

PROTECTING EMPLOYEE & CONSUMER RIGHTS



ATTY. CONRADO JOE SAYAS

New regulations to stop illegal cancellations of health insurance

are billed as California's first-ever regulatory steps to prevent the industry practice of unfairly rescinding health insurance policies.

The new regulations will seek to do the following:

Set clear and rigorous standards that insurers must meet before they issue a health insurance policy. Insurers must do their underwriting job before they issue the policy.

Require insurers to prove that they have met ALL of the underwriting standards before they can consider rescission.

Put an end to lightweight sloppy underwriting if insurers want to keep the right to rescind.

Require insurers to be 100% sure that an individual knew the answer to a health history question and failed to provide it before considering rescinding that person.

Require insurers to make sure that health insurance applications are accurate and complete.

Require insurers to ask clear and unambiguous health history questions and avoid confusing applicants.

Require agents who assist applicants with their questions to attest to the insurer regarding their assistance, at every stage of the application process.

Encourage insurers to use Personal Health Records instead of potentially confusing health history questionnaires to underwrite applicants.

Provide fair due process protections for consumers who are being investigated for possible rescission including early notice, opportunity to provide input to

the insurers, and the chance to clarify their application. No hidden rescission investigations are allowed under the new rules and this encourages insurers to work with their insureds to resolve questions about the accuracy of their responses.

Require insurers to share documentation used during rescission investigations with the insured under investigation.

A complete text of the regulations can be found in the CDI's website. Implementation of the regulations is expected by the end of 2009, following a public hearing and the regulation finalization period.

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)

BRIDGING FINANCIAL GAPS



EVANGELINE A. GIRON

Elderly parents: How do you get them to plan?

emergencies. That may pave the way for a dialogue on your parents' financial affairs. If not, spell out the chaos and confusion that could result from not addressing the issue. Be patient, be respectful, and have this conversation in several sessions if necessary to smooth feathers.

Designate a point person for your parents' health-care affairs. Ideally this person is designated by your parents, is objective, and has your parents' best interests in mind. It could be you, a sibling, a family friend or one of their trusted confidants.

Have a backup plan. In the event that an estate designee isn't on hand to make a decision, select a second person—ideally one who is equally familiar with your parents' situation.

Discuss drafting a living will. Assure them that this document forces medical providers to honor their personal medical choices in the event of a debilitating condition, such as a terminal illness or coma, when they are no longer able to speak for themselves.

Designate someone to handle their financial and business affairs. Even if a parent is ill or otherwise incapacitated, the bills don't stop coming in. One option is to draft a durable power of attorney.

Join forces with your siblings or other family members to de-

cide your parents' fate if they have passed the point where they can make their own decisions. Conduct good due diligence beforehand when researching the costs of home care, assisted living, retirement homes and other items associated with long-term health care.

Craft your parents' estate plan in a way that passes on assets to heirs as easily as possible.

NOTE: Evangeline is not an attorney nor does she provide legal advice. She prepares legal documents at the specific direction of the client. At your request, she can file your legal documents at the appropriate court. She is a Legal Document Assistant (LDA # 397, registered and bonded in Los Angeles County, expires 3/23/2011). For additional information, please check her website at www.evangelinegiron.net.

Evangeline can be reached at her marketing location at the Ground Floor of Eagle Rock Plaza (in front of Jollibee), 2700 Colorado Blvd., Los Angeles, CA 90041 or at her business address at 655 N. Central Ave., 17th Fl., Glendale, CA 91203, phone number (323) 356-3803 or (323) 254-6787.

The purpose of this article is to provide information of general interest to our clients and prospective clients. The information provided is general in nature and should not be considered complete information on any product or concept described.

(Advertising Supplement)

Who are eligible to apply under Obama's making home affordable program?

LEGAL LIFELINE



ATTY. GENE W. CHOE

QUESTION: My husband and I own two residential properties. In 2004, we took the first mortgage with Countrywide for our own use. Our principal is now about \$420,000; however, the market value of our house went down to \$300,000. In June, 2007, we got a second loan on the house for \$120,000, as an equity line of credit to improve our house. I work as a Licensed Vocational Nurse (LVN) and my husband works in the military. We have two children who are still in school. We can still continue to pay our mortgage but I think that it is unfair for us to continue doing so because there is no equity in our house. In 2006, we got a second house as an investment. The principal loan for this property is \$300,000; and, the second mortgage is about \$110,000. The fair market value of this second property is only \$250,000. We have recently received a notice of default from the bank. We want to keep both properties if we can. Please advise me on what steps to take to keep both properties.

Answer: You are certainly eligible to apply under Obama's Making Home Affordable Program. Recently the California Corporations Commissioner adopted the California Foreclosure Prevention Act to conform to the Department of Treasury Home Affordable Modification Program Guidelines. The program aims to reach homeowners who are suffering serious hardships, decreases in income, increases in expenses, and those who are paying combine mortgage loans higher than the current market value of their house.

The homeowner or applicant must meet the following criteria to qualify under the comprehensive loan modification program:

The residential mortgage loan must be recorded during January 1, 2003 to January 1, 2008;

The borrower/applicant occupies the property as his or her principal residence, and occupied the property as his or her principal residence at the time the loan became delinquent;

The residential mortgage loan is the first lien on the property, and either the property is not subject to a subordinate lien, the subordinate lien has agreed to subordinate to the modified first lien, or an agreement from the subordinate lien holder is not necessary for the first lien to remain in first position upon the modification of the loan;

The property is located in California;

The borrower can document assets, income or likelihood of future earnings to establish the ability to repay the modified loan;

The borrower has not surrendered the property;

The borrower has not contracted with an organization, person or entity whose primary business is advising people who have decided to leave their homes regarding how to extend the foreclosure process and avoid their obligations to the bank or mortgagees; and

The borrower does not have a pending bankruptcy action.

Please note that under this new law, "delinquent" means that the borrower has defaulted on an obligation in the note, deed of trust or mortgage for 30 or more days.

You are certainly qualified to apply under the comprehensive loan modification program for your owner-occupied property. For your second house, however, you can still do regular loan modification by negotiating with each lender for your first and second mortgage.

If you have any loan from countrywide or any of its affiliates, please call our office at 213-639-3888 or e-mail us at cielo@choicelaw.org. Our office is located at 3699 Wilshire Boulevard, Suite 720, Los Angeles, California 90010.

This article does not constitute any legal guarantee or advice for any individual matters and does not create attorney client relationship with the readership.

(Advertising Supplement)

Ang priority date...

PAGE C2 ◀

at naipakita ng dayuhang empleyado na siya ay eligible para sa green card, siya ay maaaring ma-isuhan na ng green card.

Si Attorney Rhea V. Samson ay abogado dito sa California at sa Pilipinas. Siya ay nagturo sa Ateneo De Manila University ng Essentials of Philippine Business Law, Obligations and Contracts, Corporation Law, Partnership Law at Labor Laws and Social Legislation. Siya rin ay nagkatha ng librong, "Working With Labor Laws, A Comprehensive Guide on Conditions of Employment, Employee Benefits Under Special Laws, Termination and Retirement"

na inilathala ng Ateneo de Manila University Press at University of Hawaii Press. Itong libro niya ay kasalukuyang textbook sa kursong Labor Laws and Social Legislation ng Ateneo de Manila University. Siya ay humuhugot ng inspirasyon mula sa kanyang mga magulang na sina Engr. Roger Samson at Gng. Bella Valle Samson, na tubong Batangas.

Nagbibigay si Attorney Samson ng free initial consultation sa kanyang opisina, Samson Law Corporation, 3550 Wilshire Boulevard, Suite 1765, Los Angeles, CA 90010; telephone no: (213)249-1605; fax no: (213)637-5637; email address: samson@samsonlawcorp.com; website: www.samsonlawcorp.com.

(Advertising Supplement)

**To: Restaurant/Health Workers
All Underpaid Workers**

From: Bander Law Firm, LLP

**Re: Get the Thousands of \$\$\$\$ You Deserve
For Your Hardwork**

**California Law Entitles You to Overtime/
Minimum Wages/Interest/\$\$\$Penalties**

**Immigration Status
DOES NOT MATTER.**

**FREE CONSULTATION ON WAGES/HR CLAIMS
IMMIGRATION, PERSONAL INJURY**

---NO RECOVERY, NO FEE---

Bander Law Firm, LLP
Email: info@banderlaw.com

DOWNTOWN OFFICE:
1055 W. 7th Street, Suite 1950,
Los Angeles, CA 90017
Tel: (213) 873-4333
Fax: (213) 873-4334

LAS VEGAS OFFICE:
5155 S. Durango #101
Las Vegas, NV 89148
Tel. (702) 367-8000
Fax (702) 367-8011

For more information, please visit our website:
www.banderlaw.com