

ARTICLES FOR 2-23-17 ROUNDUP

Gov. Mary Fallin appoints Secretary of State Mike Hunter as attorney general

Gov. Mary Fallin on Monday appointed Secretary of State Mike Hunter as attorney general.

He will start his duties immediately, officials said in a news release.

“Mike understands the law and has a thorough understanding of state government, which will serve him and the state well,” Fallin said. “Mike also understands the importance of public service and he will be a tremendous advocate to protect the basic legal rights for Oklahomans.”

Hunter was appointed after Scott Pruitt was confirmed by the U.S. Senate to be the administrator of the Environmental Protection Agency.

Hunter served as first assistant attorney general under Pruitt from June 2015 to October, when Fallin named him secretary of state. Hunter was the chief operating officer of the American Bankers Association from 2010 to 2015 and was secretary of the Commissioners of the Land Office.

He served as Oklahoma's secretary of state under then-Gov. Frank Keating. Hunter also was Keating's chief liaison to the legislature, the state judiciary and the state's federal delegation.

“I appreciate the confidence placed in me by Gov. Fallin,” Hunter said. “I enjoyed working in her administration, and look forward to continuing to assist whenever possible to improve our state.”

Assistant Secretary of State Tod Wall will assume the duties of secretary of state temporarily until Fallin names Hunter's replacement.

AG Schimel Announces Changes to Executive Leadership Team

MADISON, Wis. – Today, Attorney General Brad Schimel announced the additions of Daniel Lennington, Lane Ruhland, and Mike Austin to the Wisconsin Department of Justice (DOJ) senior leadership team. Lennington has been named Senior Counsel, a position vacated by Paul Connell, when Connell was named Deputy Attorney General. Ruhland will serve as Director of Government Affairs, replacing Austin, who has been selected by Attorney General Schimel to serve as Policy Advisor.

“I am excited to put this team to work for the citizens of our great state,” said Attorney General Schimel. “Dan, Lane, and Mike share our vision for public safety and respect for the rule of law, and I know they will advocate tirelessly to make Wisconsin safer and stronger.”

Daniel Lennington is no stranger to the Wisconsin Department of Justice, having most recently served as one of the agency’s deputy solicitors general. Lennington joined DOJ in July 2012 as an Assistant Attorney General, specializing in civil rights and appellate litigation. From 2013 to 2015, Lennington served as Assistant Deputy Attorney General under former Attorney General J.B. Van

Hollen. Before joining DOJ, Lennington was a federal prosecutor in Oklahoma City, as well as an assistant attorney general in the Oklahoma Attorney General's Office. Based on his successful fraud investigations and prosecutions in Oklahoma, Lennington was awarded the FBI Director's Award and the Award for Excellence from the United States Council of Inspectors General.

Lane Ruhland has been an attorney in private practice for the past two years, specializing in campaign finance, compliance, election law, and business administration. Prior to entering the private sector, Ruhland was Policy and Communications Advisor to Senator Jerry Petrowski and Legal Counsel and Election Day Operations Director at the Republican Party of Wisconsin. During Ruhland's time at the University of Wisconsin-Madison, she interned in DOJ's Criminal Litigation Unit.

Mike Austin was named Policy Advisor by Attorney General Schimel after serving two years as Director of Government Affairs. Prior to his time at the DOJ, Mike worked at the political strategy and voter contact firm Persuasion Partners, Inc. where he served as an advisor to a variety of political candidates and elected officials. Before that, Mike served as Chief of Staff to Representative Eugene Hahn leading his policy and communications strategy.

Centene hires former Attorney General Chris Koster

By Lisa Brown St. Louis Post-Dispatch

Centene Corp. has hired former Missouri Attorney General Chris Koster as the managed care company's senior vice president, corporate services.

Koster will report to Clayton-based Centene's chairman, president and CEO Michael Neidorff, the company said in a statement, and Koster "will assist in business-related issues, outside of government relations, for Centene's locally-based health plans across the country."

Koster's appointment is effective immediately. "I look forward to bringing Mr. Koster on board to build upon our diverse breadth of expertise and leadership on our senior team," Neidorff said in a statement. "Mr. Koster brings a unique perspective to our business, which will help us continue to drive long-term growth, and most importantly, deliver better health outcomes for our members at lower costs for our state partners."

Koster was attorney general for the past eight years before running unsuccessfully for governor in 2016. Prior to his role as attorney general, Koster was in the Missouri Senate for four years, and was prosecuting attorney in Cass County for a decade.

"I am honored to join a team of individuals who every day work to provide high-quality healthcare to vulnerable populations across the United States," Koster said in a statement. "In many ways, this opportunity provides the continuation of the mission I have pursued for the past decade."

AG FERGUSON: PRESIDENT TRUMP CONCEDES DEFEAT

Decision to "rescind and replace" recognizes the obvious: Executive Order fatally flawed

SEATTLE — Attorney General Bob Ferguson declared victory in *State v. Trump*, in light of the U.S. Department of Justice’s filing in the Ninth Circuit Court of Appeals today. Justice, on behalf of President Trump, represented to the court that: “the President intends in the near future to rescind the Order and replace it with a new, substantially revised Executive Order” to eliminate constitutional concerns.

“Let’s be clear: Today’s court filing by the federal government recognizes the obvious — the President’s current Executive Order violates the Constitution,” Ferguson said. “President Trump could have sought review of this flawed Order in the Supreme Court but declined to face yet another defeat.”

In filings with the Ninth Circuit today, both the federal government and the states of Washington and Minnesota urged the court to decline an “en banc” review of an earlier, unanimous ruling by a panel of three Ninth Circuit judges. In that decision, the court upheld U.S. District Court Senior Judge James L. Robart’s injunction preventing enforcement of the Executive Order nationwide.

The injunction remains in effect while Judge Robart considers the Attorney General’s lawsuit challenging key provisions of the President’s order as illegal and unconstitutional. If Ferguson prevails, the Executive Order would be permanently invalidated nationwide.

Judge Robart determined that Ferguson demonstrated that he is likely to prevail on the merits of his lawsuit. The three-judge panel of the Ninth Circuit upheld that decision. Two of these four federal judges were appointed by a Republican president, two by Democratic presidents.

The Ninth Circuit Court of Appeals is the intermediate-level federal court for the western United States. It has jurisdiction over federal cases from the states of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon and Washington.

Washington became the first state to challenge the President’s order on Jan. 30. Ferguson argues that the Executive Order violates the U.S. Constitution’s guarantee of Equal Protection and the First Amendment’s Establishment Clause, infringes individuals’ constitutional right to Due Process and contravenes the federal Immigration and Nationality Act.

Major Washington state institutions, more than 100 major corporations, several other states and a bipartisan group of former national security officials supported the Attorney General’s lawsuit through court filings in the case.

Minnesota, led by Attorney General Lori Swanson, joined Ferguson’s amended complaint filed Feb. 1.

Solicitor General Noah Purcell, Deputy Solicitor General Anne Egeler and Solicitor General’s Office Fellow Kelly Paradis, as well as members of the Wing Luke Civil Rights Unit, including Unit Chief Colleen Melody and Assistant Attorneys General Patricio Marquez and Marsha Chien, are handling the case for the Washington Attorney General’s Office.

Also assisting on the case are Assistant Attorney General Kelly Wood, legal assistants Chamene Woods and Wendy Scharber and Solicitor General executive assistant Kristin Jensen.

Lawyers argue Wind River boundary dispute before judges

By Ben Neary, Associated Press

CHEYENNE, Wyo. – A bitter dispute pitting Wyoming state government against two Indian tribes goes before a panel of federal judges next week to determine whether the City of Riverton and surrounding lands remain legally Indian Country.

While the legal outcome promises to hinge on how judges interpret treaties and actions Congress made more than a century ago, the fight itself lays bare simmering tensions between the two Indian tribes in Wyoming and non-Indians and, on a larger scale, between the state and federal governments.

In 1905, Congress threw open some 1.4 million acres of the Wind River Indian Reservation to settlement by non-Indians. Private citizens purchased more than 170,000 acres before the sales halted 10 years later.

The U.S. Environmental Protection Agency in 2013 determined that, even though the land was sold, it remained legally part of the reservation. If the decision withstands the legal challenge from the state and local governments, Indians on the disputed lands would not be subject to state taxation or state criminal prosecution.

The EPA addressed the reservation boundary issue in approving an application from the Northern Arapaho and Eastern Shoshone tribes, which share the reservation, to be treated in a manner similar under the Clean Air Act.

The federal agency's decision stung Republican Gov. Matt Mead, as well as officials with Fremont County and the City of Riverton, which has been the site of recent conflicts between Indians and non-Indians – including a killing that prompted tribal officials to call for a federal hate-crimes investigation.

“I firmly believe that a decision of this significance should not come from a regulatory agency, especially when it goes against over 100 years of history, law and practice,” Mead said last year when his administration appealed the EPA ruling to the 10th Circuit Court of Appeals in Denver.

A three-judge panel at the court is set to hear oral arguments Tuesday.

Mead and other state officials have warned that if the EPA's ruling is allowed to stand, Wyoming would lose jurisdiction over everything in Riverton, a city of 10,000, and the surrounding area, including from law enforcement, taxation authority to school administration and even the right to inspect restaurants.

Wyoming Attorney General Peter Michael declined comment on the case.

Darwin St. Clair, Jr., chairman of the Eastern Shoshone Business Council, said the dispute has caused bad feelings between Indians and non-Indians. He said he doesn't see why anyone should object to the tribes being more involved in monitoring air quality.

"If the state purchased that land, then we should have a bill of sale, or something to that effect that says that the state purchased that land from us," St. Clair said.

Dean Goggles, chairman of the Northern Arapaho Business Council, said, "We have been dealing with this issue for decades and have always believed that the lands in the 1905 Act area remained within the boundaries of the reservation."

If it stands, the EPA's approval of the tribes' application to be treated in a manner similar to a state would require that the tribes get notice of activities within 50 miles of the reservation boundary that would affect air quality.

The boundary dispute follows a series of issues. Tribal members achieved a greater say in local government by winning a 2010 federal lawsuit against Fremont County that ended at-large voting for county commissioners.

And Northern Arapaho officials this summer demanded a federal hate-crimes investigation after a Riverton man shot two tribal members at a rehab center, killing one and critically wounding the other.

The boundary dispute spurred a national group dedicated to ending tribal sovereignty to hold a meeting in Riverton last summer. The Citizens Equal Rights Alliance held a meeting that organizers said focused over-reaching by the federal government.

Wyoming State Sen. Eli Bebout, R-Riverton, said his non-Indian constituents are concerned about the prospect that the courts could rule that their homes and businesses are legally in Indian Country.

"Obviously the people feel like a treaty and a deal's a deal," Bebout said, adding that people are concerned about their property values.

Bebout said he questions the EPA's motives.

"You could almost say there's some kind of agenda that's anti-West, anti-Wyoming, anti-fossil fuels, obviously," he said.

Riverton lawyer John Vincent served as mayor of the city from 2003 to 2011. He had proposed agreements that called for the city to negotiate rather than litigate differences with the tribes, but the proposals died in the face of strong opposition from non-Indians.

"I think you have a certain number of people that will contest anything that the Indian tribes do, and really have no interest in trying to resolve things outside of a courtroom," Vincent said. "And that's really kind of the position the state has adopted."

Utah Attorney General's Office Announces Guilty Plea in Bountiful Human Trafficking Case

Davis County, Utah February 18, 2017 – The Office of the Utah Attorney General announced today the guilty plea on Thursday of Todd Jeremy Rettenberger to charges relating to human trafficking and related crimes. Rettenberger was sentenced to one to fifteen years in prison for second-degree felony human trafficking and zero to five years for third-degree felony exploitation of prostitution. The sentences will run concurrently.

“The victims of this trafficker were girls, barely older than teens, forced into prostitution against their will and compelled to stay in “the life” by threats against their well-being and against their families. I am thrilled they will not have to endure a trial and be forced to relive the atrocities perpetrated upon them. It is imperative that we now keep these survivors safe, avoid revictimizing them, empower them with resources and do everything we can to help them heal and reclaim their lives,” said Attorney General Sean Reyes. “Importantly, this case demonstrates that human trafficking is real. It exists in Utah as it does across the nation and around the world. It takes many forms and can happen anywhere.

“I offer my sincerest thanks and congratulations to Assistant Attorney General Dan Strong who brought the charges and to our elite investigative unit, the Utah SECURE Strikeforce, for their work on this case. I also want to thank and acknowledge Detective Aric Barker of the Bountiful City Police Department, his agency, and his chief, for their efforts to bring this human trafficker to justice and protect these victims. Lastly, I reiterate my deep appreciation to each federal, state, county and city law enforcement agency that works side-by-side with the Utah AGO every day to disrupt human trafficking and related crimes in all their insidious forms.”

Rettenberger was charged in April of 2016 after police received reports that he was running a commercial sex operation out of Bountiful, along the Wasatch Front, and into other states. The Utah Attorney General's Office's SECURE Strike Force in conjunction with the Bountiful City Police Department investigated the allegations and found two women who were victimized by Rettenberger as part of this operation. The women alleged that Rettenberger used forceful and coercive tactics, including threats of violence, physical violence, exploitation of their drug dependencies, and financial coercion.

The Utah Attorney General's Office administers and coordinates the SECURE Strike Force partnership with the Utah Department of Public Safety and county, federal and city law enforcement agencies to combat violent and other major felony crimes associated with illegal immigration and human trafficking.

The mission of the Utah Attorney General SECURE Strike Force is to carefully target major fraud, organized gun, drug and human trafficking, detect creation of fraudulent government identification and other documents, and prosecute these crimes with specialized investigators and resources and a dedicated Assistant Attorney General prosecutor.

Attorney General Reyes Testifies in Support of HB199

Proposed law would fight the trafficking of adopted children

SALT LAKE CITY February 16, 2017 – A bill before the Utah legislature would implement safeguards to protect adopted children from “rehoming,” the illegal practice of adoptive parents giving away their adopted children away to strangers without the usual home study or background checks performed to protect children. At the invitation of the US Department of State, the Utah Attorney General’s Office joined national a committee two years ago tasked with addressing the illegal phenomenon and exploring model legislation for other states around the country. The bill, HB 199, was passed out of the House Judiciary Committee with a favorable recommendation.

“Getting the bill out of committee is a positive step in the right direction,” said Attorney General Sean Reyes. “This bill isn’t designed to be overly punitive towards adoptive parents. We know the vast majority of adoptive parents have only the most noble of intentions when bringing adopted children into their families. But the reality is that many adopted kids coming from overseas environments have been victims of terrible abuse in war-torn countries or experienced severe trauma from the horrors of torture, famine, abuse or other atrocities. Some adoptive parents who become overwhelmed by the cultural, emotional and psychological challenges of highly traumatized children, panic and end up desperate. In too many situations, parents have literally given away their children to strangers like they might with old furniture, beginning with an online communication or transaction.

“This bill provides these adoptive parents more resources to face such challenges or find another adoptive family through legal processes rather than simply giving away, selling or abandoning their adopted child. Without a law at the federal and state level prohibiting this kind of transfer of custody, thousands of kids will continue to be placed into the hands of human traffickers, pimps, rapists and other predators. In short, this bill is absolutely necessary to protect children and assist adoptive families. It allows the state to better educate and inform adoptive parents going into an adoption, empowering them to be more informed and prepared. And it more effectively keeps children out of the hands of potential abusers and predators.”

The practice of rehoming, facilitated by websites that connect overwhelmed adoptive parents with strangers, was discovered by journalists. The Utah Attorney General’s Office has supported the effort to combat this form of human trafficking along with other members of the State Department committee, including the U.S. Department of Justice; the U.S. Department of Human Services, Children’s Bureau; and the administrators of the Interstate Compact on the Placement of Children. By passing this HB199, the Utah Legislature will close the legal loopholes that have allowed the practice of rehoming to flourish.

Representative Merrill Nelson’s bill, with the support of the Utah Attorney General’s Office, takes a largely non-punitive approach to the problem of rehoming. The bill assures that, before committing to the adoption, prospective adoptive parents get accurate information about the specific child’s history and training about the challenging kinds of behavior adopted children can exhibit. The new law would make clear that sending an adoptive child to live permanently with a stranger outside the legal system is prohibited. Further, Utah Child Protective Services would have the authority to investigate the living situation of a child who has been sent to live with strangers without a legal transfer of custody.

The bill language was developed in cooperation with the Utah Adoption Council, which also voted unanimously to support the bill.

“The Utah Adoption Council supports the efforts of the Attorney General to address the phenomenon of rehoming,” said Larry Jenkins, Standards and Practice Chair at the Utah Adoption Council. “Families with high needs children need to know what options are available to them, and this bill is a model for other states and a giant step forward towards helping these families.”

Judge Dismisses More Than 1,000 Lawsuits Targeting Small Businesses

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Judge Dismisses More Than 1,000 Lawsuits Targeting Small Businesses

PHOENIX - Arizona Attorney General Mark Brnovich announced today a judge dismissed more than 1,000 frivolous lawsuits filed by a serial litigator against Arizona small businesses. Advocates for Individuals with Disabilities (AID) flooded state courts with more than 1,700 lawsuits against Valley businesses in 2016. The copy-and-paste lawsuits alleged that businesses' parking lots did not comply with regulations related to persons with disabilities. Many of the issues were minor and easily fixable, but the lawsuits sought thousands of dollars in damages and attorneys' fees.

“Arizona is not going to tolerate serial litigators who try to shake down small hardworking businesses by exploiting the disability community,” said Attorney General Mark Brnovich. “Today's ruling is a victory for the rule of law.”

Today's ruling comes after the Attorney General's Office filed a motion to dismiss the 1,000 lawsuits based on AID's lack of standing. Some courts have sanctioned AID for these lawsuits and a federal judge also questioned whether AID's attorney “has engaged in a pattern of professionally unethical conduct.”

The Attorney General's Office intends to file a Motion for Sanction against AID.

This motion was argued by Assistant Attorney General Matthew Du Mee. Other Assistant Attorneys General participating included Brunn (Beau) W. Roysden III, O.H. Skinner, John Heyhoe-Griffiths, Evan Daniels, Aaron Duell and Civil Division Chief Paul Watkins.

Final Settlement Reached in Massive Robocalling Case

TALLAHASSEE, Fla.—Attorney General Pam Bondi, the Federal Trade Commission and nine other state attorneys general today announced the entry of the last consent judgment shutting down an illegal robocalling scheme used to sell Florida cruise line vacations. The unlawful telemarketing campaign flooded consumers from across the country with billions of unwanted robocalls, averaging 12 to 15 million illegal calls a day, and generated millions of dollars for the companies. The fifth and final consent judgment announced today bars owner Fred Accuardi and his companies from assisting or participating in actions that violate telemarketing laws.

In 2015, Attorney General Bondi, in partnership with the FTC and other state attorneys general, filed a lawsuit against Caribbean Cruise Line, Inc., a marketing company, as well as seven other companies, for alleged involvement in a scheme that used political survey robocalls to illegally sell cruise vacations. The joint complaint was filed in the United States District Court for the Southern District of Florida.

The complaint alleged that the defendants' robocalls violated both Florida and federal law by unlawfully using political surveys as a pretext to place sales calls pitching Bahamas cruises and related vacation packages to individuals on do-not-call lists and other individuals they were prohibited from calling.

Accuardi and his companies allegedly assisted and facilitated the illegal calls by providing robocallers with hundreds of telephone numbers. The defendants also allegedly made it possible for robocallers to change their caller identification information, funded a portion of the robocalling campaigns, and hid the robocallers' identities from authorities.

In addition to barring Accuardi and his businesses from illegal telemarketing, the consent judgment announced today imposes a judgment of \$1.35 million, which will be suspended after the defendants pay \$2,500. If the court finds that the defendants misrepresented their financial condition, the entire judgment will become due.

Florida and the FTC led the joint action and were joined by attorneys general in nine other states: Colorado, Indiana, Kansas, Mississippi, Missouri, North Carolina, Ohio, Tennessee and Washington.

This is just the latest action taken by Attorney General Bondi in partnership with the FTC to clamp down on illegal operations in Florida.