ARTICLES FOR 6-23-16 ROUNDUP

CWAG and New Mexico Attorney General Hector Balderas Work Together to Capture Murderer

On June 15th, CWAG Alliance Partnership staff facilitated a direct connection between Sonora Attorney General Rodolfo Montes de Oca and New Mexico Attorney General Hector Balderas, resulting in a successful collaboration to apprehend a Roswell, New Mexico murder suspect, who had fled to the state of Sonora, Mexico. The Generals were able to connect to ensure the safe, rapid capture and detention of the suspect, who will face formal extradition proceeding through the US
Department of Justice.

ALBUQUERQUE, New Mexico — The New Mexico attorney general says the man accused of killing his wife and four daughters before escaping to Mexico has been transferred into the custody of Interpol.

Attorney General Hector Balderas said Thursday that the suspect, 34-year-old Juan David Villegas-Hernandez, is being held in Hermosillo, a city 180 miles directly south of Nogales, Arizona.

Formal extradition proceedings are underway.

Villegas-Hernandez is charged with first-degree murder in the killings of his wife, Cynthia, and children — ages 14, 11, 7 and 3.

A Roswell police spokesman says he also has been indicted on four counts of intentional child abuse resulting in death.

The victims' bodies were found late Saturday night at their home in Roswell. Authorities in Mexico say they apprehended Villegas-Hernandez the next day in his hometown of Arizpe.

Authorities say the suspect has dual U.S.-Mexico citizenship.
THE ASSOCIATED PRESS

Utah Wins Important Fourth Amendment Case at US Supreme Court

SALT LAKE CITY June 20, 2016 – Today the Utah Attorney General's Office won a case at Supreme Court of the United States on an important Fourth Amendment search-and-seizure issue. In a 5-3 opinion written by Justice Clarence Thomas, the high court sided with Utah, saying that evidence seized by an officer while searching a suspect incident to arrest on a valid arrest warrant—even if the arresting officer discovered the warrant in a stop later found to be unlawful—is admissible in court as long as the stop is not the result of flagrant police misconduct.

"We're delighted by the U.S. Supreme Court's ruling," Utah Attorney General Sean Reyes said. "This hard-fought victory is a tribute to countless hours of intense preparation, constitutional analysis, and persuasive writing by a number of our appellate specialists — our Solicitor General, Tyler Green, who argued the case; our Deputy Solicitor General, Laura Dupaix, who just retired after decades of dedicated service to the Office; our Criminal Appeals Director, Tom Brunker; and our Search and Seizure Section Director, Jeff Gray. I congratulate them on their

victory, which reflects the high-quality representation this Office provides to the people of Utah every day."

"The Court's ruling in Strieff corrects an erroneous opinion that made Utah an outlier on this important search-and-seizure issue," Utah Solicitor General Tyler Green said. "Now courts and prosecutors throughout the country know to follow what has long been the majority rule: Evidence seized in a search incident to an arrest on a valid warrant can be introduced during a defendant's trial as long as the initial stop did not flagrantly violate the defendant's Fourth Amendment rights. And the fact that both conservative and liberal Justices voted for this outcome shows that this isn't a partisan conclusion, but instead represents a sound balancing of Fourth Amendment policy considerations."

The Supreme Court heard argument in Strieff on February 22, 2016 — the first day of argument after the death of Justice Antonin Scalia. The case will now return to the Utah courts for further proceedings consistent with the U.S. Supreme Court's opinion.

Attorney General Kamala D. Harris Announces Arrest in San Diego Human Trafficking Case

SAN DIEGO — Attorney General Kamala D. Harris today announced the arrest of three individuals as part of an ongoing investigation into a sex trafficking case in San Diego. The joint investigation and operation, "Operation Hotel Tango," was conducted by the San Diego Human Trafficking Task Force, which includes the California Department of Justice and 18 local and federal law enforcement agencies.

"Human traffickers exploit vulnerable children and adults, subjecting their victims to manipulation, violence, and unspeakable cruelty while forcing them into labor and prostitution," said Attorney General Kamala D. Harris. "I thank our law enforcement partners in the San Diego Human Trafficking Task Force and our California Department of Justice Special Agents for working diligently and collaboratively to protect victims of trafficking and hold accountable those who profit from the insidious crime of human trafficking."

Tyrone Evans, 40, in San Diego County was arrested and charged on 22 felony counts of human trafficking, pimping and pandering. Lila Leflorsm, 36, and Natasha McElrath, 37, were also arrested in connection with the operation and are suspected of using social media to recruit teenage women and negotiate transactions.

Through the investigation, law enforcement discovered that Tyrone Evans was involved in the sex trafficking of several women in San Diego County and across the country. Evans utilized social media websites to recruit and exploit his human trafficking victims.

Human trafficking is a form of modern-day slavery where perpetrators profit from the control and exploitation of individuals, including men, women, children, adults, immigrants, or U.S. citizens. The California Department of Justice's 2012 report "The State of Human Trafficking in California," confirmed that California is one of the states most affected by human trafficking, due in part to its proximity to the U.S. southwest border, its robust economy, and a large immigrant population.

The San Diego Human Trafficking Task Force (HTTF) was formed in January 2015 with the goal of rescuing victims, holding their captors accountable, and promoting community

awareness. The Task Force takes a collaborative and regional approach to effectively meet the threat posed by human traffickers who are increasingly organized and sophisticated.

The Task Force is composed of 19 local, state and federal agencies, including the California Department of Justice, California Highway Patrol, Chula Vista Police Department, Coronado Police Department, Escondido Police Department, Federal Bureau of Investigation (FBI), Immigration and Customs Enforcement (ICE), Internal Revenue Service, La Mesa Police Department, Oceanside Police Department, San Diego City Attorney's Office, San Diego County District Attorney's Office, San Diego County Probation Department, San Diego County Sheriff's Department, San Diego Police Department, U.S. Attorney's Office, U.S. Customs and Border Protection, U.S. Department of Homeland Security, and U.S. Marshals Service.

The San Diego Human Trafficking Task Force have referred Evans' victims to victim advocate groups in order to assist them in accessing housing, counseling, drug treatment, job training and other social services.

Victims of human trafficking are encouraged to call the National Human Trafficking Resource Center toll free, 24/7 Hotline: CALL 888-373-7888 or TEXT BeFree or 233733.

NORTH DAKOTA VICTORIOUS IN 8TH CIRCUIT CASE CHALLENGING MINNESOTA'S ENERGY LAWS

BISMARCK, ND – The Eighth Circuit Court of Appeals today affirmed a federal judge's ruling that struck down as unconstitutional the restrictions imposed by Minnesota's Next Generation Energy Act (NGEA).

Attorney General Wayne Stenehjem first sued the state of Minnesota in 2011, alleging that the Minnesota law violated the Commerce Clause of the US Constitution by restricting transmission of electricity generated in North Dakota and consumed in Minnesota unless it met that state's carbon dioxide emission requirements.

In April 2014, the Minnesota federal district court agreed with North Dakota and ruled the Minnesota law unconstitutional. Minnesota appealed the decision to the 8th circuit and oral arguments were held in October 2015.

"I am extremely pleased to announce that North Dakota has once again prevailed in its lawsuit against Minnesota's overreaching regulations," said Stenehjem. In today's decision, the three judge panel of the Eighth Circuit unanimously agreed that the law illegally sought to regulate activities taking place wholly in North Dakota, well beyond Minnesota's borders. If left in place, the law would have prevented North Dakota utilities from selling power into the Midcontinent Independent Transmission System Operator (MISO) market – hurting businesses and customers in both Minnesota and North Dakota. Minnesota also will be required to pay attorney fees for the State of North Dakota and the other plaintiffs, now estimated at over $1 million.

ATTORNEY GENERAL CYNTHIA H. COFFMAN WINS CASE AGAINST FEDERAL BUREAU OF LAND MANAGEMENT'S FRACKING RULES

DENVER— The federal Bureau of Land Management ("BLM") has lost its fight to regulate hydraulic fracturing on federal land. Yesterday, a Wyoming federal judge granted a request by four states—Colorado, North Dakota, Utah, and Wyoming—to permanently set aside hydraulic fracturing rules issued by the BLM in March 2015. Attorney General Cynthia H. Coffman joined

in the case on behalf of Colorado. The states challenged the federal rules and were granted a preliminary injunction in September 2015 while the court considered whether the states or the federal government has authority to regulate fracking on land within a state's borders. The final decision in the state's favor came late yesterday.

"For the past year, we've successfully made the case that these rules unlawfully interfere with Colorado's sovereign right to responsibly and safely regulate the oil and gas industry," said Colorado Attorney General Cynthia H. Coffman. "Lately the federal government has stretched the outer limits of its power through aggressive rulemaking. This case is another unfortunate example of federal bureaucrats overstepping their authority."

The states' challenged whether the BLM is allowed to impose its own regulations on hydraulic fracturing when federal law give the states the authority to regulate in this area. Yesterday's court order agreed with the States that the BLM's hydraulic fracturing rules violate federal law. The court's order explains that "Congress has not directed the BLM to enact regulations governing hydraulic fracturing" and yet "[d]espite the lack of authority, the BLM persisted in its rulemaking efforts."

"This case has never been about whether we should regulate hydraulic fracturing. As a State, Colorado is doing so effectively and responsibly," Attorney General Coffman said. "This case is about holding the federal government accountable when it ignores the law."

FEDERAL DISTRICT COURT STRIKES DOWN BLM'S FRACKING RULES

BISMARCK, ND – In a decision filed late yesterday, a federal judge struck down the Bureau of Land Management's (BLM) March 2015 fracking rule. The state of North Dakota, through Attorney General Stenehjem's office, was a party to the lawsuit. "This is the latest in a series of court decisions addressing the limits of federal environmental and regulatory authority. This ruling is a victory in our ongoing efforts to restrict federal overreach," said Attorney General Wayne Stenehjem. In his order, US District Court Judge Skavdahl held that Congress has not delegated authority to the BLM to regulate fracking, and that "the BLM's effort to do so through the Fracking Rule is in excess of its statutory authority and contrary to law." "North Dakota has adopted sensible fracking regulations that work, because Congress intended the states to regulate fracking," said Stenehjem. The state regulates and enforces fracking through the Department of Mineral Resources and the Industrial Commission, on which Stenehjem sits. Judge Skavdahl criticized the federal government, stating "having explicitly removed the only source of specific federal agency authority over fracking, it defies common sense for the BLM to argue that Congress intended to allow it to regulate the same activity under a general statute that says nothing about hydraulic fracturing." Stenehjem said he expects the federal government to continue fighting the court's consistent rejection of the Fracking Rule. "And I will continue to defend the state against this type of illegal federal overreach."

Judge Strikes Down Obama Rule on Fracking on Public Lands

Federal judge in Wyoming made permanent temporary block of Interior Department rule

By AMY HARDER, WSJ

A federal judge in Wyoming made permanent a temporary block of an Interior Department rule setting stricter standards for hydraulic fracturing on public lands, a blow to President Barack Obama's environmental agenda in the sunset of his administration.

U.S. District Judge Scott Skavdahl issued a ruling late Tuesday invalidating the regulation, saying the Interior Department lacked the authority to issue it. The same judge last year issued a preliminary injunction blocking the rule until he made a final decision.

The rule, issued by department's Bureau of Land Management in March 2015, applies to oil and gas drilling on federal lands, which produce 11% of the natural gas consumed in the U.S. and 5% of the oil, according to government data.

Much of this drilling is concentrated in Western states, such as Colorado and Wyoming, two of the states challenging the standards. More than 90% of new land-based wells in the U.S. use hydraulic fracturing, known as fracking.

"Congress has not delegated to the Department of the Interior the authority to regulate hydraulic fracturing," the judge wrote in a 27-page ruling. "The BLM's efforts to do so through the fracking rule is in excess of its statutory authority and contrary to law."

The government could appeal the ruling.

An Interior Department spokeswoman declined to comment on the substance of the ruling, but said the agency's regulation reflects fracking standards already used by many in the oil and natural gas industry.

"It's unfortunate that implementation of the rule continues to be delayed because it prevents regulators from using 21st century standards to ensure that oil and gas operations are conducted safely and responsibly on public and tribal lands," the spokeswoman said.

Industry trade groups that had supported the states' challenge to the rule applauded the judge's ruling.

The "decision demonstrates BLM's efforts are not needed and that states are—and have for over 60 years been—in the best position to safely regulate hydraulic fracturing," said Neal Kirby, spokesman for the Independent Petroleum Association of America.

Fracking involves injecting water, sand and chemicals into a well to break up dense rock and release oil and gas.

Energy companies have employed the technology for decades, but increased use of it has helped unlock vast reserves of oil and gas across the U.S. in recent years. Fracking is controversial among environmentalists and some landowners, who worry about water contamination and continued dependence on fossil fuels.

This week's ruling is the latest in a series of legal setbacks for Mr. Obama's environmental agenda, which he has pursued by issuing regulations and bypassing Congress.

Last October, a federal appeals court blocked an Environmental Protection Agency rule that seeks to put more bodies of water and wetlands under federal protection. A final decision on that matter remains pending.

The Supreme Court also in February temporarily blocked Mr. Obama's cornerstone regulation limiting carbon emissions from power plants, dealing an early and potentially fatal blow to a rule that is central to Mr. Obama's efforts to lead global efforts to address climate change.

Attorney General Protects Competition in Fuel Markets

(Anchorage, AK) - Alaska Attorney General Craig Richards reached an agreement with Tesoro Alaska Company that requires Tesoro to sell a petroleum fuel terminal at the Port of Anchorage in order to preserve competition in Alaska fuel markets. Tesoro reached an Agreement with Flint Hills Resources (FHR) last year to purchase most of FHR's Alaska fuel storage assets, including FHR's storage facility at the Port of Anchorage. This facility contains about 580,000 barrels of useable storage capacity plus a rail loading facility. Tesoro also owns two storage facilities at the Port of Anchorage—Terminal 1 with 220,000 barrels of capacity and Terminal 2 with about 600,000 barrels of capacity.

After a six month investigation, the Department of Law determined that Tesoro's acquisition of FHR's tank farm would limit the ability of competitors to import fuel through the Port of Anchorage and impair competition in markets for some fuel products, including gasoline. To address this concern, Tesoro has agreed to sell its Terminal 1 to a qualified buyer.

"Allowing a new competitor into the Port of Anchorage will increase competition in this very constrained market," said Chief Assistant Attorney General Ed Sniffen.

Tesoro will have one year from the approval of the Consent Decree to sell the terminal. If it cannot find a buyer, it must lease the terminal.

The terms of the state's agreement with Tesoro are set out in a Consent Decree filed today with the Alaska Superior Court, and is subject to the court's approval. Public comments on the consent decree can be made within 60 days of filing the Consent Decree. For more information on how to submit comments see section XII of the Consent Decree (PDF - 149K).

For information and questions, contact Chief Assistant Attorney General Ed Sniffen at 269-5100.

Attorney General Jeff Landry's Office Earns U.S. DHHS-Inspector General's Award of Excellence

Louisiana Wins National Award for Fighting Medicaid Fraud

WASHINGTON, DC – Attorney General Jeff Landry's Medicaid Fraud Control Unit has been selected to receive the United States Department of Health and Human Services Inspector General's Award of Excellence in Fighting Fraud, Waste, and Abuse.

"This award is a true honor and a testament to the hard-work and service of our Medicaid Fraud Control Unit," said Attorney General Jeff Landry. "While we are concerned that recent cuts to

our budget may have a negative impact on our office's attempt to keep this standard of excellence, we remain committed to protecting Louisiana's resources and vigorously prosecuting criminals who threaten care for our State's vulnerable and steal taxpayer money."

"Our office and entire State are blessed to have a Medicaid Fraud Control Unit with the professionalism and dedication to protecting Louisiana's vulnerable and taxpayers," continued Attorney General Jeff Landry. "Our team last year obtained 91 indictments, 73 convictions, and 25 civil settlements or judgements – recovering $17,905,243."

"My Medicaid Fraud Control Unit also assists their colleagues throughout the country," noted Attorney General Jeff Landry. "In addition to conducting 24 joint investigations with Federal agencies, our team contributed to the training and case coordination activities of the National Association of Medicaid Fraud Control Units and hosted their annual training conference."

Inspector General for the United States Department of Health and Human Services Daniel Levinson is expected to present the award this afternoon in Washington, DC.

Attorney General Kilmartin Legislation to Regulate E-Cigarettes Passes House

Legislation to require child-proof packaging and prohibit use on school property

Legislation filed on behalf of Attorney General Peter F. Kilmartin that would require child resistant packaging for e-liquid used in electronic nicotine-delivery systems such as e-cigarettes passed the Rhode Island House of Representatives on Tuesday. The legislation (H7427) is sponsored by Representative Helio Melo (D, District 64: East Providence).

Under current Rhode Island law, an electronic nicotine-delivery system is defined as an "electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device." R.I. Gen. Laws § 11-9-13.4 (15).

"The popularity and use of e-cigarettes and vaping products continues to rise. While the jury is still out on the health effects of e-cigarettes versus the known health traditional nicotine products, we can all agree that these products should be kept out of the hands of children," said Attorney General Kilmartin. "Most troubling is that these products – especially e-liquids – come in a variety of enticing flavors, such as candy crush and gummy bear, which appeal to children. There is currently no such regulation on this toxic product with respect to child-resistant packaging."

"Rhode Island children deserve better protection from a product that is both dangerous to them and made to taste and seem like candy. We should not accept this obvious risk, and must demand that manufacturers do a better job packaging their product in a way that helps keep it out of the mouths of small children," said Representative Helio Melo.

Attorney General Kilmartin's legislation would require all liquid "intended for human consumption and/or use in an electronic nicotine-delivery system" to be contained in child-resistant packaging. The term "child-resistant packaging", modeled after the definition of "special packaging" as defined by the federal Poison Prevention Packaging Act of 1970, would be defined as "packaging that is designed or constructed to be significantly difficult for children

under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time."

On January 28, 2016, President Obama signed Senate Bill 142 entitled "Child Nicotine Poisoning Prevention Act of 2015." It will take effect on July 28, 2016. The Federal act directs the Consumer Product Safety Commission (CPSC) to promulgate a rule requiring liquid nicotine containers to be designed with special packaging that is difficult for children under five years of age to open or to obtain harmful contents from. Such rule is to be treated as a standard applicable to a household substance under the Poison Prevention Packaging Act of 1970.

Despite the Federal act and its anticipated regulations, it is important that Rhode Island law address this issue because the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals should be able to enforce violations of the child-resistant packaging requirements among licensed distributors. States across the country, including Massachusetts, New York and Vermont, require e-cigarette and vaping liquids to be packaged in child-resistant packaging. The proposed statutory language in the State Act provides that once a federal standard is enacted, that federal standard will be the regulatory standard under this Act to ensure uniformity for compliance.

According to the Tobacco Control Legal Consortium, nicotine is an acute toxin and exposure by swallowing or contact with the skin can result in nausea, vomiting, respiratory arrest, seizure and even death. The Centers for Disease Control ("CDC") report a dramatic increase in the number of calls related to e-cigarette liquid exposure, especially among children. According to a study released by the CDC in April 2014, the number of calls to poison centers involving e-cigarette liquids containing nicotine rose from one per month in September 2010 to 215 per month in February 2014. More than half, (51.1 percent) of the calls to poison centers due to e-cigarettes involved young children under the age of five, and about 42 percent of the poison calls involved people 20 years of age and older.

E-liquids contain nicotine in its purest form mixed with flavoring, coloring, and assorted chemicals, and can be extremely dangerous especially for children who may be attracted to them by their color and sweet, candy-like smell.

"We require child proof packaging on just about every over the counter drug, and we need to start regulating e-cigarettes and e-liquids with the same intensity to decrease the experimental or accidental exposure of this dangerous product to children," continued Kilmartin.

Kilmartin's bill would also prohibit use of electronic nicotine delivery systems on school property, the same way cigarettes are banned. "Schools were the first to go tobacco free. Yet, the current laws and policies do not adequately address the use of e-cigarettes and other vaping products on school grounds," said Kilmartin. "We need to develop a consistent policy that can be applied to all school districts across the state that will restore the integrity and the intent of the 'tobacco free' statutes, especially in relation to our schools."

A companion bill in the Senate (S2659) is sponsored by Senate Majority Leader Dominick Ruggerio (D, District 4: North Providence, Providence).

PENSION ADVANCE COMPANY ORDERED TO PAY REFUNDS, SLASH INTEREST RATES, AG COOPER SAYS

Retirees, military veterans seeking cash from their pensions charged up to eight times the legal APR

Raleigh: A company that charged retirees up to 137.5 percent interest on cash advances against their pensions will pay refunds to North Carolina consumers and sharply reduce interest rates, Attorney General Roy Cooper said today.

“People who’ve worked hard their whole careers don’t deserve to have their pensions drained by misleading cash advances,” Cooper said. “Outrageous interest rates are illegal in North Carolina, and my office is here to enforce the law on behalf of consumers.”

Under a settlement won by Cooper’s office, Future Income Payments, LLC (FIP) must pay refunds to consumers and penalties to the state and cut the interest rates it charges from as high as 137.5 percent to the legal limit of 16 percent or less. Under North Carolina law, rates on cash loans are capped at 30 percent for licensed lenders and at 16 percent for unlicensed lenders like FIP. The settlement resolves allegations that FIP charged North Carolina consumers illegally high interest rates on cash advances made in exchange for portions of their pensions.

Investigation uncovers illegal lending, unlawfully high interest rates
According to an investigation conducted by the Attorney General’s Office, FIP has formerly operated as Pensions, Annuities and Settlements (PAS) and is based in California. FIP repeatedly issued high-interest cash advances to consumers in North Carolina despite not having a valid lending license. The company reportedly targeted retired military veterans, government workers, and corporate employees who were more likely to have pensions.

At least 195 North Carolina consumers took out pension advances from FIP. Consumer affidavits alleged financial hardship caused by the pension advances and their excessive interest rates:
A Fayetteville senior sought $5,000 cash from FIP to help her daughter avoid losing her home to foreclosure. In order to get the cash from her pension, the consumer signed an agreement to pay the company a total of $13,260 in monthly payments over five years, an effective interest rate of 52 percent, far more than permitted by North Carolina law.
A military retiree from Jacksonville sought to borrow $300 to cover expenses. After she researched payday loans online, an FIP representative called her and offered to loan her $3,700 against her federal pension. The consumer signed an agreement requiring her to pay $18,600 in monthly payments over five years, an effective interest rate of 108.8 percent.
A Gastonia consumer retired from the Air Force became unable to pay rent on his apartment after taking out a pension advance from FIP because of the reduction in his monthly pension income. According to his complaint, an FIP representative offered the consumer three times more cash than he needed and ultimately took out a $3,000 pension advance with a sky-high effective interest rate of 137.5 percent.

Settlement requires FIP to pay refunds and penalties, cap interest rates
Under the terms of the settlement agreement, FIP and its owners must:
Lower interest rates on all past pension cash advances to 16 percent or less.
Charge interest rates of 16 percent or less on any future cash advances, in accordance with North Carolina’s usury statute.
Pay refunds to all North Carolina consumers overcharged by FIP.

Pay $59,900 in civil penalties to North Carolina public schools and $50,000 to cover the costs of the state's investigation.

FIP will mail letters to consumers who took out advances from the company to make them aware of the interest rate modifications required under the agreement. The North Carolina Attorney General's Office will continue to monitor FIP's compliance with the terms of the settlement.

To file a consumer complaint about a pension advance company or to learn more about the FIP settlement, call 1-877-5-NO-SCAM toll-free within North Carolina or use the complaint form at ncdoj.gov. Tips on pension advance schemes are also available at ncdoj.gov.

"Consumers desperate for fast cash too often get pressured into bad deals," Cooper said. "Look for alternatives to pension advances such as loans from legitimate lenders, get the terms in writing, and review the contract carefully before you sign."

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