

The Southern California wildfires: General consumer tips to prevent fraud

PROTECTING EMPLOYEE & CONSUMER RIGHTS



ATTY. CONRADO JOE SAYAS

OUR sympathies go out to the individuals and families who are victims of the most recent wildfires in Southern California. As these persons try to rebuild their homes and put their lives back on track, challenges will abound. In dealing with various individuals, groups, or companies, precautions need to be taken so as not to fall victim to fraudulent schemes which may result in additional financial hardship. The following are some of the more common questions that disaster victims might ask about what or what not to do:

What are the basic measures I should take to avoid fraud?

Before hiring or contracting with anyone, observe the following guidelines:

1) Verify the person or company's credentials. Check that

licenses or certifications are current.

2) Research prices. For example, it is a good idea to obtain multiple estimates of the cost of a service or product from multiple vendors in order to get an idea of what is a fair price. Always ask for written estimates.

3) Ask for references.

4) When persons show up at your home, ask for government-issued identification.

5) Read all contracts or service agreements before signing them.

6) When calling companies or agencies, keep a log or record of the person you spoke with, the date and time, and what was discussed.

What if someone asks me to sign something?

When given a document or contract to sign, you must also be allowed a reasonable amount of time to read and understand the document or contract. In fact, a person or company who really wants to help victims or provide legitimate services will want you

to truly understand the document before you sign. Be wary of anyone who tells you to sign right away in order to get the low price or the special deal; there might be something in the contract they do not want you to notice. If a provision or term in the contract is not clear, do not be afraid to ask questions. Above all, get copies of everything you sign.

What do I look for when hiring contractors to work on my house?

First, verify the contractor's license with California's Contractors State License Board (CSLB) at 800-321-2752. Be careful about door-to-door offers of repair services. Never provide the contractor with a cash deposit. Get a written estimate of the necessary repairs or work. The written contract should detail every aspect of the work to be done.

What do I look for when hiring a moving company?

When you are unfamiliar with the moving company, you should:

1) Ask for references.

2) Verify the mover's license and good standing with the California Public Utilities Commission at (800) 877-8867.

3) Get a written estimate of the cost of the move and how long the move will take.

4) If a written estimate cannot be provided, the mover must provide you a "not to exceed" price for all household moves.

5) Understand the mover's insurance limits and consider if you should purchase additional insurance.

What do I look for when hiring a storage company?

Before turning over your personal property to a storage company, you should:

1) Check that the storage company is licensed and bonded.

2) Check that the storage company is legitimate and reputable by talking to previous customers or by checking with the Better Business Bureau.

3) Have a written contract with the storage company that lists

what services they will provide, what they will cost, and what properties you will be turning over for storage.

After a disaster, can sellers radically increase prices?

The act of charging services or pricing goods at unreasonably high prices is commonly known as price gouging. Once the governor declares a state of emergency, it is illegal for businesses to increase the cost of certain goods and services by more than 10% unless they can prove that the increase is a result of an increase in the suppliers' price. The prohibition on price gouging applies to food, emergency and medical supplies, gasoline, repairs and construction. If you suspect price gouging, contact your local District Attorney's Office or the California Attorney General's Office at (800) 952-5225.

Where do I report a fraud?

To report fraud or a scam in the state of California start with the California Office of the Attorney General, the Better Business

Bureau, or contact the local municipal, state or federal regulators most likely responsible for the industry where the fraud was committed.

C. Joe Sayas, Jr., Esq. is an experienced trial attorney who has successfully obtained significant results, including several million dollar recoveries for consumers against insurance companies and big business. He is a member of the Million Dollar-Advocates Forum—a prestigious group of trial lawyers whose membership is limited to those who have demonstrated exceptional skill, experience and excellence in advocacy. He has been featured in the cover of Los Angeles Daily Journal's Verdicts and Settlements for his professional accomplishments and recipient of numerous awards from community and media organizations. His litigation practice concentrates in the following areas: serious personal injuries, wrongful death, insurance claims, unfair business practices, wage and hour (overtime) litigation. You can visit his website at www.joesayaslaw.com or contact his office by telephone at (818) 291-0088. (Advertising Supplement)

IMMIGRATION EDGE



ATTY. DANIEL HANLON

THE processing times for some applications pending at the US Citizenship & Immigration Services ("USCIS") are longer than ever before. The USCIS holds a monopoly over all immigrants applying for green cards, citizenship and other applications, since the USCIS is the only agency authorized to adjudicate requests for immigration benefits. The USCIS cannot, however, force applicants to suffer through "unreasonable delays" for their applications to be completed. Individuals who have had enough waiting may safely seek the intervention of the United States District Court to put an end to the delays.

In order to obtain a green card, become a United States Citizen

Waiting for your immigration case: how long is too long?

or seek any other benefit available under US immigration Law, individuals must file applications or petitions with the USCIS. The USCIS has been criticized for the long delays in processing cases, which can cause people hardship in restricting their ability to travel and seek new employment opportunities.

The rules applicable to all Federal Agencies in the United States require that the agencies act on applications within a "reasonable time." The measure of what length of time is "reasonable" is dependent on many factors, including the average processing time for similar applications. The average processing time alone, however, cannot justify outrageous delays, and, at a certain point, may be unreasonable itself. At present, USCIS is taking over one year to process an I-140 Petition for Immigrant Worker. This length of time is unreasonable

for a person who has less than six months time to remain in the United States in his current status, because he could lose eligibility for adjustment of status if he stays in the US for more than six months after his status expires.

In the Los Angeles District, interviews for basic applications are scheduled within 6-8 months of filing; however, the USCIS does not approve many cases for months following the interview date. The USCIS attributes much of reason for delays to due to progressive security clearances and fingerprint checks, but these checks are conducted electronically and should not require more than 60-90 days to complete.

Earlier this year, USCIS Associate Director of Domestic Operations, Michael Aytes, issued a memorandum revising CIS' policy of requiring complete background clearances before an application

for adjustment of status may be approved. The Memo sets forth the new policy, in which the CIS, in cooperation with the FBI, will render final decisions on pending I-485 and I-601 (waiver applications) will be adjudicated within 180 days of receipt. This policy is in accord with Congressional mandate and will greatly reduce the waiting period for adjustment of status in most cases.

CIS continues to initiate the required background checks upon the receipt of applications for adjustment of status. Once the application has been pending 180 days, however, if the application is other wise approvable, CIS will adjudicate the application and issue the green card without the background check

results. Under this new policy, CIS will retain the files of cases where the application has been adjudicated pending the results of the background clearance. If the background clearance reveals a criminal history or other potential basis for ineligibility, DHS will render a determination as to whether rescission or removal proceedings should be initiated against the alien.

The CIS also has continued its requirement that all applicable background clearances must be obtained before adjudicating N-400, Applications for Naturalization. An applicant for naturalization, however, may seek the intervention of a US District Court Judge if more than 120 days have passed since the interview and no decision has been rendered.

With Naturalization, if no interview has been scheduled within six months of filing, an applicant can seek an order from a Federal Judge requiring the USCIS

to schedule an interview. Once the interview is complete, the Immigration & Nationality Act requires that the USCIS grant or deny an application within 120 days. After that time, the Applicant may file a motion to have a Federal Judge decide the Naturalization case.

Whether Federal Court intervention is appropriate depends on the facts and circumstances of each case. The question of how long is too long merely depends on the individual applicant's desire to have his case finished once it has been pending beyond a reasonable time.

Daniel P. Hanlon is a California State Bar Certified Specialist in Immigration and Nationality Law and a principal of Hanlon & Greene, a Professional Corporation, located at 225 S. Lake Ave., 11th Floor in Pasadena, California; tel. No. (626) 585-8005. Hanlon & Greene is an immigration and full-service law firm. E-mail: visas@hanlon-greene.com and www.hanlon-greene.com (Advertising Supplement)

Consumer advocates issue holiday toy warnings to help protect children

WASHINGTON— If the toy fits inside the tube from a toilet roll, it's too small for tiny tots, consumer advocates warned Tuesday.

US Public Interest Research Group said parents shopping for holiday toys should look out for hazards such as small parts, soft plastics and lead contamination.

Although increased consumer protections were approved this summer, US PIRG warned parents that those rules have not yet gone into effect.

"Unfortunately, while the product safety bill is a major step forward, many of its protections are not yet fully in effect, so it's still buyer beware this year," said Elizabeth Hitchcock, public health advocate for US PIRG.

In its 23rd annual "Trouble in Toyland" report on hazardous playthings, the organization focused on three hazards: small parts that can choke children who are younger than three-years-old, lead-tainted toys and soft plastic toys that contain chemicals called phthalates.

Hitchcock said the tube at the centre of a toilet paper roll is perfect for testing whether a toy is small enough to pose a choking risk.

If a toy, or a piece of a toy, fits into the cylinder, it is too small for children under three, Hitchcock said.

In terms of lead-contamination, Ed Mierzwinski, US PIRG's consumer program director, said parents should absolutely avoid children's metal jewelry.

"Any heavy, cheap jewelry — costume jewelry, kids jewelry — has probably got lead in it," Mierzwinski said.

He said the risks from lead-contaminated paint are lower, because the percentage of lead is usually small.

Lead poisoning can cause irreversible learning disabilities,



WashPIRG's Blair Anundson holds up the group's annual toy safety report at a news conference Tuesday, Nov. 25, 2008, in Seattle. US Public Interest Research Group said parents shopping for holiday toys should look out for hazards such as small parts, soft plastics and lead contamination. Although increased consumer protections were approved this summer, US PIRG warned parents that those rules have not yet gone into effect. AP Photo/Elaine Thompson

behavioural problems and, at very high levels, seizures, coma and death.

Of the seven toys US PIRG tested for lead, three were contaminated.

Phthalates are a big concern for the organization this year. These chemicals are widely used to make plastic products softer and can cause health problems.

The consumer-safety legislation President George W. Bush signed in August set a standard for plastics containing phthal-

ates.

However, the Consumer Product Safety Commission says manufacturers can keep selling phthalate-containing toys until the current stock runs out, because the law doesn't apply retroactively.

"Products containing phthalates are still out there for sale this holiday season," US PIRG's Hitchcock said.

She added that since lab testing is the only way to know if a toy contains phthalates,

Law Offices Of

LARRY BAUTISTA YANG

BANKRUPTCY

WE ARE A DEBT RELIEF AGENCY. WE REPRESENT DEBTORS IN CHAPTER 7, 13, 11 AND 12 OF THE NEW BANKRUPTCY LAW. THIS INCLUDES RELIEF FROM MORTGAGE PAYMENT DEFAULTS AND PRE-FORECLOSURE RELIEF FOR RESIDENCES AND OTHER REAL ESTATE PROPERTIES.

28th Year in Law Practice

Let Me Help You Wipe Out Debt & Obtain A Fresh Start

THOUSANDS OF SUCCESSFUL CASES IN LA, ORANGE, RIVERSIDE, SAN BERNARDINO, VENTURA & SAN DIEGO COUNTIES • CHAPTER 7, 11, 12 & 13 SAME DAY EMERGENCY FILING AVAILABLE

Have you mortgaged your grandchildren to Mastercard and Visa? Snowed under by a mountain of debt? Worried about losing your home and car? Call me immediately today! Yes, I speak Tagalog. No, I won't charge you for consultation. I can help you keep your home, car and other personal properties.

I look forward to help you: discharge debts; stop foreclosures; wage garnishments; stop harassments from collectors; stop repossessions; re-establish credit. Inquiries about personal injury, immigration and divorce also welcome.

- U. S. IMMIGRATION
- DIVORCE & FAMILY LAW
- CIVIL, BUSINESS & REAL ESTATE LITIGATION & TRIALS

Call our office for appointment (626) 284-1142 and ask for Angie or Jess. Atty. Yang will personally interview you

1000 S. Fremont Ave., Building A-1, Suite 1125
Unit 58, Alhambra, CA 91803

Filipino Po Tayo. Free Consultation. Weekend & Evening Appointments Available.