

Committee Name:
Senate Committee –
Judiciary, Corrections and Privacy
(SC–JCP)

Appointments

03hr_SC–JCP_Appt_pt00

Committee Hearings

03hr_SC–JCP_CH_pt00

Committee Reports

03hr_SC–JCP_CR_pt00

Clearinghouse Rules

03hr_SC–JCP_CRule_03–

Executive Sessions

03hr_SC–JCP_ES_pt00

Hearing Records

03hr_ab0245

03hr_sb0000

Misc.

03hr_SC–JCP_Misc_pt00

Record of Committee Proceedings

03hr_SC–JCP_RCP_pt00

ROMERO LAW OFFICE, L.L.C.

ATTORNEY ERNESTO ROMERO

P.O. BOX 747

MILWAUKEE, WISCONSIN 53201-0747

MOBILE: (414) 403-9000 e-MAIL: ERLawyer@yahoo.com

e-LAW OFFICE: WWW.CLICK-A-LAWYER.COM AND WWW.WISCONSINFORMS.COM

April 30, 2003

Representative Mark Gundrum
Chairman, Assembly Committee on Judiciary
State Capitol
P.O. Box 8952
Madison, WI 53708

re: Unauthorized practice of law by notarios

Dear Chairman:

Last year, I saw Mr. Fernando R. Oliver who is from Mexico. He had the bad luck of seeing one of Mr. Alberto Villareal's "Servicio Legal" "Para-Legal" business cards on a wall at El Rey's grocery store on 35th and Burhnam St. in Milwaukee. He hired Notario Publico Alberto Villareal to do his divorce case in January of 2002 after he was assured by Mr. Villareal that he would "take care" of his divorce as his lawyer. Mr. Villareal is not a lawyer.

Mr. Oliver's wife, Modesta Gonzales Gardino, resides in Mexico with their two children and never set foot in Wisconsin.

I had met Mr. Oliver at a family law clinic in Milwaukee. He said his "lawyer" had informed him that his paperwork was all filed and his court date was set. I was curious to see the paperwork so I asked him to bring his case file for my review.

Needless to say, his papers were about 80% WRONG! and 90% incomplete. The petition missed very important statutory information and there were serious jurisdictional issues. Modesta had never been served. No admission existed. More importantly, there was a court date alright. . .for his case to be dismissed!

What was Fernando's cost for his Milwaukee Notario experience? Divorce Papers: \$150.00
Copies: \$45.00 Court Fees: \$150.00 Notario Publico Fees: \$250.00 To accompany him to court: \$100.00 Total \$695.00 Contact me, and I can have Mr. Oliver call you regarding this matter. His case number is 02 FA 001-285 and tabbed to Judge Dwyer.

Tougher laws have to be passed so that people are not taken advantage of in legal matters.



Attorney Ernesto Romero
Wisconsin State Bar Id. No.: 01011820

AB 245
?

757.30(2)
 (2) Every person who appears as agent, representative or attorney, for or on behalf of any other person or any firm, partnership, association or corporation in any action or proceeding in or before any court of record, court commissioner, or judicial tribunal of the United States, or of any state, or who otherwise, in or out of court, for compensation or pecuniary reward gives professional legal advice not incidental to his or her usual or ordinary business, or renders any legal service for any other person, or any firm, partnership, association or corporation shall be deemed to be practicing law within the meaning of this section.

CENTRO SAN CARLOS

CONTAMOS CON SERVICIOS DE:

Inmigración	Asesoría para su entrevista en
Cartas de garantía	para el país de su país de origen
Visas V	para el país de su país de origen
Renovación de visas	para el país de su país de origen
Permisos de trabajo	para el país de su país de origen
Ajustes de estatus	para el país de su país de origen
Cartas de soporte financiero	para el país de su país de origen
Servicios de interpretación	para el país de su país de origen

CONTAMOS CON DOS PROFESIONALES PARA DARLE UN MEJOR SERVICIO:

ANGEL CARBAJAL
YESENIA BONILLA

<p>Angel Carbajal</p> <p>160 Geneva St. Williams Bay, WI 53191 262-245-8058</p>	<p>1122 W. Mitchell St. Milwaukee, WI 53204 414-647-8560</p>
--	--

SI TIENE ALGUNA DUDA LLAMENOS POR TELEFONO PARA DARLE UNA CITA. DE LUNES A VIERNES 12:00PM - 6:00PM
SABADOS 10:00PM - 2:00PM

March 8 - 14, 2002

El Conquistador • March 8 - 14, 2002

PK 06
A

757.30(3)
 (3) Every person who uses the words attorney at law, lawyer, solicitor, counselor, attorney and counselor, proctor, law, law office, or other equivalent words in connection with his or her name or any sign, advertisement, business card, letterhead, circular, notice, or other writing, document or design, the evident purpose of which is to induce others to believe or understand the person to be authorized to practice law or who in any other manner represents himself or herself either verbally or in writing, directly or indirectly, as authorized to practice law in this state, shall be deemed to be purporting to be licensed to practice law as an attorney within the meaning of this section.

SERVICIO LEGAL

<ul style="list-style-type: none"> • Inmigración • Tráfico • Cartas de Quijas 	<ul style="list-style-type: none"> • Investigaciones • Traducciones • Recomendación a abogados bilingües 	<ul style="list-style-type: none"> • Viajes para la oficina Consulado Mexicano
--	---	---

PARA-LEGAL

<p>Alberto Villarreal</p> <p>(414) 647-2035 10am - 5pm 1127 S. 37 St. Milwaukee, WI 53215</p>	<p>Alberto Villarreal</p> <p>(920) 967-3000 714 Appleton Rd. Menasha, WI 54952 Appleton/ Greenbay Area</p>	<p>Alberto Villarreal</p> <p>(608) 268-2992 Jue. 10am - 4pm 122 State St. #302 Madison, WI 53703</p>
---	--	--

March 8 - 14, 2002

AILA Issue Papers

American Immigration Lawyers Association

CONSUMER PROTECTION AND THE UNAUTHORIZED PRACTICE OF LAW

ISSUE: Immigration law is complex and in a perpetual state of flux, with both laws and policies changing rapidly and requiring constant monitoring. These factors have created a pressing need to enhance and improve the availability of qualified immigration assistance. This need is made stunningly clear whenever the law changes or even when significant changes have been merely proposed. Not only are there never enough lawyers and authorized legal clinics to help people file petitions and applications, but there are numerous instances of people being victimized by fraudulent immigration consultants. These fraudulent consultants, commonly called "notarios," prey on people who are confused by immigrations laws, unaware of their legal rights, and feel vulnerable as they work their way through the maze of immigration laws. These "consultants" extract thousands of dollars to prepare applications that are not filed or are incorrectly filed. The stakes are high when dealing with immigration law. Filing the wrong documents, missing a deadline, or failing to fully disclose all the facts in a case can mean the difference between legal status, deportation, and in the case of some asylum seekers, even death.

BACKGROUND: There is an epidemic of fraud directed against aliens going through the immigration process or seeking to determine their eligibility under the law. Much of this fraud is being perpetrated by immigration "consultants" who pose as licensed immigration attorneys. Many of these "consultants" target Spanish-speaking immigrants by becoming notaries public in order to advertise as "notarios," who are regarded as "attorneys" in Latin America. These "notarios" attempt to fill the void left when legitimate and professional aid is unavailable. They also take advantage of especially vulnerable consumers who generally are less familiar with the law and their legal rights, unaware of their complexity and when it is in their best interests to seek authorized representation, and are uncomfortable with the culture and customs of the U.S. legal system.

In the 106th Congress, Senator Charles Schumer (D-NY) introduced the Immigration Protection Act of 2000, S. 3074. S. 3074 would have made certain fraudulent immigration consultant practices criminal offenses and provided civil remedies to aggrieved parties. However, this bill focused more on fraud than the unlicensed practice of law or consumer protection. In the House, Representative Luis Gutierrez (D-IL) introduced the Immigration Services Consumer Protection Act of 2000, H.R. 5035, that attempted to control the problem through the licensing of such consultants. AILA believes the approach of licensing these consultants to be misguided.

AILA'S POSITION: AILA supports consumer protection legislation that would:

- Authorize and fund programs to educate immigrants about their rights, ways to secure legal representation, and methods of law enforcement, redress and assistance.
- Establish jurisdiction at the federal level to prosecute fraudulent consultants who are not presently within the purview of federal law enforcement. Federal jurisdiction is needed given the extent of the problem throughout the country and the fact that fraudulent practices are feeding on federal immigration laws.
- Protect immigrant applicants who come forward to turn in fraudulent operations.
- Provide remedies, where appropriate, for immigrants whose rights have been impaired by fraudulent service providers.

To be truly effective in the area of consumer protection, other measures need to be undertaken as well, including: increasing the availability of representation for the poor and indigent; developing outreach measures that highlight the availability of legal representatives and accredited representation and identifying methods for distinguishing this representation from unaccredited representation; promoting increased public service by the immigration bar; improving the accreditation process of the Bureau of Immigration Appeals; seeking state-government level solutions to immigration-related unlicensed practice of law and consumer protection problems; and enhancing the competency of Recognized Organizations.

341P3001
3/4/03

Inland Valley Daily Bulletin

Consultants rip off immigrants, lawyer says *Attorney has sued 40 area advisers for illegal assistance*

By JOE NELSON
STAFF WRITER

Sunday, April 06, 2003 -

The phone calls started flooding the Rialto office of immigration attorney Earl Carter about two years ago.

Some of Carter's former clients, many illegal immigrants, told him they were bilked out of thousands of dollars by immigration consultants they paid to help them obtain the legal right to stay and work in the United States.

They told Carter the consultants promised them it would all be OK. It wasn't.

Many of them have been ordered deported, some because political asylum applications were filed on their behalf. They were denied and INS attention was drawn to them.

Carter has sued nearly 40 immigration consultants in San Bernardino and Riverside counties, alleging they are illegally providing legal advice and engaging in the unauthorized practice of law, keeping original documents of clients, and failing to file a \$50,000 bond with the Secretary of State as required by law.

And those are only some of the allegations detailed in lawsuits filed in March against immigration consultants in San Bernardino, Colton, Bloomington, Victorville, Fontana, Rialto, and Riverside.

Carter said he is paying for the litigation out of his own pocket. He said he is fed up.

"I'm tired of seeing people defrauded by unscrupulous immigration consultants. They have just acted with impunity," Carter said.

The problem is not uncommon and it is proliferating across Southern California.

"The more we get into this, the more people we find," said David H. Ricks, the Rancho Cucamonga attorney who filed the lawsuits on Carter's behalf.

Similar cases have occurred in Orange County, where in March six employees of a Santa Ana immigration counseling service were charged with felony conspiracy and grand theft for false promises of green cards to as many as 200 immigrants who paid as much as \$4,500 to apply for political asylum, a newspaper reported.

Authorities believe there can be 10 times as many cases of asylum fraud across Southern California, the report said.

"As we've found out, the fraud is just so staggeringly blatant," Carter said. "There are just hundreds, if not thousands, of people."

The crux of the problem, Carter said, centers on consultants either failing to communicate the rules to clients as to what is required to be granted political asylum or the consultants just filing political asylum applications without their clients' knowledge.

For most Mexican nationals, granting of asylum is slim unless an extreme hardship, such as fear of persecution, can be proven, Carter said.

Some consultants, considered the paralegals for immigration, guarantee to defend people in deportation hearings and never show up. They pocket the client's money and get them into a heap of trouble, Carter said.

Consultants are not authorized to act as legal counsel or give legal advice. They can help clients fill out legal forms such as political asylum or other residency application forms, and that's it, Carter said.

Luis R. Mendez, a former Riverside immigration consultant whose whereabouts now remain unknown, is one person Carter has sued.

Mendez is accused of bilking Abigail Hernandez De Villa, 46, a former San Bernardino resident now living in Perris, out of \$2,000. He offered to represent her at a deportation hearing in October. He told her not to show up for the hearing, even though she was informed by mail she needed to be present.

"He said "Don't worry. You don't need to go to court. I'll take care of it. Just give me \$2,000," De Villa said in Spanish.

De Villa, who has resided in the United States since 1989, heeded Mendez's request and didn't show for the hearing. A judge ordered her deported.

Carter is trying to reopen De Villa's case, and feels confident he will be able to prove she was defrauded. He said De Villa may be allowed to stay in the United States because she has relatives living here.

Mendez has since closed his Orange Street office in Riverside, where he worked for 10 years. He took off with dozens of cardboard boxes stuffed with clients' documents, Carter said.

Carter is hoping he could draw attention to the problem from local law enforcement and the District Attorney's Office.

But investigating and prosecuting such crimes gets muddled in complication, said Deputy District Attorney Michael Martinez, the District Attorney's Office's liaison to the Mexican Consulate.

For one, many illegal immigrants are reluctant to report such crimes to authorities out of fear of drawing attention to their illegal status, Martinez said.

"When you're dealing with the Latin American culture, there's a certain level of suspiciousness that is associated with law enforcement," Martinez said.

Another problem, Martinez said, is finding detectives who could effectively pull the wool over a fraudulent immigration consultant by acting as an undocumented immigrant during an investigation.

"(Immigration consultants) are used to a certain type of clientele that walks in," Martinez said. "From a law enforcement standpoint, it would be rather difficult to go undercover and represent yourself as, say, a Guatemalan national."

The best line of defense, Martinez said, is for victims of such crimes to report them to the Mexican Consulate and educate themselves about the dangers of falling prey to such bogus consultants.

Officials from the Mexican Consulate in San Bernardino couldn't be reached for comment.

Attorney General Abbott Targets Fraudulent "Notarios" And Others Who Scam Immigrants

**From: The Texas District Attorneys
February 14, 2003**

Takes action against Austin notary who unlawfully processed immigration paperwork for clients
EL PASO - Texas Attorney General Greg Abbott today issued a warning about an ongoing scam targeting Hispanic immigrants throughout Texas perpetrated by con artists posing as licensed attorneys or other legal experts.

Accompanied by members of the local clergy, consular officials, and nonprofit organizations, Attorney General Abbott announced a public outreach effort to educate potential targets about ways they can protect themselves from this type of crime.

Abbott also announced a judgment against a Travis County woman perpetrating this type of fraud against immigrants in the Austin area.

The scam plays off the similar sounds but different meanings of the English term "notary" and the Spanish term "notario."

In Texas, a notary is someone licensed to witness the signing of legal documents. In most Latin American countries, however, a "notario" implies that the person is a licensed attorney. Texas law specifically prevents notaries from providing any type of immigration service unless they hold a separate license to practice law.

In a common scam, a person obtains a notary public license in Texas yet presents himself to Spanish-speaking clients as a "notario público" or licensed attorney who can help the customer with the immigration process.

Many con artists charge hundreds or thousands of dollars to allegedly provide legal assistance in processing INS applications. However, in many cases, the scam artists disappear with the money; charge high fees for filing unnecessary documents; or perform poor quality services that jeopardize clients' cases.

"The abuses perpetrated by fraudulent 'notarios' and their likes have caused much suffering for Texas families," said Attorney General Abbott. "These schemes also create chaos in an already overburdened immigration system," he added.

The Travis County judgment was against Barbara Seigert, a notary public, who had offered to fill out and process immigration forms on behalf of consumers. Today's judgment stops Ms. Seigert from selling her services to immigrants or using the Spanish terms "notario" or "notario público" in her advertising. She also faces more than \$4,000 in fines, attorneys fees, and restitution. Repeat violators of the notary statute can face jail time.

The Office of the Attorney General will hold an open house in El Paso on Saturday, February 15, from 11:00 a.m. to 3:00 p.m. to take reports from victims scammed by fraudulent notarios públicos in the area. On that date, affected consumers in El Paso can file complaints in person at St. Pius X Catholic Community Church, 1050 North Clark.

The Attorney General's efforts will be assisted by Mexican consulate and immigration advocates. Similar events will take place later this year in other Texas cities. The outreach events organized by Attorney General Abbott serve to encourage consumers to file reports against those who perpetrate these frauds. Although scams against immigrants have been a longstanding problem in Texas, many consumers are hesitant to report the incidents to authorities.

"For too long victims have been silent. This has allowed hundreds of rogue notaries and other operators to line their pockets and provide little in the way of service," he said.

Victims can also call the Attorney General's office toll free at 1-800-252-8011 or visit the Attorney General's Web site at www.oag.state.tx.us to obtain complaint forms, which are available in both Spanish and English.

DISCIPLINE

Immigration lawyer suspended for work with 'notarios'

Continued from Page 19

the nine cases, he served only as an "appearance attorney," making court appearances but not preparing or filing his clients' immigration applications and other papers. Those documents were properly prepared by nonattorney immigration services providers, who also advise aliens about U.S. immigration laws and refer the aliens to licensed attorneys, Valinoti said. He should not have been accused of failing to perform legal services he never agreed to perform, he argued.

Review Judge Ronald Stovitz said non-attorney consultants routinely present themselves as experts, engage in personal solicitation of clients at INS offices and the immigration court and advertise their services to non-English speaking clients in newspapers and the telephone book. At the time of Valinoti's misconduct, the provider often said he could obtain a work permit and charged a flat fee ranging from \$2,000 to \$4,000 to handle a case and prepare the paperwork. Many of the applications fraudulently sought political asylum and when they were denied, the alien faced deportation.

At that point, the decision says, the immigration consultant would refer the alien to an attorney, often waiting until the day of the hearing. Stovitz said the consultant usually waited in the immigration court-

house hallways looking for Valinoti, introduced the client, arranged for an appearance and usually paid Valinoti a cash appearance fee — an average of \$150. Stovitz estimated that Valinoti earned \$250,000 in both 1996 and 1997.

Although Valinoti said the client almost always wished to return to the immigration consultant for further services after a hearing, the court rejected his assertion. Further, Stovitz said that once an attorney files a form known as an EOIR-27, he or she becomes attorney of record, cannot withdraw without the court's permission and has "the duty to competently represent the client before the immigration court and to properly prepare each and every application, pleading and document necessary for proper representation of that client."

Valinoti's failure to do so violated federal regulations, Stovitz said. In addition, by allowing nonlawyers to prepare the pleadings, he helped them engage in the unauthorized practice of law, actions constituting moral turpitude, the judge said.

Stovitz rejected Valinoti's claims that his actions were unintentional, the result of simple negligence or honest mistakes and the doings of a relatively inexperienced lawyer. Instead, Stovitz said, Valinoti "engaged in a course of practicing

law that was reckless and involved gross carelessness."

The court also criticized Valinoti for failing to keep adequate records, maintaining an excessive caseload with inadequate support staff and for moving his offices repeatedly without notifying his clients.

The decision described Valinoti running from courtroom to courtroom looking for his clients and looking for an interpreter so he could communicate with clients. He was frequently late or missed appearances altogether, but "never properly sought an extension of time or properly requested a continuance of a hearing," Stovitz said.

Although Valinoti's case was filed before the 1997 veto of the State Bar's fee bill and subsequent near-shutdown of the discipline system, the ruling comes at a time when the bar is teaming up with law enforcement to crack down on the unauthorized practice of law (UPL), particularly in immigrant communities.

Under state law, immigration consultants are limited to providing basic assistance, such as filling out forms, and are not allowed to give legal advice or fill out asylum applications. Authorities believe that in many instances, immigration lawyers work with non-attorney consultants, blurring their roles and placing clients in jeopardy.

Suspensions

Continued from Page 23

make restitution and take the MPRE. Credit shall be given for the period of interim suspension which began Aug. 31, 2001. The order took effect Aug. 1, 2002.

Dayanim pleaded guilty in 2000 to possessing a false identification document, a counterfeit Iranian bank certificate in another man's name, with the intent to defraud the government.

In mitigation, a case agent said Dayanim was a peripheral participant in a scheme involving 15 people using false information to obtain visas. He also has performed community service.

LAWRENCE A. MERRYMAN (#28984), 71, of Bakersfield was suspended for one year, stayed, placed on two years of probation with a 30-day actual suspension and was ordered to make restitution and attend ethics school. The order took effect Aug. 17, 2002.

Merryman stipulated that he failed to comply with probation conditions attached to a private reapproval in 2000. He has not made restitution or submitted proof of attendance at ethics school.

The reapproval was imposed as a result

services competently, promptly refund unearned fees and maintain complete records of client funds.

In mitigation, he suffered from severe financial stress because several clients did not pay their legal fees. Because Merryman has recently been able to collect some fees, he can now afford to make restitution and to attend ethics school.

JAMES KASIMIR O'BRIEN (#168485), 42, of Marina del Rey was suspended for 24 months, stayed, placed on 36 months of probation with a 10-month actual suspension and was ordered to prove his rehabilitation, make restitution, take the MPRE and comply with rule 955. The order took effect Aug. 17, 2002.

O'Brien stipulated to misconduct in eight consolidated matters.

He deposited personal funds in his client trust account, which he used to pay personal and business expenses, and he wrote 28 checks against insufficient funds in the trust account. He practiced law while suspended by making numerous court appearances on behalf of five clients and he did not comply with rule 955, as ordered in a 2001 discipline.

In two matters, he stipulated to failing to perform legal services competently. In

client in a bankruptcy matter, but he never filed the petition and did not refund his client's unearned \$200 advance fee. In the second, he represented a client in a child custody dispute but did not submit an evidence list to the court prior to the court date. His lack of knowledge about procedures for returning children in custody disputes also delayed the return of his client's child by 30 days. He also owes his client \$750, half of the advance fee.

In mitigation, O'Brien cooperated with the bar's investigation, he made restitution to one client and he had emotional difficulties which led to substance abuse. He underwent residential treatment and has been sober for 17 months.

RICHARD S. PAUL (#90142), 58, of Newport Beach



was plac
an a
orde
be c
whic
took
F
terr
tenc
Stat
sion
T
199
Paul
boy
days
suic
thing
In
ry of
dent
coc

T
&
TRA
design
SEA
CC
(U
TR
ST
EX
DE
CC
PA
INT
D
(for
& 15
RESE
COUR
APPE
standa
of Apl
Over
conne
GOVI

T
sul
stre
pro

292 REPRESENTATION AND APPEARANCES

AUTHORITY: 8 U.S.C. 1103, 1252b, 1362.

§ 292.1 Representation of others.**(a)--**

A person entitled to representation may be represented by any of the following:

(1)--Attorneys in the United States.

Any attorney as defined in § 1.1(f) of this chapter.

(2)--Law students and law graduates not yet admitted to the bar.

A law student who is enrolled in an accredited law school or a law school graduate who is not yet admitted to the bar, provided that:

(i)--

He or she is appearing at the request of the person entitled to representation;

(ii)--

In the case of a law student, he or she has filed a statement that he or she is participating, under the direct supervision of a faculty member, licensed attorney, or accredited representative, in a legal aid program or clinic conducted by a law school or non-profit organization, and that he or she is appearing without direct or indirect remuneration from the alien he or she represents;

(iii)--

In the case of a law graduate, he or she has filed a statement that he or she is appearing under the supervision of a licensed attorney or accredited representative and that he or she is appearing without direct or indirect remuneration from the alien he or she represents; and

(iv)--

The law student's or law graduate's appearance is permitted by the official before whom he or she wishes to appear (namely an immigration judge, district director, officer-in-charge, regional director, the Commissioner, or the Board). The official or officials may require that a law student be accompanied by the supervising faculty member, attorney, or accredited representative.

(3)--Reputable individuals.

Any reputable individual of good moral character, provided that:

(i)--

He is appearing on an individual case basis, at the request of the person entitled to representation;

(ii)--

He is appearing without direct or indirect remuneration and files a written declaration to that effect;

(iii)--

He has a pre-existing relationship or connection with the person entitled to representation (e.g., as a relative, neighbor, clergyman, business associate or personal friend), provided that such requirement may be waived, as a matter of administrative discretion, in cases where adequate representation would not otherwise be available; and

(iv)--

His appearance is permitted by the official before whom he wished to appear (namely, a special inquiry officer, district director, officer-in-charge, regional commissioner, the Commissioner, or the Board), provided that such permission shall not be granted with respect to any individual who regularly engages in immigration and naturalization practice or preparation, or holds himself out to the public as qualified to do

so.

(4)--Accredited representatives.

A person representing an organization described in § 292.2 of this chapter who has been accredited by the Board.

(5)--Accredited officials.

An accredited official, in the United States, of the government to which an alien owes allegiance, if the official appears solely in his official capacity and with the alien's consent.

(6)--Attorneys outside the United States.

An attorney other than one described in § 1.1(f) of this chapter, who is licensed to practice law and is in good standing in a court of general jurisdiction of the country in which he/she resides and who is engaged in such practice. Provided that he/she represents persons only in matters outside the geographical confines of the United States as defined in section 101(a)(38) of the Act, and that the Service official before whom he/she wishes to appear allows such representation as a matter of discretion.

(b)--Persons formerly authorized to practice.

A person, other than a representative of an organization described in § 292.2 of this chapter, who on December 23, 1952, was authorized to practice before the Board and the Service may continue to act as a representative, subject to the provisions of § 292.3 of this chapter.

(c)--Former employees.

No person previously employed by the Department of Justice shall be permitted to Act as a representative in any case in violation of the provisions of 28 CFR 45.735-7.

(d)--Amicus curiae.

The Board may grant permission to appear, on a case-by-case basis, as amicus curiae, to an attorney or to an organization represented by an attorney, if the public interest will be served thereby.

(e)--

Except as set forth in this section, no other person or persons shall represent others in any case.

Legislative History

[40 FR 23271, May 29, 1975; 53 FR 7727, Mar. 10, 1988; 55 FR 49250, Nov. 27, 1990; 62 FR 23634, May 1, 1997]

§ 292.2 Organizations qualified for recognition; requests for recognition; withdrawal of recognition; accreditation of representatives; roster.

(a)--Qualifications of organizations.

A non-profit religious, charitable, social service, or similar organization established in the United States and recognized as such by the Board may designate a representative or representatives to practice before the Service alone or the Service and the Board (including practice before the Immigration Court). Such organization must establish to the satisfaction of the Board that:

(1)--

It makes only nominal charges and assesses no excessive membership dues for persons given assistance; and

(2)--

It has at its disposal adequate knowledge, information and experience.

(b)--Requests for recognition.

An organization having the qualifications prescribed in paragraph (a) of this section may file an application

for recognition on a Form G-27 directly with the Board, along with proof of service of a copy of the application on the district director having jurisdiction over the area in which the organization is located. The district director, within 30 days from the date of service, shall forward to the Board a recommendation for approval or disapproval of the application and the reasons therefor, or request a specified period of time in which to conduct an investigation or otherwise obtain relevant information regarding the applicant. The district director shall include proof of service of a copy of such recommendation or request on the organization. The organization shall have 30 days in which to file a response with the Board to a recommendation by a district director that is other than favorable, along with proof of service of a copy of such response on the district director. If the Board approves a request for time to conduct an investigation, or in its discretion remands the application to the district director for further information, the organization shall be advised of the time granted for such purpose. The Service shall promptly forward the results of any investigation or inquiry to the Board, along with its recommendations for approval or disapproval and the reasons therefor, and proof of service of a copy of the submission on the organization. The organization shall have 30 days from the date of such service to file a response with the Board to any matters raised therein, with proof of service of a copy of the response on the district director. Requests for extensions of filing times must be submitted in writing with the reasons therefor and may be granted by the Board in its discretion. Oral argument may be heard before the Board in its discretion at such date and time as the Board may direct. The organization and Service shall be informed by the Board of the action taken regardi Any recognized organization shall promptly notify the Board of any changes in its name, address, or public telephone number.

(c)--Withdrawal of recognition.

The Board may withdraw the recognition of any organization which has failed to maintain the qualifications required by § 292.2(a). Withdrawal of recognition may be accomplished in accordance with the following procedure:

(1)--

The Service, by the district director within whose jurisdiction the organization is located, may conduct an investigation into any organization it believes no longer meets the standards for recognition.

(2)--

If the investigation establishes to the satisfaction of the district director that withdrawal proceedings should be instituted, he shall cause a written statement of the grounds upon which withdrawal is sought to be served upon the organization, with notice to show cause why its recognition should not be withdrawn. The notice will call upon the organization to appear before a special inquiry officer for a hearing at a time and place stated, not less than 30 days after service of the notice.

(3)--

The special inquiry officer shall hold a hearing, receive evidence, make findings of fact, state his recommendations, and forward the complete record to the Board.

(4)--

The organization and the Service shall have the opportunity of appearing at oral argument before the Board at a time specified by the Board.

(5)--

The Board shall consider the entire record and render its decision. The order of the Board shall constitute the final disposition of the proceedings.

(d)--Accreditation of representatives.

An organization recognized by the Board under paragraph (b) of this section may apply for accreditation of persons of good moral character as its accredited representatives. An organization may apply to have a representative accredited to practice before the Service alone or the Service and the Board (including practice before immigration judges). An application for accreditation shall fully set forth the nature and extent of the proposed representative's experience and knowledge of immigration and naturalization law

and procedure and the category of accreditation sought. No individual may submit an application on his or her own behalf. An application shall be filed directly with the Board, along with proof of service of a copy of the application on the district director having jurisdiction over the area in which the requesting organization is located. The district director, within 30 days from the date of service, shall forward to the Board a recommendation for approval or disapproval of the application and the reasons therefor, or request a specified period of time in which to conduct an investigation or otherwise obtain relevant information regarding the applicant. The district director shall include proof of service of a copy of such recommendation or request on the organization. The organization shall have 30 days in which to file a response with the Board to a recommendation by a district director that is other than favorable, with proof of service of a copy of such response on the district director. If the Board approves a request for time to conduct an investigation, or in its discretion remands the application to the district director for further information, the organization shall be advised of the time granted for such purpose. The district director shall promptly forward the results of any investigation or inquiry to the Board, along with a recommendation for approval or disapproval and the reasons therefor, and proof of service of a copy of the submission on the organization. The organization shall have 30 days from the date of service to file a response with the Board to any matters raised therein, with proof of service of a copy of the response on the district director. Requests for extensions of filing times must be submitted in writing with the reasons therefor and may be granted by the Board in its discretion. Oral argument may be heard before the Board in its discretion at such date and time as the Board may direct. The Board may approve or disapprove an application in whole or in part and shall inform the organization and the district director of the action taken with regard to an application. The accreditation of a representative shall be valid for a period of three years only; however, the accreditation shall remain valid pending Board consideration of an application for renewal of accreditation if the application is filed at least 60 days before the third anniversary of the date of the Board's prior accreditation of the representative. Accreditation terminates when the Board's recognition of the organization ceases for any reason or when the representative's employment or other connection with the organization ceases. The organization shall promptly notify the Board of such changes.

(e)--Roster.

The Board shall maintain an alphabetical roster of recognized organizations and their accredited representatives. A copy of the roster shall be furnished to the Commissioner and he shall be advised from time to time of changes therein.

Legislative History

[40 FR 23272, May 29, 1975; 49 FR 44086, Nov. 2, 1984; 62 FR 9071, Feb. 28, 1997]

Scams targeting illegal migrants increase

Page 1 of 3

The Official Herald
Herald.com

Posted on Sun, Jan. 19, 2003

Scams targeting illegal migrants increase

A 'desperate' quest for visas or asylum

BY CHRISTINA HOAG
choag@herald.com

South Florida immigration scams are mushrooming because of foreigners' growing desperation about Washington's tightened visa rules and a burgeoning influx of South Americans, legal aid groups report.

Numbers are hard to come by in the shadowy world of illegal immigrants, but their advocates report a swelling tide of complaints about "immigration consultants" and *notarios públicos*, or notary publics.

Political asylum for Colombians, for example, has practically turned into an industry. In 1999, Colombians filed 427 petitions. In 2002, that number skyrocketed to 8,115, according to preliminary Immigration and Naturalization Service figures provided by the Colombian American Service Association (CASA). At the same time, approvals are plummeting -- from 65 percent in 2000, to 39 percent last year.

Political and economic troubles in Colombia, Argentina and Venezuela have caused immigration from those countries to swell. At the same time, the tougher U.S. border controls since the September 2001 terrorist attacks have sent immigrants looking for ways around the restrictions.

"This is resurging with a vengeance in Miami with all the Argentines, Venezuelans and Colombians coming in," said Radamés Peguero, executive director of the Dominican American National Foundation. "We get complaints from people every day. It has to be stopped because they're doing our people a lot of harm."

These virtually unregulated businesses charge foreigners hundreds, sometimes thousands, of dollars for often shoddy paperwork and misleading advice that can irrevocably damage an immigrant's chance to stay in the United States.

In August 2000, The Herald published a two-part series exposing the problem, but authorities have done little if anything to combat unscrupulous consultants, who largely operate illegally by practicing law without a license.

The Miami-Dade state attorney's office had said after The Herald series that it would crack down. But David Mayer, a spokesman for the office, says it received too few complaints to warrant special action.

Immigrant advocates say the problem has now increased substantially. "People are increasingly desperate because there is little relief from deportation," said Randy McGroarty, executive director of Catholic Charities Legal Services. "The demand is huge, but there are not enough private lawyers and not enough pro-bono lawyers."

ASYLUM PETITION

Take Félix, a 55-year-old Colombian politician who received death threats after denouncing a congressman's ties to drug dealers. On a friend's advice, he turned to a consultant for a political asylum petition.

Scams targeting illegal migrants increase

Page 2 of 3

The woman charged him \$700 to fill out the forms, \$1,100 for a translator who Félix later found out was her son's teenage girlfriend, and \$50 for a half-hour prep session for the INS interview. The coach: a friend of the woman's who had obtained asylum.

When Félix angrily balked at paying additional fees, the woman threatened to report him to the INS, Félix said. His case, filed in deficient English without necessary substantiation, was rejected.

"I am a university-graduated economist," said Félix, who like other interviewed immigrants did not want his name used out of fear of persecution and deportation. "I have a coffee farm. I was someone in Colombia. But here I am zero. When you come to this country, you don't know where to turn. I put myself in the hands of this woman, and with all my experience, she played me for a fool."

Washington's border-security drive is also making obtaining everything from student visas to permanent residency much more difficult. "Every time there's a change in immigration law or perceived change, *notarios* come out of the woodwork," said Judy Golub of the American Immigration Lawyers Association.

Foreigners become easy prey for consultants who raise false hopes about their chances for a visa, and who have no qualms about filing weak or bogus cases as long as they get their fees, lawyers charge.

"Many times, a real immigration attorney is not going to tell them what they want to hear," said Chi Chi Wu, of the National Consumer Law Center.

Moreover, many immigration consultants, often notary publics or paralegals, play on the difference between the United States and Latin America, where *notarios públicos* are quasi-lawyers. Latin immigrants commonly assume that *notarios* here have some official status.

But sometimes they can barely write in English. In one asylum petition filed by Miami's Centro de Ayuda para Latinoamericanos and on file as a complaint with The Florida Bar, the English is almost incomprehensible. "Sidewalk" is used repeatedly to mean "town," for example. Centro President Zayra Duarte said her company uses only certified translators.

Consultants are often shielded by the fact that many clients are undocumented immigrants, do not speak English, or simply distrust authorities, who are often corrupt in their home countries. Few make formal complaints.

"It's a very easy community to rip off," said Julio Jaramillo, president of CASA, which receives about 70 complaints a month about notaries.

Blanca, a 54-year-old Colombian, says she gave \$400 to All in One Immigration Services in Hialeah to process her asylum application, which would get her a work permit within 30 days.

After waiting for six months, Blanca says, she demanded her money back and received a \$300 check. She says it bounced. "When I called, they said they would call the police and have me deported," she said.

Elizabeth Hidalgo, a paralegal who heads All in One, said she has never threatened anyone. "I have been doing this for 20 years. I'm not going to risk my reputation," she said. "I am a former employee with the state attorney's office. I just fired an employee for mistreating a client."

Immigration consultants say they legitimately provide an alternative to lawyers who charge exorbitant fees and clearly inform clients that they are not attorneys.

"People come to us to present their case, not for a consultation," Duarte said. "We have obtained

Scams targeting illegal migrants increase

Page 3 of 3

asylum for people whose cases were turned down by a lawyer. They need to have a chance to present their case."

COURT'S VIEW

According to the Florida Supreme Court, immigration consultants are allowed to operate but strictly as "a secretarial service. They can get forms, hand the form to the person, who gives it back to be typed up," said Lori Holcomb, unlicensed-practice counsel for The Florida Bar.

"If you hold yourself as doing anything more than that -- telling a person what type of visa you can get or what you should put in an application -- you are practicing law without a license."

A few clients do file complaints, but the offense is only a misdemeanor with a maximum penalty of a \$1,000 fine and an order for the business to stop. Many keep going.

Take the Apostolic Mission of Christ, a Miami church. The Florida Bar has a file of eight complaints, dating from several years ago, about the church's immigration service.

Church representatives have signed a number of cease-and-desist affidavits in which they admit no wrongdoing, but swear not to perform tasks such as "prepare legal forms for another person" or "obtain information verbally from another completion of INS forms."

The church continues to process immigration cases and holds weekend asylum informational sessions.

Miriam Bukawyn, wife of church President Peter Bukawyn, told The Herald she did not know anything about the matter. She and her husband have signed cease-and-desist affidavits.

Lawyers say that what is really needed is legislation that regulates consultants and toughens penalties. Several states with large foreign-born populations, including California, New Jersey and New York, have adopted such laws, and even some cities. But not Florida or Miami.

State Rep. Juan Carlos Zapata, R-Miami-Dade, said he plans to introduce such legislation. "We have to hold these people accountable," he said.



Pedro Colón

STATE REPRESENTATIVE

August 26, 2003

Testimony in Support of Assembly Bill 245 Senate Committee on Judiciary, Corrections and Privacy

By
Representative Pedro Colón

Good afternoon Chairman Zien and Committee Members. Thank you for allowing me to speak to in support of Assembly Bill 245 (AB 245) relating to the topic of notaries public. This bill aims to stop the false advertisement of notaries public who seek to provide services they cannot lawfully supply.

The importance of useful and lawful notaries public encompasses a number of different areas. Not only is it the corner stone of a successful court system but it also provides consumer protection to our citizens.

The only way to relay the importance of notary publics and the seriousness of this issue in relations to the public consumers is to explain the history of notaries public. In the Roman era when people could not write, certain literate and trustworthy citizens were hired to write out important documents such as contracts and wills. This function became know as "Notarius."

When the Roman Empire expanded so did the Notary. The use of notaries expanded through to the Colonial age when merchants on both sides of the Atlantic depended on Notaries as honest third parties.

The common presumption among many is that notary publics are not needed in modern society. It is not the case. Society is more complex then ever, as business, and legal transactions increase. Notaries are needed ensure the integrity of the transactions. Notaries public serve as the first line of defense against fraud. Without notaries our courts would become over whelmed with documents that were signed illegally in addition to the already overworked court system.

The changes I propose in AB 245 are the first step to reform. It is important to stop the consumer flow towards fraudulent service and increase the punishment to deter people from taking part in these unethical practices.

Although this bill would serve to protect all consumers it has the largest impact on the Latino community and often immigrant populations. The Latino population has doubled in the state of Wisconsin over the past ten year and has become the largest minority population in the nation.

8th Assembly District

This increase in population has invited fraud perpetrated on unsuspecting consumers. Many people who are victimized by the fraudulent services of so-called "notarios" are immigrants seeking help to legalize their residency. Notaries public who take advantage of cultural differences are exploiting people for their own benefit. Their practices are morally and legally questionable.

Words often used to falsely represent the service include, "notario," "notarizaciones," "notarizamos," or "notario publico." The use of these words often confuses Spanish-speaking residents due to the meaning. In many Latino countries, for example, a "notario" or notary public takes on a different meaning. It is translated to mean attorney. In the United States, as stated in the introduction of the bill a notary public does not have to be an attorney. One only has to fulfill only a few minor qualifications. This bill would, provide legal protection to consumers and stop practices of deception, fraudulent services and false advertisement.

Under AB 245, a notary public that is not an attorney cannot:

- State or imply that he or she is licensed to practice law;
- Solicit or accept compensation to prepare documents, represent in a judicial or administrative proceeding in issues relating to immigration to the United States or U.S. citizenship;
- Solicit or accept compensation to obtain relief of any kind on behalf of another person from any officer, agent, or employee of this state, a political subdivision of this state, or the United States;
- Use the phrases "notario," "notarizaciones," "notarizamos," or "notario publico," in any form of advertisement; and
- If the above words are used then it should be posted in the same type size and capital letters "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN WISCONSIN, AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE."

Failure to meet the above requirements would result in a fine of no more than \$10,000 or imprisoned for not more than 9 months or both. A second offense would conclude in a Class H felony.

On June 4th of this year Assembly Bill 245 was adopted on a voice vote in the State Assembly.

It is my pleasure to continue supporting immigrant and consumer protection issues. It is the wish of my constituents and myself to see this bill made into law as I hope it is yours as well. Thank you again for allowing me to speak in support of AB 245 today.



STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY
 VICE CHAIRPERSON
 COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM
 MEMBER
 COMMITTEE ON SENATE ORGANIZATION
 COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
 COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS
 SENTENCING COMMISSION
 COUNCIL ON TOURISM
 JUDICIAL COUNCIL

AUG 27 2003

MEMORANDUM

TO: Senator Cathy Stepp, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: August 27, 2003 (hand delivered 11:30am)

RE: Paper Ballot for SB98, SB195, SB231, AB52, AB62, AB245, AB252 (3 pages)

Please consider the following bills and vote on the motions below. **Return this ballot to Senator Dave Zien, Room 15 South, no later than 12:00pm (noon) Thursday, August 28, 2003.** Committee members' ballots not received by the deadline will be marked as not voting.

Senate Bill 98

Relating to: housing of county prisoners from Michigan in Wisconsin county jails.

By Senators S. Fitzgerald, Welch, Schultz, Stepp, Roessler, A. Lasee, Jauch, Cowles and Hansen; cosponsored by Representatives Gard, Seratti, M. Williams, Van Roy, Bies, D. Meyer, Friske, Ainsworth, Krawczyk, F. Lasee, Ott, M. Lehman, J. Lehman, Hines, Loeffelholz, Hahn, Nass, Stone, Vrakas, LeMahieu, Ladwig and Jensen.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 98 be recommended for PASSAGE:

Aye No

Senate Bill 195

Relating to: live birth or the circumstance of being born alive.

By Senators Lazich, Stepp, Roessler, Harsdorf, Breske, Zien, Schultz, Kedzie, S. Fitzgerald, Kanavas, Leibham, A. Lasee, Reynolds, Welch and Brown; cosponsored by Representatives Gundrum, Vukmir, Weber, Krawczyk, A.



OFFICE: P.O. BOX 7882 • STATE CAPITOL • MADISON, WI 53707-7882
 PHONE (608) 266 7511 • FAX (608) 267 6794 E-MAIL SEN.ZIEN@LEGIS.STATE.WI.US • Website: WWW.LEGIS.STATE.WI.US
 SENATE DISTRICT: 505 S. DEWEY STREET, SUITE 214 • EAU CLAIRE, WI 54702 • PHONE: (715) 834 7723

PRINTED ON RECYCLED PAPER



Williams, Towns, McCormick, Albers, Ladwig, Nischke, Jeskewitz, Hundertmark, Staskunas, Grothman, Van Roy, J. Fitzgerald, Ainsworth, Hines, Petrowski, Nass, Freese, LeMahieu, Gottlieb, Kreibich, Huebsch, Vrakas, Ott, J. Wood, Pettis, Kestell, Suder, Hahn, M. Lehman, Gunderson, Friske, Loeffelholz, Lothian, Bies and Jensen.

- Moved by Senator Zien that SENATE BILL 195 be recommended for PASSAGE:

Aye No

Senate Bill 231

Relating to: changing the interest rate applicable in court actions. By Senators Schultz, Lazich, Reynolds and Risser; cosponsored by Representatives Grothman, Kestell, Ainsworth, Albers, Friske, Gunderson, Gundrum, Hahn, Hines, Hundertmark, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, LeMahieu, McCormick, Musser, Olsen, Ott, Owens, Petrowski, Seratti, Van Roy and Bies.

- Moved by Senator Zien that SENATE BILL 231 be recommended for PASSAGE:

Aye No

Assembly Bill 52

Relating to: changing the name of a minor. By Representatives Foti, Van Roy, Lassa, Montgomery, Olsen, M. Lehman, Hahn, Stone, Ward, Jeskewitz, Ladwig, Hines, Owens, Musser, Ainsworth, Hundertmark, Gunderson, Ott, Kreibich, Huebsch, Townsend and Colon; cosponsored by Senators Wirch, Roessler and Risser.

- Moved by Senator Zien that ASSEMBLY BILL 52 be recommended for CONCURRENCE:

Aye No

Assembly Bill 62

Relating to: dispositional orders for truancy or habitual truancy and the disclosure of juvenile records by a juvenile court or a municipal court.

By Representatives Ladwig, Olsen, Ainsworth, Albers, Bies, Gielow, Grothman, Hahn, Hines, Kerkman, Kestell, F. Lasee, Lassa, J. Lehman, M. Lehman, Musser, Ott, Owens, Seratti, Stone, Townsend, Vukmir, Ziegelbauer and Hundertmark; cosponsored by Senators Stepp, S. Fitzgerald and Roessler.

- Moved by Senator Zien that ASSEMBLY BILL 62 be recommended for CONCURRENCE:

Aye ✓ No _____

Assembly Bill 245

Relating to: notaries public who are not attorneys and providing penalties.

By Representatives Colon, Townsend, Ladwig, Pocan, Bies, Albers, Plouff, Berceau, Gielow, Lothian and Lassa; cosponsored by Senators Stepp, Carpenter, Schultz and Hansen.

- Moved by Senator Zien that ASSEMBLY BILL 245 be recommended for CONCURRENCE:

Aye ✓ No _____

Assembly Bill 252

Relating to: housing of county prisoners from Michigan in Wisconsin county jails.

By Representatives Gard, Seratti, M. Williams, Van Roy, Bies, D. Meyer, Friske, Ainsworth, Krawczyk, F. Lasee, Ott, M. Lehman, J. Lehman, Hines, Loeffelholz, Hahn, Nass, Stone, Vrakas, LeMahieu, Ladwig, Jensen, J. Fitzgerald, Grothman and Petrowski; cosponsored by Senators S. Fitzgerald, Welch, Schultz, Stepp, Roessler, A. Lasee, Jauch, Cowles and Hansen.

- Moved by Senator Zien that Senate Amendment (LRBa0872/1) to ASSEMBLY BILL 252 be recommended for INTRODUCTION AND ADOPTION:

Aye ✓ No _____

- Moved by Senator Zien that ASSEMBLY BILL 252 be recommended for CONCURRENCE AS AMENDED by LRBa0872/1:

Aye ✓ No _____

Signature Cathy Stepp
Senator Cathy Stepp



STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY
 VICE CHAIRPERSON
 COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM
 MEMBER
 COMMITTEE ON SENATE ORGANIZATION
 COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
 COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS
 SENTENCING COMMISSION
 COUNCIL ON TOURISM
 JUDICIAL COUNCIL

MEMORANDUM

TO: Senator Gary George, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: August 27, 2003 (hand delivered 11:30am)

RE: Paper Ballot for SB98, SB195, SB231, AB52, AB62, AB245, AB252 (3 pages)

Please consider the following bills and vote on the motions below. **Return this ballot to Senator Dave Zien, Room 15 South, no later than 12:00pm (noon) Thursday, August 28, 2003.** Committee members' ballots not received by the deadline will be marked as not voting.

Senate Bill 98

Relating to: housing of county prisoners from Michigan in Wisconsin county jails.

By Senators S. Fitzgerald, Welch, Schultz, Stepp, Roessler, A. Lasee, Jauch, Cowles and Hansen; cosponsored by Representatives Gard, Seratti, M. Williams, Van Roy, Bies, D. Meyer, Friske, Ainsworth, Krawczyk, F. Lasee, Ott, M. Lehman, J. Lehman, Hines, Loeffelholz, Hahn, Nass, Stone, Vrakas, LeMahieu, Ladwig and Jensen.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 98 be recommended for PASSAGE:

Aye No

Senate Bill 195

Relating to: live birth or the circumstance of being born alive.

By Senators Lazich, Stepp, Roessler, Harsdorf, Breske, Zien, Schultz, Kedzie, S. Fitzgerald, Kanavas, Leibham, A. Lasee, Reynolds, Welch and Brown; cosponsored by Representatives Gundrum, Vukmir, Weber, Krawczyk, A.



Williams, Towns, McCormick, Albers, Ladwig, Nischke, Jeskewitz, Hundertmark, Staskunas, Grothman, Van Roy, J. Fitzgerald, Ainsworth, Hines, Petrowski, Nass, Freese, LeMahieu, Gottlieb, Kreibich, Huebsch, Vrakas, Ott, J. Wood, Pettis, Kestell, Suder, Hahn, M. Lehman, Gunderson, Friske, Loeffelholz, Lothian, Bies and Jensen.

- Moved by Senator Zien that SENATE BILL 195 be recommended for PASSAGE:

Aye _____ No ✓

Senate Bill 231

Relating to: changing the interest rate applicable in court actions. By Senators Schultz, Lazich, Reynolds and Risser; cosponsored by Representatives Grothman, Kestell, Ainsworth, Albers, Friske, Gunderson, Gundrum, Hahn, Hines, Hundertmark, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, LeMahieu, McCormick, Musser, Olsen, Ott, Owens, Petrowski, Seratti, Van Roy and Bies.

- Moved by Senator Zien that SENATE BILL 231 be recommended for PASSAGE:

Aye _____ No ✓

Assembly Bill 52

Relating to: changing the name of a minor. By Representatives Foti, Van Roy, Lassa, Montgomery, Olsen, M. Lehman, Hahn, Stone, Ward, Jeskewitz, Ladwig, Hines, Owens, Musser, Ainsworth, Hundertmark, Gunderson, Ott, Kreibich, Huebsch, Townsend and Colon; cosponsored by Senators Wirch, Roessler and Risser.

- Moved by Senator Zien that ASSEMBLY BILL 52 be recommended for CONCURRENCE:

Aye ✓ No _____

Assembly Bill 62

Relating to: dispositional orders for truancy or habitual truancy and the disclosure of juvenile records by a juvenile court or a municipal court.

By Representatives Ladwig, Olsen, Ainsworth, Albers, Bies, Gielow, Grothman, Hahn, Hines, Kerkman, Kestell, F. Lasee, Lassa, J. Lehman, M. Lehman, Musser, Ott, Owens, Seratti, Stone, Townsend, Vukmir, Ziegelbauer and Hundertmark; cosponsored by Senators Stepp, S. Fitzgerald and Roessler.

- Moved by Senator Zien that ASSEMBLY BILL 62 be recommended for CONCURRENCE:

Aye _____ No

Assembly Bill 245

Relating to: notaries public who are not attorneys and providing penalties.

By Representatives Colon, Townsend, Ladwig, Pohan, Bies, Albers, Plouff, Berceau, Gielow, Lothian and Lassa; cosponsored by Senators Stepp, Carpenter, Schultz and Hansen.

- Moved by Senator Zien that ASSEMBLY BILL 245 be recommended for CONCURRENCE:

Aye No _____

Assembly Bill 252

Relating to: housing of county prisoners from Michigan in Wisconsin county jails.

By Representatives Gard, Seratti, M. Williams, Van Roy, Bies, D. Meyer, Friske, Ainsworth, Krawczyk, F. Lasee, Ott, M. Lehman, J. Lehman, Hines, Loeffelholz, Hahn, Nass, Stone, Vrakas, LeMahieu, Ladwig, Jensen, J. Fitzgerald, Grothman and Petrowski; cosponsored by Senators S. Fitzgerald, Welch, Schultz, Stepp, Roessler, A. Lasee, Jauch, Cowles and Hansen.

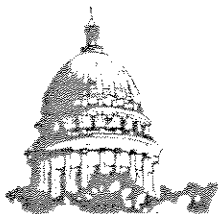
- Moved by Senator Zien that Senate Amendment (LRBa0872/1) to ASSEMBLY BILL 252 be recommended for INTRODUCTION AND ADOPTION:

Aye No _____

- Moved by Senator Zien that ASSEMBLY BILL 252 be recommended for CONCURRENCE AS AMENDED by LRBa0872/1:

Aye No _____

Signature _____
Senator Gary George



WISCONSIN STATE SENATE
TIM CARPENTER
SENATOR — 3RD DISTRICT

State Capitol * P.O. Box 7882 * Madison, Wisconsin 53707-7882 * Phone: (608) 266-8535

To: Sen. Dave Zien, Chair, Senate Committee on Judiciary, Corrections, and Privacy

From: Sen. Tim Carpenter, Member, Senate Committee on Judiciary, Corrections, and Privacy

Date: August 28, 2003 (Hand Delivered 9:30 a.m.)

Re: Paper Ballots for SB98, SB195, SB231, AB52, AB62, AB245, AB252

Attached please the ballots for Senator Carpenter regarding the above-referenced matters.
Thank you for your courtesy in this matter.



STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY
 VICE CHAIRPERSON
 COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM
 MEMBER
 COMMITTEE ON SENATE ORGANIZATION
 COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
 COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS
 SENTENCING COMMISSION
 COUNCIL ON TOURISM
 JUDICIAL COUNCIL

MEMORANDUM

TO: Senator Tim Carpenter, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: August 27, 2003 (hand delivered 11:30am)

RE: Paper Ballot for SB98, SB195, SB231, AB52, AB62, AB245, AB252 (3 pages)

Please consider the following bills and vote on the motions below. **Return this ballot to Senator Dave Zien, Room 15 South, no later than 12:00pm (noon) Thursday, August 28, 2003.** Committee members' ballots not received by the deadline will be marked as not voting.

Senate Bill 98

Relating to: housing of county prisoners from Michigan in Wisconsin county jails.

By Senators S. Fitzgerald, Welch, Schultz, Stepp, Roessler, A. Lasee, Jauch, Cowles and Hansen; cosponsored by Representatives Gard, Seratti, M. Williams, Van Roy, Bies, D. Meyer, Friske, Ainsworth, Krawczyk, F. Lasee, Ott, M. Lehman, J. Lehman, Hines, Loeffelholz, Hahn, Nass, Stone, Vrakas, LeMahieu, Ladwig and Jensen.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 98 be recommended for PASSAGE:

Aye No

Senate Bill 195

Relating to: live birth or the circumstance of being born alive.

By Senators Lazich, Stepp, Roessler, Harsdorf, Breske, Zien, Schultz, Kedzie, S. Fitzgerald, Kanavas, Leibham, A. Lasee, Reynolds, Welch and Brown; cosponsored by Representatives Gundrum, Vukmir, Weber, Krawczyk, A.



Williams, Towns, McCormick, Albers, Ladwig, Nischke, Jeskewitz, Hundertmark, Staskunas, Grothman, Van Roy, J. Fitzgerald, Ainsworth, Hines, Petrowski, Nass, Freese, LeMahieu, Gottlieb, Kreibich, Huebsch, Vrakas, Ott, J. Wood, Pettis, Kestell, Suder, Hahn, M. Lehman, Gunderson, Friske, Loeffelholz, Lothian, Bies and Jensen.

- Moved by Senator Zien that SENATE BILL 195 be recommended for PASSAGE:

Aye ✓ No

Senate Bill 231

Relating to: changing the interest rate applicable in court actions. By Senators Schultz, Lazich, Reynolds and Risser; cosponsored by Representatives Grothman, Kestell, Ainsworth, Albers, Friske, Gunderson, Gundrum, Hahn, Hines, Hundertmark, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, LeMahieu, McCormick, Musser, Olsen, Ott, Owens, Petrowski, Seratti, Van Roy and Bies.

- Moved by Senator Zien that SENATE BILL 231 be recommended for PASSAGE:

Aye No ✓

Assembly Bill 52

Relating to: changing the name of a minor. By Representatives Foti, Van Roy, Lassa, Montgomery, Olsen, M. Lehman, Hahn, Stone, Ward, Jeskewitz, Ladwig, Hines, Owens, Musser, Ainsworth, Hundertmark, Gunderson, Ott, Kreibich, Huebsch, Townsend and Colon; cosponsored by Senators Wirch, Roessler and Risser.

- Moved by Senator Zien that ASSEMBLY BILL 52 be recommended for CONCURRENCE:

Aye ✓ No

Assembly Bill 62

Relating to: dispositional orders for truancy or habitual truancy and the disclosure of juvenile records by a juvenile court or a municipal court.

By Representatives Ladwig, Olsen, Ainsworth, Albers, Bies, Gielow, Grothman, Hahn, Hines, Kerkman, Kestell, F. Lasee, Lassa, J. Lehman, M. Lehman, Musser, Ott, Owens, Seratti, Stone, Townsend, Vukmir, Ziegelbauer and Hundertmark; cosponsored by Senators Stepp, S. Fitzgerald and Roessler.

- Moved by Senator Zien that ASSEMBLY BILL 62 be recommended for CONCURRENCE:

Aye ✓ No

Assembly Bill 245

Relating to: notaries public who are not attorneys and providing penalties.

By Representatives Colon, Townsend, Ladwig, Pocan, Bies, Albers, Plouff, Berceau, Gielow, Lothian and Lassa; cosponsored by Senators Stepp, Carpenter, Schultz and Hansen.

- Moved by Senator Zien that ASSEMBLY BILL 245 be recommended for CONCURRENCE:

Aye ✓ No

Assembly Bill 252

Relating to: housing of county prisoners from Michigan in Wisconsin county jails.

By Representatives Gard, Seratti, M. Williams, Van Roy, Bies, D. Meyer, Friske, Ainsworth, Krawczyk, F. Lasee, Ott, M. Lehman, J. Lehman, Hines, Loeffelholz, Hahn, Nass, Stone, Vrakas, LeMahieu, Ladwig, Jensen, J. Fitzgerald, Grothman and Petrowski; cosponsored by Senators S. Fitzgerald, Welch, Schultz, Stepp, Roessler, A. Lasee, Jauch, Cowles and Hansen.

- Moved by Senator Zien that Senate Amendment (LRBa0872/1) to ASSEMBLY BILL 252 be recommended for INTRODUCTION AND ADOPTION:

Aye ✓ No

- Moved by Senator Zien that ASSEMBLY BILL 252 be recommended for CONCURRENCE AS AMENDED by LRBa0872/1:

Aye ✓ No

Signature Tim Carpenter
Senator Tim Carpenter 8/27/03



STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

- CHAIRPERSON
COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY
- VICE CHAIRPERSON
COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM
- MEMBER
COMMITTEE ON SENATE ORGANIZATION
COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS
SENTENCING COMMISSION
COUNCIL ON TOURISM
JUDICIAL COUNCIL

MEMORANDUM

TO: Senator Scott Fitzgerald, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: August 27, 2003 (hand delivered 11:30am)

RE: Paper Ballot for SB98, SB195, SB231, AB52, AB62, AB245, AB252 (3 pages)

Please consider the following bills and vote on the motions below. **Return this ballot to Senator Dave Zien, Room 15 South, no later than 12:00pm (noon) Thursday, August 28, 2003.** Committee members' ballots not received by the deadline will be marked as not voting.

Senate Bill 98

Relating to: housing of county prisoners from Michigan in Wisconsin county jails.

By Senators S. Fitzgerald, Welch, Schultz, Stepp, Roessler, A. Lasee, Jauch, Cowles and Hansen; cosponsored by Representatives Gard, Seratti, M. Williams, Van Roy, Bies, D. Meyer, Friske, Ainsworth, Krawczyk, F. Lasee, Ott, M. Lehman, J. Lehman, Hines, Loeffelholz, Hahn, Nass, Stone, Vrakas, LeMahieu, Ladwig and Jensen.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 98 be recommended for PASSAGE:

Aye X No

Senate Bill 195

Relating to: live birth or the circumstance of being born alive.

By Senators Lazich, Stepp, Roessler, Harsdorf, Breske, Zien, Schultz, Kedzie, S. Fitzgerald, Kanavas, Leibham, A. Lasee, Reynolds, Welch and Brown; cosponsored by Representatives Gundrum, Vukmir, Weber, Krawczyk, A.



Williams, Towns, McCormick, Albers, Ladwig, Nischke, Jeskewitz, Hundertmark, Staskunas, Grothman, Van Roy, J. Fitzgerald, Ainsworth, Hines, Petrowski, Nass, Freese, LeMahieu, Gottlieb, Kreibich, Huebsch, Vrakas, Ott, J. Wood, Pettis, Kestell, Suder, Hahn, M. Lehman, Gunderson, Friske, Loeffelholz, Lothian, Bies and Jensen.

- Moved by Senator Zien that SENATE BILL 195 be recommended for PASSAGE:

Aye X No

Senate Bill 231

Relating to: changing the interest rate applicable in court actions.

By Senators Schultz, Lazich, Reynolds and Risser; cosponsored by Representatives Grothman, Kestell, Ainsworth, Albers, Friske, Gunderson, Gundrum, Hahn, Hines, Hundertmark, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, LeMahieu, McCormick, Musser, Olsen, Ott, Owens, Petrowski, Seratti, Van Roy and Bies.

- Moved by Senator Zien that SENATE BILL 231 be recommended for PASSAGE:

Aye X No

Assembly Bill 52

Relating to: changing the name of a minor.

By Representatives Foti, Van Roy, Lassa, Montgomery, Olsen, M. Lehman, Hahn, Stone, Ward, Jeskewitz, Ladwig, Hines, Owens, Musser, Ainsworth, Hundertmark, Gunderson, Ott, Kreibich, Huebsch, Townsend and Colon; cosponsored by Senators Wirch, Roessler and Risser.

- Moved by Senator Zien that ASSEMBLY BILL 52 be recommended for CONCURRENCE:

Aye X No

Assembly Bill 62

Relating to: dispositional orders for truancy or habitual truancy and the disclosure of juvenile records by a juvenile court or a municipal court.

By Representatives Ladwig, Olsen, Ainsworth, Albers, Bies, Gielow, Grothman, Hahn, Hines, Kerkman, Kestell, F. Lasee, Lassa, J. Lehman, M. Lehman, Musser, Ott, Owens, Seratti, Stone, Townsend, Vukmir, Ziegelbauer and Hundertmark; cosponsored by Senators Stepp, S. Fitzgerald and Roessler.

- Moved by Senator Zien that ASSEMBLY BILL 62 be recommended for CONCURRENCE:

Aye X No _____

Assembly Bill 245

Relating to: notaries public who are not attorneys and providing penalties.

By Representatives Colon, Townsend, Ladwig, Pocan, Bies, Albers, Plouff, Berceau, Gielow, Lothian and Lassa; cosponsored by Senators Stepp, Carpenter, Schultz and Hansen.

- Moved by Senator Zien that ASSEMBLY BILL 245 be recommended for CONCURRENCE:

Aye X No _____

Assembly Bill 252

Relating to: housing of county prisoners from Michigan in Wisconsin county jails.

By Representatives Gard, Seratti, M. Williams, Van Roy, Bies, D. Meyer, Friske, Ainsworth, Krawczyk, F. Lasee, Ott, M. Lehman, J. Lehman, Hines, Loeffelholz, Hahn, Nass, Stone, Vrakas, LeMahieu, Ladwig, Jensen, J. Fitzgerald, Grothman and Petrowski; cosponsored by Senators S. Fitzgerald, Welch, Schultz, Stepp, Roessler, A. Lasee, Jauch, Cowles and Hansen.

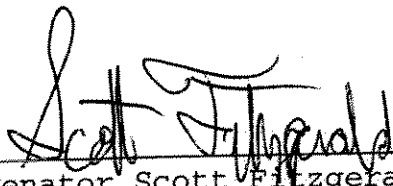
- Moved by Senator Zien that Senate Amendment (LRBa0872/1) to ASSEMBLY BILL 252 be recommended for INTRODUCTION AND ADOPTION:

Aye X No _____

- Moved by Senator Zien that ASSEMBLY BILL 252 be recommended for CONCURRENCE AS AMENDED by LRBa0872/1:

Aye X No _____

Signature _____


Senator Scott Fitzgerald

Hogan, John

From: Hogan, John
Sent: Thursday, August 28, 2003 12:46 PM
To: *Legislative All Senate; *Legislative All Assembly; Dan Rossmiller; Dan Schmidt; Debra Sybell; Deirdre Morgan; Donna Doyle; Gordon Ewy; Jennifer Esser; Judge Mike Gableman; Judi Rhodes-Engels; Locha Thao; Marla Stephens; Peter Christianson; Robert Margolies; Ron Sklansky; Sarah Burhop; Scott Manley; Sen.Carpenter; Sen.Fitzgerald; Sen.George; Sen.Stepp; Sheryl Gervasi; Wheeler; WisPolitics
Subject: Senate Judiciary Committee: Results of Paper Ballot

Senate Bill 98

Relating to: housing of county prisoners from Michigan in Wisconsin county jails.

By Senators S. Fitzgerald, Welch, Schultz, Stepp, Roessler, A. Lasee, Jauch, Cowles and Hansen; cosponsored by Representatives Gard, Seratti, M. Williams, Van Roy, Bies, D. Meyer, Friske, Ainsworth, Krawczyk, F. Lasee, Ott, M. Lehman, J. Lehman, Hines, Loeffelholz, Hahn, Nass, Stone, Vrakas, LeMahieu, Ladwig and Jensen.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 98 be recommended for PASSAGE:

Aye _____ No _____

PASSAGE RECOMMEDED 5-0

Senate Bill 195

Relating to: live birth or the circumstance of being born alive.

By Senators Lazich, Stepp, Roessler, Harsdorf, Breske, Zien, Schultz, Kedzie, S. Fitzgerald, Kanavas, Leibham, A. Lasee, Reynolds, Welch and Brown; cosponsored by Representatives Gundrum, Vukmir, Weber, Krawczyk, A. Williams, Towns, McCormick, Albers, Ladwig, Nischke, Jeskewitz, Hundertmark, Staskunas, Grothman, Van Roy, J. Fitzgerald, Ainsworth, Hines, Petrowski, Nass, Freese, LeMahieu, Gottlieb, Kreibich, Huebsch, Vrakas, Ott, J. Wood, Pettis, Kestell, Suder, Hahn, M. Lehman, Gunderson, Friske, Loeffelholz, Lothian, Bies and Jensen.

- Moved by Senator Zien that SENATE BILL 195 be recommended for PASSAGE:

Aye _____ No _____

PASSAGE RECOMMEDED 4-1 (NO: GEORGE)

Senate Bill 231

Relating to: changing the interest rate applicable in court actions.

By Senators Schultz, Lazich, Reynolds and Risser; cosponsored by Representatives Grothman, Kestell, Ainsworth, Albers, Friske, Gunderson, Gundrum, Hahn, Hines, Hundertmark, Krawczyk, Kreibich, Ladwig, F. Lasee, M. Lehman, LeMahieu, McCormick, Musser, Olsen, Ott, Owens, Petrowski, Seratti, Van Roy and Bies.

- Moved by Senator Zien that SENATE BILL 231 be recommended for PASSAGE:

Aye _____ No _____

PASSAGE RECOMMEDED 3-2 (NOES: GEORGE, CARPENTER)

Assembly Bill 52

Relating to: changing the name of a minor.

By Representatives Foti, Van Roy, Lassa, Montgomery, Olsen, M. Lehman, Hahn, Stone, Ward, Jeskewitz, Ladwig, Hines, Owens, Musser, Ainsworth, Hundertmark, Gunderson, Ott, Kreibich, Huebsch, Townsend and Colon; cosponsored by Senators Wirch, Roessler and Risser.

- Moved by Senator Zien that ASSEMBLY BILL 52 be recommended for CONCURRENCE:

Aye _____ No _____

PASSAGE RECOMMEDED 5-0

Assembly Bill 62

Relating to: dispositional orders for truancy or habitual truancy and the disclosure of juvenile records by a juvenile court or a municipal court.

By Representatives Ladwig, Olsen, Ainsworth, Albers, Bies, Gielow, Grothman, Hahn, Hines, Kerkman, Kestell, F. Lasee, Lassa, J. Lehman, M. Lehman, Musser, Ott, Owens, Seratti, Stone, Townsend, Vukmir, Ziegelbauer and Hundertmark; cosponsored by Senators Stepp, S. Fitzgerald and Roessler.

- Moved by Senator Zien that ASSEMBLY BILL 62 be recommended for CONCURRENCE:

Aye _____ No _____

PASSAGE RECOMMEDED 4-1 (NO: GEORGE)

Assembly Bill 245

Relating to: notaries public who are not attorneys and providing penalties.

By Representatives Colon, Townsend, Ladwig, Pohan, Bies, Albers, Plouff, Berceau, Gielow, Lothian and Lassa; cosponsored by Senators Stepp, Carpenter, Schultz and Hansen.

- Moved by Senator Zien that ASSEMBLY BILL 245 be recommended for CONCURRENCE:

Aye _____ No _____

PASSAGE RECOMMEDED 5-0

Assembly Bill 252

Relating to: housing of county prisoners from Michigan in Wisconsin county jails.

By Representatives Gard, Seratti, M. Williams, Van Roy, Bies, D. Meyer,

Friske, Ainsworth, Krawczyk, F. Lasee, Ott, M. Lehman, J. Lehman, Hines, Loeffelholz, Hahn, Nass, Stone, Vrakas, LeMahieu, Ladwig, Jensen, J. Fitzgerald, Grothman and Petrowski; cosponsored by Senators S. Fitzgerald, Welch, Schultz, Stepp, Roessler, A. Lasee, Jauch, Cowles and Hansen.

- Moved by Senator Zien that Senate Amendment (LRBa0872/1) to ASSEMBLY BILL 252 be recommended for INTRODUCTION AND ADOPTION:

Aye _____ No _____

INTRODUCTION AND ADOPTION RECOMMENDED 5-0

- Moved by Senator Zien that ASSEMBLY BILL 252 be recommended for CONCURRENCE AS AMENDED by LRBa0872/1:

Aye _____ No _____

CONCURRENCE AS AMENDED RECOMMENDED 5-0

John W. Hogan

Committee Clerk
Senate Committee on Judiciary, Corrections & Privacy
Senator Dave Zien
(608) 266-7511