

ARTICLES FOR 2-16-17 ROUNDUP

Steve Marshall Appointed Alabama Attorney General

MONTGOMERY - Governor Robert J. Bentley appointed Marshall County District Attorney, Steve Marshall, to serve as the 50th Attorney General of Alabama. Former Attorney General Luther Strange was appointed to the United States Senate following Senator Jeff Sessions' appointment and confirmation as Attorney General of the United States.

Following his appointment, Mr. Marshall said, "It is a great honor to be named Attorney General and I am thankful to Governor Bentley for the opportunity to serve the people of Alabama. The time spent working alongside law enforcement for the last 20 years has been a remarkable privilege. As Attorney General, I will continue to support their efforts to keep Alabamians safe and free from violent crime."

Newly Appointed Attorney General Steve Marshall Takes Oath of Office, Addresses Public

MONTGOMERY - Governor Robert J. Bentley appointed Marshall County District Attorney, Steve Marshall, to serve as the 48th Attorney General of Alabama. Former Attorney General Luther Strange was appointed to the United States Senate following Senator Jeff Sessions nomination and confirmation as Attorney General of the United States.

Following his appointment, Attorney General Marshall said, "I am deeply humbled to have this opportunity. Thank you to Governor Bentley for this appointment, and I promise the people of Alabama that I will serve them with honor and integrity."

"The same principles that have guided me in Marshall County will now guide me as I represent all the people of Alabama," Marshall said. "I will enforce the law fairly, I will stand up for victims, and I will do the hard work of attacking the underlying problems that threaten the safety of our communities."

"As Attorney General, a top priority will be to maintain an effective working relationship with our local law enforcement. Sheriffs, district attorneys, police, and investigators are the front lines of public safety and we will support them in every way possible."

Attorney General Marshall, 52, is a native of Atmore, Alabama. He attended the University of North Carolina at Chapel Hill, where he graduated with honors, and the University of Alabama School of Law, where he graduated in the top 10 percent of his class.

Following a vacancy in the office, Steve Marshall was appointed as the Marshall County District Attorney at the age of 36 by Governor Don Siegleman. He was elected in 2004, 2010 and 2016 without opposition.

As District Attorney, Steve Marshall was a hands-on prosecutor, trying defendants for crimes ranging from DUIs to murder. He has prosecuted people with stature, including those who have committed ethics violations, cop killers and molesters who prey on children.

He also led efforts to fight crime through partnerships and policies at the community and the state level.

In Marshall County, he created a major crimes unit, a computer forensics lab and a crystal meth task force. He also was instrumental in state legislation that established a system to track purchases of ephedrine and pseudoephedrine products, which are ingredients of meth. This system is credited with a 90 percent reduction in the number of meth labs in Marshall County over the past five years.

Attorney General Marshall also established a reputation for standing up for the victims of violent crimes.

He played a major role in passage of the Brody Act, which allows criminals to be prosecuted with two crimes if they kill or injure an unborn baby in an attack on the mother. The law was named for the unborn son of Brandi Parker of Marshall County, who was murdered while sitting in her car. Marshall was one of the first district attorneys to apply the Brody Act by prosecuting and securing a death sentence for a Marshall County man who murdered his pregnant wife.

Mr. Marshall is a past President of the Alabama District Attorney's Association and has served as Commission Chairman of the Alabama Criminal Justice Information Center, a member of the Alabama Sentencing Commission, board member of the National District Attorney's Association and Kids to Love Foundation, and a Member of the United States Attorney's Law Enforcement Coordinating Committee for the Northern District of Alabama.

Steve currently resides in Albertville with his wife, Bridgette, and daughter, Faith. He is active with the United Way of Marshall County and an elder at Lifepoint Church.

ATTORNEY GENERAL'S VICTORY AGAINST TRUMP EXECUTIVE ORDER UPHELD BY COURT OF APPEALS

Unanimous 9th Circuit upholds temporary restraining order obtained by Wash. AG Ferguson

OLYMPIA — The United States Court of Appeals for the Ninth Circuit today unanimously affirmed a lower court's ruling obtained by Attorney General Bob Ferguson, which blocks President Trump's Executive Order on immigration.

"No one is above the law, not even the President," Ferguson said. "The President should withdraw this flawed, rushed and dangerous Executive Order, which caused chaos across the country. If he refuses, I will continue our work to hold him accountable to the Constitution."

Attorney General Becerra Joins 6 State Attorneys General to File Amicus Brief in the U.S. Supreme Court Seeking Constitutional Protection for Non-Citizens Detained by Federal Authorities

SACRAMENTO - Attorney General Xavier Becerra, along with the state attorneys general from Massachusetts, New York, Oregon, Rhode Island, Vermont, and Washington, today filed a friend-of-the-court brief in the U.S. Supreme Court in *Jennings v Rodriguez*, a case involving the federal government's authority to detain non-citizens pending completion of their removal proceedings. The plaintiffs in this case are non-citizens who have been detained by federal authorities for longer than six months. They argue that the Constitution requires them to receive the same basic protection enjoyed by other non-criminals who are detained by the federal government: a hearing to determine whether their continued detention is justified. The plaintiffs do not dispute the government's right to detain individuals who are dangerous or pose a flight risk; they are only asking for an opportunity to be released on bond if the government cannot show that they present such a danger.

"No one should be detained for months without being assessed first for his or her actual flight risk or dangerousness. That's why I've joined six states on behalf of Californians opposing the detention of non-citizens who have never been found to pose a threat," said Attorney General Becerra. "Mothers and fathers are detained who cannot return home to their children; others are simply missing work. Their absences could have long-term impact on families, communities, states and the country."

In the brief, the States argue that they have a strong interest in ensuring that individuals who are neither dangerous nor a flight risk are not detained while they seek to establish a legal right to remain in the United States. The brief highlights the significant contributions that these individuals make to society as heads of families, employees, and community stakeholders and describes the human, economic, and societal loss caused by prolonged and unnecessary detention. It also argues that the basic procedural protections the plaintiffs seek are consistent with the procedures that the Supreme Court requires before a State may detain a person for other reasons, such as mental illness. Finally, the brief emphasizes that these protections will make sure that their residents are protected from arbitrary detentions by the federal government.

Earlier this week Attorney General Becerra joined 17 other attorneys general in filing an amicus brief in the Ninth Circuit U.S. Court of Appeals in *State of Washington v. Trump*, a case opposing the Trump Administration's unconstitutional and un-American travel ban.

Last month, Attorney General Becerra released a statement in response to President Trump's executive order asserting his commitment to protecting Californians against orders that may violate constitutional and other legal rights. Attorney General Becerra stated, "The California Department of Justice (DOJ) is prepared to protect the public safety and general welfare of all Californians as well as their privacy and property rights. These are rights and protections which have survived numerous legal challenges over time. And they are grounded on our federal and state constitutions not on an executive pronouncement."

Attorney General Cynthia H. Coffman Files Suit Against Boulder County for Illegal Moratorium

Five years ago, in February of 2012, the Boulder County Board of County Commissioners imposed a moratorium on all new applications for oil or gas development in Boulder County. The Boulder Commissioners since have re-imposed or extended the moratorium eight separate times. Two of those extensions were passed after the Colorado Supreme Court ruled in May 2016 that local bans on oil or gas development are preempted if they conflict with the Colorado Oil and Gas Conservation Act, which regulates all aspects of oil and gas development and operations within the State. After the Supreme Court's ruling in the City of Longmont and City of Fort Collins cases, other local governments acted to lift similar bans – except for Boulder County. On January 27, 2016, the Attorney General's Office put Boulder County on notice that if it did not come into compliance with the law by February 10th, the State would take legal action against the County.

The Boulder County Commissioners responded that they needed yet more time to draft regulations and prepare to accept new applications for oil or gas development. Because five years is more than reasonable time to complete such a project, and because Boulder County continues to operate in clear violation of Colorado law, the Attorney General today is filing suit in Boulder County District Court to compel compliance. It is not the job of industry to enforce Colorado law; that is the role of the Attorney General on behalf of the People of Colorado. Regrettably, Boulder County's open defiance of State law has made legal action the final recourse available to the State.

Attorney General Fox Files For Intervention On Behalf Of The State Of Montana In Washington Utility Rate Case

On Wednesday, Montana Attorney General Tim Fox filed for intervention on behalf of the state of Montana in the electricity rate proceeding of Washington utility Puget Sound Energy, before the Washington Utilities and Transportation Commission. PSE is a part-owner of the Colstrip generating facility, and entered into a legal settlement last year establishing a shut-down date of July 2022 for Colstrip Units 1 and 2.

“It’s important that the state of Montana has a seat at the table throughout this rate proceeding so our interests can be adequately represented,” said Attorney General Tim Fox. “The state of Montana wants to make sure that the company makes good on its legal obligations to Montana’s communities, workers and environment affected by the operation and potential retirement of coal-fired generating units in our state.”

The petition for intervention states, “Many thousands of Montana residents will be economically impacted, directly or indirectly, by the closure of the Colstrip Units. In addition to anticipated job losses, the revenue generated by the Colstrip Units, which is taxed by Montana, funds public schools, libraries, parks and regional water systems. Thus, Montana has a direct and substantial interest in the economic issues to be addressed in the...proceeding. In addition, Montana has a direct and substantial interest in ensuring the full costs of decommissioning and remediation attendant to closing the Colstrip Units are covered by PSE, in keeping with the high value Montana residents place on their environment.”

AG: 5-HOUR ENERGY® MAKERS ORDERED TO PAY NEARLY \$4.3 MILLION FOR CONSUMER VIOLATIONS

Ferguson's lawsuit proved companies made deceptive claims in thousands of ads

OLYMPIA — Attorney General Bob Ferguson today announced that a King County judge ordered the makers of 5-hour ENERGY® to pay nearly \$4.3 million in penalties, attorneys' fees and costs for multiple violations of the state Consumer Protection Act.

Ferguson filed a lawsuit against the companies in 2014, alleging violations of the state Consumer Protection Act. After a three-week trial last September, Judge Beth Andrus ruled in the state's favor, finding that claims in the companies' advertising were deceptive, and therefore violated the Consumer Protection Act. The deceptive claims — that the popular flavored energy shots is superior to coffee, that doctors recommend 5-hour ENERGY®, and that its decaffeinated formula provides energy, alertness and focus that lasts for hours — appeared in press releases, on the internet and in thousands of print and broadcast ads.

"The makers of 5-hour ENERGY® broke the law in pursuit of profit, and now they are paying for it," Ferguson said.

In a ruling issued late Tuesday, Judge Andrus ordered defendants Living Essentials LLC and Innovation Ventures LLC to pay nearly \$2.2 million in civil penalties for violations of the Consumer Protection Act.

"Defendants spent more time trying to justify the science behind their ads after-the-fact than they did before marketing the products in Washington," Judge Andrus wrote in her Tuesday order. "The Court was struck by the fact that Defendants presented no testimony from a single scientist actually involved in developing the contents of this product."

"There was scant evidence as to what science anyone at Living Essentials had ever seen or relied on before it began to sell this product," she continued.

Judge Andrus also ordered the companies to pay nearly \$2.1 million in costs and fees to Ferguson's office.

The penalties and fees ordered Tuesday include more than \$64,000 in sanctions against Living Essentials and Innovation Ventures for "willful" discovery violations in the lead-up to the September trial. Andrus ruled that the defendants improperly "cherry-picked" the documents they produced to the Attorney General's Office, impeding the ability of the Attorney General's Office to prepare for trial.

In Tuesday's decision, Judge Andrus also ordered Living Essentials and Innovation Ventures not to make claims about the biochemical or physiological effects of their products, or their "synergistic" interactions with caffeine or other ingredients, without competent and reliable scientific evidence to support those claims. The order further bars the companies from using survey data in their marketing or advertising unless the surveys are created, conducted and evaluated in an objective manner by qualified professionals, and the data is not presented in a deceptive manner.

Lisa Erwin and Trisha McArdle, both senior counsel with the Attorney General's Office, Assistant Attorney General Daniel Davies and former Assistant Attorney General Kimberlee Gunning handled the case.

Attorney General Bondi Secures Refunds for Victims of Loan Scam

TALLAHASSEE, Fla.—Attorney General Pam Bondi today announced the multimillion dollar resolution of a lawsuit against several related unsecured loan services companies and operators. The three consent judgments and one settlement agreement obtained by Attorney General Bondi's Office resolve allegations that the defendant companies and their principals unlawfully charged cash-strapped consumers fees ranging from \$500 to more than \$1,000 for online lending services that consumers could perform on their own for free. The defendants allegedly convinced consumers to pay illegal up-front fees by falsely guaranteeing that a lender in the defendants' lender network had pre-approved the consumers for loans.

"This result will provide full restitution to consumers victimized by this fraudulent loan scheme and ensure no more consumers are harmed by these unscrupulous practices," said Attorney General Bondi.

The settlement and consent judgments successfully conclude a lawsuit filed by the Attorney General's Office in 2015 against three related loan service companies and three individuals. According to the complaint, the defendants employed deceptive marketing practices and sales pitches rife with false statements and misrepresentations regarding the defendants' loan services. Some of the defendants also allegedly used consumers' bank information to withdraw funds from the consumers' bank accounts without authorization.

As part of the resolution, the defendants are banned from operating in the loan and credit services industries. Together, the consent judgments impose a more than \$8 million judgment against the companies. Pursuant to these judgments, the individual defendants are required to make payments that will result in full refunds to consumers who have submitted complaints against the companies. Once full restitution is made, the remainder of the judgments will be suspended. However, if the individual defendants are found to have misrepresented their financial condition or failed to comply with the occupational bans, the full judgment will become due immediately.

The defendants involved in this case include: Andrew Mangini, Michael Puglisi, David Alan Stern and three loan service companies, Liberty Unsecured, Inc., Unsecured Loan Source II, Inc. and First Solutions, Inc., d/b/a Credit One, Improvecredit.me and Unsecured Loan Capital.

Methamphetamine Abuse in Wisconsin Expands 250 Percent, Wisconsin DOJ, FBI, DEA, and Marshfield Clinic Brief Legislators

MADISON, Wis. – Today, Attorney General Brad Schimel, the Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), Marshfield Clinic, and the Wisconsin Department of Justice (DOJ) Division of Criminal Investigation (DCI), testified at a legislative informational hearing on the growing challenge of methamphetamine abuse in Wisconsin.

“Meth is notorious for not only destroying the user, but the entire family and community around each user,” said Attorney General Schimel. “Wisconsin’s top law enforcement agency has been working with federal law enforcement to assess the threat of meth and every level of government has made a commitment to stop this horrible drug from continuing to destroy our communities. Today’s hearing gave legislators the information they will need to protect their communities and help law enforcement battle back meth.”

“While heroin and opiate addiction are garnering headlines recently, we have to remember that meth use and abuse is still rampant across the state,” said Sen. Van Wanggaard, Chair of the Senate Committee on Judiciary and Public Safety. “I hope today’s hearing showed legislators and the public the scope of the problem and some ideas as how to tackle the scourge of meth in Wisconsin.”

“With the increase we’ve seen in meth abuse in our state, it’s essential that lawmakers start getting involved, looking to our law enforcement agencies for advisement,” said Rep. John Spiros, Chair of the Assembly Committee on Criminal Justice and Public Safety. “We’re lucky in Wisconsin to have a Department of Justice that has been dedicated to addressing this problem, and the legislature should be prepared to assist in any way we can. Meth has become a problem in my own area of the state, and I’m looking forward to helping in the next steps to cut down on meth abuse and make our communities safer.”

In January 2017, the FBI released a report detailing the threat of methamphetamine abuse in Wisconsin. The report estimates that from 2011 to 2015, methamphetamine use in Wisconsin likely expanded between 250 and 300 percent. Western Wisconsin and rural areas of the state are seeing the most concentrated use of methamphetamine. The report was a collaborative effort between the FBI, Wisconsin Statewide Intelligence Center, and DOJ. Data was contributed by 96 organizations, including law enforcement, district attorneys, social services, and private organizations.

AG JIM HOOD FILES CIVIL RICO ACTION TO RECOUP STATE FUNDS AND PENALTIES AGAINST ALL CONSPIRATORS IN MDOC PRISON BRIBERY SCANDAL

Attorney General Jim Hood announced today that he has filed 11 civil RICO lawsuits against all corporate and individual conspirators in the prison bribery scandal.

Attorney General Hood is seeking damages and punitive damages against the following individuals and corporations: former Mississippi Department of Corrections Commissioner Chris Epps; Cecil McCrory; Robert Simmons; Irb Benjamin; Sam Waggoner; Mark Longoria; Teresa Malone; Carl Reddix; Michael Reddix; Andrew Jenkins; Management & Training Corporation; The GEO Group, Inc.; Cornell Companies, Inc.; Wexford Health Sources, Inc.; The Bantry Group Corporation; AdminPros, L.L.C.; CGL Facility Management, LLC; Mississippi Correctional Management, Inc.; Branan Medical Corporation; Drug Testing Corporation; Global Tel*Link Corporation; Health Assurance, LLC; Keefe Commissary Network, LLC; Sentinel Offender Services, L.L.C. and AJA Management & Technical Services, Inc.

“The state of Mississippi has been defrauded through a pattern of bribery, kickbacks, misrepresentations, fraud, concealment, money laundering and other wrongful conduct,” Attorney General Hood said. “These individuals and corporations that benefited by stealing from taxpayers must not only pay the state’s losses, but state law requires that they must also forfeit and return the entire amount of the contracts paid by the state. We are also seeking punitive damages to punish these conspirators and to deter those who might consider giving or receiving kickbacks in the future.”

According to the lawsuits, multiple corporations, including some of the most prominent private prison contractors, paid millions of dollars in so-called “consulting fees” to individuals who then used those fees to pay bribes and kickbacks to Epps. Based on those bribes and kickbacks, Epps awarded, directed or extended approximately \$800 million in public contracts to those private prison contractors.

To date, Epps, McCrory, Simmons, Benjamin, Waggoner and Longoria have pleaded guilty to their involvement in the conspiracy.

Attorney General Hood alleges that the defendants violated Mississippi’s public ethics, racketeering and antitrust laws, along with several other claims. The Attorney General is seeking compensatory and punitive damages, as well as forfeiture of all funds received by the individuals and corporations that were involved in these conspiracies.

“Out-of-state corporations were eager to take advantage of Mississippi taxpayers and secure MDOC contracts through bribery and fraud. It is critical for the state to use the remedies at its disposal to recover damages and get back the money exchanged in these schemes,” Attorney General Hood said. “I have a duty to protect the integrity of the public contracting process, as well as to vindicate the rights of the state when it is a victim of public corruption and other wrongful conduct.”