

## **ARTICLES FOR 9-15-16 ROUNDUP**

### **Attorney general, staff take the hard questions**

Nevada Attorney General Adam Laxalt visited Fallon yesterday for a first-time community meeting as part of the office's "AG for a Day" tour.

Fallon was the group's first stop in Northern Nevada.

"He thinks like we do, and we think that's a big step in the right direction," said Arthur Mallory, Churchill County district attorney, as he opened the meeting for Laxalt and his team.

Laxalt's grandfather, Paul Laxalt, is the former Nevada governor who inspired the meeting series idea with his "Capital for a Day" tour in 1968.

"I'm here and ready to receive," said Laxalt, who visited Naval Air Station Fallon earlier. Laxalt served as a U.S. Navy officer and had a tour in Iraq.

Keeping tradition, both Laxalt and his staff, who represented major state government divisions, are taking their office directly to residents. The aim gives individuals in each county the opportunity to voice their concerns, ask questions and receive first-hand responses, as well as help for Laxalt's office to construct targeted solutions.

About 40 attendees, varying from civilians to law enforcement, also learned more about the office including its programs and resources that operate with its 400 employees and \$100 million budget. Laxalt's senior leaders present were experts in the state's military legal assistance program, state agency services and issues related to domestic violence, guardianships and elder abuse, consumer fraud trends, open government and federal overreach.

"Nobody really knows the breadth of the office," Laxalt said about why he brought a cross-section of senior management.

Arlene Rivera, the office's domestic violence ombudsman, said Nevada is one of the top five states in which women are killed by men. Last year, their office provided 41,000 individuals with support, 49,000 sheltered nights and 137,000 referrals. She can be reached at 702-486-5714 or [arivera@ag.nv.gov](mailto:arivera@ag.nv.gov).

Shawn Bowen, the office's deputy chief investigator, stated how they investigate cases ranging from human trafficking to consumer scams. They have started using new software to increase agency-to-agency communication. Bowen also said they focus on keeping 100 percent compliance with the sex offender sentencing, monitoring, apprehending, registering and tracking (SMART) grant that originated last year.

Daniel Westmeyer, senior deputy attorney general, discussed recent consumer and insurance fraud cases. Many recent scams center on giving out financial information over the phone. Westmeyer cautioned individuals against doing this even if the caller ID says the source is from

the Internal Revenue Service, a reputable charitable organization or a law enforcement facility holding a relative. There have also been cases related to unloading timeshares.

He advised people to take down the caller's information and phone the official organization to confirm. He also suggested having a family safe word in case emergencies arise.

Nic Danna, special assistant to the Attorney General Office of Military Legal Assistance, shared information on the state's military legal assistance program, the country's first. The program offers service members free representation, from judgment to filing, for those who can't afford an attorney, or for those families in need of additional assistance with wills, powers of attorney and legal advice. Danna said many times a service member is deployed when things such as housing or former employment go awry.

"Hopefully, you've noticed how seriously we take this job and how hard we're working," Laxalt said at the end of the presentation, mentioning how his office is doing things that haven't been done in the past. "The amount of things we can do to help the state is virtually limitless."

Laxalt said how being an active, effective office is a principle he promoted during his 2014 election.

"We couldn't do what we do without all the senior leadership we have," he said.

A time for questions as well as post-meeting discussions was given with residents who asked about land use and personal issues. Laxalt discussed how the East Coast has no idea how much federal land there is in the West, particularly Nevada. He also said he's happy to look at any proposal that comes across his desk and offered to meet one-on-one with attendees before leaving.

## **Federal intervention on oil pipeline project unprecedented**

By JAMES MacPHERSON Associated Press

Federal government halts work on part of pipeline project

BISMARCK, N.D. (AP) — The Standing Rock Sioux's effort to block a four-state oil pipeline got a lifeline when the federal government temporarily stopped the project, a move some say likely may forever change the way all energy infrastructure projects are reviewed in the future.

Just minutes after U.S. District Judge James Boasberg denied the Standing Rock Sioux tribe's attempt to halt the construction of the Dakota Access oil pipeline that skirts the reservation in southern North Dakota, three federal agencies appealed to the pipeline company to "voluntarily pause" work on a segment that tribal officials say holds sacred sites and artifacts.

Tribal officials challenged the Army Corps of Engineers' decision to grant permits for Dallas-based Energy Transfer Partners' \$3.8 billion pipeline that is intended to carry oil from North Dakota to Illinois.

Friday's ruling by Boasberg, who was appointed by President Barack Obama, came amid growing protests over the pipeline, which would cross the Missouri River less than a mile upstream of the reservation.

The statement by the Departments of Justice, Army and Interior said it would "reconsider any of its previous decisions" on land that borders or is under Lake Oahe, one of six reservoirs on the Missouri River and the drinking water source for the tribal members on the Standing Rock Sioux Reservation.

The statement from the federal departments also said the case "highlighted the need for a serious discussion" about nationwide reforms "with respect to considering tribes' views on these types of infrastructure projects."

Troy Eid, a former U.S. attorney in Colorado who now specializes in Indian law, said the action was unprecedented and a "significant setback" for the pipeline's builders.

"Everywhere in Indian Country, people are talking about this," said Eid, who spoke by phone Saturday while on horseback during a parade at the Navajo Nation Fair in Window Rock, Arizona.

He said the lack of tribal consultation on the Dakota Access pipeline "is a textbook example of how not to do a project."

Historically, tribes only have been consulted on energy infrastructure projects, with the federal government making the actual decisions, said Eid, a Republican.

The Obama administration's action Friday likely changed that, he said.

"Tribes want to be able to influence the outcome in a substantive way," Eid said.

Industry consultant Brigham McCown, a former acting administrator for the federal Pipeline and Hazardous Materials Safety Administration, said the Obama administration's involvement has "changed the lay of the land forever" for infrastructure projects.

"This could bog down or delay every single infrastructure project moving forward," he said. "I don't think they even realize the can of worms they've opened."

As a regulator during the George W. Bush administration, McCown said he oversaw safety for 1 million daily shipments of hazardous goods throughout the United States by air, rail, sea, land and pipeline.

"We were very apolitical in the decisions we made," he said. "Things are very different now, whether from the right wing or left wing, politics of all kinds are being injected into this."

The company plans to have the pipeline completed this year. In court papers, it said stopping the project would cost it \$1.4 billion the first year, mostly due to lost revenue in hauling crude.

The federal government's action in trumping the federal judge's ruling, however temporary, was a major victory for Native Americans in a "cultural and historical context," said Monte Mills, an assistant professor and co-director of the Margery Hunter Brown Indian Law Clinic at the University of Montana in Missoula.

"The way Indian Country came together to support Standing Rock has really been powerful," he said.

"There is no question it will be much more difficult and costly for these projects to move forward in the future," said Brian Jorde, an Omaha, Nebraska, lawyer who is working with opponents of the Keystone XL oil pipeline designed to move crude from Canada to the Gulf Coast.

"The reality is (Dakota Access) likely will move forward — not that I believe it should move forward — but all the pieces are in place for it to go forward," Jorde said. "There is too much money involved and too much influence in Washington to just give up."

## **For-Profit College Company to Refund Students \$23.5 Million in Settlement With CFPB**

By ARUNA VISWANATHA

For-profit college chain Bridgepoint Education Inc. will refund students \$23.5 million for allegedly tricking them into taking out loans that cost more than advertised, under a settlement with the Consumer Financial Protection Bureau announced Monday.

The San Diego-based company, which neither admitted nor denied the allegations, will also pay an \$8 million civil penalty, the agency said.

The consent order comes one week after another for-profit school operator, ITT Technical Institute, announced it would close its more than 130 campuses after the government banned it from enrolling new students receiving federal aid.

The consumer bureau said that Bridgepoint told its students that borrowers “normally” paid off loans with monthly payments as low as \$25, even though the bureau said that amount wasn’t “realistic.”

The refunds include \$5 million to students who had already repaid some of their loans, and \$18.5 million to discharge outstanding debt. Bridgepoint operates Ashford University and University of the Rockies.

In 2014, Bridgepoint and its Ashford University agreed to pay \$7.25 million to settle allegations from the Iowa attorney general’s office that they misled students to get them to enroll in their classes. The Ashford campus is in Clinton, Iowa.

In its latest annual report, Bridgepoint said it had 49,159 students, most of whom take courses online. A representative of Bridgepoint couldn't be immediately reached for comment.

Attorney General responds to ITT Tech's sudden closure

AG wants federal government to help displaced students

## **Hundreds of New Mexico students are reeling after ITT Technical Institute announced it was closing its doors for good.**

Students at the Albuquerque ITT Tech location expected to get back to class after the Labor Day weekend. A note on the door even said, "We will return Wednesday, September 7th."

But that wasn't the case because every single one of ITT's U.S. campuses closed Tuesday.

Now, the state's top prosecutor, wants the federal government to help those students left in the dust after the sudden shutdown.

New Mexico Attorney General Hector Balderas said what happened to thousands across the country is unacceptable.

"I'm appalled that they shut their doors," Balderas told KOAT-TV during an interview Wednesday.

Balderas said his office believes that nearly 400 New Mexicans are affected by ITT's closure.

He said many of them took out federal loans to pay ITT and now don't know how they'll recover.

"Many times students are struggling to pay back these loans, many times students are of low income, students of color who really can be protected," Balderas said.

Wednesday, Balderas sent a letter to the U.S. Department of Education, as well as New Mexico's congressional delegation.

In it, he stressed that the federal government - in part - failed those students and that it needs to make it right.

"I believe they need to step in and assist in forgiving loans," Balderas said.

Balderas also wants to make sure this doesn't happen again. Right now, he's in the middle of a long-running lawsuit against ITT and said in the end, students weren't the only ones who lost out.

"Taxpayers are paying for these student loans and they deserve simply a better product in terms of higher education," Balderas said.

The office is asking any that any ITT students contact his office because it's likely they are eligible for some help with those loans.

You can contact the New Mexico AG's office at 1-866-627-3249.

## **RI Attorney General And DEM File Lawsuit Against 34 Oil Companies**

By JOHN BENDER

The lawsuit, over the use of a hazardous gasoline additive, names defendants including British Petroleum and Exxon Mobile.

In the 1970s oil companies began using an additive called Methyl Tertiary Butyl Ether, known as MTBE. It's since been discovered to ruin water quality, causing it to smell and taste of turpentine.

Assistant Rhode Island Attorney General Michael Rubin said the substance is considered a likely carcinogen and has already been found locally.

"It's contaminated wells in RI, it's contaminated aquifers in RI," said Rubin. "In Chepachet, there's been MTBE found in the groundwater. There's a location in South Kingstown, specifically Wakefield."

In addition, Rubin said MTBE has been found in Burrillville, Chepachet, and South County, among other places.

"It's mainly involving well-water, but it's not just involving individual homeowners' wells, it's also involving municipal owned waterworks wells," said Rubin

In Burrillville, MBTE was detected in a well that's since been capped. That same well was floated as a source for water to cool a proposed power plant in the town, but the idea was met with criticism from residents who oppose the power plant, and ultimately rejected as too dangerous due to the contamination.

Rubin said the state has already spent millions on MTBE mitigation.

"The fact is that we do have roughly \$65 million that has already gone out the door, that has already been spent on this, but we have to account for the future," said Rubin.

The state's lawsuit aims to recoup that \$65 million and more for future mitigation efforts. Rubin said the Attorney General's office still has to research just how much any additional cleanup might cost.

## **Attorney General Opinion Declares Unlicensed Marijuana Social Clubs Illegal**

August 31, 2016 (Anchorage, AK) – Alaska Attorney General Jahna Lindemuth issued an opinion today on the legal status of "marijuana social clubs." These clubs call themselves private social clubs but operate like businesses, inviting members of the public to consume marijuana on

the premises in exchange for a fee. The Attorney General's opinion, requested by the Commissioner of the Department of Commerce, Community, and Economic Development, makes clear that consuming marijuana at these places is unlawful. The opinion also clarifies that offering marijuana samples to paying patrons may violate state criminal law against distributing marijuana without a valid commercial license.

"When Alaskans voted in 2014 to liberalize personal use of marijuana and to allow a commercial marijuana industry, they also voted to prohibit public consumption of marijuana," said Attorney General Lindemuth. "Unlicensed marijuana social clubs are public places like any other place of business—such as cafes, movie theaters, or retail stores—where marijuana consumption is not allowed by law."

Since the 2014 ballot initiative legalizing commercial marijuana, a five-member Marijuana Control Board appointed by Governor Bill Walker has adopted rules for commercial marijuana establishments and has begun licensing industry participants. In a limited exception to the general ban on public consumption, the Board has authorized licensed retail marijuana stores to allow people to consume marijuana on the premises. Marijuana social clubs, which are not licensed by the Board, do not fall within this exception.

## **AG FERGUSON PROPOSES BAN ON ASSAULT WEAPONS, HIGH-CAPACITY MAGAZINES**

OLYMPIA — Attorney General Bob Ferguson, joined by a broad coalition of over 50 community leaders and elected officials, today announced he will submit agency request legislation in the 2017 session to ban assault weapons and high-capacity magazines.

The bill would ban weapons like the AR-15 used to kill three teens and wound another at a party in Mukilteo in July. Reports indicate that the shooter used a 30-round magazine in that incident, which would also be banned under Ferguson's proposal.

Ferguson's proposed legislation has two key elements:

A ban on semiautomatic weapons with military-style features that render them more easily concealable or more deadly; and

A limit on magazine capacity — currently unlimited under Washington law — to a maximum of 10 rounds of ammunition.

"The recent tragedy in Mukilteo drives home the need to act with urgency to end the availability of weapons designed with only one purpose — to kill people," Ferguson said. "I have a duty to protect the public, as well as uphold the constitution. My proposal will ban some of the deadliest weapons, while respecting the Second Amendment right to bear arms."

Sen. David Frockt (D-46) and Sen. Kevin Ranker (D-40) are working with Ferguson to craft the legislation. The proposal will be modeled after successful assault weapon laws in other states, such as New York and Connecticut. The courts have determined these states' bans to be constitutional.

Unlike the bans in some other states, Ferguson's proposal targets only sales, grandfathering current gun ownership. The legislation would not require registration of existing weapons.

On July 30, three more young people were killed when a troubled 19-year-old opened fire on a party in Mukilteo — reportedly using an AR-15, a military-style semiautomatic weapon that would be restricted under Ferguson's proposal.

This legislation will save lives.

A review of mass shootings between January 2009 and January 2013 by Mayors Against Illegal Guns found that incidents where assault weapons or large capacity ammunition magazines were used resulted in 135% more people shot and 57% more killed, compared to other mass shootings.

When a gunman terrorized Seattle Pacific University with a double-barreled shotgun in 2014, student John Meis heroically tackled and disarmed the gunman while he was reloading. Even more Washingtonians might have been shot if this weapon held more rounds and had the assault-style features of the alleged Mukilteo shooter's weapon.

A recent poll presented by Washington Ceasefire and Ceasefire Oregon showed that 65 percent of adults in the two states — including a great many gun owners — favor an assault weapons ban and want lawmakers to act.

Attorney General Ferguson will file this legislation in December.

## **Dietary Supplement Sellers Barred from Iowa after Allegedly False Claims to “Put an End” to Bladder Control Problems**

Attorney General: sellers' ads greatly exaggerated herbal pill benefits

DES MOINES – The owner and the marketer of herbal pills touted in Iowa newspaper ads as “fixing” leaky bladders and making padded underwear “a thing of the past” will permanently stop targeting Iowans through an agreement with Attorney General Tom Miller, who alleged that the advertisements were grossly misleading.

Through an agreement called an assurance of voluntary compliance, Independent Nutraceuticals Inc., company owner Chuck Slotkin, and the Australian developer of the supposed bladder remedy, Tracey Seipel, will pay more than \$20,000 for refunds to about 140 Iowa consumers, permanently cease marketing to Iowa residents, and pay an additional \$10,000 to support future enforcement of Iowa's Consumer Fraud Act.

According to company records provided to the Consumer Protection Division, Iowans generally paid more than \$100 per bottle of the dietary supplements. Refunds will average \$148, and range from \$10 to \$675.

“These ads shamelessly exploited Iowans desperate for effective remedies for bladder control problems caused by age or infirmity,” Miller said. “The sellers aggressively boosted sales by



advertising that their herbal pills would mean ‘adios to adult diapers,’ when in fact they could not begin to substantiate such dramatic results.”

#### Miller: Bladder Control Newspaper Ads are Deceptive

According to Miller, large ads for “bladder control” appeared in nine different Iowa newspapers 28 times between May of 2014 and November of 2015. One ad last November was formatted to appear as a news article on a supposed medical breakthrough, without an “advertisement” label alerting consumers that they were reading a sales pitch.

Miller alleges the ads that ran in Iowa newspapers were deceptive:

One ad headline claimed this product “rehabilitates weak bladders” for 33 million suffering adults. In fact, that was the total estimate of people in the U.S. with bladder problems, not the number that this product actually helped.

Similarly, ads claimed that 25,000 people had used the product “successfully.” But that counted every re-order as a “success,” even though many re-orders were just persistent attempts to get the advertised results despite continuing disappointment.

One ad claimed that “insiders” in the adult diaper industry were closely watching this “breakthrough” herbal remedy, and were supposedly worried that adult diaper sales would drop. There was no basis for the claim.

Seipel was variously referred to as a “doctor” and a “physician.” But she is a “naturopath,” not a medical doctor (M.D.). Naturopaths are not licensed in Iowa.

Ads highlighted clinical studies without disclosing that they were conducted in whole or in part by Seipel herself, the product’s owner.

A consumer who called the number in the ad to order the product was told that the product was “patented” and “FDA approved” – both claims are false.

While ads emphasized an easy, “magic bullet” fix to bladder problems, buyers were later told they needed to make major lifestyle changes to see desired results.

An ad described one study in which subjects reported an “88% improvement in their quality of life,” and another study in which “100%” of the subjects reported a marked improvement. There was no basis for either claim.

“Dietary supplements are too often promoted as health treatments akin to medicines, despite the fact that they can be marketed without any showing that they actually work and, further, work safely,” Miller said. “That’s cause enough for concern, but it multiplies when sellers claim miraculous benefits for their herbal concoctions, and show little regard for accuracy.”

The Consumer Protection Division has obtained the names and addresses of Iowans who bought this product, and refund checks will be sent out in the coming weeks.

Through the agreement, the company, its owner, and the supplement developer deny liability for the product and advertisements.

### General Consumer Advice

Avoid risking your money – or even your health -- on so-called “remedies” that are unproven:

Consumers should be wary of ads touting extraordinary health benefits for a product. Claims like “scientific breakthrough” and “miracle cure” are almost always more about marketing than responsible treatment.

Be aware that dietary supplements can go on the shelves without proof that they are safe, or that they work, unlike prescription drugs that must be scientifically tested before going public.

Get advice from trusted health professionals who know you and are well-situated to evaluate the best treatments for you. They are typically the most reliable source of help in dealing with health challenges.

With health fraud as with other consumer frauds, if it sounds too good to be true, it is almost certainly not true.

For more information or to file a complaint, contact the Consumer Protection Division through the Attorney General’s website at [www.IowaAttorneyGeneral.gov](http://www.IowaAttorneyGeneral.gov) or email directly to [consumer@iowa.gov](mailto:consumer@iowa.gov). Consumers can also call the Consumer Protection Division at 515-281-5926, or outside the Des Moines area, toll free, at 888-777-4590.