URGING PBMS TO IMPLEMENT OPIOID MITIGATION PROGRAMS**

Attorney General George Jepsen today led a bipartisan group of attorneys general from across the country in letters to 15 health care companies that provide pharmacy benefit management (PBM) services encouraging the companies to implement programs to mitigate prescription opioid abuse.

The attorneys general also sent a letter to the president and CEO of CVS Health Corporation applauding the company's recent program that automatically enrolled all commercial, health plan, employer and Medicaid clients in an opioid abuse mitigation program.

"All of us – law enforcement, first responders, policymakers, healthcare providers, individuals and families – have an important role to play in addressing this epidemic," said Attorney General Jepsen. "I commend CVS for taking steps to reduce prescription opioid abuse, a contributing factor in the opioid crisis that has impacted Connecticut and communities across the country. Today, my colleagues and I are strongly urging other PBMs to take similar steps and join with us all in action help stop opioid abuse."

In their letters to the PBMs, the attorneys general asked that the companies adopt similar measures as CVS, including limiting to seven days the supply of opioids dispensed for certain acute prescriptions for patients who are new to the therapy, limiting the daily dosage of opioids dispensed based on the strength of the opioid, and requiring the use of immediate-release formulations of opioids before extended-release opioids are dispensed. The CVS program's requirements are similar to the opioid prescribing guidelines recently issued by the Centers for Disease Control and Prevention (CDC).

The multistate PBM letters were sent to:

- Argus Health Systems, Inc.
- Benecard Servies LLC
- Envision Pharmaceutical Services LLC
- Envolve Health
- Express Scripts, Inc.
- Humana, Inc.
- Magellan Rx Management
- MedImpact Healthcare Systems, Inc.
- Navitus Health Solutions LLC
- OptumRX , Inc.
- PerformRx
- Prime Therapeutics, Inc.
- ProCare Rx
- RxAdvance
- WellDyneRx

"While there are no doubt additional measures that pharmacy benefit managers could take to combat prescription opioid abuse, we believe over-prescribing of opioids could be curtailed by the implementation of a CVS-type program," the attorneys general wrote.

"The opioid epidemic is the most pressing public health crisis our country faces," the attorneys general wrote. "It affects every state and has a devastating impact on communities – tearing apart families and stretching the budgets of local law enforcement and first responders as they do the difficult work on the front lines. For our part, attorneys general are pooling resources and coordinating across party lines to address the crisis."

Opioids, both prescription and illicit, are now the main driver of drug overdose deaths nationwide. According to CDC, opioids were involved in 33,091 deaths in 2015, and opioid overdoses have quadrupled since 1999. The Connecticut Office of the Chief Medical Examiner is projecting that more than 1,000 people will die of opioid-related overdoses in Connecticut in 2017.

In addition to Attorney General Jepsen, those joining one or both of today's letters include attorneys general from Alabama, Arizona, Delaware, Georgia, Indiana, Iowa, Louisiana, Maine, Michigan, Montana, New Hampshire, Rhode Island, South Carolina, Utah, Virginia, West Virginia, the District of Columbia and the U.S. Virgin Islands.

Assistant Attorneys General Jeremy Pearlman, Ann-Marie DeGraffenreidt, Michael Wertheimer, John Wright and Lorrie Adeyemi, head of the Consumer Protection Department, are assisting the Attorney General with this matter.

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## **UTAH AG SEAN REYES JOINS BIPARTISAN LETTER URGING PBMS TO IMPLEMENT OPIOID MITIGATION PROGRAMS**

SALT LAKE CITY – Attorney General Sean Reyes has joined with a bipartisan group of attorneys general from across the country in letters to 15 healthcare companies that provide pharmacy benefit management (PBM) services encouraging the companies to implement programs to mitigate prescription opioid abuse.

The attorneys general also sent a letter to the president and CEO of CVS Health Corporation applauding the company's recent program that automatically enrolled all commercial, health plan, employer and Medicaid clients in an opioid abuse mitigation program.

"As Attorney General, I have seen far too much devastation to Utah families and communities from opioids. In our fight against this epidemic we have learned that all too often addiction starts with prescription medication," said Attorney General Sean Reyes.

"I applaud pharmacies like CVS who are proactively implementing policies to lessen the likelihood of addiction by patients. We urge other companies to follow their lead. Limiting the duration and dosage of opioids, among other solutions, will likely decrease significantly the number of new addicts."

Working with pharmacies is part of the Utah Opioid Task Force's multi-layered approach with many stakeholders including manufacturers, prescribers, insurance companies, law enforcement & the recovery community to comprehensively address the opioid threat ravaging our nation." In their letters to the PBMs, the attorneys general asked that the companies adopt similar measures as CVS, including limiting to seven days the supply of opioids dispensed for certain acute prescriptions for patients who are new to the therapy, limiting the daily dosage of opioids dispensed based on the strength of the opioid, and requiring the use of immediate-release formulations of opioids before extended-release opioids are dispensed. The CVS program's requirements are similar to the opioid prescribing guidelines recently issued by the Centers for Disease Control and Prevention (CDC).

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PerformRx  
Prime Therapeutics, Inc.  
ProCare Rx  
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WellDyneRx

"While there are no doubt additional measures that pharmacy benefit managers could take to combat prescription opioid abuse, we believe over-prescribing of opioids could be curtailed by the implementation of a CVS-type program," the attorneys general wrote.

"The opioid epidemic is the most pressing public health crisis our country faces," the attorneys general wrote. "It affects every state and has a devastating impact on communities – tearing apart families and stretching the budgets of local law enforcement and first responders as they do the difficult work on the front lines. For our part, attorneys general are pooling resources and coordinating across party lines to address the crisis."

Opioids, both prescription and illicit, are now the main driver of drug overdose deaths nationwide. According to CDC, opioids were involved in 33,091 deaths in 2015, and opioid overdoses have quadrupled since 1999. The Utah Department of Health reports in Utah 23 individuals die from prescription drug overdoses every month, and from 2013-2015, Utah ranked 7th in the U.S. for drug poisoning deaths. From 2000 to 2015 Utah saw a nearly 400% increase in deaths from the misuse and abuse of prescription drugs.

In addition to AG Sean Reyes, those joining one or both of today's letters include attorneys general from Alabama, Arizona, Connecticut, Delaware, Georgia, Indiana, Iowa, Louisiana, Maine, Michigan, Montana, New Hampshire, Rhode Island, South Carolina, Virginia, West Virginia, the District of Columbia and the U.S. Virgin Islands.

## **GLOBE SURGEON INDICTED FOR ALLEGEDLY FORGING PRESCRIPTIONS FOR OPIOIDS**

GLOBE - Attorney General Mark Brnovich announced an Arizona State Grand Jury indicted 40-year-old Dr. Jamison Mark Foster on 30 felony charges including Acquisition of Narcotic and Dangerous Drugs by Fraud, Fraudulent Schemes, Forgery, and Taking the Identity of Another.

The indictment alleges Dr. Jamison Foster, a Doctor of Osteopathic Medicine, practicing as a general surgeon, forged the signature of a Phoenix doctor to obtain opioids for his own personal use. Dr. Foster had been previously employed by the victim doctor.

The investigation began in May 2017 when Dr. Foster allegedly attempted to fill a forged prescription for Oxycodone at a pharmacy in Globe. The pharmacist reached out to law enforcement after growing suspicious of the alleged forged prescription. Investigators contacted the victim doctor and discovered she had not authorized the 71 prescriptions that Dr. Foster allegedly filled at pharmacies across Arizona from June 2016 to May 2017.

Assistant Attorney General Jarred McBride of the Healthcare Fraud and Abuse Section of the Arizona Attorney General's Office is prosecuting this case.

All defendants are presumed innocent until convicted in a court of law.

## **AG HUNTER WRITES LETTER TO FEDS REQUESTING OPIOID INDUSTRY BE TREATED AS CRIMINAL ENTERPRISE**

AG Hunter requests meeting to discuss federal, state effort

OKLAHOMA CITY – Attorney General Mike Hunter today sent a letter to U.S. Attorney General Jeff Sessions requesting the federal government pursue opioid manufacturers, wholesalers and distributors under the Racketeer Influenced and Corrupt Organizations Act (RICO).

The letter comes one day after Attorney General Sessions was in Oklahoma to discuss criminal justice issues across the United States.

Attorney General Hunter said the letter's intent is to open communications to develop a federal and state partnership to combat the opioid epidemic.

"My letter to Attorney General Sessions is another necessary action as the state tries to pull itself out of this deadly epidemic and deal with those responsible for it," Attorney General Hunter said. "The opioid industry has knowingly flooded the market with these deadly drugs and it is past time to hold them accountable. There is clear evidence of these companies spending millions of dollars on lobbyists and fraudulent marketing campaigns in order to get these drugs into communities across the nation.

"For nearly two decades, these companies pursued profit at any cost and without a conscious for the more than 90 men, women and children who, on average, die each day from opioid overdoses. We need to start treating the industry from the top down like the criminal enterprises they are."

In the letter, Attorney General Hunter says he believes the most powerful tool to fight the epidemic is through the federal government and states' RICO statute to pursue manufacturers, wholesalers and distributors of opioids.

"For too long, the industry has been allowed to deceive medical providers and the public as to the efficacy and the addictive quality of opioids and has avoided meaningful regulatory enforcement in recent years as well as civil and criminal liability," Attorney General Hunter continued. "The time has come to hold them to account."

Closing the letter, the attorney general requested a personal meeting with Attorney General Sessions to discuss a joint effort between the U.S. Department of Justice and Oklahoma law enforcement officials to address the epidemic in Oklahoma.

Read Attorney General Hunter's letter, here: <http://bit.ly/2grAuT6>.

Read about Attorney General Hunter's continued efforts to combat the opioid epidemic, here: <http://bit.ly/2yCsp68>.

About RICO from the U.S. Department of Justice:

On October 15, 1970, the Organized Crime Control Act of 1970 became law. Title IX of the Act is the Racketeer Influenced and Corrupt Organizations, commonly referred to as the "RICO" statute. The purpose of the RICO statute is "the elimination of the infiltration of organized crime and racketeering into legitimate organizations operating in interstate commerce."

However, the statute is sufficiently broad to encompass illegal activities relating to any enterprise affecting interstate or foreign commerce.

Section 1961(10) of Title 18 provides that the Attorney General may designate any department or agency to conduct investigations authorized by the RICO statute and such department or agency may use the investigative provisions of the statute or the investigative power of such department or agency otherwise conferred by law.

More on RICO can be found, here: <http://bit.ly/2dZu9jn>.

## **ATTORNEY GENERAL BECERRA CALLS ON EDUCATION SECRETARY DEVOS TO REJECT STUDENT LOAN SERVICERS' REQUEST FOR IMMUNITY FROM STATE INVESTIGATIONS**

SACRAMENTO – Joining a bipartisan coalition of attorneys general and officials representing 25 states, California Attorney General Xavier Becerra today urged Education Secretary Betsy DeVos to reject an ongoing campaign by student loan servicers to secure immunity for themselves from state-level oversight and enforcement. In particular, two student loan servicing industry associations, the Education Finance Council and the National Council of Higher Education Resources, recently asked Secretary DeVos to issue “regulatory guidance” stating that the U.S. Department of Education’s rules and regulations preempt states from enacting or enforcing state laws to quell student loan abuses. There is no basis for this under federal law. States have long been charged with protecting their citizens from fraud, deceptive conduct, and unfair business practices. Federal student loan servicers are also private companies that are subject to state law.

“Here in California, we have both enforcement and supervisory oversight over student loan servicers. We have been doing everything in our power to protect students. We certainly won’t excuse those who engage in unscrupulous servicing and debt collection practices,” said Attorney General Becerra. “Student loan servicers are not exempt from state laws—period. And Secretary

DeVos must not validate shoddy practices by attempting to take away critical state oversight of this industry.”

California recently enacted legislation to ensure student loan borrowers are protected from unscrupulous servicing and debt collection practices. These commonsense laws, along with California’s existing framework of consumer protection and debt collection laws, protect California student loan borrowers from abusive practices. Those practices include illegal debt collection activities, deceptive and misleading conduct related to student loan repayment options, and the misapplication of loan payments.

California law also requires student loan servicers to register with the California Department of Business Oversight. This agency is responsible for licensing other lenders and loan servicers operating in California.

The bipartisan letter sent to Secretary DeVos today included signatures of the attorneys general and other top state officials from Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Maryland, Maine, Minnesota, Montana, New York, North Carolina, Oregon, Rhode Island, Tennessee, Texas, Virginia, Vermont, Washington and the District of the Columbia.

Since taking office, Attorney General Becerra has taken action on several fronts to protect students. In June, he led a coalition of 19 attorneys general in suing the Department of Education for unlawfully delaying the implementation of the Borrower Defense Regulations, which are aimed at protecting students from deceptive practices and fraud. He recently announced a settlement with Aequitas Capital Management which provides more than \$51 million in debt relief for Californians who attended schools owned by Corinthian Colleges, Inc., a for-profit company that defrauded its students. In addition, he urged Secretary DeVos to expedite loan forgiveness for Corinthian students.

## **AG PAXTON JOINS 25-STATE BIPARTISAN COALITION CALLING ON EDUCATION SECRETARY TO PRESERVE STATES’ OVERSIGHT OF STUDENT LOAN INDUSTRY**

Joining a bipartisan coalition of 25 states, Attorney General Ken Paxton today called on U.S. Secretary of Education Betsy DeVos to reject a campaign by student loan servicers and debt collectors to dismantle state oversight of the student loan industry. In recent years, Texas and other states investigated and prosecuted a number of student loan industry abuses, winning settlements in the tens of millions of dollars for vulnerable student borrowers.

In a letter to Secretary DeVos, Attorney General Paxton and his counterparts point out that the student loan industry continues to lobby the U.S. Department of Education for more control and autonomy at a time when it is still in urgent need of reform. It is reported that Americans owe more than \$1.3 trillion in student loan debt, spread out among 42 million borrowers, and sixty percent won’t pay off their loans until their 40s.

“Any attempt to strip states of their oversight of the student loan industry amid the mounting student loan crisis would only put students and borrowers at increased risk,” Attorney General Paxton said. “The Consumer Protection Division of my office is at the forefront of protecting Texans from fraud, deceptive conduct and unfair business practices. Allowing the student loan industry to skirt state law would enable bad actors to take advantage of people who are trying to better their lives through education.”

The attorneys general explain in their letter that the student loan industry seeks to “defy the well-established role of states in protecting their residents from fraudulent and abusive practices, plainly exceed the scope of the department’s lawful administrative authority, and would needlessly harm the students and borrowers at the core of the department’s mission.”

The Federal Trade Commission (FTC) recently honored Attorney General Paxton’s Consumer Protection Division for collaboration on “Operation Game of Loans,” a national crackdown of state attorneys general and the FTC on student loan scams. Agreeing to the industry request would gut state authority the federal government has recently praised Texas for using wisely.

The New York attorney general authored the bipartisan letter, which included signatures of the attorneys general and other state officials from California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Maryland, Maine, Minnesota, Montana, North Carolina, Oregon, Rhode Island, Tennessee, Virginia, Vermont, Washington and the District of the Columbia.

View the letter to U.S. Secretary of Education DeVos here: <http://bit.ly/2yLbdNF>

View the press release on the FTC award here: <http://bit.ly/2gqAJ4r>

## **ATTORNEY GENERAL JACKLEY WARNS OF UNAUTHORIZED WEBSITES THAT FALSELY REPRESENT GOVERNMENTAL AGENCIES**

PIERRE, S.D. – Attorney General Marty Jackley is warning South Dakotans to be cautious of misleading websites that falsely appear to be representing governmental agencies.

“Scammers are sending emails and links to South Dakotans that appear to be from South Dakota governmental agencies. These links then reroute you to a fraudulent site that steals your information,” said Jackley. “Please retype website addresses into your internet browser rather than clicking on the links sent to you.”

The Attorney General’s Consumer Protection Division has received numerous complaints from businesses in and out of South Dakota who have received emails and/or links to what appears to be from legitimate South Dakota governmental agencies. Typically the link or website contains a slightly different spelling from the legitimate site, for example, including an additional letter at the end of the URL. One slight change to the web address will reroute you to a fraudulent site instantly, while being very difficult to detect.

Attorney General Jackley offers the following tips:

- Type website addresses into your internet browser rather than clicking on a link in an email.
- Be cautious of emails from governmental agencies. If you are not sure whether you are on the correct website of a government agency, call the agency on the phone to verify.
- Check to see that the website has a “lock” icon in the browser before you enter any personal or business information on a website –whether it is a governmental agency or a private business. Clicking on the lock icon will confirm that you are on the website you think you are and will indicate that personal information you provide on the website is protected.

If you believe you have been a victim of this scam, please contact the Attorney General’s Consumer Protection Division at 1-800-300-1986 or at [consumerhelp@state.sd.us](mailto:consumerhelp@state.sd.us).

## **ATTORNEY GENERAL RACINE TO ENFORCE WORKERS’ RIGHTS LAWS AGAINST ABUSIVE EMPLOYERS**

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WASHINGTON, D.C. – Attorney General Karl A. Racine today announced that the Office of the Attorney General (OAG) is launching an aggressive, comprehensive effort to hold abusive employers accountable and ensure that workers receive the wages they are owed. Findings of a 2017 study suggest that wages stolen from American workers by employers who violate minimum-wage laws exceed \$15 billion each year. But workers who lack resources or fear retaliation may have limited recourse when their employers refuse to pay them according to the law.

Attorney General Racine has positioned OAG to step in and help fill the enforcement gap. Under newly expanded legal authority to investigate and pursue wage theft cases, OAG has hired dedicated staff to bring enforcement actions against employers who deprive workers of pay and sick leave. OAG has also launched free resources to empower workers to protect themselves, including a wage and hour log book to help workers document their pay and hours worked, as well as comprehensive information about the District’s wage and hour laws. OAG’s new worker resources are also available in Spanish.

“While the overwhelming majority of employers follow the law, we will not tolerate the handful of employers who think they can cheat workers in the District,” said Attorney General Racine. “Our office will bring the power of the government to bear against employers that make their money by stealing from their employees. And we will make sure that workers understand their rights and how to take action if employers violate those rights.”

### **What Is Wage Theft?**

Wage theft is the illegal practice of denying workers the wages or benefits they’ve earned. It affects millions of workers nationally. Unscrupulous employers refuse to pay workers, pay less than the minimum wages, force workers to work extra hours without pay, refuse to pay overtime, or misclassify employees as contractors. Wage theft happens across job types and income levels, but workers in low-wage jobs and immigrants are especially vulnerable to this type of exploitation.

### New Enforcement Authority, Staff, & Partnerships

While OAG previously brought wage enforcement actions in cases initiated and investigated by the District's Department of Employment Services (DOES), the recent legislative changes provide the Attorney General with independent enforcement authority. Now, OAG can initiate cases, subpoena employers, and compel them to turn over payroll records and other documentation of their compliance with the District's wage laws. The changes have also streamlined the process by which OAG can enforce DOES orders.

In order to exercise this new authority and better protect workers, OAG has dedicated additional staff resources to fight wage theft. The Council provided OAG funding for two new full-time attorneys dedicated to fighting wage theft in the Fiscal Year 2018 budget. Existing staff members in OAG's Housing and Community Justice Section have also been assigned to protect workers. OAG is also strengthening our partnership with DOES and building new partnerships with local labor and non-profit groups.

### Enhanced Penalties for Employers Who Violate the Law

The new statute also enhanced penalties for employers who violate the District's wage and hour laws. OAG can now, in addition to restitution for workers, seek monetary penalties of three times the amount of unpaid wages. The agency also has the power to bring criminal charges against employers who violate the law.

### Current Investigations & Enforcement Actions

In pursuing wage-theft cases under the new law, OAG has already won judgments totaling more than \$30,000. In the coming months, OAG will bring larger cases against employers who are repeat offenders or who target vulnerable workers. OAG is currently conducting investigations in industries that have historically seen high incidences of wage theft, including construction, home health care, and the restaurant industry.

### New OAG Resources for Workers

The new bilingual OAG resources for workers include comprehensive information about the District's wage and hour laws, and information about where workers can get help if their rights are being violated. OAG is also providing free wage and hour log books. Workers can keep track of their wages and hours in the log book and help ensure they actually receive the pay they have earned. Workers can print the log book, available [here](#).

“The term ‘wage theft’ is not a metaphor. The money in the cases we are bringing belongs to workers, and we want to make sure they get it,” said Attorney General Racine.