

ARTICLES FOR 4-20-17 ROUNDUP

CWAG Efforts to Combat Human Trafficking

In conjunction with the Conference of Western Attorneys-General (CWAG), Githu Muigai, Attorney General of the Republic of Kenya, hosted one-day seminar in Nairobi on April 12, 2017, featuring District of Columbia Attorney General Karl Racine and Illinois Attorney General Lisa Madigan. The seminar invited Kenyan national and local law enforcement to deliberate on the fight against human trafficking, smuggling and international organized crimes. Trafficking in persons remains the fastest growing crime in the world, affecting more than 20 million Kenyans.

The Counter-Trafficking in Persons Act, Chapter 61 was enacted in 2010, and came into force in 2012. However, law enforcement and judicial officers were not properly sensitized on the law, especially with regard to the victims. The office of the DPP, Attorney General and the judicial system will soon be launching an International Crimes Division at the High Court, which will bring all these cases under one roof.

Participants from law enforcement agencies in Kenya and the United States shared knowledge, experiences and challenges in investigating and prosecuting human traffickers and smugglers of migrants. Secretary of Public Prosecutions in Kenya, Dorcas Oduor, commented on the difficulties in tracking such criminals. “Just like investigations, prosecution of human trafficking and international organized crimes require specialized training, skills and expertise. Where this is lacking, cases may be lost due to poorly drafted charges, inefficient presentation of evidence or submissions made by prosecutors,” Oduor said.

The Attorneys General Lisa Madigan and Karl Racine, shared their experiences, challenges, and best practice with Kenya. Attorney General Madigan said trafficking of young girls for sexual exploitation internationally tops all forms of transnational crimes and generates more money than drug trafficking.

The forum also addressed aims to improve cooperation in the investigation and prosecution of these heinous crimes and to build a network of practitioners to enhance the fight against the crimes.

Attorney General Proposal to Protect Human Trafficking Victims Passes Legislature

OLYMPIA — The Washington State Legislature established an important protection for victims of human trafficking today.

With overwhelming bipartisan support, the House of Representatives passed an agency request bill from Attorney General Bob Ferguson establishing a specific human trafficking criminal no-contact order, which courts and law enforcement will use to safeguard victims from their traffickers.

Substitute House Bill 1079, prime-sponsored by Rep. Tina Orwall (D—Des Moines), passed the House today with a 98-0 vote. It passed the Senate with a unanimous 48-0 vote on April 5. Its companion, Senate Bill 5029, is sponsored by Sen. Mike Padden (R—Spokane Valley).

“Survivors of human trafficking are often harassed and threatened by their former traffickers after they come forward to law enforcement,” Ferguson said. “This legislation provides an important legal tool to safeguard these survivors.”

Because Washington state law does not characterize human trafficking and promoting prostitution as sex offenses, the only criminal no-contact order currently available to the court to protect victims of these crimes is a domestic violence no-contact order. This protection order is limited applying only when the victim lives or has lived with the trafficker.

Even when trafficking victims meet the requirements, the term “domestic violence” mischaracterizes the relationship between traffickers and their victims. Traffickers establish a relationship with the victim for the purpose of exploitation, not a dating relationship. They use manipulation and grooming tactics to gain the trust of the victims in order to exploit them for financial gain.

Consequently, before Ferguson’s legislation passed, existing protection orders were insufficient to protect most trafficking victims. This is especially problematic because trafficking is a major enterprise for gangs, making many traffickers extremely violent and intimidating.

Ferguson’s legislation addresses this gap in the law. Once Ferguson’s proposal goes into effect, a court can prohibit a trafficker from contact of any kind with a victim, and forbid the trafficker from being within a set distance of specific locations. A violation of a human trafficking no-contact order is a gross misdemeanor, except a violation can be elevated to a felony when tied to an assault or for a repeat violation.

This new human trafficking no-contact order will be available to help protect both victims of sex and labor trafficking.

“Tragically, the relationship between the perpetrator and the victim, who is generally a teenager, is actually one of a predator taking advantage of an underage youth. This bill creates protections and helps law enforcement assist these young victims,” said Rep. Orwall. “I am relieved that we’re sending this bill to the governor’s desk and I am grateful to all the people who worked hard to make that happen.”

“Organizations such as Shared Hope International frequently have ranked Washington among the states with the toughest laws against human trafficking, but there still is much more to do,” said Sen. Padden. “This bill will make it easier for human trafficking victims to obtain the legal protection they deserve.”

HB 1079 now moves to the Governor for signature. If signed by the Governor, the legislation will take effect on July 22.

AG Rosenblum's Public Records Bill Passes Unanimously out of the Oregon Senate

The Oregon Senate today unanimously passed the Attorney General's public record reform legislation, Senate Bill 481. The bill will soon move to the House for a full vote.

Under SB 481, public bodies will be required to acknowledge receipt of public records requests within five business days, and they will have no more than 10 business days from acknowledgment to either to fully respond to the request or to provide a written statement explaining when the request will be fulfilled. As a resource for the public, the Attorney General's office will also be tasked with cataloguing all 500-plus public record exemptions spread throughout the Oregon statutes. Several other related bills are still working their way through the legislative process. One, SB 106, would create a public records advocate to educate and facilitate resolutions of requests. Another, HB 2101, would create a new committee to focus on addressing exemptions and would require transparency impact statements.

Statement from Attorney General Ellen Rosenblum:

"During more than a year of Task Force meetings and listening sessions with journalists, advocates, and the public—we heard loud and clear that our public records laws are in need of reform. This bill addresses the issue of lack of timely access to records and begins to address the confusion created by forty years of piecemeal exemptions to laws originally intended to promote transparency. I want to thank Senator Beyer and Senator Kruse for carrying this bill on the Senate floor today, and I look forward to a full vote in the Oregon House."

The Public Records Law Reform Task Force was formed by Attorney General Rosenblum in September 2015 as a way to promote greater transparency in government. Its purpose is to review and recommend specific improvements to Oregon's public records laws. So far, the task force has focused on establishing deadlines for public bodies to respond to requests for records, and on addressing the more than 500 exemptions from public disclosure. Attorney General Rosenblum thanks all the members of her task force for their diligence, intelligence and collegiality throughout this process.

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AG Brnovich Obtains \$4.65 Million for Arizonans Who Purchased Theranos Blood Tests

PHOENIX - Attorney General Mark Brnovich announced today his office obtained a full refund for every Arizonan who purchased a Theranos blood test. Theranos, Inc. agreed to pay \$4.65 million dollars in consumer restitution as part of a consent judgment reached with the Arizona Attorney General's Office.

Between 2013 and 2016, Theranos sold approximately 1.5 million blood tests to more than 175,000 Arizonans. According to Theranos, 10 percent of the tests were voided or corrected. Each customer will now be reimbursed the full amount the customer paid for testing regardless of whether the results were voided or corrected.

“Everyone who paid for a test will receive a full refund, period,” said Attorney General Mark Brnovich. “This is a great result and a clear message that Arizona’s consumer protection laws will be vigorously enforced.”

Theranos has agreed to pay the State \$4,652,000 in consumer restitution, \$200,000 in civil penalties, \$25,000 in attorneys’ fees, and the costs for a claims administrator to distribute the restitution to consumers. In addition, Theranos may not own, operate, or direct any laboratory in Arizona for a period of two years. Theranos will also be subject to civil penalties of up to \$25,000 per violation of the consent judgment in the future.

The State alleges that Theranos’ advertisements misrepresented the method, accuracy, and reliability of its blood testing and that the company was out of compliance with federal regulations contained in the Clinical Laboratory Improvement Amendments (“CLIA”) of 1988.

After the judgment is entered, the State will select a claims administrator to oversee the refund process. Once selected, the claims administrator will collect contact information from Theranos and issue refund checks to Arizona consumers.

Assistant Attorneys General Matthew du Mee and Stephen Emedi handled this case.

Attorney General Xavier Becerra Sues Charities For Falsely Claiming to Help Veterans

OAKLAND – Attorney General Xavier Becerra today filed a civil lawsuit seeking to recover hundreds of thousands of dollars from two California charities claiming to support veterans. The lawsuit alleges that the operators of Wounded Warriors Support Group (WWSG) and Central Coast Equine Rescue and Retirement (CCERR) run raffles purportedly to support veterans, but instead spend the donated proceeds for personal use, including shopping at Victoria’s Secret, paying off personal credit card debt, and traveling, dining, traffic school, dressage equipment, and other personal expenses.

The lawsuit seeks general damages, civil penalties, involuntary dissolution of both charities, appointment of a receiver to oversee dissolution and distribution of recoverable assets, and an order preventing Matthew G. Gregory, his wife Danella J. Gregory, and their adult children Matthew J. Gregory and Gina D. Gregory -- all of whom run WWSG and CCERR -- from operating a charity in California.

“Veterans and their families sacrifice immensely for our country. There is no place for sham charities that claim to support our veterans when in reality they’re lining their own pockets,” said Attorney General Becerra. “It’s a breach of the public trust to deceive and exploit the goodwill of

generous Americans. It's worse when you do so at the expense of our veterans. I will vigorously investigate and prosecute any charity falsely claiming to help our veterans."

The Attorney General urges all donors to be cautious in purchasing raffle tickets or making donations to charities that use the term "veterans" in their name as this does not necessarily mean that veterans or their families will benefit from the donated funds.

The Attorney General publishes tips to protect donors from becoming victims of misleading solicitation in appeals for Veteran Charities. The publication **DONATION TIPS FOR SUPPORTING VETERANS** is available on the Attorney General's website www.oag.ca.gov/charities under Resources and Tools, Registry Publications.

Attorney General Racine Gets \$250,000 Settlement with UTS Corporation in Notario Fraud Case Payment Covers Restitution and Penalties in Fraud That Targeted Spanish-Speaking Immigrants

WASHINGTON, D. C. – Attorney General Karl A. Racine announced today that he has settled a lawsuit against Unlimited Technology and Solution Corporation (UTS) and its owner, Mardoqueo M. Sanchez, for engaging in unlawful immigrant-consultant services. The \$250,000 settlement in this so-called notario fraud case will provide restitution to consumers in immigrant communities, as well as civil penalties to the District.

Under the settlement, UTS and Sanchez are required to return the fees they collected from consumers for immigration services, which will amount to at least \$100,000. The settlement requires UTS and Sanchez to cooperate with a claims procedure that will be conducted by the Office of the Attorney General (OAG) to identify all of the consumers who are entitled to receive restitution under the settlement. The settlement also requires UTS and Sanchez to pay the District \$150,000 in civil penalties, half of which the District agreed to waive provided that UTS and Sanchez comply with the requirements of their settlement.

"This kind of notario fraud tends to go unreported because immigrants in the District of Columbia may be afraid to come forward, especially in the current political climate," said Attorney General Racine. "I want all D.C. residents, including undocumented immigrants, to know that OAG is here to protect all consumers, and we will bring to justice anyone who unlawfully targets immigrants or any other District resident."

In a lawsuit filed in March, 2016, Attorney General Racine alleged that UTS and Sanchez targeted Spanish-speaking communities in the District and offered them unlawful immigrant-consultant services. Despite having no licensed attorneys on staff, UTS advertised that it employed lawyers who could assist in immigration matters, including obtaining and preparing immigration forms for a fee. This practice is commonly referred to as "notario fraud," after the Spanish word notario, which in many Latin American countries denotes a lawyer or person qualified to provide legal services.

UTS and Sanchez harmed consumers when he gave them incorrect legal advice and failed to properly perform the offered immigration services. Under federal law and the District's recently

enacted notario fraud law, persons who provide immigration consultant services cannot assist consumers with obtaining, preparing or filing immigration forms unless they are licensed attorneys. Attorney General Racine, along with partners in the District government and the community, drafted and introduced the District's new notario fraud law.

Other Terms of the UTS Settlement

Since April 15, 2016, UTS and Sanchez have been subject to a preliminary injunction that ordered them to stop from further harming consumers while the matter was pending. Today's settlement makes that injunction permanent so that:

- UTS and Sanchez cannot use any terms in any marketing materials to consumers that suggest they or their employees are attorneys, including the terms "Lic.," "licenciado," "esquire," "attorney," or "abogado."
- UTS and Sanchez are barred from using the term "notario publico" or "notary public," unless Sanchez holds a valid notary public certification and clearly and conspicuously includes a statement on all marketing material stating that UTS and Sanchez are not attorneys and cannot provide legal services.
- Sanchez shall not provide immigration services unless he does it under the supervision of an attorney and follows other requirements under the Consent Judgment and Order.

"I want to express my deep gratitude to all of our staff and partners who helped ensure we successfully brought this case," Attorney General Racine said. "In particular, I want to thank to Anne Schaufele from AYUDA, who assisted the District in identifying immigrants harmed in this case, as well as Assistant Attorney General Richard Rodriguez and Office of Consumer Protection Director Phil Ziperman for their excellent legal work in bringing and pursuing this lawsuit."

Rutledge Files Lawsuit Against U.S. Business Services

LITTLE ROCK – Arkansas Attorney General Leslie Rutledge today filed a consumer-protection lawsuit in Pulaski County Circuit Court against Florida-based U.S. Business Services LLC for violations of the Arkansas Deceptive Trade Practices Act.

"Using what looks like an official government tax notice or notification, U.S. Business Services has managed to convince many unsuspecting Arkansas business owners that they are failing to follow the law and that, for a fee, the company can help," said Attorney General Rutledge. "These unlawful actions and misrepresentations by this Florida company are wrong and must be stopped before more are harmed."

U.S. Business Services solicits business in Arkansas via direct mailings and offers to prepare and provide, for a \$150 fee, corporate consent records in lieu of meeting minutes that fulfill the requirements of Arkansas law. However, U.S. Business Services selectively quotes portions of Arkansas law to convey only those portions that would legitimize the solicitation, and the mailed documents are specifically designed to give the average consumer the impression that it is official in nature and required by a government entity.

To date, the office has received 32 complaints about the business practices of U.S. Business Services, and many others have contacted the office by phone in order to report the scam. Of the

27 consumers who have filed formal complaints, at least three of them paid \$150 to the company as the form instructed. After speaking with the Secretary of State's office, Rutledge learned that it had also received numerous reports, inquiries and complaints regarding U.S. Business Services' harmful practices.

AG Coffman and Metro Mayors Support Launch of Permanent Walgreens Prescription Medication Disposal Sites in Colorado

Reports show prescription pain killers play a role in the heroin epidemic in Colorado.

Today Colorado Attorney General Cynthia H. Coffman, Mayor Heidi Williams (Thornton), Mayor Ron Rakowsky (Greenwood Village), Mayor Joyce Jay (Wheat Ridge), and Mayor Pro-Tem Angela Lawson (Aurora) joined together to support the launch of Walgreens' permanent prescription medication disposal sites, which are now located across the Denver Metro area.

Walgreens medication disposal kiosks are free to use, and will help to ensure Coloradans can safely and easily dispose of medications that are no longer needed. Properly disposing of unused, unwanted or expired medications, including controlled substances and over-the-counter medications, can help to prevent misuse of those drugs and lower the risk of abuse by a friend or family member.

“We want it to be as effortless as possible for people to get unused medications out of their medicine cabinets and to a safe location for proper disposal,” said Attorney General Coffman. “We know prescription drug abuse can have devastating consequences, which is why I am particularly excited that many Coloradans will be able to return their surplus medications to their local Walgreens.”

Prescription drug abuse is a fast growing problem in America and is impacting communities across Colorado.

- According to the Substance Abuse and Mental Health Services Administration’s results from the National Survey on Drug Use and Health (NSDUH), 4.3 million people aged 12 or older reported current nonmedical use of prescription pain relievers.[1]
- A recently released report from the Colorado Consortium for Prescription Drug Abuse Prevention highlighted that 70% of current and former heroin users, said prescription pain killers played a role in their decision to use heroin.[2]
- The Office of National Drug Control Policy’s findings from the NSDUH show that over half of the people who used pain relievers non-medically obtained the drugs from a friend or relative for free; another 11 percent bought them from a friend or relative; and 5 percent got them from a friend or relative without asking – adding up to 71 percent obtaining their most recently used pain relievers in some fashion from friends and family.[3]

“Protecting the health and safety of our citizens and our communities is a critical responsibility of every Mayor,” said Ron Rakowsky, Mayor of Greenwood Village and the Chair of the Metro

Mayors Caucus' Public Safety Committee. "Taking unused medications to a safe disposal site is something easy that all Coloradans can do to help stop prescription drug abuse in our communities. I strongly encourage all citizens to take advantage of this program."

"By making safe medication disposal kiosks available in select Colorado stores, as we have done in other states, Walgreens is taking an important first step to reduce the misuse of medications throughout the country and curb the rise in overdose deaths," said Howard Atlas, Walgreens regional vice president in Colorado. "Everyone has a role to play in minimizing prescription drug abuse, and we are committed to being part of a comprehensive solution to reverse this epidemic."

The Current Select Walgreens Pharmacies in Colorado with Safe Medication Disposal Kiosks:

Aurora – 12051 E. Mississippi Ave.
Brighton – 1821 E. Bridge Street
Colorado Springs – 3480 N. Academy Blvd.
Denver – 1111 S. Colorado Blvd.
Fort Collins – 2190 W. Drake Road
Grand Junction – 240 W. Park Drive
Highlands Ranch – 9141 S. Broadway
Longmont – 1041 Main Street
Pueblo – 2900 W. Northern Ave.
Thornton – 4001 E. 120th Ave.
Wheat Ridge – 4401 Wadsworth Blvd.

For a list of additional medication take back sites please see:
<https://www.colorado.gov/pacific/cdphe/medication-take-back-locations-map>

Nevada seeks to intervene in Texas lawsuit over Yucca nuclear waste site

by Matthew Seeman

CARSON CITY, Nev. (News 4 & Fox 11) — Nevada's governor and attorney general say they are working to intervene in a legal filing that aims to restart licensing at Yucca Mountain, part of their effort to "defeat the resurrection" of the proposed nuclear waste site.

Mari St. Martin, spokeswoman for Gov. Brian Sandoval, said the Agency for Nuclear Projects, "in cooperation with Attorney General Adam Laxalt," filed a motion on Wednesday with the 5th Circuit Court of Appeals. The motion would include Nevada as a party in the petition filed by the state of Texas to restart licensing for the project.

The Nuclear Regulatory Commission would have to finish licensing proceedings for the Yucca nuclear waste repository in 12 months or less if Texas's petition were granted.

"Texas's Petition directly injures Nevada as the target state of the proposed Yucca Mountain repository," the filing states. "Nevada has a vital interest in the subject of this Petition and will be directly and materially affected by the outcome."

According to the Sandoval's office, the 12-month time frame could prevent Nevada from presenting its case against reviving the waste site.

"Science has confirmed that Yucca Mountain is incapable of safe storage of the world's most toxic substance," the governor said in his statement. "The State of Nevada is prepared to successfully defeat this dangerous and ill-conceived project at every opportunity and in any venue."

Laxalt said attorneys in the solicitor general's office and natural resources division, in addition to outside experts, would dedicate their time "to ensure Nevada's voice is heard and best interests are protected."

Yucca has become a flashpoint issue for many of Nevada's politicians since President Donald Trump revealed in his 2018 budget he would seek \$120 million to eventually restart licensing. Energy Secretary Rick Perry toured the site in March, saying the visit is "the first step in a process." Officials in Nye County, where the site is located, have welcomed restarting licensing, saying the project would create jobs and invest in infrastructure. Sandoval, Laxalt and U.S. Sens. Dean Heller and Catherine Cortez Masto all say they oppose reviving the project, however.

"This Texas lawsuit is a waste of time," Cortez Masto said in a statement Thursday. "The State of Nevada will do everything we can to stop the revival of Yucca Mountain and to make sure this ill-conceived project will never see the light of day."