ARTICLES FOR ROUNDUP 2-11-16

Daines introduces bill to split 9th Circuit Court of Appeals

One of Montana's U.S. senators has introduced legislation to split the Ninth Circuit Court of Appeals in two.

The Ninth Circuit, the largest of the 13 courts of appeals, has jurisdiction over federal appeals in nine states, Guam and the Northern Mariana Islands.

The proposed legislation would create a new 12th Circuit Court of Appeals, which would consist of Alaska, Arizona, Idaho, Montana, Nevada, Oregon and Washington. The reconfigured Ninth Circuit would consist of California, Hawaii, Guam and the Northern Mariana Islands.

Daines said in a news release that the Ninth circuit's size and scope deny citizens in its jurisdiction equal access to justice.
"When our courts are overburdened and overworked, Americans are left underserved and waiting too long for justice. It's time to take a serious look at how our court system can better serve the American people," Daines stated. "The Ninth Circuit's jurisdiction includes 20 percent of our country's population, nearly twice the size of the next largest circuit, and holds more than 30 percent of all pending cases. The Ninth Circuit has failed to adequately serve Americans' needs – it's time a court system that functions and provides the American people with the service they deserve."

Past attempts to split the Ninth Circuit, including an attempt in 2005, have been unsuccessful.

U.S. SUPREME COURT GRANTS NORTH DAKOTA'S REQUEST TO STAY CLEAN POWER PLAN RULE

BISMARCK, ND - "I am extremely pleased that the U.S. Supreme Court today granted North Dakota's request to stay the US EPA's 'Clean Power Plan' Rule, which is intended to regulate so-called 'greenhouse gas,' or carbon dioxide, emissions from existing electricity generating plants," North Dakota Attorney General Wayne Stenehjem said. EPA's Rule imposes an onerous burden on all States to develop and implement plans that must reduce carbon dioxide emissions to levels mandated by EPA.

Today's stay will prevent the Rule from being in effect until federal courts, including the Supreme Court, have the opportunity to consider arguments made by North Dakota and many other parties that the Rule is an unlawful exercise of EPA's authority. EPA's Clean Power Plan would impose a particularly severe burden on North Dakota, given that most electricity in the state is generated using lignite coal. The Rule would require North Dakota to reduce CO2 emissions by 44.9%, more than almost every other state and four times more than EPA originally proposed.

Absent today's stay, the dramatic reduction in emissions required by EPA's Rule would force North Dakota to undertake a massive shift away from coal-fueled generating plants in favor of natural gas plants or renewable sources. Because of the Rule's severe impact on North Dakota, the North Dakota Attorney General's Office immediately challenged the Rule in the US Court of Appeals for the District of Columbia Circuit, which previously denied North Dakota's request to stay the Rule. When they denied a stay, the ND Attorney General's Office urgently appealed to the U.S. Supreme Court, and the Court has stayed application of the rule until the DC Circuit has finished reviewing the case and the Supreme Court has decided whether to hear the case.

Litigation will now continue in the DC Circuit. But with the Supreme Court stay in place, North Dakota need not comply with this radical Rule until the litigation concludes, at which time North Dakota expects the courts to declare EPA's Clean Power Plan Rule unlawful and permanently enjoin its implementation.

North Dakota has been joined in the legal challenge to EPA's Clean Power Plan Rule by 29 other states and state agencies, and many utility company and industry groups. North Dakota expects to continue working cooperatively with those other parties to convince the DC Circuit and ultimately the Supreme Court to hold the Rule invalid.

Supreme Court Puts EPA Carbon Rule on Hold During Litigation

By BRENT KENDALL and AMY HARDER WSJ

WASHINGTON—A divided Supreme Court on Tuesday temporarily blocked the Obama administration's initiative to limit carbon emissions from power plants, dealing an early and potentially significant blow to a rule that is the cornerstone of President Barack Obama's efforts to slow climate change.

The court, in a brief written order, granted emergency requests by officials of mostly Republican-led states and business groups to delay the regulation while they challenge its legality.

Although the Supreme Court's order is temporary and isn't a ruling on the merits, it indicates the court's conservative majority harbors misgivings about the Obama administration plan. It signals the rules could run into trouble in the courts, which could hamper the administration's ability to follow through on U.S. commitments in the Paris climate deal.

The court's action, which divided the justices along ideological lines, came as a surprise to many observers because the court has strict criteria for granting stays. And the Environmental Protection Agency rules, issued last summer, have yet to be evaluated by lower court judges.

The EPA rule is aimed at compelling utilities to shift away from coal-fired power plants, which have been the bedrock of U.S. electricity generation for decades, toward such renewable sources as wind and solar, and to a lesser extent toward natural gas and nuclear power.

"We are thrilled that the Supreme Court realized the rule's immediate impact and froze its implementation, protecting workers and saving countless dollars as our fight against its legality continues," said Patrick Morrisey, the Republican attorney general of coal-dependent West Virginia.

White House spokesman Josh Earnest said the administration disagreed with the Supreme Court's move. "We remain confident that we will prevail on the merits," Mr. Earnest said. "At the same time, the administration will continue to take aggressive steps to make forward progress to reduce carbon emissions."

More than 30 lawsuits have been filed against the EPA rule in challenges raising issues under the Clean Air Act that have been little explored by the courts.

More than two dozen states challenging the rule argued the regulation should be halted in the interim or else they would need to immediately begin enacting laws, revising regulations and devoting large sums of money and manpower to comply with the mandate.

Industry groups said that, without a stay, scores of power plants would be forced to shut down in the short term, harming power producers and their customers. The regulation would require a 32% cut in power-plant carbon emissions by 2030, based on emissions levels of 2005.

The EPA said that a stay of its regulation was unnecessary, because it was legal and being implemented slowly. The states don't have to comply until 2022.

The court's five conservative justices controlled the outcome. The court's four liberal members indicated they would have denied the stay and left the regulation in place during the litigation.

None of the justices explained their reasoning in the one-page order, which blocked the regulation until the case is litigated by an appeals court and reaches the high court.

Oral arguments at the appeals level are scheduled for June, with the possibility of a ruling later in the year, on time to be heard in the Supreme Court's 2016-2017 term.

To what extent the stay will have an immediate impact is unclear. While the compliance deadline isn't until 2022, the EPA set an initial deadline of this September for states to submit a plan to eventually comply with the rule, or otherwise explain why they want an extension of one to two years. The EPA has required all final plans be submitted no later than 2018.

One utility lawyer said the stay order likely means states won't have to submit plans if they don't want to by the initial September deadline.

"States almost definitely will not have to submit plans or extension requests this September," said Brian Potts, a partner at Foley & Lardner LLP based in Wisconsin. "Some states will probably keep working on plans. But many others will immediately put their pens down and wait for further guidance from the court."

Environmentalists emphasized that the high court's action didn't reflect any ultimate decision.

"This is not a decision on the merits, on the administrative record," said Vickie Patton, general counsel for Environmental Defense Fund, which is a party to the case. "Once the court takes a look at these issues on the merits, EPA's Clean Power Plan will prove to be anchored in law and science."

White House officials said they remained confident they can honor a commitment to cut U.S. carbon emissions up to 28% by 2025 as part of the Paris climate deal. The administration "stands behind those commitments," a White House official said.

The Supreme Court issues stays sparingly, and only when specific criteria are met. Those include a "reasonable probability" that four justices will agree to review the case, and a "fair prospect" that five justices could vote to overturn a lower court ruling.

In addition, the court must find that irreparable harm will result to parties in the case unless the stay is granted, and that public interest is served by granting a stay.

White House officials said they were surprised by the court's move. "Granting a stay in these circumstances is extraordinary," one official said.

The ultimate outcome of the case likely won't be decided until the next president is in office. Should the rule survive in the courts and a Republican be elected president, a GOP administration would face hurdles in abandoning the regulations.

Very few final regulations have ever been repealed by an administration—Republican or Democratic. To repeal a regulation, you have to write, and legally justify, a new regulation explaining why you are getting rid of the earlier one, a process that could take years and would be unlikely to withstand legal scrutiny, experts say.

The court's action prompted cheers from Republicans on Capitol Hill and outcries from Democrats.

Senate Majority Leader Mitch McConnell (R., Ky.), who took the unusual step of calling on states to not comply with the rule, praised Tuesday's order and said the carbon rules "attack the middle class and won't even have a meaningful impact on global carbon emissions."

Democrats who have backed EPA criticizedthe court. "The Supreme Court's deeply misguided decision to stay the implementation of the Clean Power Plan will enable those states that deny climate science to slow progress in reducing the carbon pollution that threatens the health of all Americans," said House Minority Leader Nancy Pelosi (D., Calif.).

—Jess Bravin
contributed to this article.

Utah sues to halt plan to protect sage grouse
By BRIAN MAFFLY | The Salt Lake Tribune

Utah officials on Thursday filed a lawsuit seeking to invalidate federal land-use plan revisions aimed at conserving imperiled greater sage grouse, but critics say the state should be careful of getting what it's asking from the courts.

Those plan revisions, adopted by the Bureau of Land Management and U.S. Forest Service last September, were a crucial part of the U.S. Fish and Wildlife Service's much-lauded decision to not list sage grouse under the Endangered Species Act.

While other Western states cheered that decision, Utah leaders pouted. They said federal land-use plans, which restrict mineral development in high-value habitat, will be just as burdensome as a decision to list the ground-nesting bird, which once abounded in the West's high-elevation sagebrush steppes.

Utah Attorney General Sean Reyes says the feds ignored what scientific evidence indicates would be best for Utah sage grouse and illegally trampled on the state's own conservation plan that Gov. Gary Herbert approved in 2013.

The federal agencies "issued the mandatory management plan amendments ... completely disregarding land use agreements and Utah's sage-grouse conservation historical success," Reyes said in a prepared statement. "This unprecedented action has jeopardized conservation of the species and reasonable public use of the land in Utah."

But conservationists wonder if Utah is courting trouble with this suit.

"The decision to not list was very much based on those plan revisions, 99 of them, to protect sage grouse, because the bar was set high enough and promises were made. If you undo all that, of course they are going to revisit the listing decision. That's opening a can of worms," said biologist Allison Jones, executive director for the Wild Utah Project.

These plans apply to 126 million acres of public land across 11 Western states — primarily Utah neighbors Nevada and Wyoming, whose Republican governors shared a podium with Interior Secretary Sally Jewell announcing the decision to not list sage grouse.

Utah's suit targets only the plans covering Utah, which harbors 6.1 percent of the West's sage grouse habitat and 6.8 percent of the population, according to the suit.

Interior officials declined to comment on the suit.

"The BLM-USFS plans follow the best available science and were developed collaboratively with state and local partners. We believe the plans are both balanced and effective - protecting key sage-grouse habitat and providing for sustainable development," Interior spokesman Blake Androff offered in a prepared statement. " We look forward to implementing them in collaboration with states and stakeholders."

Over the past two years, the Utah Legislature has appropriated $4 million to pay Big Game Forever, a politically connected anti-predator advocacy group, to push legislation to prevent the feds from listing the sage grouse. The group continued collecting even after the Fish and Wildlife declined to list last September. Big Game Forever's contract was to be adjusted to direct its efforts toward getting the federal land-use plan revisions rescinded, according to Mike Styler, director of the Department of Natural Resources.

A key issue for Utah wildlife officials focuses on how grouse habitat exists in isolated "islands" between Utah mountain ranges. The federal plans are allegedly tailored toward the "sagebrush seas" — vast swaths of contiguous habitat — found in Wyoming and Nevada.

"This one-size-fits-all decision does not reflect the tremendous diversity in greater sage-grouse habitats across the West. Today's action by the state will allow greater flexibility in protecting this unique species while allowing reasonable economic growth in rural Utah," Herbert said in a news release.

The suit takes direct aim at a National Technical Team, whose findings influenced the crafting of the federal land-use plans. Utah is asking the court to bar any future use of that report in analyses or decision making regarding sage grouse.

"These federal land use plan amendments disregarded the hallmark of federal land management — multiple use and sustained yield — and impose contradictory, and often unnecessary, restrictions on all activities in or near speculative habitat," states the suit Reyes filed in U.S. District Court in Salt Lake City.

State officials often say sage grouse numbers are rebounding in Utah. But sine 1965, they have increased by a mere .77 percent, according to the AG's announcement.

Utah's congressional delegation was quick to applaud the suit and heap further derision on federal management of the West's public lands.

"No one is better suited to look after Utah's interests than the people who live and work in Utah. The [Obama] administration asked the state to come up with a plan to protect the bird. Utah did. It was a good plan. The administration rejected it for its own flawed plan," said Rep. Rob Bishop, who chairs the House Natural Resources Committee. "The Obama administration's plan threatens military readiness and stops economic well-being while it attempts to impose its misguided will on the West. Utah is right. The White House is wrong. This lawsuit can prove that."

The lawsuit alleges BLM is pitting federal mandates against thoughtful state-led conservation strategies. State leaders contend a heavy federal hand will discourage voluntary actions and investments that would otherwise ensure the bird's survival.

"This effort by Utah has resulted in the restoration of more than 500,000 acres of sage-grouse habitat and a significant growth in sage-grouse populations. It is unfortunate that the federal government has decided to reject this successful plan," Herbert said.

Last year, federal officials, including Jewell herself, praised Utah's conservation plan for identifying areas to be managed for grouse conservation and restoring habitat through removal of encroaching conifers. They emphasized that the federal land-use directives complemented various state plans.

State officials "still have that opportunity to prove the [state] plans work without undoing the good work of these federal agencies. Nothing was rejected," Jones said. "There was a never a system in place to reject or endorse the state plans."

She argued that the state plan won't be enough to keep Utah's sage grouse out of danger because it applies only to state and private lands, while much of the bird's habitat remains on public land administered by BLM and Forest Service.

Brian Maffly covers public lands for The Salt Lake Tribune. Maffly can be reached at bmaffly@sltrib.com or 801-257-8713. Twitter: @brianmaffly

Attorney General Seeks to Pursue Allegations Against Bill Allen

(Anchorage, AK) – Alaska Attorney General Craig Richards announced today that, in accordance with an amendment sponsored by U.S. Senator Dan Sullivan, the state will seek authority to prosecute under the Mann Act. The Alaska Attorney General is seeking this authority so the Alaska Department of Law may evaluate whether to file charges against Bill Allen, the government's main witness in the case against the late Senator Ted Stevens. Allegations of sexual misconduct with a minor were unearthed during the 2008 trial of Senator Stevens, but were never pursued. Two Alaska attorneys general, including Senator Sullivan, tried to pursue an investigation into the allegations, but were rebuffed without sufficient explanation by the U.S. Department of Justice.

Due to an amendment that Senator Sullivan sponsored to the Justice for Victims of Trafficking Act, which was signed into law by President Obama in May, the Justice Department is now compelled to allow state prosecutors to pursue federal offenses under the Mann Act. The only way the Justice Department can decline this request is if it would undermine the administration of justice. The Mann Act makes it a felony to bring someone across state lines for prostitution and imposes enhanced penalties when the victim is a minor.

Attorney General Richards has sent a letter to U.S. Attorney General Loretta Lynch, requesting that the state be cross-designated to pursue an investigation and potential prosecution of Bill Allen for alleged Mann Act violations.

“Today I wrote the U.S. Attorney General that I’m not aware of any reason that this request could undermine the administration of justice,” Attorney General Richards said. “In fact, it would do the opposite. Allegations of Mr. Allen’s misconduct remain an open and disturbing issue for our state.”

Senator Sullivan said, “For years, whether in editorials or letters, our state attorneys general, and our senior U.S. Senator have been asking the Department of Justice the same questions: Why did you not prosecute Bill Allen for alleged sexual abuse of children, and why at a minimum did you not grant the state authority to do so when the case surrounding these crimes seemed strong? For seven years, the Department of Justice has brushed off directly answering these questions. That ends today. Because of the new law, the Department of Justice is now required to directly answer these questions to Attorney General Richards.”

When Senator Sullivan served as Alaska’s Attorney General, the state’s Department of Law investigated the allegations against Bill Allen and requested that the Department of Law be cross-designated to bring federal charges against him for allegedly transporting minors across state lines for purposes of sex. The charges had to be filed by the federal government, or the Justice Department had to cross-designate the state to do so. The Justice Department declined without a complete explanation.

Shortly after Senator Sullivan was elected, he asked Attorney General Lynch to provide a detailed explanation on the matter. The reply—received months later—was inadequate.

“If the government made a deal with Bill Allen, it would constitute a scandal of the highest order and those who decided that prosecuting Senator Stevens was a higher priority than seeking justice for abused children should be exposed,” Senator Sullivan said.

Attorney General Richards’ letter also touches on that issue. If the Justice Department refuses to cross-designate the state, “I would ask that the explanation for any denial answer the question of whether the Department’s decision is, in any way, based on a suggestion or assurance (whether expressed or implied) by any federal official to not prosecute Mr. Allen in order to secure his cooperation in the case brought against the Senator,” Attorney General Richards wrote.

Senator Lisa Murkowski has also spent years trying to get answers from the Department of Justice.

“I commend Senator Sullivan and Attorney General Richards for their commitment to hold Bill Allen accountable for his actions. For years I pressed former U.S. Attorney General Eric Holder to explain why the Department of Justice ignored the recommendations of its rank and file litigating attorneys, failed to prosecute Allen, and at the same time refused to let the state take up the prosecution,” said Senator Murkowski.

“Thanks to Senator Sullivan’s legislation, the state of Alaska can now seek justice in this case. The Justice Department must either let Alaska prosecute Allen or come up with a compelling reason not to.”

In 2008, Senator Stevens went to trial and was found guilty of ethics violations. Less than a year later, after numerous instances of prosecutorial misconduct were disclosed, U.S. District Judge Emmet G. Sullivan dismissed all charges against Senator Stevens.

"In nearly 25 years on the bench, I have never seen anything approaching the mishandling and misconduct I have seen in this case," Judge Sullivan said.

Attorney General Jackley Reports the Success of the South Dakota DNA Database

PIERRE, S.D.- In 2003, South Dakota legislators established the State DNA Database. Biological samples are taken from individuals arrested for sexual assaults and other qualifying felony crimes. The samples then yield DNA profiles, which are stored with the South Dakota Forensic Lab (SDFL). The SDFL manages this database and works closely with the South Dakota Department of Corrections, regional jails and statewide law enforcement with the collection of biological samples. When DNA samples are obtained from a crime scene or sexual assault, that DNA sample is then run in the DNA Database for potential matches.

“The power of DNA to solve crimes and protect the public is experienced first-hand in South Dakota. The ability to match DNA from a sex offender or violent offender to evidence found at a crime scene is a valuable tool in solving crimes,” said Jackley.

In 2015, 4,839 samples were received from law enforcement and entered into South Dakota’s Combined DNA Index System (CODIS), a computer database managed by the FBI. To date, there are approximately 56,408 offender DNA profiles that have been entered into CODIS. In 2015, 237 DNA profiles from crime scene evidence were entered into CODIS. There were ultimately 135 CODIS hits, and below are some examples of successful arrests and convictions from the use of the DNA database:

• Lawrence County Sheriff’s Office had an unsolved burglary with no possible suspects. One small drop of blood was recovered from the crime scene. A profile was obtained through a CODIS hit. The individual was arrested for two burglaries in Lawrence County. In addition, he was arrested for two burglaries in Pennington County. This individual was convicted and sentenced to 10 years in prison. During his interview with a Lawrence County Deputy, he named two co-conspirators who were both arrested and convicted in Pennington County.

• Aberdeen Police Department had a burglary case involving a piece of glass with blood left at the scene. A CODIS hit from the profile indicated the suspect was currently incarcerated on a different charge. Aberdeen PD interviewed the inmate, who confessed to the burglary. He was subsequently charged and convicted for this crime.

• Lawrence County Sheriff’s Office had a no suspect burglary, until a cigarette butt was found at the scene of the crime. A profile was obtained through a CODIS hit on a subject who had been incarcerated for a previous crime. He was convicted and sentenced to 15 years in prison.

• Sioux Falls Police Department had a suspect in a homicide case with a known DNA sample. This sample was then entered into CODIS. Minneapolis investigators were able to match this profile to an unsolved rape case that is currently pending.

• Another pending court case involves a sexual assault where a sperm cell profile was established from a swab of the victim’s body that matched an offender whose qualifying arrest was a DUI.

AG FILES $400K, FIRST-OF-ITS-KIND CRIMINAL TAX THEFT CASE AGAINST BELLEVUE RESTAURANT OWNER

Sales suppression software hides cash transactions, allows users to steal sales tax

OLYMPIA — Attorney General Bob Ferguson filed charges today against a Bellevue restaurant owner accused of using "sales suppression software" to hide cash transactions, pocketing nearly $395,000 in sales tax collected from her patrons.

Yu-Ling Wong, owner of the Facing East restaurant, is charged in King County Superior Court with first-degree theft, "utilizing sales suppression software," and 21 counts of filing a false tax return. In all, the standard sentencing range as charged is 43 to 57 months. If aggravating circumstances are proven, the judge could impose additional time up to 120 months.

"I will not tolerate businesses that line their pockets by stealing from taxpayers," Ferguson said. "Using software to cheat on tax obligations is unfair to businesses that play by the rules and it robs Washington taxpayers of the money that is supposed to fund our schools, parks and roads."

Run on a point-of-sale computer or cash register, sales suppression software surreptitiously deletes transactions. The software then re-balances the company financial records to show a lower sales figure, reducing the business' tax obligation. Money that patrons paid sales tax is then pocketed, as these unscrupulous retailers keep "two sets of books."

The AGO believes this to be the first criminal case targeting the use of sales suppression software in the nation.

"Sales suppression software is a new form of tax fraud," said Vikki Smith, director of the Washington State Department of Revenue. "We're learning how to detect its use and will be aggressive in going after businesses that we find are cheating the system. Washington citizens need assurance that the sales tax they pay goes to provide services such as funding education for our children."

Sales suppression software allows the user to remove cash from the register while still reflecting balanced business records — thus the user is able to steal the sales tax collected on the eliminated transactions, shortchanging the state in the process.

In 2013, Washington passed a law making it a class C felony for anyone to "sell, purchase, install, transfer, manufacture, create, design, update, repair, use, possess, or otherwise make available" software or hardware that deletes transactions.

The charges contained in the complaint are only allegations. A person is presumed innocent unless and until he or she is proven guilty beyond a reasonable doubt in a court of law.

Overview of allegations

As described in the complaint, Facing East was selected for routine audit by the Department of Revenue to review the books from 2010 to 2013.

DOR auditors are trained in sales suppression software and how to spot it. DOR staff noted a sudden change in cash receipts, which could be caused by such software, and found the data provided by Wong could not be relied upon to calculate sales tax owed.

Based on the restaurant's previous receipts, which were more in line with industry standards, DOR staff estimated Wong owed in excess of $394,835.

DOR referred the case to the Attorney General's Office Criminal Justice Division, which is prosecuting the matter.

An arraignment in the case is expected Feb. 17 in King County Superior Court.

- See more at: http://www.atg.wa.gov/news/news-releases/ag-files-400k-first-its-kind-criminal-tax-theft-case-against-bellevue-restaurant#sthash.5g7KHZ4c.dpuf

Wildly Popular App Kik Offers Teenagers, and Predators, Anonymity

By SHERYL GAY STOLBERG and RICHARD PÉREZ-PEÑA

The allegations are beyond chilling: two Virginia Tech freshmen charged with the premeditated kidnapping and killing of a 13-year-old girl who, authorities say, communicated with her murderer online.

But the way they chatted — on a wildly popular messaging app called Kik — has increasingly become a source of concern for law enforcement.

The death of Nicole Madison Lovell, a liver transplant and cancer survivor from Blacksburg, Va., has put Kik — widely used by American teenagers but not as well known to adults as Snapchat or Instagram — in the spotlight at a time when law enforcement officials say it has been linked to a growing number of abuse cases. Neighbors say that the day before she died, Nicole showed them Kik messages she had exchanged with an 18-year-old man she was to meet that night.

Kik is cooperating in the investigation. Its officials say they responded to "multiple emergency requests" from the F.B.I. for information that helped lead to the arrests of the students, David Eisenhauer, 18, and Natalie Marie Keepers, 19, both aspiring engineers from Maryland. And experts in Internet crime caution that the app is just one of many digital platforms abused by all manner of criminals, from small-time drug dealers to terrorists.

But law enforcement officials say Kik — used by 40 percent of American teenagers, by the company's own estimate — goes further than most widely used apps in shielding its users from view, often making it hard for investigators to know who is using it, or how. (Yik Yak is another popular app under fire for its use of anonymous messages.)

"Kik is the problem app of the moment," said David Frattare, commander of the Ohio Internet Crimes Against Children Task Force, which includes hundreds of law enforcement agencies. "We tell parents about Kik, and to them it's some earth-shattering news, and then it turns out it's been on their kid's phone for months and months. And as a law enforcement agency, the information that we can get from Kik is extremely limited."

Kik's appeal to young people goes far beyond anonymity. Teenagers like its special emoji and other features. It offers free and unlimited texting. And like AOL Instant Messenger and MySpace before it, Kik is a space that parents are unlikely to know about. But it is also place where inappropriate sexual content and behavior can flourish.

Cases involving Kik in just the past 10 days include:

■A St. Louis man charged with using Kik to exchange child pornography.

■A western New York man charged with finding a 14-year-old girl through Kik and, posing as a teenager, sending her sexually explicit messages and trying to get her to meet him.

■An Alabama man charged with statutory rape and the attempted kidnapping of a 14-year-old girl he contacted on Kik.

■A Colorado man charged with taking a 13-year-old Connecticut girl to a hotel and sexually assaulting her, after chatting and arranging the meeting on Kik.

“The Kik app has become so popular, it’s probably the one where law enforcement has seen the most activity,” said Leslie Rutledge, the Arkansas attorney general, who issued a public plea last year to parents in her state to educate themselves about their children’s online habits after two Arkansas men used Kik to solicit nude photos from under-age girls — and an undercover investigator.

Founded in 2009 and based in Canada, Kik aspires to become the Western version of WeChat, the hugely successful messaging service in China that offers free texting, e-commerce and content delivery. Its main appeal is privacy and anonymity: The app is free, and allows people to find strangers and communicate with them anonymously, through a user name.

“We view user names and anonymity as a safe way to connect with people you meet on the Internet,” said Rod McLeod, a spokesman for Kik.

The company is taking a variety of steps, including sponsoring an annual conference on crimes against children and posting a law enforcement guide on its website, to “assist in preventing child exploitation,” said Lisa van Heugten, who was hired two years ago and helped form a special Kik division devoted to fielding law enforcement requests.

Kik estimates that it has 275 million registered users worldwide, with 70 percent of them in the United States. (The company does not report figures for daily or monthly active users.) But the very anonymity and secrecy that make Kik appealing also pose serious challenges for law enforcement. The app asks for the user’s real name and email address, but it works even if those are fictitious, and the user does not have to supply a phone number.

How Some Mobile Apps Have Led to Sex Crimes and Scandals

Law enforcement officials are increasingly concerned about apps that offer users greater anonymity and reach.

Unlike some competing apps, Kik says it does not have the ability to view written messages between users, or to show them to the police. It can view pictures and videos, but retains them only until the recipient’s device has received the message. Those practices are legal.

With a court order or in a dire emergency — as in Nicole’s death — the company can provide the authorities with a log of a user’s sent and received messages, and in some cases can supply the user’s Internet protocol address, giving a physical location.

In deciding what information to store, the company says, it aims to “strike a balance” between “protecting user privacy and the need to remove bad actors from our platform and assist law enforcement.”

But Kik says it can find users on its system with only a user name. And because Kik is based in Canada, law enforcement officials say, it can be a slow process. Requests have to go through the United States Justice Department.

“They’ve assisted us in a lot of our cases,” said Detective Josh Woodhams of the Bentonville, Ark., Police Department. “But when it comes to the content of conversations, they don’t retain information including photos and videos. So it makes it tough for us.”

Law enforcement officials say they often run across Kik in cases of “sextortion,” or blackmail, in which a sexual predator coaxes a young person to send nude photos — and then threatens to post the photos online, or alert the child’s parents or harm the child, if he or she does not send more.

David Finkelhor, director of the Crimes Against Children Research Center at the University of New Hampshire said research suggests that social media has not spawned an uptick in violent crimes involving children, but cases involving pornography are on the rise. So are arrests.

Professor Finkelhor cautions against “technophobia,” saying character traits — not technology — make young people vulnerable. Those who are socially isolated, who have conflict with their parents, who are bullied in school or who are depressed are “at higher risk,” he said, “both in face-to-face and electronic environments.”

Those risk factors were clearly present in the abduction in Virginia of Nicole Madison Lovell, whose mother, Tammy Weeks, has said she was bullied in school, in part because of the tracheotomy scar she bore from her liver transplant.

And they were a factor in a November case involving Kik in Ohio, where a 15-year-old girl got in a car with a man she knew only through Kik, who drove her more than 500 miles from her home in Cleveland.

Almost a month later, the police and F.B.I. burst into a house in Missouri, freed the girl and arrested the man they said had held her captive, raped her and video-recorded the act. After her rescue she spoke out on the “Dr. Phil” show, which hid her identity. She said she had been mourning the death of her stepfather, and was upset that her mother had moved in with a boyfriend.

On Kik, she found someone, claiming to be a man in his 20s, who offered her help and gave her the attention she craved, she said.

That man, law enforcement officials said, was Christopher D. Schroeder, 41. He destroyed her phone, according to the F.B.I., and drove her to his home in Marthasville, a small town west of St. Louis.

With her phone gone, there was no way for the police to track the girl’s movements or tie her to the man. But weeks later, law enforcement officials said, her abductor got cocky and careless and, posing as the girl on a Facebook account, he contacted her friends. With help from Facebook, investigators read the messages and tracked down Mr. Schroeder, who has pleaded not guilty to charges in federal and state court.

Investigators learned only later that the girl had met Mr. Schroeder on Kik. Asked about the odds of finding her if the man had not gone onto Facebook, Mr. Frattare, of the Ohio crime task force, said, “In my opinion, it would have been slim to none.”

Rutledge Adds Prescription Drug Take Back Boxes to Mobile Offices

January 27, 2016

BENTON – Arkansas Attorney General Leslie Rutledge today said that she is expanding the services offered at Attorney General Mobile Offices to include Prescription Drug Take Back boxes. Constituents will continue to receive help with consumer-related issues in filing consumer complaints and be provided with information about scams, identity theft, fraud and other protections, but now Arkansans will be able to dispose of their expired and unused medications. Rutledge made the announcement at the Central Arkansas Development Council Senior Wellness and Activity Center in Benton and was joined by Arkansas State Police Director Col. Bill Bryant, Benton Police Chief Kirk Lane and State Drug Director Denny Altes.

The mobile office is part of what the office is calling Rutledge Resources Days, which are days when staff visit a county and spend the entire day there – holding a mobile office, conducting Digital You presentations to various groups, including seniors, teens and parents and hosting parent/teacher child safety booths. Rutledge is partnering with local law enforcement agencies across the State to provide the Prescription Drug Take Back boxes.

Rutledge noted at the announcement that without any promotion of the service during the month of January, the office has already collected more than 70 pounds at seven mobile offices.

“The Drug Take Back program has proven to be an effective way of getting expired and unused prescriptions, which pose a serious danger, out of our medicine cabinets,” said Attorney General Rutledge. “By providing Drug Take Back boxes at mobile offices, Arkansans will be provided with another collection site to properly dispose of these medications and protect their loved ones. This does not seek in any way to replace the boxes already available at local sheriffs’ offices, police stations or on Drug Take Back Days. Instead, this expands on my partnership with local law enforcement to get these drugs out of our homes and destroyed in a safe manner. I want to extend my appreciation to law enforcement for their commitment to the Drug Take Back program and for working with my office to offer this service to the citizens of Arkansas.”

“No community, big or small, is spared from the threat of prescription drug abuse,” said Col. Bill Bryant, director of the Arkansas State Police and former assistant special agent in charge of the Little Rock District Office for the U.S. Drug Enforcement Administration. “These expired or unused prescription drugs sitting in our homes and offices need to be properly disposed. Federal, state, and local law enforcement agencies working as a team, in combination with civic organizations and businesses, are providing a secure method of destroying these unused prescription drugs in an environmentally safe manner. This also prevents these prescription drugs from being diverted to the streets for illegal sale and distribution.”

“The Arkansas Drug Take Back Program is an educational program to encourage all citizens to keep their households safe by practicing Secure, Monitor, and Dispose of their outdated, unused prescription medication,” said Kirk Lane, chief of the Benton Police Department. “The Arkansas Attorney General’s continued involvement with this program as a partner has been a key to its success. The General’s new collection opportunity will enhance efforts throughout the State and make accessibility to collection sites more available to every person. I applaud her and her staff, and encourage all Arkansas citizens to get involved and make this a safer State.”

“I applaud Attorney General Rutledge for her efforts to remove old and expired medications from our communities,” said Dr. Gregory Bledsoe, Arkansas Surgeon General. “These medications can find their way into the hands of children, and can contribute to unintended public health consequences. Thanks to General Rutledge and the other community leaders who are making this medication take back a reality.”

“Many teens report that they obtain prescription drugs from home medicine cabinets,” said Denny Altes, Arkansas State Drug Director. “This effort by the Attorney General is a great way to change that, and we encourage everyone to be proactive and take their unneeded medication to the Attorney General's or other take back events, and protect the people closest to them.”

“Prescription drug abuse in Arkansas is a serious threat to our children that we must address,” said Dr. John Kirtley, executive director of the Arkansas State Board of Pharmacy. “There is an inherent misbelief that prescription drugs are safer than so called, ‘street’ drugs, when in fact they have the same risks for abuse, addiction and overdose. The best thing Arkansans can do with unused medications is dispose of them via Take Back programs, such as this new initiative being started by the General Rutledge. Prescription drugs that are disposed of in this manner will never be a threat to our children again.”

The Attorney General’s office has long been a partner in National Prescription Drug Take Back Days. The next nationwide take back event is scheduled for April 30. The Attorney General’s office also plans to host the fifth annual Arkansas Prescription Drug Abuse Summit this year.

Denver releases 28,000 marijuana products it had recalled for pesticides

The release comes despite Gov. John Hickenlooper's executive order mandating all contaminated cannabis be destroyed

By Ricardo Baca and David Migoya
The Denver Post

The city of Denver has released more than 28,000 packages of marijuana-infused edibles back into the market after recalling the products late last year when they tested positive for pesticides that are banned for use on cannabis.

The release comes despite Gov. John Hickenlooper in November issuing an executive order mandating that all contaminated cannabis be destroyed as "a risk to public health" and "a threat to public safety."

But Denver officials say that while they recalled the products in the wake of the executive order, they released certain low-level batches after the city attorney's office verified that "the XO (executive order) doesn't tell us, the city, to do anything," said Dan Rowland, spokesman for Denver's Office of Marijuana Policy.

"What the governor's XO does is give advice and guidance to state agencies, which is great," Rowland said. "It's certainly guidance and advice that we can use. Obviously we looked at it, and it's good to see that information out there."

The released pot edibles, made by EdiPure and Gaia's Garden, contain trace levels of banned pesticides, amounts that are below the lowest allowed on food. The releases are the first time Denver has allowed recalled pot products back into stores.

The city agency behind all 19 pesticide-related recalls of marijuana products, Denver's Department of Environmental Health, is confident the released products are safe for human consumption, Rowland said.

"They wouldn't (release the products) otherwise," he said. "While there may be residues still present, they're below that standard we've developed."

State agriculture officials say that although Hickenlooper's order is "zero-tolerance" for the use of unapproved pesticides, it's difficult to measure zero in the labState agriculture officials say that although Hickenlooper's order is "zero-tolerance" for the use of unapproved pesticides, it's difficult to measure zero in the lab.

"Denver is proceeding with their own investigation based on their local health powers," said Mitch Yergert, director of the division of plant industry for the state Department of Agriculture, which regulates pesticide use.

The state is unable to enforce the executive order because it has not developed standards for certifying labs to test marijuana products for pesticides, officials say.

There are 17 private labs licensed by the state to test marijuana products for potency, residual solvents and contaminants, but not pesticides. Although state law mandates pesticide testing, it has not been enforced because of the lack of certification. The state Department of Public Health and Environment said it plans to begin certifying labs for pesticide testing in six to 12 months.

"For now, that changes the ability to enforce the governor's order quickly," said Andrew Freedman, Hickenlooper's director of marijuana policy. "The city has its own approach, and the state has its own. Once certifications are in place, then it will move along swiftly."

Denver's exclusive lab-testing partner, Gobi Analytical, lacks state certification for measuring pesticides.

EdiPure and Gaia's Garden each issued multiple voluntary recalls after city health inspectors found banned pesticides in the companies' edible products. The city's recent release includes 24,606 packages of EdiPure edibles and 4,137 units of Gaia's Garden infused candies, only a portion of what initially was recalled.

EdiPure — the first company to have recalled products released into the market — said the release of their product was a boon for business.

"It's a big deal when they say, '25,000 bottles are not safe,' and then they say, 'Actually they are OK,' " EdiPure spokesman Kyle Forti said. "That means a lot for a business, and for consumers, too."

Voicemails and e-mails to Gaia's Garden managing partner Eric White were not returned.

In December, EdiPure attacked Denver and Gobi, calling the lab's testing methods dubious. Gobi officials responded by saying the lab utilizes industry standard equipment and methodology.

Now others have joined in criticizing Denver's pesticide enforcement. "If there are no certified labs, then how are local enforcement cracking down on pesticide application on marijuana," Rep. KC Becker, D-Boulder, asked marijuana-enforcement regulators during a legislative hearing last week about the state's marijuana code. "How is that happening?"

When OpenVape partner Organa Labs became the subject of the city's 17th and 18th pesticide recalls in late January, the company responded with a scathing indictment of the city's recalls.

"(Denver) has gone rogue on these pesticide screenings and these attacks on cannabis businesses," said Tyler Henson, a lobbyist and president of the Colorado Cannabis Chamber of Commerce. "This is an orchestrated attack by using DEH and the mayor's office to damage the reputation of reputable businesses with the intent to push their agenda of banning these businesses in Denver and reclaiming property that Denver wants for future development."

The cannabis industry's complaints had nothing to do with Denver's decision to release products, the city's Rowland said.

Ron Kammerzell, deputy senior director for enforcement at the state Department of Revenue, spoke to Denver's unusual pesticide predicament.

"Some local jurisdictions are using laboratories that have not received certification for pesticide testing," he testified last week before the state House Finance Committee. "I can't really speak to how they're using those test results."

Mandatory tests can happen only when labs are certified to do the testing, Kammerzell said.

The state is also about to begin checking that lab results are uniform.

"We're now instituting blind tests across the laboratories to make sure we're getting consistent results," Kammerzell told the committee. "We haven't been doing that before. And so I'd say, as we roll out this proficiency program, that's going to ensure a much higher level of confidence of the testing laboratories provide."

Until then, Denver's environmental health department will continue with its pesticide investigations, the city's Rowland said.

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The Blind Spot in Denver's Pesticide Recalls [Updated]

FEBRUARY 2, 2016 / ADAMBKOH

On Friday, Denver's 19th recall of cannabis, extracts, or cannabis-infused products occurred. The Denver Post – which has done a valuable public service with its very informative reporting on the matter – is maintaining a running list of all the recalls.

An individual perusing the above list might notice that the recalls consist primarily of cannabis extractions and infused products. In fact, only 4 of the 19 recalls have included actual cannabis plant material – or the flowers that people typically smoke – in its raw, unprocessed form. Regarding the 15 recalls that consist of edibles, concentrates, and other infused products, the Denver Department of Environmental Health's (DEH) notices will generally consist of language to the effect of, "[Marijuana Infused Product Manufacturer] is recalling marijuana-infused products that were derived from potentially contaminated plant material purchased from [Cultivation Facility]."

This is all well and good, and many have expressed the sentiment that the recalls mean that Colorado's regulated system is working as it should by identifying quality control issues and removing contaminated products from circulation. This is true, but only to an extent. The whole truth is that Denver's pesticide recalls have a very big blind spot.

In this post, I will leave aside issues such as the fact that the required pesticide testing written in law is not being performed due to the lack of qualified labs, that medical cannabis products are not required to be tested for pesticides at all, and that – even if required testing of products were taking place prior to their reaching market – producers select and provide their own samples. Believe it or not, none of those issues – which I've discussed in previous posts – are the blind spot of which I'm speaking.

To get to my point, I must first note for those unfamiliar with cannabis-infused product manufacturing and extraction that both of those processes primarily use "trim," or the small leaves sheared away from buds to prepare flowers for sale, as their raw material.

marijuana-trimming
A "trimmer" trimming cannabis flowers to prepare them for sale. The "trim" is captured in the tray in the bottom of the photo and is destined to be processed into concentrates or other infused products. Image Credit: Brennan Linsley, Associated Press

So, trim is the "contaminated plant material" being referred to in the DEH's recall notices.

Think about that for a moment. If trim has been contaminated with pesticides, then logic dictates that the flowers from which the trim was sheared away are also contaminated.

Where, then, are the recalls of the flower associated with all of these contaminated batches of trim?

To those unfamiliar with the inner workings of Colorado's legal cannabis system, this might seem to be an unreasonable question. After all, there are hundreds of companies that make concentrates, edibles, and other infused products. Those companies buy trim from the hundreds of cultivators in the state. Extractors and infused product manufacturers sometimes also grow their own raw material, but even those that do generally process trim from the open market as well. As such, it would be difficult to track packages of plant material being shuttled between all of those different points. It's no wonder that the dots between contaminated trim and flower cannot be connected, right?

Wrong.

One of the most frequently boasted-about features of Colorado's system is its "seed-to-sale" tracking system, called METRC (though it was called MITS upon its inception), developed by the company Franwell. This system involves tagging every baby plant with a label that contains an RFID chip, which stays with it until harvest. Once harvested, the plants taken down together are reported in the system by weight as a "harvest batch." The plants are then dried and trimmed, with the weights of the dried flowers and trim subsequently reported into the system. Those final weights then remain in a "batch" in the system, where their totals are drawn down whenever a quantity of product from that batch is transferred to an associated dispensary for sale or to an infused product manufacturer for further processing. The important point for our discussion here is that both dried flowers and trim sheared away from those flowers should remain part of the same harvest batch, or should at least be able to be associated due to the nearly identical dates and times at which they were entered into the system (operations are required by law to reconcile all inventory in METRC daily by the close of business).

Franwell's METRC system was designed to prevent diversion of cannabis produced by legal companies into illicit channels and to establish a record of the supply chain for instances such as pesticide or contaminant recalls, similar to the manner in which bar codes can be used to track

contaminated food products that need to be pulled from shelves. In the words of METRC's own website, the second feature of the system listed is that it "promotes public safety and patient product safety with traceability." For whatever reason, neither Colorado's Marijuana Enforcement Division (MED), which oversees and enforces the use of METRC by cannabis businesses, nor Franwell itself, is taking the step of connecting the dots between the contaminated trim that went into contaminated infused products, and the associated tainted flower, which presumably went onto dispensary shelves for sale to patients and consumers.

In short, a system for which the state is paying millions; from which businesses are required to purchase thousands upon thousands of non-reusable plant tags; to which businesses are compelled to devote significant labor hours; and which was designed specifically by Franwell to not integrate with any other software programs that were already in use by cultivation facilities and dispensaries, making running a cannabis business even more difficult than it is already; that system is not doing one of the two main things that it is intended to do. Or, perhaps it is, and the MED is not monitoring and employing it appropriately. The MED has been conspicuously absent in the pesticide recall process, which was initiated almost entirely by Denver city departments, and to my knowledge has yet to hand down any discipline or penalties for illegal pesticide usage by the dozens of business that have been caught using such potentially dangerous materials.

In any case, due to the public health risk created by off-label pesticide usage on cannabis and the significant amounts of public and private money being paid to Franwell for a system that every Colorado cannabis business is required to use, the inability of the state and said system to perform the task of identifying additional contaminated product (flowers) that originated from the same harvest as already-known contaminated products (the trim processed into recalled edibles and concentrates) is worrying and perplexing.

Cannabis consumers and patients should be confident that products produced in an unsafe manner are not making their way onto dispensary shelves. That was one of the promises of Franwell's METRC – and of legalization overall – that is not currently being kept. It is hoped that, by shedding light on this large and dangerous blind spot in Denver's pesticide recalls, the necessary reforms or adjustments in enforcement are made to ensure that any tainted cannabis associated with already-recalled product can be removed from circulation.

There are already far too many gaps in the state's quality-control system; in the very near future we need intelligently-formulated, universal testing standards to be required of all labs, in addition to proper sampling protocols to ensure that producers cannot simply sidestep any regulations put in place, and other measures to guarantee that contaminated product does not make it to market in the first place.

Right now, though, shedding light on and addressing the blind spot by which contaminated flowers are slipping through the cracks to potentially poison unwitting consumers would be an achievable first step based on the currently available tools, resources, and systems now in place.

Update (2/8/16): A message yesterday from Kara Lavaux of the Denver Department of Environmental Health provided the following information: "The reason we did not name the cultivator in the Caregivers recall was because they mixed trim from four cultivators, and we are still working on this part of the investigation. It wouldn't have been fair to publish the names of four cultivators when we do yet know which cultivator(s) were the culprit. Getting a timely notice out to consumers about the recalled products was the first priority." Thanks to Ms. Lavaux for that clarification and for the DEH's work overall to protect public health. I have removed the statement above that previously identified the source(s) of the trim as unknown in the most recent recall relating to Caregivers for Life.

AG says daily fantasy sports websites like FanDuel, DraftKings legal in R.I.

By Paul Edward Parker
Providence journal

PROVIDENCE, R.I. — As states around the country wrestle with deciding whether daily fantasy sports leagues constitute illegal gambling, Rhode Island Attorney General Peter F. Kilmartin said Thursday that sites such as FanDuel and DraftKings are legal under Rhode Island law.

Also on Thursday, a federal court in Massachusetts consolidated some 80 lawsuits from around the country to be heard as one in Boston. U.S. District Judge George O'Toole in Boston will oversee the consolidation. The U.S. Judicial Panel on Multidistrict Litigation, which made the decision, oversees case consolidations when a company is sued in different federal courts over the same product or practice. Gathering the cases saves time and money when it comes to pretrial efforts to gather evidence.

In November, Massachusetts Attorney General Maura Healey announced strict regulations that will allow the sites to operate in the Bay State, with restrictions such as barring players under 21 years old and banning advertising on college campuses.

In his analysis, Kilmartin said that the sites do not constitute an illegal lottery under Rhode Island law because chance, although present in determining who wins, is not the dominant factor in deciding.

"Despite daily fantasy sports being legal, I believe there should be strict regulations imposed on the operation of these sites to address the issues we have experienced with gambling in Rhode Island, including infiltration of the criminal element, youth participation and addiction issues."

With reports from Bloomberg

ATTORNEY GENERAL OPINES THAT DAILY FANTASY SPORTS CONTESTS CONSTITUTE GAMBLING UNDER HAWAII LAW

HONOLULU – Hawaii Attorney General Doug Chin issued a formal advisory opinion today stating that daily fantasy sports contests, such as those run by FanDuel and DraftKings, constitute illegal gambling under existing state laws. “Gambling generally occurs under Hawaii law when a person stakes or risks something of value upon a game of chance or upon any future contingent event not under the person’s control,” said Chin. “The technology may have changed, but the vice has not.”

Nearly sixty million Americans participate in fantasy sports, with the vast majority playing in a league with friends or colleagues that might be considered “social gambling” which is legal in Hawaii. In contrast, daily fantasy sports contests typically involve competitions between hundreds or thousands of people, are played daily, involve wagers of up to $1,000, and allow each individual multiple entries leading to top prizes of up to $1 million.

“Hawaii is generally recognized to have some of the strictest anti-gambling laws in the country,” said Chin. By statute the Attorney General provides opinions upon questions of law submitted by the Governor, the state legislature or its members, or a state agency head. The Department of the Attorney General is weighing next steps, including civil or criminal enforcement, consistent with

its opinion.

Wasden tells lawmakers his office can handle major litigation, save the state money

By Betsy Z. Russell
The Spokesman-Review

Idaho Attorney General Lawrence Wasden told legislative budget writers this morning that when Idaho's case over Medicaid reimbursement amounts went to the U.S. Supreme Court, he was immediately contacted by an array of "high-powered, high-priced Washington, D.C. law firms" asking to represent the state before the nation's highest court. "I rejected those solicitations, because I believe in the talent, skill and commitment of the deputies in my office, who every day practice law at the highest level," Wasden said. "I rejected those offers because I knew we could handle this matter in a manner that was cost-effective and efficient." Two deputies from Wasden's office argued the case and won.

"My office will continue to defend Idaho's laws, provide sound legal advice to clients and enforce the enactments of the state," Wasden told the Joint Finance-Appropriations Committee.
In the past year, he said, the Attorney General's office has returned slightly more than its six-year average of $48 million through recoveries and settlements, about $2.51 for every dollar appropriated to it. It's continuing to defend the national tobacco settlement, on which significant litigation is anticipated in the next year; initiated 309 investigations through its Idaho Crimes Against Children unit between April and December of 2015 that resulted in 13 arrests and 55 executed search warrants; and launched eight investigations into complaints of public corruption and has nine more under review.

Idaho joined 12 other states last summer to sue the EPA over its Waters of the United States rule, winning an injunction from a North Dakota judge in September, Wasden told lawmakers. His Natural Resources Division also has been working on the negotiations with the Coeur d'Alene Tribe over water rights adjudication in North Idaho. "I'm encouraged by the progress so far," Wasden said. "We've had three separate negotiation sessions, and … continue to meet."
The division also assisted with the efforts toward the Eastern Snake Plain Aquifer agreement; Wasden lauded House Speaker Scott Bedke and Sen. Steve Bair for their work to resolve that conflict. "The potential economic fallout from any failure to solve this … cannot be overstated," Wasden said. "This will put Idaho on the path of bringing the water budget for the aquifer back into balance. I am pleased to say that my office was able to assist in reaching this important and historic agreement."

This past year also saw Idaho win its antitrust lawsuit against St. Luke's over acquisition of the Saltzer Medical Group, with the 9th Circuit Court of Appeals upholding the federal court decision. "This litigation was time-consuming, expensive and perhaps unpopular in some circles, but I have no doubt it was the right thing to do to protect consumers and ensure a fair health care marketplace," Wasden told lawmakers.

For the coming year, Wasden's budget request is for a 6.7 percent increase in state general funds, including adding paralegals, investigators, a hearing officer and two additional attorneys. Much

of the cost would be offset in the future by interagency payments from the state agencies served by the new positions.

The two new attorneys, plus one paralegal, would represent the state in risk management cases, following recommendations from a legislative performance audit report that said Idaho could save money by handling those cases through the Attorney General's office rather than hiring pricey private attorneys. Gov. Butch Otter didn't recommend funding that $347,800 request. Wasden's office reported that from 2011 to 2014, Idaho hired private attorneys to defend the state in 97 percent of the 157 lawsuits filed against it.

Wasden, who is Idaho's longest-serving Attorney General and was elected in 2014 to his fourth four-year term, said his mission is "to provide legal advice that is accurate, objective and timely … firmly grounded in the rule of law. There is no other way to properly do my job."