**ATTACHED ARTICLES FOR 06-04-15 ROUNDUP**

**Former GOP Senate candidate convicted of violating South Dakota election law**

PIERRE, S.D. – A South Dakota jury on Wednesday convicted former U.S. Senate candidate Annette Bosworth of election law violations.

The 43-year-old Sioux Falls physician had been charged with six counts each of perjury and filing false documents stemming from the mishandling of her candidate petitions. Jurors convicted her on all of those counts after deliberating for more than 3 hours.

An attorney for Bosworth declined to comment.

"Not tonight," Bosworth said softly as she got into a vehicle when a reporter asked if she'd like to say anything.

Bosworth said during the trial that she never intended to mislead anyone when she attested to signatures on campaign documents that she didn't actually witness. She was out of the country on a medical mission trip at the time. Bosworth also has admitted that she didn't personally gather some signatures, despite attesting on documents that she had witnessed people signing petitions.

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Under state law, the person circulating petitions must witness the signings from registered voters.

Although Bosworth argued that the prosecution was politically motivated, her defense largely relied on her argument that she received bad advice from her attorney and political consultant during the 2014 campaign, Joel Arends. Bosworth's trial lawyer portrayed her as a neophyte candidate who knew much more about medicine than about the political process.

Arends denied the allegation, testifying that Bosworth "absolutely and definitely" knew the proper way to fill out a nominating petition. He called it "a lie" that he had advised her she didn't need to witness signatures.

"This verdict is very significant in that the jury sends the message that our electoral process is very sacred and the integrity of the process has to be protected," Deputy Attorney General Robert Mayer told reporters after the verdict.

Testifying in her own defense earlier in the trial, Bosworth said her actions were "careless."

"I was doing everything possible to get it right," Bosworth testified last week. "I felt like I did a very good job trying. Clearly, I'm sitting here because we screwed up."

Bosworth's attorneys said she thought she could properly call herself the petitions' "circulator" because they were circulated under her direction.

Her medical license could be jeopardized. She faces a maximum punishment of 24 years in prison and $48,000 in fines.

Attorney General Marty Jackley said prosecutors will review mitigating and aggravating circumstances before making a sentencing recommendation.

"Under South Dakota law, non-violent felonies such as these carry a presumption of no or limited actual jail time," Jackley told The Associated Press. "The presumption may be overcome by the defendant's conduct."

Jackley said one mitigating factor would be if Bosworth accepted responsibility.

Bosworth was a political newcomer in the race for the state's vacant U.S. Senate seat, and she said her lack of political experience resonated with South Dakota voters who were frustrated with career politicians. She sharply criticized the federal health care overhaul and pledged not to raise taxes.

But she drew only about 6 percent of the vote in a five-way Republican primary. Her trial attorney, Dana Hanna, said publicity about the petitions hurt Bosworth. Former Gov. Mike Rounds won the primary and went on to win the seat.

Another candidate in the Senate field, independent Clayton Walker, faces nine felony charges for submitting nominating petitions that investigators allege included names of dead people, fictitious people and Hollywood celebrities.

The Bosworth and Walker cases spurred the South Dakota Legislature this year to change election law to give the secretary of state power to audit a random sample of the signatures on petitions from statewide candidates. Before, it could only be done on petitions for ballot measures.

Attorney General Marty Jackley announced today that a Hughes County jury has found Annette Bosworth, 43, Sioux Falls, guilty of 6 counts of offering false or forged instrument for filing and 6 counts of perjury. All counts are class 6 felonies punishable by a maximum sentence of 2 years imprisonment and/or $4,000 fine.

“I want to thank our citizen jurors for their service, the prosecutors and the witnesses for preserving the integrity of our election process in South Dakota,” said Jackley.

Bosworth was indicted in June 19, 2014, on multiple counts of perjury and filing false election documents for attesting to voter signatures for her nomination petitions for United States Senate while she was out of the country.

**States want judge to block fracking rule**

Wyoming, Colorado Ask Court to Block BLM Fracking Rule

Richard Nemec June 1, 2015

Late last Friday, Wyoming and Colorado filed in federal court for a preliminary injunction to block a new hydraulic fracturing rule on public and tribal lands from taking effect later this month.

The states joined earlier filings made by the Independent Petroleum Association of America (IPAA) and Western Energy Alliance (WEA), which filed for similar injunctions on May 15. The states' filing was made in the U.S. District Court for the District of Wyoming.

Earlier this year, Colorado joined Wyoming and North Dakota in challenging the federal Bureau of Land Management's (BLM) proposed fracking rules on public and tribal lands (see Shale Daily, April 28). IPAA and WEA in March filed a lawsuit to set aside the proposed BLM regulations.

A week later, Wyoming filed its own lawsuit, which was subsequently joined by North Dakota (see Shale Daily, April 16; March 26). Under the federal process, the new BLM rule is scheduled to be effective June 24.

"Wyoming has led the way in creating safe, responsible rules for hydraulic fracturing -- rules that have been in place for years," Wyoming Gov. Matt Mead said last Friday. Mead said "it makes sense" to delay the BLM rule's effective date until states' arguments are resolved, contending that letting the rule become effective "complicates compliance and hurts our economy."

The federal government will have until June 12 to file a response to the states' motion in district court unless the court grants the extension of the deadline, Mead said.

In its initial court challenge, IPAA sought to have the BLM rule set aside, calling it “a reaction to unsubstantiated concerns.” IPAA has argued that the administrative record behind the rule "lacks the factual, scientific, or engineering evidence" needed to sustain the agency’s action.

The industry and the various producing states contend that the states have "an outstanding record" for protecting the environment and safeguarding the public. "This new rule is simply another regulatory overreach by the Obama Administration that will hurt America’s oil and natural gas producers," IPAA officials have said in actively opposing the measure.

“States have been successfully regulating fracking for decades, including on federal lands, with no incident that necessitates redundant federal regulation,” said WEA President Tim Wigley, who questioned whether BLM had the staff and expertise to take on an added regulatory job.

**States want rules about Utah prairie dog tossed**

By LINDSAY WHITEHURST

Associated Press

SALT LAKE CITY – Nine states have stepped into a lawsuit over the Utah prairie dog to support a ruling that animal activists say threatens to undermine the Endangered Species Act.

The attorneys general asked an appeals court to uphold a ruling striking down federal protections for the Utah prairie dog on private property. They argued that federal authorities shouldn’t be managing animals that live only within state borders.

But U.S. Department of Justice attorneys say that the majority of protected species live only in a single state and courts have long upheld federal authority to protect them wherever they live.

The federal government is appealing a ruling from U.S. District Judge Dee Benson, who sided in November with southern Utah residents who said that federal rules protecting the threatened species were allowing prairie dogs to overtake their town. The property owners from Cedar City said the small, burrowing animals damaged the golf course, airport and cemetery and interrupted funerals with their barking.

The Utah Attorney General supported the Cedar City residents Thursday with a friend-of-the-court brief filed before the 10th Circuit Court of Appeals. It contends that Utah’s rural communities are hurt by the “uncontrolled proliferation” of the Utah prairie dog. The brief was signed by state attorneys from Alaska, Arizona, Colorado, Idaho, Kansas, Montana, South Dakota and Wyoming.

An attorney with the group Friends of Animals said the states are among a minority that oppose federal protection for threatened and endangered animals.

“Sadly, they each have a history allowing animals to die within their borders for even minor economic gain,” Michael Harris wrote in an email to the Associated Press. “Luckily, forty-one other states have chosen to rebuff this outrageous attempt to undermine the federal Endangered Species Act.”

Animal-rights groups say Benson’s ruling was a radical departure from 40 years of animal protection under the Endangered Species Act. Federal attorneys and animal-rights groups taking part in the lawsuit are due to respond this summer.

The Utah landowners filed a lawsuit with the help of the Sacramento, California-based Pacific Legal Foundation. Lawyers for the group argued that because the Utah prairie dog is found only within the state, federal authorities shouldn’t be able to regulate it on private property.

That argument hadn’t gotten much traction in other courts before Benson’s decision. But if the appeals court upholds the ruling, it could bring the Endangered Species Act before the U.S. Supreme Court, according to the brief filed Thursday.

Utah prairie dog numbers dwindled to about 2,000 in the 1970s as they were targeted by ranchers and farmers who believed the animals competed with livestock and crops, according to court papers. The species’ numbers have rebounded significantly since coming under federal protection, though the majority live on private land.

After Benson’s decision was handed down in November, Utah wildlife authorities adopted a new plan that allows the roughly 6,000 prairie dogs to be moved off private land or killed. While the new state regulations are similar to the federal rules, state officials say they allow more of the animals to be removed from private property.

**Attorney General Laxalt Announces Guilty Plea of Las Vegas Woman for Immigration Assistance Scam**

Las Vegas, NV – Nevada Attorney General Adam Paul Laxalt announced that Norma Olga Benavidez, 60, of Las Vegas, pleaded guilty to theft, a category “B” felony, stemming from stealing tens of thousands of dollars from victims in an immigration assistance scam. Benavidez engaged in the scam between March 2012 and March 2014.

As part of the immigration scam, Benavidez victimized those seeking legal status in the United States by falsely claiming to be a federal government employee who worked closely with a fictitious person she identified as the “Chief of Immigration.” Benavidez fraudulently promised victims that she could assist them with paperwork related to their lawful status in the United States in exchange for significant fees, totaling more than $50,000. In reality, Benavidez could not and did not perform the promised services.

“My office remains vigilant about enforcing the rule of law and protecting all consumers from being defrauded, especially the most vulnerable in our society,” said Laxalt. “Immigrants already deal with many challenges, and should not also be faced with exploitation by unscrupulous fraudsters. Criminal prosecutions of this kind will remain a priority in this office.”

Benavidez entered a guilty plea in the Eighth Judicial District Court on one count of theft in the amount of $3,500 or more. As part of her plea agreement, she is obligated to pay restitution of more than $50,000 to 11 different victims.

This case was investigated and prosecuted by the Fraud Unit of the Office of the Nevada Attorney General.

**Attorney General Kamala D. Harris, Univision Los Angeles, SEIU CA, Announce Partnership for Statewide Public Forums on Immigration**

Contact: (415) 703-5837, agpressoffice@doj.ca.gov

LOS ANGELES — Attorney General Kamala D. Harris today announced that her office will host a series of statewide public forums in partnership with Univision Los Angeles, Service Employees International Union of California and iAmerica to inform Californians about the impact of President Barack Obama’s immigration executive actions. The statewide forums will also serve to warn consumers about potential scams and other fraud targeted at immigrant communities.

The public forums will be hosted in eight California counties including: Fresno, Kern, Los Angeles, Monterey, Riverside, San Diego, Santa Clara and Stanislaus. The statewide public forums will cover topics ranging from eligibility for the Deferred Action for Childhood Arrivals (DACA) program and the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program, including to how to avoid being a victim of fraud.

“Because of DAPA and DACA, so many families will be able to get out from living in the shadows. We want to shine a light on a new path that frees them from the lure of predators and con artists,” said Attorney General Harris. “These forums will inform immigrants about their rights and responsibilities under the new programs, helping them on their way to realizing the American Dream.”

“Our community trusts us to provide them with the pertinent information on this very important topic that affects so many,” said Luis Patiño, senior vice president and general manager, Univision Los Angeles. “As a media company, it is our role to not only entertain our viewers, but we have a social responsibility to inform and empower them with the resources and tools that will help them understand complex topics such as this one and these town halls do just that.”

“SEIU members in California are proud to partner with Attorney General Kamala D. Harris to protect California families from exploitation, to promote commonsense immigration reform, and to explain how President Obama's actions will work once they take effect. These policies will make America and our economy stronger. More students and their parents will be able to fully participate in society," said SEIU California and SEIU United Long-Term Care President Laphonza Butler.

“Hard-working immigrants who are mothers, fathers and youth contribute to our economy and to our communities and yet every day these families are being ripped apart by a broken immigration system. SEIU appreciates Attorney General Kamala D. Harris' leadership in bringing justice to immigrant families who are ready to be fully included in the country they call home," said SEIU-USWW President David Huerta.

FORUM DATES

Modesto:

Saturday, May 30 at 11:00 AM

Argus and Endeavor High School

2555 Lawrence St.

Ceres, CA 95307

Salinas:

Sunday, May 31 at 12:00 PM

Hartnell College (Auxiliary Gym)

411 Central Ave.

Salinas, CA 93901

Fresno:

Saturday, June 13 at 10:00 AM

Manchester Mall

1901 E. Shields Ave.

Fresno, CA

Los Angeles:

Sunday, June 14 at 10:00 AM

Garfield High School Auditorium

5101 E. Sixth St.

Los Angeles, CA 90022

San Jose:

Saturday, June 20 at 10:00 AM

Mayfair Community Center

2039 Kammerer Ave.

San Jose, CA 95116

Bakersfield:

Saturday, June 27, 11:00 AM

Beale Memorial Library Auditorium

701 Truxtun Ave.

Bakersfield CA 93301

San Diego:

Saturday, June 27 at 10:00 AM

LIUNA Hall

4161 Home Ave.

San Diego, CA 92105

Riverside:

Sunday, June 28, 3:00 PM

Our Lady of Perpetual Help

5250 Central Avenue

Riverside, CA 92504

Major changes to United States immigration policy, like those contained in President Barack Obama’s Immigration Accountability Executive Actions announced in November 2014, often lead to con artists emerging to prey on vulnerable consumers seeking help with immigration services.

In November 2014, Attorney General Harris issued a consumer alert informing Californians of these scams and issuing tips to protect themselves. In December 2014, Attorney General Harris issued a consumer alert informing Californians about possible scams targeting immigrants attempting to obtain a driver’s license under Assembly Bill 60 (AB 60).

In March, Attorney General Harris joined 13 other states and the District of Columbia in filing a friend-of-the-court brief in support of the U.S. government’s emergency request that President Barack Obama’s immigration executive actions be allowed to proceed. The brief called on the Court to stay the preliminary injunction entered in the Southern District of Texas blocking the new immigration program. This week, the Fifth Circuit Court of Appeals denied the U.S. Department of Justice’s request for an emergency stay.

Attorney General Harris also issued two information bulletins to law enforcement agencies outlining their responsibilities and potential liability for complying with complying with Immigration and Customs Enforcement (ICE) federal detainer requests for undocumented immigrants. The updated bulletin issued in June 2014 informed the agencies of new requirements they face since enactment of the Transparency and Responsibility Using State Tool Act (TRUST Act) and new federal case law that created legal risk for local law enforcement agencies that voluntarily comply with federal detainer requests.

**Florida Pill Mill Doctor and Clinic Owners Charged with Racketeering and Eight Counts of Manslaughter**

TALLAHASSEE, Fla.—Eight employees of Real Care Medical Group have been arrested for racketeering, conspiracy to commit racketeering and eight counts of manslaughter. According to the investigation, Dr. Lynn Averill issued prescriptions of alprazolam, methadone and oxycodone without medical necessity, causing overdose deaths of at least eight patients. Attorney General Pam Bondi, Special Agent A.D. Wright of the Drug Enforcement Administration Miami Field Division, Sheriff Scott Israel of Broward County Sheriff’s Office, and Chief John Brooks of Sunrise Police Department today announced the third phase of this high profile investigation named Operation Pill Nation.

“We will not allow any doctors or clinic owners to knowingly abuse their positions by selling or delivering highly addictive controlled substances to patients with no medical necessity,” said Attorney General Bondi. “I applaud my Office of Statewide Prosecution, the Drug Enforcement Administration, the Broward County Sheriff’s Office and the Sunrise Police Department for the great investigative work that led to these arrests.”

The arrests follow a five-year investigation led by the DEA in conjunction with the Attorney General’s Office of Statewide Prosecution, the Broward Sheriff’s Office and the Sunrise Police Department. A review of the Automation of Reports and Consolidated Orders System, maintained by the DEA, revealed that from Jan. 7, 2010 through July 31, 2010, Dr. Averill purchased nearly half a million pills of oxycodone from wholesalers. During this same time frame, the national average of approximately 2,000 practitioners was less than 25,000 pills. Dr. Averill's purchase of oxycodone ranked her 25th of the top 100 practitioners in the country and 12th in Florida.

During the course of the investigation, DEA undercover agents posed as patients and never received a physical exam or presented any medical necessity for medication, yet obtained a total of 720 oxycodone 30 mg tablets, 420 oxycodone 15 mg. tablets, three 30ml liquid oxycodone 20mg/ml, 330 alprazolam 2mg tablets and 30 Percocet tablets. According to the investigation, Dr. Averill and the clinic owners were aware of patients dying from overdose deaths and continued to issue prescriptions to whomever brought cash to pay for the drugs.

In addition to Dr. Averill, the following seven co-conspirators were charged and arrested: Richard Philipoff, 33, of St. Cloud, Fla, Nikhil Bhasin, 28, of Warren, N.J., Calvin Bynum, 24, of Gainesville, Fla., Omar Lorden, 50, of Altamonte, Fla., Keith Petnel, 29, of Melbourne, Fla., Presmil Masson, 44, of Kissimmee, Fla., and Diana Philipoff, 32, of Melbourne. Fla. Diane Philipoff also set up bank accounts that received deposits and transfers from the Real Care Medical Group pain clinic, and other clinics operated and controlled by Richard Philipoff, Nikhil Bhasin, and Presmil Masson in Boca Raton, Jacksonville and Orlando.

**Attorney General Bondi and CFPB Obtain Final Judgment against Mortgage Relief Scam Companies**

TALLAHASSEE, Fla.—Attorney General Pam Bondi and the Consumer Financial Protection Bureau were granted a final judgment against the Hoffman Law Group and corporate affiliates accused of using deceptive marketing practices and scamming distressed homeowners into paying illegal advance fees. Working together, five companies conned consumers into paying millions of dollars in illegal upfront fees to join frivolous lawsuits that the companies falsely claimed would pressure banks to modify their loans or provide foreclosure relief. The court found the corporate defendants liable for more than $11.7 million—the full amount of illegal fees paid by consumers—and ordered them to pay a $10 million civil penalty to CFPB and more than $6 million in penalties to Florida.

"Scamming homeowners worried about losing their homes is not only illegal, it is despicable, and thanks to the great work of my consumer protection division and the Consumer Financial Protection Bureau, these defendants will pay for preying on Florida homeowners facing foreclosure,” said Florida Attorney General Bondi. "Foreclosure rescue scammers cannot evade the law by hiding behind a law firm. It is discouraging that there are attorneys out there that will allow their licenses to be used by shady companies to target people facing foreclosure."

“These companies preyed on vulnerable consumers who were trying to save their homes from foreclosure,” said CFPB Director Richard Cordray. “The false promises made by these companies lured struggling homeowners into scams that led to greater financial hardship. We are working to protect consumers from illegal predatory practices by holding bad actors accountable for their actions.”

The lawsuit named Hoffman Law Group, formerly Residential Litigation Group, its operators, Michael Harper, Benn Willcox, and attorney Marc Hoffman, and its affiliated companies, Nationwide Management Solutions, Legal Intake Solutions, File Intake Solutions, and BM Marketing Group, all based in North Palm Beach, Fla. The Hoffman Law Group was a law firm set up to give the appearance that consumers in financial distress needing to modify their mortgage loans or save their homes from foreclosure would get specialized help from attorneys. The related companies, which were run by Harper and Willcox, existed to market and support the scheme. The only defendant who was actually a lawyer, Marc Hoffman, has surrendered his bar license. The defendants were charged with violating the Mortgage Assistance Relief Services rule, and certain Florida state laws that prohibit charging advance fees for mortgage loan modification and related services, making misrepresentations about loan modification services, and requiring that consumers be given certain disclosures.

**Attorney General Patrick Morrisey Files Complaint Against Simple Recovery Solutions, LLC**

CHARLESTON — Attorney General Patrick Morrisey today announced the Office recently filed suit against Florida-based Simple Recovery Solutions, or SRS, and its owners for allegedly trying to collect unverified debt or debt which never really existed from West Virginia consumers.

The complaint alleges that SRS engaged in unfair methods of competition and unfair or deceptive acts or practices in violation of the West Virginia Consumer Credit and Protection Act by repeatedly contacting consumers to collect debt they didn’t owe. The complaint also alleges the organization was operating without a valid business license in West Virginia. The complaint was filed in the Kanawha County Circuit Court.

“This complaint seeks to protect West Virginia consumers from paying out money they do not owe,” Attorney General Morrisey said. “Our Office believes SRS and its owners have collected, or attempted to collect, unverified debts from at least 125 West Virginia consumers so far.”

SRS contacts consumers by telephone and by mail. Consumers often don’t recognize the names of the original creditors, who claimed to be selling credit card interest rate reduction services. The few consumers who may have been contacted by a credit card interest rate reduction service never had their credit card interest rates reduced.

The Attorney General’s Office alleges the defendants harmed consumers by creating confusion and misunderstanding about debts SRS was attempting to collect. The complaint asks a judge to enjoin and restrain SRS and all of its officers and employees from engaging in unfair or deceptive acts or practices in collection services of any kind.

“We want to make consumers aware of the potentially fraudulent debt collection efforts affecting our state. Our office will always work to protect consumers from unscrupulous business practices,” Morrisey said.

This lawsuit was filed in Kanawha County Circuit Court and assigned the case number 15-C-905. A copy of the complaint can be viewed at http://bit.ly/1Hd5h9T.

If you believe you have been taken advantage of by a debt collector or other business, call the Attorney General’s Consumer Protection Division at 800-368-8808 or the Eastern Panhandle Consumer Protection Office in Martinsburg at 304-267-0239. To file a report online, go to [www.wvago.gov](http://www.wvago.gov).