

ARTICLES FOR 7-13-17 ROUNDUP

ATTORNEY GENERAL LAXALT ANNOUNCES NEVADA AS FIRST STATE TO LAUNCH ENHANCED VICTIM NOTIFICATION NETWORK

Carson City, NV – Today, Nevada Attorney General Adam Paul Laxalt proudly announced that Nevada will be the first state in the country to launch the most enhanced version of Victim Information and Notification Everyday (VINE). A free service provided by Appriss Safety, VINE is the nation's leading victim notification network. VINE offers crime victims and members of the public timely and reliable offender custody information through a toll-free telephone number, website or mobile application. Users may also register to receive automated notifications relating to changes in custody status via telephone, email or text message.

VINE has been serving victims since 1994, and has continued to evolve with advancements in technology and law enforcement services. The enhanced VINE will offer users innovative functionality and expanded access to victim services. The VINE Service Provider Directory is a key feature of the enhanced VINE and will allow users seeking assistance to directly connect with both local and national service providers. Through engagement with the Office of the Nevada Attorney General and Appriss Safety, nearly 30 Nevada service providers have joined the VINE Service Provider Directory to date.

“A victim's need for assistance does not stop once an offender has been sentenced—it continues throughout an offender's custody,” said Attorney General Laxalt. “VINE is designed with victims in mind, providing them with quick and easy access to information and connecting them to service providers who can assist them further. I am proud of my office's leadership in this initiative, and hope our efforts will pave the way for other states around the country to provide this much-needed service.”

Josh Bruner, Appriss Safety President added, “Appriss Safety is proud to partner with the Office of the Nevada Attorney General to introduce a new suite of VINE features and benefits to victims of crime throughout the state of Nevada. The new version of VINE provides an enhanced user experience and will improve access to services for victims of crime through features, such as “Guide Me to a Service Provider” and the VINE Service Provider Directory.”

2016 Nevada VINE Figures:

24,088 Nevadans registered to use VINE's services.

44,428 notifications were provided to Nevada's VINE users through outbound calls, emails, text messages, letters and TTY, a device used to communicate with hearing or speech impaired individuals.

481,379 offender and case searches were conducted using the VINE website, mobile application and phone service.

39,223 inbound phone calls were made to the Nevada VINE service number.

To access the new Nevada VINE service, visit www.vinelink.com.

Appriss® Safety operates the nation's most comprehensive and up-to-date arrest data network. We deliver data-driven solutions that help our customers make better informed decisions for early response to people-driven risk. By delivering real-time notifications, context-sensitive risk assessments, and actionable insights, we enable government agencies and commercial enterprises to save lives, fight crime, prevent fraud, and manage risk. For more information visit ApprissSafety.com.

AG BALDERAS FILES LAWSUIT AGAINST PRESBYTERIAN HEALTHCARE SERVICES & PRESBYTERIAN HEALTH PLAN FOR FRAUD

Santa Fe, NM - Today, Attorney General Hector Balderas announced that he has filed a lawsuit against Presbyterian Health Plan, Inc., and Presbyterian Healthcare Services for fraud based on the systematic, deliberate underpayment of taxes on premiums received or written. The Office of the Attorney General's complaint alleges that between 2001 and 2015, Presbyterian routinely filed false claims for premium tax deductions and credits, thereby defrauding the people of New Mexico and evading its legal duty to pay these taxes. The Presbyterian lawsuit is the first action brought by the Attorney General as part of his independent civil and criminal review, which is ongoing, and this lawsuit is limited to Presbyterian's alleged false claims for reductions related to the Medicaid program.

"New Mexicans deserve a healthcare system they can trust," said Attorney General Balderas. "When insurance providers break the rules, they must face consequences. My office is working with the State Auditor to make sure that Presbyterian—and any other companies that engaged in similar fraudulent conduct—are held responsible for the serious injuries imposed on New Mexican taxpayers."

Under New Mexico law, every insurer doing business in New Mexico is required to pay a premium tax and surcharge. According to the Office of the Attorney General's complaint, Presbyterian falsified its Medicaid deductions and credits, thereby evading tens of millions of dollars in premium taxes and surcharges.

The complaint includes counts for violation of the Fraud Against Taxpayers Act, violation of the New Mexico Insurance Code, unjust enrichment, fraud, and negligent misrepresentation. In addition to seeking millions of dollars in unpaid taxes, the complaint seeks civil penalties and punitive damages. The Office of the Attorney General, as chief prosecutor in the State of New Mexico, is taking control of a lawsuit previously filed by whistleblowers in the Office of the Superintendent of Insurance.

The New Mexico Office of the Attorney General is a statewide law enforcement and oversight agency with both criminal and civil jurisdiction. In November 2016, the Legislative Finance Committee, the Department of Finance and Administration, and the Office of the State Auditor requested the Attorney General's assistance in reviewing potential underpayments of premium tax by major healthcare companies.

The Attorney General's comprehensive civil and criminal review of allegations related to potential underpayment by Presbyterian and other healthcare companies is ongoing. The Office of the Attorney General remains open to further actions and prosecutions as more evidence comes to light.

COLORADO AG COFFMAN, ACTING U.S. ATTORNEY TROYER AND BOULDER COUNTY DA GARNETT ANNOUNCE COLLABORATIVE EFFORT TO PROTECT COLORADANS FROM PHONY IMMIGRATION CONSULTANTS AND CONSUMER SCAMS

Denver – Today Colorado Attorney General Cynthia H. Coffman was joined by Acting U.S. Attorney Bob Troyer, Boulder County District Attorney Stan Garnett, and community leaders from I Drive Colorado, and the Colorado Immigrant Rights Coalition, to announce a collaborative effort to educate and empower members of Colorado's immigrant communities to protect themselves from phony immigration consultants and other consumer scams.

While Colorado's immigrant communities are being targeted and victimized by scammers and fraudsters, victims are not often reporting these crimes to agencies that can help.

One of the most egregious scams currently targeting immigrant communities involves individuals who claim that, for a substantial fee, they can select, prepare, and file immigration forms, speed up the visa and citizenship process, or even use some "special relationship" with U.S. immigration officials to obtain other benefits. These individuals may call themselves an "immigration specialist," "immigration consultant," "visa consultant," "notary," "notary public," "notario," or "notario publico."

True notarios in many Latin American countries and in Europe are highly trained and regulated legal experts. This can easily cause confusion with the much narrower authority of a notary in the United States. Predators count on the similarity in titles to mislead the public about their skill and authority to assist immigrants who are simply trying to improve their legal standing in the United States.

"I am extremely concerned about untrained persons holding themselves out as immigration consultants when they do not have the expertise or the authority to provide the proper legal assistance required to navigate through the complex federal immigration processes," said Attorney General Coffman. "In exchange for the large sums they demand for their services, these untrained individuals actually cause great and even irreparable harm to vulnerable populations. That is why I am working with federal, state and community leaders to reach out to Colorado's Spanish-speaking communities and provide resources and education to help them identify and report any individuals who are preying on our immigrant population," concluded Coffman.

In 2016, HB16-1391, which was sponsored by Representative Dan Pabon and Senator Kevin Lundberg, was signed into law, making it illegal for unauthorized people to advertise or perform services related to immigrant, non-immigrant, or citizenship status under federal immigration and naturalization laws, executive orders, or presidential proclamations.

Under Colorado law, it is illegal for a non-attorney to:

- Advertise and offer their services as a notario publico, notario, immigration assistant, immigration consultant, immigration specialist, or other designation or title that conveys or implies in any language that he or she possesses professional legal skills or expertise in the area of immigration law;
- Accept any money or other compensation to advise or assist any person with any immigration issue, including the selection of appropriate forms or preparation of legal documents, filling out those forms or documents, or selecting an appropriate benefit, visa, or other immigration program, or determining another person's legal or illegal status for the purpose of an immigration matter; or
- Otherwise represent another person's interests in a judicial or administrative proceeding in an immigration matter.

“People preying upon vulnerable populations are always a great concern to the U.S. Attorney's Office,” said Acting U.S. Attorney Bob Troyer. “Of even greater concern is when victims are afraid to report these crimes. There are many legitimate notaries that can be found on an official Department of Justice website. Be careful who you trust, and don't be afraid to report criminals. It is that simple.”

There are two types of individuals in Colorado that DO have the requisite skill, training, and authority to assist with immigration-related services:

- Attorneys licensed or otherwise authorized to practice law in Colorado (you can search for a licensed attorney at <http://www.coloradosupremecourt.com/Search/AttSearch.asp>); and
- Accredited representatives of non-profit religious, charitable, social service, or similar organizations (for a list of Colorado accredited representatives, visit <https://www.justice.gov/eoir/recognized-organizations-and-accredited-representatives-roster-state-and-city>)

Others may have a more limited ability to assist with immigration matters, including law students working under the direct supervision of a lawyer.

“Since 2011, we have worked to prevent crime against Boulder County's immigrant community,” said Boulder County District Attorney Stan Garnett. “We are excited to partner with the Colorado Attorney General's office, The United States Attorney for the District of Colorado and many other partners to support similar statewide efforts and to focus in particular on the problem of Notario Fraud.”

In addition to notario fraud, there are other scammers who are targeting Colorado's immigrant community by accumulating government appointments or services and then selling them to consumers who are unaware that those appointments or services are available at no cost.

Also in 2016, HB 16-1335, which was sponsored by Representative Dan Pabon, Representative Jovan Melton, and former Senator Pat Steadman, was signed into law, making it illegal for any person to:

- reserve or obtain a government service or appointment and then to sell the service or appointment;
- reserve or obtain a government service or appointment with the intent to sell the service or appointment;
- reserve or obtain the service or appointment and then bundle that service or appointment with another good or service the person offers for sale; or
- falsely represent to a potential customer that the person has obtained or secured a service or appointment in order to sell that non-existent service or appointment.

It is NOT illegal to sell a government service or appointment where an individual has the express consent of the government entity to do so, or where the individual is selling or offering to sell information about a particular government service or appointment.

The Colorado Attorney General's Office along with many partner agencies and organizations will be holding a training to help inform and empower community members interested in learning more about scams targeting immigrant communities. For more information on attending an upcoming training, please contact oceconnects@coag.gov.

Anyone who may have been victimized by an immigration related scam or wants to report suspicious activity involving an immigration consultant, or appointment selling or service scam to file a report here or call 1-800-222-4444. The report can be filed in Spanish, and there will be a Spanish speaking operator available. Reports also can be filed anonymously.

AVIS BUDGET AGREES TO CHANGE BILLING PRACTICES FOR CASHLESS TOLL

TALLAHASSEE, Fla.—The Attorney General's Office Florida obtained a court enforceable settlement agreement with Avis Budget Car Rental System, LLC which owns the Avis, Budget and Payless car rental companies. The settlement agreement resolves an investigation by Attorney General Pam Bondi's Office regarding Avis, Budget and Payless' practices involving add-on fees for cashless tolls in Florida and other related add-on charges.

Attorney General Bondi's Office investigated allegations that Avis, Budget and Payless did not sufficiently disclose to consumers that they would be charged a daily fee for the companies' e-Toll service, in addition to the cost the customer incurs for a toll on a cashless toll road. The rental companies imposed this charge for each day of the rental, even on days the customer did not use a cashless toll road. Unaware of the e-Toll fee or how to avoid it, many consumers received bills from Avis, Budget or Payless four to six weeks after concluding their rental, advising of the additional charges owed.

The settlement agreement requires Avis, Budget and Payless to clearly and conspicuously disclose its \$3.95 per day charge to consumers who rent an Avis, Budget or Payless car. The companies must clearly disclose on their websites, in their online reservation paths, in their confirmation

emails and at the rental counter the existence of the \$3.95 per day charge as well as how consumers can avoid this charge.

The companies must also train employees to ensure they are not telling consumers that the only way to pay for tolls in Florida is through their e-Toll system, or telling consumers that all toll roads in Florida are cashless. Additionally, the companies are required to provide consumers with truthful information about damage waiver products. The rental car companies must clearly and conspicuously disclose the cost of any damage waiver product and cannot impose a damage waiver fee when the consumer has declined coverage. The companies also may not charge consumers for a higher car class when the car class reserved by a consumer is unavailable, and the per day cost of any car class upgrade must be clearly and conspicuously disclosed.

Since the Attorney General's Office commenced its investigation, Avis, Budget and Payless have provided more than \$1 million in refunds to consumers. The settlement further requires the three companies to provide refunds to any consumers charged for e-Toll without sufficient disclosures, who have not already been reimbursed and who file a claim for a refund. The consumers must have been wrongfully charged for e-Toll by Avis, Budget or Payless during the period Jan. 1, 2010 through July 10, 2017, and all claims must be filed by Jan. 7, 2018. To file a claim, please click [here](#).

INCOME SCHEME BASED ON PLAYING FLORIDA LOTTERY BARRED FROM MARKETING TO IOWANS

Court-approved agreement bars Wealthperx, formerly Lotto Magic, from Iowa, based on what Attorney General calls "blatantly fraudulent" conduct

DES MOINES – Two out-of-state companies marketing a so-called money-making system must stop promoting the scheme in Iowa, through a court-approved agreement with Attorney General Tom Miller.

In the consent judgment, filed in Polk County District Court, District Court Judge David Porter ordered the companies and people behind Wealthperx, formerly called Lotto Magic, to stop promoting their money-making system in Iowa and refrain from any marketing directed to Iowa residents.

The defendants include Richard Dennis Moore, 69, of Crestview, Florida and his Florida company, Peppercorn Marketing Inc.; and Michael S. Caruana, 48, of Santa Monica, California and his California company, Revolutionary Money Making Concepts Inc.

In addition to the Iowa marketing ban, the defendants must pay more than \$53,000 for refunds to about 300 Iowa victims identified in Wealthperx records.

"Our investigation revealed many blatantly fraudulent claims and testimonials," Miller said. "The defendants constructed this scheme around a central lie, namely, that by becoming paying members of the Wealthperx system a participant would enjoy a steady stream of income. But our investigation showed that the money stream consistently flowed away from Iowans, not to them."

A Consumer Protection Division review of company data for Iowa members found that they had sent Wealthperx a total of about \$130,000, but had received payouts of only about \$10,000.

Wealthperx promotional materials explain that the company buys Florida lottery tickets monthly for each paying member. The materials also urge members to recruit new members, in order to get a share of the new participants' membership payments as well as a share of their lottery winnings.

"The money-making system can be made to sound pretty attractive, which is why hundreds of Iowans bought into it," Miller said. "But what members actually experience doesn't begin to match the claims."

Miller alleges the Wealthperx marketing makes other misleading claims:

Wealthperx claims that more than 40,000 people had joined its "success team," without disclosing that most of them had lost money, dropped out, or both.

Solicitation mailings fraudulently tell prospects that a membership slot in the Wealthperx system was being held open for them for 48 hours, but that a late response would result in the company passing along the slot to someone else in the same town.

Glowing testimonials attest to recent financial success through the Wealthperx system to create the impression that many current participants received substantial monthly checks. In fact, however, defendants could not substantiate all of the income claims, and some financial gains that were described as recent or ongoing had in fact occurred many years ago, and involved individuals who had since left the program.

The Wealthperx marketing materials highlight the experience of George Stephens, described as a successful recruiter and money-maker whose continuing success could be easily copied by new members.

When the Consumer Protection Division asked Wealthperx to verify the success it attributes to Stephens in its marketing materials, the company said he had died. However, the division reached the 96-year-old Stephens at his North Carolina home. Stephens said he dropped his membership years ago, because the costs involved in recruitment did not make it profitable.

According to Miller, Iowans who fell prey to this scheme were disproportionately senior citizens. A sampling indicated an average age of 71 among the victims. The defendants have insisted they did not target seniors, although internal company emails used crude derogatory language to describe them.

The Consumer Protection Division obtained customer records from the defendants, so Iowans who lost money through the Wealthperx system do not need to file a refund claim and will be contacted about refunds.

AG HEALEY CALLS FOR REVERSAL OF LOWER COURT'S APPROVAL OF REMINGTON'S CLASS ACTION RIFLE SETTLEMENT

States Raise Public Safety Concerns Over Inadequate Agreement to Repair Trigger Defects for Rifle Owners

ST. LOUIS – Looking to hold Remington responsible for the harm caused by the defective triggers on many of its rifles, Massachusetts Attorney General Maura Healey today announced that her office is leading a coalition of 14 attorneys general in urging the U.S. Court of Appeals for the Eighth Circuit to overturn a class action settlement arranged by the gun manufacturer.

As reported by 60 Minutes and CNBC, more than 7.5 million Remington rifles are prone to accidentally fire without a trigger pull, a defect that already has resulted in numerous deaths and other serious bodily injuries. Despite these ongoing risks, under the settlement, fewer than 25,000 of the defective guns are expected to be repaired.

In an amicus brief led by Massachusetts, the attorneys general criticize the settlement with Remington because it unfairly terminates valuable legal claims for the rifle owners while leaving consumers and the public at ongoing risk of death or injury.

Although Remington acknowledges that there is a simple replacement for the defective triggers, more than 7.4 million guns will remain unrepaired because many owners were not given legally required notice of the settlement. Even when notice was received, owners were not properly warned of the serious and ongoing risk that their guns can unexpectedly fire without a trigger pull.

Documents show that Remington has been aware of the defect for decades and has declined to fix it, for reasons that include potential exposure to personal injury liability and the cost of alternative trigger designs. In the intervening time period, there have been hundreds of reports of personal injuries, including deaths, as well as of significant property damage.

The brief was led by Massachusetts and joined by attorneys general from California, the District of Columbia, Hawaii, Illinois, Maine, Maryland, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Washington.

ATTORNEYS GENERAL URGE FCC TO ADOPT RULES TO STOP ROBOCALLS

BISMARCK, ND - Attorney General Wayne Stenehjem joined Attorneys General from across the country in submitting comments to the Federal Communications Commission, to urge enactment of new rules to block robocalls and caller ID spoofing.

“Illegal robocalls are more than just an annoying interruption. They are easy money makers for scam artists, who use computer software not only to generate millions of calls every day but also to display a false number on the caller ID to hide their location,” said Stenehjem.

In the letter, the Attorneys General urge the FCC to allow telephone service providers to block calls from unassigned and invalid numbers, and to provide assistance to people whose actual telephone number has been hijacked by scam artists spoofing the caller ID.

“Legitimate businesses do not need to use any of these [spoofing] methods to contact consumers. Allowing providers to block these calls would stymie scammers without burdening businesses,” the Attorneys General wrote in their comments.

A report issued in October 2016 by the FCC’s Robocall Strike Force said telemarketing calls were the number one consumer complaint.

Stenehjem said the Consumer Protection Division receives dozens of complaints every week about robocalls. The majority of complaints involve the fake IRS call, the “lower interest rate” scam and the “auto warranty offer” scam, but increasingly the complaints are from consumers whose own numbers have been hijacked by the scam artists.

Stenehjem reminded North Dakota consumers never to answer a call from an unfamiliar number, even if it appears to be from the North Dakota 701-area code.

If you do answer a call, do not respond to the option to press a number to be taken off the call list; doing so merely confirms that your phone number is valid and will result in even more calls.

The FCC is taking comments on the proposed new rules through July 31, 2017, and is expected to issue its rule later this year.

ATTORNEY GENERAL FOX URGES FEDERAL GOVERNMENT TO TAKE ACTION AGAINST SPOOF ROBOCALLS

In a letter sent to the Federal Communications Commission (FCC) on Monday, Montana Attorney General Tim Fox and a bi-partisan group of 28 attorneys general are urging the federal government to adopt rules that would allow telephone providers to block illegal robocalls.

The FCC has requested public comment on rules that would allow providers to block several types of “spoofed” calls, in which a call appears to be coming from one number, but is actually coming from a different number. Scammers frequently use spoofed calls to hide their identity and to trick consumers into believing that their calls are legitimate.

“Last year, my Office of Consumer Protection fielded 2,867 complaints and inquiries regarding telephone scams; a 22 percent increase from 2015,” Attorney General Tim Fox said. “Most of these consumer complaints involved spoofed telephone numbers, and many of them were related to the IRS scam or other scams intended to intimidate Montanans into sending money to these swindlers. It’s imperative for our nation’s telecommunications providers to have the ability to block illegal robocalls to protect consumers from falling victim to this kind of fraud.”

Currently, regulatory roadblocks prevent telecommunications companies from blocking many illegal robocalls. If the new rules are adopted, providers would be allowed to block calls coming from invalid numbers, unallocated numbers, and numbers whose owners have requested be

blocked. For example, phone providers would be able to block a scammer that is using a telephone number that clearly can't exist because it hasn't been assigned.

The letter sounds the alarm about the growing number of telephone scam complaints across the country and supports the FCC's proposal to remove regulatory roadblocks. As the letter points out, "legitimate businesses do not need to use any of these methods to contact consumers."

Attorney General Fox was joined on the letter by the attorneys general of Arizona, Arkansas, California, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Nebraska, Nevada, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Vermont, and Wisconsin.