

ARTICLES FOR 6-8-17 ROUNDUP

ALASKA SEEKS TO INTERVENE IN LAWSUIT CHALLENGING CONGRESSIONAL REVIEW ACT

(Juneau, AK) – The State of Alaska filed a request yesterday to intervene in support of Department of Interior Secretary Ryan Zinke in a federal lawsuit brought by the Center for Biological Diversity. The lawsuit challenges the validity of the Congressional Review Act, under which Congress and the President recently revoked regulations adopted by the U.S. Fish and Wildlife Service that would have restricted hunting methods and means on refuges throughout Alaska. The plaintiff claims the Congressional Review Act is unconstitutional and wants to reinstate the hunting restrictions. The State is seeking to join the lawsuit to defend the repeal of the restrictions.

“The elimination of the improper hunting restrictions allows the State to continue managing wildlife for all Alaskans,” said Department of Fish and Game Commissioner Sam Cotten. “We understand the importance of wildlife to our state and our focus is on maintaining populations into the future.”

The State supports use of the Congressional Review Act, and had urged the Alaska delegation to take action under the law to revoke the regulations. This law allows Congress with approval from the President to repeal regulations adopted within 60 legislative days (which could be as long as 6 months) of the previous administration, and this is the first time it has been used to address a regulation intended to impact a single state.

“We are pleased that our congressional delegation made it a priority to reverse these unnecessary hunting restrictions affecting 80 million acres in Alaska,” said Attorney General Jahna Lindemuth. “The rules adopted by the last administration clearly infringed on Alaska’s sovereign right to manage the harvest of fish and game in Alaska.”

The State filed a separate lawsuit challenging the regulations in January, along with a challenge to similar regulations adopted by the National Park Service. The State filed an amended complaint in that lawsuit yesterday, and is now waiting for a response from the federal government.

COLORADO ATTORNEY GENERAL CYNTHIA H. COFFMAN ANNOUNCES COLORADO IS THE FIRST TO OFFER POLICEONE ACADEMY ONLINE LEARNING TO PEACE OFFICERS STATEWIDE

Program allows local law enforcement agencies to customize and track officer training

Denver, CO— The Colorado Peace Officer Standards and Training (POST) has selected the PoliceOne Academy learning management system and training platform to deliver courses to all law enforcement in Colorado. POST is housed in the Colorado Attorney General’s Office.

Effective July 1, 2017, this unprecedeted collaboration will enable Colorado POST to provide vital training resources to all law enforcement agencies and 13,500 peace officers throughout the

state via its online learning platform. "By forming this partnership with PoliceOne, Colorado will continue to be a leader in the training of critical skills required for law enforcement professionals," said Colorado Attorney General Cynthia H. Coffman. PoliceOne Academy is already the preferred training provider for 157 Colorado law enforcement agencies, who together employ a total of 7,800 officers in the state.

Colorado POST spent considerable time evaluating top training and learning management solutions, ultimately selecting PoliceOne Academy based on its proven reputation and usage in Colorado and the ability to produce timely law enforcement training courses. The PoliceOne Academy offers the unique ability for agencies to run their own programs in a customizable environment, selecting relevant training topics from the Academy library to offer alongside state-funded training resources 24 hours a day, seven days a week, 365 days a year.

POST's full access subscription to PoliceOne Academy will allow training staff at all POST member agencies to effectively and affordably manage top training initiatives, including compliance with POST required hours and continuing education in all areas, while also hosting department-specific policies and courses. Administrators will be able to automate and retain training records and track credentials in a standardized, centralized platform.

"My agency has been utilizing the convenience of PoliceOne Academy online training for several years now. It is quite useful for both shorter briefing-type training topics as well as those recently required by law that would be a challenge to host or attend in person," said Chad Day, Yuma County Sheriff. "PoliceOne is a great value for both smaller agencies and large ones throughout the state, and I'm excited that POST has taken the necessary steps to contract on behalf of all agencies in Colorado."

"PoliceOne Academy was built ground-up to meet the unique training and learning management needs of local law enforcement agencies, so it's exciting to see the platform will be made accessible to an entire state," said Alex Ford, CEO of Praetorian Digital and PoliceOne. "Colorado has been a valued partner of PoliceOne for years, and we're proud to offer our technology to deliver and track mission-critical training content."

PoliceOne Academy is the preferred training provider for more than 1,000 law enforcement departments of all sizes across the United States.

To learn more, please visit <https://www.policeoneacademy.com/>

AG SCHIMEL HOLDS CAMPUS SEXUAL ASSAULT TRAINING AT UW-STEVENS POINT

MADISON, Wis. – Attorney General Brad Schimel, previous recipient of the Wisconsin Victim Witness Professionals' "Professional of the Year" Award, has been fighting on behalf of crime victims for 28 years as a prosecutor. As Attorney General, Schimel has made supporting victims of sexual assault one of his top priorities. In addition to solving the statewide issue of untested sexual assault kits, Attorney General Schimel's work on behalf of sexual assault survivors continues this week with a Wisconsin Department of Justice training, hosted by the University of

Wisconsin-Stevens Point (UWSP) for local and campus partners, to tackle the tough issues surrounding the investigation of campus sexual assault.

“On college campuses, student safety is a shared responsibility between the campus and surrounding community,” said Attorney General Schimel. “When a victim of sexual assault comes forward, the campus and the community officials must be able to work together to support the survivor and provide the justice survivors deserve. I’m excited to provide DOJ’s expertise in trauma-informed response to sexual assault so that survivors of sexual assault will know that the necessary support will be there to them. I also am very grateful to UWSP for hosting this important event and want to particularly thank UW System President Ray Cross and UW-Madison Chancellor Rebecca Blank for their generosity in providing individuals to speak on this topic.”

The campus sexual assault response training provided by DOJ included attendees from city, county, and campus law enforcement, sexual assault nurse examiners, campus officials, victim advocates, and prosecutors. These experts discussed methods to partner together to more effectively address campus sexual assault and protect victims and campus communities. “We sent Stevens Point police officers to this training because we know that working together is the best way to support victims, hold perpetrators accountable and keep the community safe from sex offenders,” said Stevens Point Police Chief Martin Skibba.

Panel discussions included the issue of consent and non-consent, the special dynamics when alcohol is involved in gender-based crimes, techniques for trauma-informed interviewing the suspect/respondent with an eye toward obtaining information that can be investigated, and finally, investigating with the goal of corroboration. Survivors of campus sexual assault also addressed the conference and provided attendees with their perspective about how best to support victims. “The stories of survivors highlighted the importance of collaboration, including the role of advocates to help survivors navigate the system. Their courage unified the group and set a great tone for the training,” said Taume Kohl, a sexual assault advocate from Association for Prevention of Family Violence in Elkhorn.

The next campus sexual assault training will be held at the University of Wisconsin-La Crosse, as part of the sexual assault response training pilot program. For more information or to learn how to register for this event please contact the Wisconsin Department of Justice at 608-264-6377.

The training was provided by the Wisconsin Department of Justice’s Department of Law Enforcement Services in conjunction with the Office of Crime Victim Services.

SCHUETTE'S OPIOID DRUG UNIT TACKLING SUPPLY OF DEADLY DRUGS IN MICHIGAN

MACKINAC ISLAND, MICH. – Michigan Attorney General Bill Schuette today announced that his new Opioid Trafficking and Interdiction Unit is now fully operational and is prosecuting or has convicted more than a dozen individuals for cases involving large amounts or delivery of heroin or other opioid-based drug crimes from across Michigan.

Schuette announced the new unit at a roundtable on Mackinac Island in conjunction with Genesee County Prosecutor David Leyton and Chief Deputy Attorney General Matthew Schneider.

“We can’t arrest our way out of this problem, but we can reduce the amount of heroin and other opioids available in Michigan and the Opioid Trafficking and Interdiction Unit will do just that,” said Schuette. “Those caught in this addiction cycle are the victims of this disease caused by opioids, a powerful pull to not necessarily feel good, but to not feel bad. My goal with the Opioid Trafficking and Interdiction Unit is to cut off the supply of heroin and pills, and give law enforcement the chance to prosecute the players who continue to provide toxic drugs to Michigan residents every day.”

“I have talked to those in the grips of this terrible crisis. They may have started using medication because of a physical injury, or an emotional one,” said Schuette. “In either situation, they need our help.”

During the roundtable, Leyton commented on the high rate of opioid abuse and addiction in Genesee County and said he is working with local schools to increase the awareness of the dangers of opioids.

“Heroin and other opioid-based drugs are incredibly destructive. You better not be selling it or running it through my county, or the law is going to come down on you,” said Leyton. “In Genesee County, we face an uphill battle unless we can cut off the source and demand for these drugs. I applaud the Attorney General for taking this step to cut off the source of these drugs through aggressive prosecution.”

Facts and Details About the Opioid Trafficking and Interdiction Unit

Part of Schuette’s Criminal Division, the Opioid Trafficking and Interdiction Unit is comprised of four Assistant Attorneys General, each with extensive backgrounds in drug crime prosecution. The Unit will focus on cases that cross both state and county lines, involve multiple major actors, and high volumes of heroin and other opioid-based drugs.

The Unit has already taken on more than 40 cases, with six individuals already convicted and 15 currently facing charges.

The cases have been and will continue to be charged in cooperation with local law enforcement, Michigan State Police narcotics teams and federal agencies.

The Unit will also take on felony murder cases in which it is alleged that the delivery of opioids has caused death.

Schuette Calls for Direction of Settlement Funds to Opioid Awareness and Education

On Wednesday, May 24, Schuette called for the Michigan Legislature to direct the \$859,000 in proceeds from a settlement he negotiated with a pharmaceutical company towards opioid education and addiction prevention programs.

In a letter to Michigan's legislative leadership, Schuette explained that with an average of five Michigan residents dying every day from opioid overdoses, Michigan has been identified by the U.S. Centers for Disease Control as one of 19 states that has had a statistically significant increase in opioid-related deaths.

As a result, Schuette proposed that the legislature take a close look at using the nearly \$1 million in settlement funds arriving next month in the state's General Fund to enable the creation of state and/or local opioid awareness programs.

Michigan Opioid Task Force Called for Enforcement and Education Programs

Schuette was the Chair of the Regulation, Enforcement, and Policy Subcommittee for the Michigan Prescription Drug and Opioid Taskforce, which recommended a multi-faceted public awareness campaign be undertaken to inform the public of the dangers of abuse, how to safeguard and properly dispose of medicines, publicize improper prescribing practices, and reduce the stigma of addiction. The taskforce also recommended additional training for law enforcement in the area of recognizing and dealing with addiction for those officers who do not deal directly with narcotics regularly.

In 2015, almost 2,000 Michiganders died of overdoses, mostly from opioids, up more than 25 percent from just two years before.

Michigan's Automated Prescription System reported more than 21 million prescriptions for controlled substances written in 2014, an increase of roughly more than four million prescriptions since 2007.

Opioid drugs, including prescription painkillers and heroin, killed over 33,000 people in the United States in 2015, more than any year on record, according to the U.S. Centers for Disease Control and Prevention. Michigan ranks tenth nationally per capita for opioid-based prescriptions, and 18th for overdose deaths.

AG BRNOVICH FILES BRIEF TO PROTECT AZ CONSUMERS FROM CLASS ACTION SETTLEMENT ABUSE

PHOENIX – Attorney General Mark Brnovich, leading a bi-partisan coalition of 13 state Attorneys General from across the country, filed a brief in federal appeals court to protect Arizona consumers from abuse in the class action settlement process. In the Amicus Brief, Attorney General Brnovich asked the appeals court to reverse a lower court approval of a proposed class action settlement that would send \$8.5 million to class action attorneys but only \$225,000 in cash to consumer class members.

"Consumers must be our top priority in the class action settlement process," said Attorney General Mark Brnovich. "Class action lawsuits serve an important role in protecting victims. The interests of others should never be placed ahead of consumers."

The brief urging reversal of the settlement approval was filed in *In re Easysaver*, as a "friend of the court" under Attorney General Brnovich's statutory authority to speak on behalf of Arizonans

covered by federal class action settlements. The class action lawsuit alleged that when consumers clicked on ads offering a future discount during the check-out process for certain flower and gift websites that they were then improperly enrolled in a fee-based subscription service without the Defendants fully disclosing that consumers' credit cards would be charged. Under the settlement, Defendants are paying out over \$13 million in cash. Approximately \$8.5 million of this goes to class action attorneys and another \$3 million goes to San Diego area universities. But consumers only receive \$225,000 in cash along with highly restrictive \$20 "e-credit" settlement coupons to the flower and gift websites that are almost useless because they expire in one year, are subject to extensive blackout dates (including around Mother's Day, Valentine's Day, and Christmas), and require class members to spend their own money to take advantage of the face value of the coupon.

In filing of the brief in *In re EasySaver*, Attorney General Brnovich urges the Court to recognize that the proposed settlement is imbalanced and unfair because it sends two-thirds or more of the almost \$13 million in available cash to the class action attorneys while the consumer class members get almost nothing beyond highly restrictive, nearly useless "e-credit" coupons. In particular, the brief emphasizes the important role Attorneys General and courts must play in advocating for consumers within the class action settlement process, since the process, and coupon settlements in particular, put consumer class members at risk.

Arizona is taking the lead in the case. Joining Arizona are Attorneys General from Arkansas, Idaho, Louisiana, Maine, Michigan, Missouri, Montana, Nevada, Ohio, Oklahoma, Texas, and Wyoming.

ATTORNEY GENERAL BALDERAS FILES SUIT AGAINST MAJOR DISCOUNT CHAIN DOLLAR GENERAL

Albuquerque, NM – Attorney General Hector Balderas announced today that the Office of the Attorney General ("OAG") filed a lawsuit last night against national discount retail chain Dollar General for false advertising, unfair trade practices, and environmental public nuisance for the sale of obsolete motor oil in New Mexico stores from 2010 until February of this year. Dollar General has eight-seven (87) stores located across New Mexico, including in rural and suburban communities, many of which are lower income.

"My office continues to aggressively protect hard working New Mexico families and vulnerable consumers by holding big corporations like Dollar General accountable for preying on them and lying about the quality of the products that they sell," said Attorney General Hector Balderas. "Putting New Mexicans' valuable property and safety at risk is unacceptable, and companies that harm our communities and profit by taking money out of the pockets of our families will face consequences for their bad acts."

In its thirty-five (35) page complaint, the OAG alleges that Dollar General knowingly marketed, distributed and sold its DG Auto brand obsolete motor oil (labeled "DG Auto" SAE 10W-30, SAE 10W-40 and DG SAE-30) in its stores in the State of New Mexico, utilizing false advertising and deceptive and misleading marketing and sales practices. Dollar General's DG SAE 10W-30 and DG SAE 10W-40 motor oil products are manufactured to the API Service Category "SF" specification, which is obsolete and not suitable for motor vehicles built after 1988. Dollar General's DG SAE-30 motor oil product is manufactured to the API Service Category "SA"

specification, which is not suitable for motor vehicles manufactured after 1930. Use of this obsolete motor oil in modern engines can cause engine damage.

Dollar General misled and deceived consumers by (a) positioning its DG Auto obsolete motor oil immediately adjacent to the more expensive brand-name motor oil, wrongfully representing that its obsolete motor oil is lower-priced but comparable to the brand-name products; (b) failing to adequately warn its customers of the fact that its DG Auto obsolete motor oil is unsuitable for use by the vast majority of its customers; and (c) distributing advertisements and other marketing materials that contain materially misleading statements and other representations as to the appropriate use and quality of its obsolete motor oil products.

Dollar General has also done significant harm to New Mexico's pristine air quality by selling obsolete motor oil that was unknowingly used by its customers in modern vehicles, damaging engines and deactivating emission control equipment that is required to reduce and control the emission of harmful pollutants. By doing so, Dollar General has caused an increase of ambient concentrations of carbon monoxide, hydrocarbons, nitrogen oxides, particulate matter, and other possible carcinogens, each of which has been linked to adverse human health and environmental impacts.

In addition to penalties, the OAG is asking the court to order Dollar General to develop and fund a state-approved program that would notify New Mexico Dollar General customers of the damages caused by the use of obsolete motor oil; inspect the engine of any customer who used obsolete Dollar General motor oils in their car and repair or replace any damaged components or the entire automobile if necessary; and take any other steps necessary to fix the harm done to New Mexico's clean air from cars that used Dollar General obsolete motor oil.

JUDGE BARS OSMOSIS DEFENDANTS FROM SELLING DRINKABLE SUNSCREEN AND OTHER “HARMONIZED WATER” PRODUCTS IN IOWA DURING PENDING CONSUMER FRAUD LAWSUIT

Preliminary injunction follows March consumer fraud lawsuit against Colorado doctor and businesses alleging “dangerous” health claims for so-called “harmonized water” products

(DES MOINES) An Iowa judge has ordered the Colorado makers of “drinkable sunscreen” and other so-called “harmonized water” products to stop selling them to Iowans while a consumer fraud lawsuit filed by Attorney General Tom Miller is pending.

In a preliminary injunction filed in Polk County District Court, District Court Judge Scott D. Rosenberg ordered Osmosis LLC, Harmonized Water LLC, and Benjamin Taylor Johnson, to refrain from selling the company’s harmonized water products to Iowans until Miller’s lawsuit, filed March 14, is resolved. The preliminary injunction followed an evidentiary hearing earlier this month at which Johnson testified.

The order finds the harmonized water products in question “may jeopardize the health of Iowans by giving a false sense of security, curability and immunity by use of Defendants’ various products.”

The ruling cites several products and product claims, including Osmosis's claims that ingesting its harmonized water products prevents sunburn, mosquito bites, and acne; treats psoriasis, eczema and joint pain; assists with infertility and thyroid deficiencies; and cancels the negative effects of pathogens.

The trial is set for March 19, 2018.

For more information or to file a complaint, contact the Consumer Protection Division through the Attorney General's website at www.iowaattorneygeneral.gov or email directly to consumer@iowa.gov. Consumers can also call the Consumer Protection Division at 515-281-5926, or outside the Des Moines area, toll free, at 1-888-777-4590.

VERMONT ATTORNEY GENERAL LAUNCHES “SCAM BUSTER” CAMPAIGN

AG Joins with Vermont Power Companies, Retailers to Protect Vermonters from Scammers Posing as Utilities

Vermont Attorney General TJ Donovan joined with Vermont power companies, businesses, and residents to launch a new campaign to protect Vermonters from being scammed by people pretending to be a utility.

These scammers call residents and businesses demanding immediate payment for electricity with a credit card, pre-paid card or money order. Utilities report these scams are increasing and scammers are becoming more sophisticated and tech savvy in their scams. To raise awareness and protect Vermonters, the Attorney General's office started the “Scam Buster” campaign, reminding people to stop, ask, and confirm before they make any payment to avoid being scammed.

“Protecting Vermonters is the number one focus of our office,” said Vermont Attorney General T.J. Donovan. “Our team is working with local businesses and utilities to raise awareness. If any Vermonter is not sure about who is on the other end of the phone, they should not make a payment and call the AG office or their local utility.”

Felicia Charland works at the Holiday Inn in Shelburne and received one of those scam calls.

“The tone and tactics of the person on the other end didn’t sound like my local utility. They were pressuring me for immediate payment. I started asking questions and then hung up, called my local power company Green Mountain Power and the attorney general. I am so glad this campaign is raising awareness, helping prevent anyone from losing money to a scammer,” Charland said.

Businesses including Walmart and CVS will put up posters and make sure employees are on alert for people who come in needing to buy a pre-paid card to pay a utility bill. “Walmart is happy to assist the Attorney General in creating awareness in order to protect Vermont consumers. We are working to train our associates to notice the warning signs of these scams,” said Jason Klipa, Director of Public Affairs, Walmart.

The Vermont Attorney General was joined by representatives from Burlington Electric Department, Washington Electric Co-op, Vermont Electric Co-op and Green Mountain Power. “As we focus every day on delivering exceptional customer care to members of the Burlington community, the new Scam Buster campaign provides another important tool for our effort,” said Andi Higbee, Burlington Electric’s Director of Customer Care. “We must remain vigilant in staying two steps ahead of the misguided people who try to take advantage of our customers. We appreciate the collaboration with the AG’s office and our utility colleagues that led to creating this new program.”

“We are pleased to join in this effort to protect hardworking Vermonters from phone scammers and swindlers. We will stand together to fight the bad actors that trick people, many of whom are our most vulnerable Members,” said Sue Bernier, VEC’s Manager of Member Services. “Please verify when money is demanded of you. Hang up and call your local utility to have them check your account before you release funds. Thank you, Attorney General Donovan, for helping to raise awareness about this important issue and for helping to ensure that cheaters don’t win.”

“Anyone can fall prey to scams and unfortunately more of these incidents are occurring across Vermont”, said Patty Richards, Washington Electric Coop’s General Manager. Getting the word out and reminding Vermonters to be wary of calls asking for immediate payment are one step to stop thieves. “This is a terrible thing scammers are doing; they not only steal money but they leave the victim feeling violated and embarrassed”. If you receive a call asking for payment from your utility be sure it is really your power company. When in doubt take action, and hang up. You can always place a call directly to your electric utility and verify if you owe money.

“This is an important awareness campaign that will protect the customers we serve, and Green Mountain Power is appreciative of the Attorney General leading this effort as we all work together to make sure these scammers don’t succeed,” said Mary Morris who leads the customer care team at Green Mountain Power. “These scammers are using technology, becoming more manipulative, even having numbers that look official as if the call is coming from the utility. This proactive effort will help tremendously, and raise awareness that customers should stop, ask and confirm before they feel pressured to make a payment.”

The Attorney General advises Vermonters who may be targets of scamming activity to report it to the Consumer Assistance Program (CAP) at 1-800-649-2424, or go to the CAP website for more information: <https://www.uvm.edu/consumer>

AG PAXTON ASKS 5TH CIRCUIT TO FORCE FEDERAL GOVERNMENT ACTION ON NUCLEAR WASTE STORAGE

Earlier this week, Attorney General Ken Paxton filed a motion that asks the 5th U.S. Circuit Court of Appeals to declare that the federal government is not in compliance with the Nuclear Waste Policy Act (NWPA). Texas also asked for an injunction to stop the Department of Energy (DOE) from illegally spending money on matters not approved by Congress.

Since the NWPA was enacted in 1982, DOE has failed to proceed with the licensing process for a permanent nuclear waste storage repository. In March, Attorney General Paxton filed a lawsuit with the 5th Circuit to force an up or down decision by the Nuclear Regulatory Commission on the licensing of Yucca Mountain and stop DOE from unlawfully spending tax dollars on ways to undermine Congress's choice of Yucca Mountain.

In the latest filing, Attorney General Paxton highlights the ongoing irreparable injury to Texas, which continues to house toxic, radioactive waste above ground, posing a clear and present danger to Texans. During the Obama Administration, DOE indefinitely suspended the Yucca Mountain project, keeping the nation's nuclear waste above ground in aging, temporary storage casks. The risk to Texans, and others, is seen by the recent accident that happened at the Hanford nuclear site in Washington State on May 9.

The federal government's inaction on establishing a permanent nuclear waste facility has cost American taxpayers \$5.3 billion to pay for temporary storage of nuclear waste at reactor sites. Meanwhile, more than \$40 billion sits idle in the Nuclear Waste Fund.

"The goal of this latest filing is to have the federal government follow the law and focus its efforts on the permanent nuclear waste facility selected by Congress," Attorney General Paxton said. "Every day the federal government refuses to fulfill its mandate under federal law is another day that more nuclear waste piles up above ground, threatening our health and safety, and placing Texas at greater risk for a nuclear incident."