

THE CONSUMER ADVOCATE

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FREE PUBLICATION



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How Congress Can Better Protect Immigrant Victims of Crime

BY ANDREA RAMOS
SOUTHWESTERN LAW SCHOOL

This week the Washington Post reported on two laws that protect victims of domestic abuse who are also immigrants. The story profiles women who were literally saved from abusive relationships by law enforcement who then guided them to programs that offer a special form of immigration relief for victims.

The Post writes:
“...there are two forms of relief that allow them to obtain legal status on their own. One is the Violence Against Women Act, enacted in 1994 and widely used in the past several years, which permits battered women to apply for work permits and later for legal residency. The other is the “U visa,” in use since 2007, which



allows victims of sexual assault and other crimes to win legal residency if they cooperate with police and the judicial system to help prosecute the offender.”

This story is timely as last week, the Senate Judiciary Committee voted to reauthorize the Violence Against Women Act, making a number of positive changes to immigration provisions pro-

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Obama Showing “Sustained, Substantive, and Thoughtful Leadership

Wade Henderson, president and CEO of The Leadership Conference on Civil and Human Rights, issued the following statement in response to the Obama administration’s announcement of a broad range of initiatives to help homeowners struggling with unmanageable housing debt:

“This announcement is another example of the president showing sustained, sub-

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Starting an Internet Business: Dream Job or Pipe Dream?
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THE PEOPLE'S RADIO

As RX Abuse Rises, A.G. Schneiderman Announces Prison Sentence for Woman Who Forged More Than 250 Painkiller Prescriptions

Attorney General Eric T. Schneiderman recently secured prison time for the ringleader of an illegal prescription drug operation who forged more than 250 prescriptions for narcotics, including addictive painkillers like OxyContin and Roxicodone. Bronx resident Suzanne Benizio, who pleaded guilty to two counts of Forgery in the Second Degree in December 2011, will receive consecutive sentences totaling four to eight years in state prison. In addition to incarceration, Benizio will be ordered to repay the New York State Medicaid program over \$200,000.

In order to prevent crimes like these from happening in the future, Attorney General Schneiderman has proposed a plan to rein in the state's prescription drug epidemic. Schneiderman's Internet System for Tracking Overprescribing (I-STOP) legislation connects doctors and pharmacists to a real-time, online database that tracks the prescribing and dispensing of frequently abused controlled substances. Had I-STOP been in place, it would have invalidated Benizio's forged prescriptions and prevented this supply of addictive painkillers from reaching communities across the state.

"We have shut down a reckless scheme that supplied illegal prescription drugs at the taxpayers' expense, and now is the time for justice and accountability," Attorney

General Schneiderman said. "While these cases are central to our work to eliminate Medicaid fraud and abuse – they alone will not solve our state's prescription drug epidemic. That's why I've proposed I-STOP, which would block any effort to illegally obtain prescription drugs before they're dispensed and distributed. The time to act is now."

Earlier today, Supreme Court Acting Justice Joseph J. Dawson sentenced Benizio, who forged counterfeit prescriptions created on paper stolen from New York City-area hospitals, prescriptions that were used in 20 counties throughout New York State.

Between 2009 and 2011, Benizio created more than 250 forged prescriptions for OxyContin and Roxicodone, both strong painkillers. She wrote the prescriptions by hand, or created them using a computer, on prescription paper stolen from doctors and hospitals in the New York City area. At the time of her arrest in March, Benizio possessed enough prescription paper to create an additional 1,500 prescriptions. She also possessed a special printer needed to process the thermal prescription paper the state uses as a security measure.

The scope and reach of Benizio's profit-making operation was significant. As the ringleader, she worked with multiple co-conspirators to create prescriptions in the

names of real Medicaid recipients. Working with another group of co-conspirators, she then arranged for the forged prescriptions to be filled at pharmacies throughout the state. The Attorney General's Medicaid Fraud Control Unit identified and tracked these forgeries to pharmacies in 20 different counties, in locations stretching from Montauk to Fort Ticonderoga.

Not only did Benizio flood the state with more than 20,000 frequently-abused substances, she paid for them with taxpayer money. Ms. Benizio misappropriated numerous Medicaid cards that were then used to create the forged prescriptions. The cards were subsequently presented to the pharmacies that filled the prescriptions. All told, the New York State Medicaid program paid more than \$200,000 to fill the prescriptions in question.

Benizio's forgery operation is the very crime Attorney General Schneiderman has targeted with I-STOP. The system requires doctors, prior to prescribing certain controlled substances, to check a database to ensure that the prescription is medically necessary and not simply an effort to access narcotics. Pharmacists are then required to check the database and confirm that prescriptions were made to the patient for those controlled substances to prevent the filling of forged or ill-gotten prescriptions.

Had the system been in place, pharma-

cists would have had the resources needed to expose the counterfeit prescriptions. The bill is sponsored by Assemblyman Michael Cusick (D – Staten Island) and State Senator Andrew J. Lanza (R – Staten Island), and has over 33 co-sponsors in the Senate and 47 co-sponsors in the Assembly.

According to the Federal Office of National Drug Control Policy, prescription drug abuse is the country's second most prevalent illegal drug problem. New York State ranks 11th in the nation for admissions to chemical dependence programs for abuse of opioids other than heroin. At the same time, prescriptions for oxycodone have increased an astonishing 82 percent since 2007.

The criminal prosecution was handled by Special Assistant Attorney General Jacob Bergman under the supervision of Deputy Regional Director Christopher M. Shaw and Special Deputy Attorney General Monica Hickey-Martin. Senior Special Investigator Thomas Dowd and Associate Special Auditor Shoma Howard assisted in the investigation and prosecution. ●

More information about the Attorney General's I-STOP plan is available online at: www.ag.ny.gov/media_center/2012/jan/jan11a_12.html



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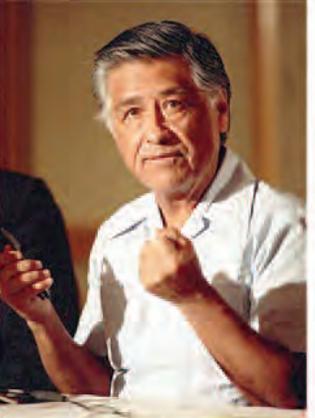
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Study Shows Mortgage Lending to Minorities Drops Significantly as Fewer People of Color Purchase Homes

BY KENNETH J. COOPER,
AMERICA'S WIRE

Since the housing market collapsed, mortgage lending to African-Americans and Hispanics has plunged precipitously—by more than 60 percent, according to a new study of loan information that banks submit to the federal government. Together, African-Americans and Hispanics were able to borrow 62 percent less to buy or refinance homes in 2009 than in 2004, before the market crashed, the computerized analysis finds. With lenders imposing tighter credit standards, mortgage dollars going to non-Hispanic white borrowers also declined, though by considerably less, 17 percent. Asians fared best, obtaining nearly an equal amount in mortgages. The study, to be released this week, was conducted by Maurice Jourdain-Earl, founder and managing director of ComplianceTech in Arlington, Va., which advises financial institutions on fair lending practices. The study also found wide racial-ethnic disparities in how often financial institutions approved mortgage applications and made mortgage loans during the six-year period. Whites were about twice as likely as African-Americans and Hispanics to be approved for prime mortgages with the lowest interest rates, while members of the two largest minority groups were two to four times more likely to receive subprime loans, which have higher rates. By contrast, the disparities were much narrower for loans insured by the government's Federal Housing Administration, which has attracted a growing number of borrowers during the credit crunch. The study concluded that a "dual mortgage market" has emerged, with white and Asian borrowers having better access to lower-cost mortgages than African-Americans and Hispanics, who on average pay more to own or refinance a home—if they can obtain a mortgage. "The higher cost for mortgage credit translates into less money for basic necessities," Jourdain-Earl writes. "The higher cost for mortgage credit also translates into African Americans and Latinos having lower homeownership rates and lower opportunities to build wealth, lower educational achievement and higher unemployment." Reasons for the lending disparities are not directly reflected in the national data, which do not include credit scores of borrowers or ratios of loan amounts to values of homes. Nor does the Federal Reserve Bank collect information on foreclosures by race and ethnicity. Jourdain-Earl blames a cycle of higher cost loans being made to minorities for leading to higher levels of defaults and foreclosures, ultimately causing "greater disparities in access to credit." He raises the possibility of an unknown degree of discrimination, noting an "erroneous notion" that



minorities caused the housing market's collapse, despite the relatively low amount in mortgages they received, compared with those for white borrowers.

The Mortgage Bankers Association declined to comment on the report because, spokeswoman Melissa Key says in an e-mail, "The author does not control for any of the factors that could lead to rate or approval differences across borrowers." Barry Zigas, director of housing policy for the Consumer Federation of America, agrees with Jourdain-Earl that a dual market exists. Zigas says it is unclear whether the causes have to do with lower credit scores of African-Americans and Latinos, private investors being reluctant to buy mortgages made in minority communities or the disproportionate subprime loans representing an "unsustainable volume" of borrowing. "Since the meltdown, there is no question that credit has constricted across the board," Zigas says. "It's even more difficult for minorities and low-income people." The report, entitled "The Foreclosure Crisis and Racial Disparities in Access to Mortgage Credit 2004-2009," illustrates disparities by race and ethnicity. The study uses data banks submitted to the Federal Reserve under the Home Mortgage Disclosure Act and analyzes racial-ethnic patterns in prime, subprime and FHA loans, which together constitute the vast majority of the market. Mortgages made to Hispanics have decreased the most, by 63 percent, to \$78 million in 2009 from \$214 million in 2004. Lending to African Americans has dropped to \$49 million from \$122 million, or 60 percent. Whites have been affected much less and Asians barely. New mortgages to white borrowers declined to \$1.1 billion from \$1.3 billion, or 17 percent. Lending to Asians stayed almost the same at about \$128 million, with the difference being equivalent to one modest mortgage. "Analyzing the issue of access to mortgage credit by race

is significant because of the central role homeownership plays in building personal wealth," Rep. Maxine Waters (Calif.), ranking Democrat on the House subcommittee on capital markets and government sponsored enterprises, says of the report in an e-mail. "As a 2010 study from Brandeis University illustrates, for example, the wealth gap between African-Americans and whites is only growing larger, having quadrupled over the course of the last 23 years." The financial stresses that accompanied the recession meant many Americans from all racial-ethnic groups did not apply for mortgages. When they did, applications by African-Americans and Hispanics for the best loans were approved or, in bankers' language, "originated" much less often. On average, whites were twice as likely as blacks to obtain prime loans, and one-and-a-half times more likely as Hispanics. Almost no disparity existed between whites and Asians. The disparities extended even to subprime loans which, despite concentrations in minority neighborhoods, went mostly to white borrowers. During the six-year period, whites received more than 60 percent of these high-cost loans, which are most likely to lead to defaults and foreclosures. But disproportionate numbers of subprime loans did go to minorities. African-Americans were three-and-a-half times more likely to have one as whites, and Hispanics about twice as likely. By 2009, even the subprime market had dried up for the two minority groups, with lending to African-Americans since 2004 down by 95 percent and to Hispanics by 92 percent, compared with 87 percent for Asians and 81 percent for whites. Jourdain-Earl concedes that the big drops in subprime loans to the largest minorities could be interpreted as a positive development, but he adds in an interview: "At this point, African-Americans and Latinos are not even able to get high-cost subprime loans." The lending field was

more level for mortgage loans backed by the Federal Housing Administration, which spokesman Brian Sullivan says has seen its share of the mortgage market jump from 3 percent to 30 percent since 2006. Compared with those for whites, loan approval rates were 19 percent lower for African-Americans, 13 percent for Hispanics and 9 percent for Asians.

On the other hand, the report found that the rapid growth has changed the racial composition of FHA-backed borrowers, with the higher percentages going to whites and Asians, and lower percentages to African-Americans and Hispanics. Jourdain-Earl questions whether FHA was acting in accord with its affordable housing goals. Sullivan says the shifting racial balance of FHA borrowers merely reflected that whites predominate in the mortgage market and have turned to the agency in increasing numbers. That's not because of any application of unfair lending practices, he says, speaking generally. "It was a consequence of what was happening in the marketplace." Sullivan notes, though, that the U.S. Department of Housing and Urban Development is investigating 22 lenders to determine whether their imposition of higher credit standards than FHA's minimums has had a discriminatory impact on African-Americans and Hispanics. Chris Herbert, research director of the Joint Center for Housing Studies at Harvard University, says the report has limitations in explaining why minorities fare less well in the housing market, a trend he acknowledges.

For instance, he says focusing only on first mortgages and comparing borrowers in the same income levels would provide a sharper picture of home-buying trends in particular, since African-Americans and Hispanics, on average, earn less than whites. Academics at Harvard's housing center and elsewhere are examining whether current credit standards are unduly restrictive and not justified by the economic situation. In response to criticism from Herbert and the Mortgage Bankers Association, Jourdain-Earl says his focus was the flow of credit to different racial-ethnic groups, not the reasons behind the disparities. "I wasn't trying to ascertain the why but to shine a bright light on the outcome and the effects on wealth and homeownership rates," he says. In the study, Jourdain-Earl urges the FHA to study "the potential of adverse effects" from its credit standards and proposed that federal laws should require lenders to report on foreclosures, defaults, short sales and loan modifications, including the race and other demographics of those borrowers. He also calls for implementing financial reform legislation enacted last year "in a way that promotes sustainable diverse lending." ●

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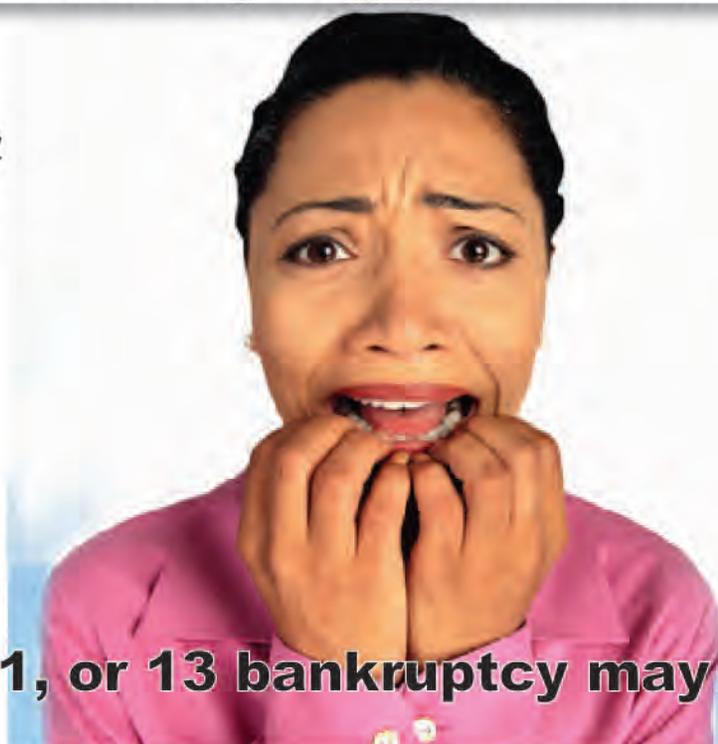
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Home Court Advantage: How Landlords Are Winning and Tenants Are Losing at Brooklyn Housing Court

A recent report by Make the Road New York (MRNY), "Home Court Advantage" demonstrates that in Brooklyn Housing Court, where 85% of landlords are represented in court while approximately 95% of tenants are not, tenants face a myriad of challenges. This new report by MRNY report finds "problems with the physical environment, the lack of services and information, and the need for greater respect and impartiality." The report also finds that "people with limited English proficiency, parents obliged to bring small children with them to court, and people with disabilities all face additional challenges because of inadequate multilingual services, the lack of childcare, and the limited accommodations for people with disabilities." With their homes on the line, tenants are routinely being denied equal access to justice at Brooklyn Housing Court.

Every year, hundreds of thousands of cases go before New York City's housing courts. In Kings County, both landlords seeking evictions and tenants seeking necessary repairs must bring their cases in Brooklyn's Housing Court. Unfortunately, they are compelled to use an overburdened system that struggles

with the sheer volume of cases it receives. And problems due to the high volume of cases are exacerbated by problems with facilities, services, and legal procedures at Brooklyn Housing Court.

One unifying feature of the myriad problems at Brooklyn Housing Court, however, is that they disproportionately affect tenants. From the outset, tenants are disadvantaged by the fact that most landlords have attorneys while the vast majority of tenants do not. While this disparity is beyond the scope of this report, it is compounded by problems with the physical environment, the lack of services and information, and the need for greater respect and impartiality.

When Brooklyn tenants go to Housing Court, they face a confusing system and a lack of clear signs and information to help navigate that system. They deal with overcrowding both inside and outside the courtrooms, aging infrastructure, and substandard facilities. The confusing layout, the lack of space, and old facilities all result in a disorienting and unpleasant experience. People with limited English proficiency, parents obliged to bring small children with them to court, and people with disabilities all face addi-

tional challenges because of inadequate multilingual services, the lack of childcare, and the limited accommodations for people with disabilities.

Furthermore, tenants encounter disrespectful treatment by court staff and legal proceedings that are arguably biased against unrepresented tenants. Landlord attorneys are granted special privileges and a culture of disrespect towards tenants has been allowed to permeate Brooklyn

Housing Court. What is on the line is something as fundamental as the roof over our heads, and yet unrepresented litigants, most of whom are tenants, have a difficult time accessing justice at Brooklyn Housing Court. one-sided. ●

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Employment Background Checks and Credit Reports



You've applied for a job. You sent a letter, made a phone call, submitted your resume. Perhaps you've had an interview. Did you know that when you apply for a job, an employer may ask your permission to do a background check before hiring you? Depending on the employer and the job, that background information might include your employment history, your driving record, criminal records, and your credit report.

Your credit report has information about where you live, how you pay your bills, and whether you have filed for bankruptcy. Credit reporting companies and other businesses that provide background information sell your file to employers that, in turn, use it to evaluate your applications for employment. Employers also are allowed to use these reports to consider you for retention, promotion or reassignment.

Did You Know?

Not only do credit reporting companies provide information to employers, but they also sell it to creditors, insurers and other businesses that, in turn, use it to evaluate your applications for credit, insurance, or renting a place to live.

The Federal Trade Commission (FTC), the nation's consumer protection agency, enforces the Fair Credit Reporting Act (FCRA), a law that protects the privacy and accuracy of the information in your credit report. The FCRA spells out your rights as a job applicant and an employer's responsibilities when using credit reports and other background information to assess your application. The law also enables you to get a free copy of your credit report by requiring each of the three national credit reporting companies — TransUnion, Equifax and Experian — to provide it to you every 12 months if you ask. That means if you stagger your requests to each of the companies, you can get a free copy of your credit report every four months.

Applying for a Job?

Before you apply for a job, it's a good idea to order a free copy of your credit report. Each of the nationwide credit reporting companies — TransUnion,

Equifax, and Experian — is required to provide you with a free copy of your credit report once every 12 months, if you ask for it.

Key Employment Provisions

The big picture is this: An employer must get your permission before asking for a report about you from a credit reporting company or any other company that provides background information. If you don't give your okay, your application for employment may not get a second look. That's up to you. But if you don't get the job because of information in your report, the employer has some legal obligations: First, the employer must show you the report; second, the employer must tell you how to get your own copy. The report is free if you ask for it within 60 days of learning the bad news.

Notice of Negative Public Records

If a company provides an employer with a report that has negative information about you gathered from public records — for example, tax liens, outstanding judgments, or criminal convictions — that company either has to tell you that it provided the information to the employer or it has to take special steps to make sure the information is accurate. If you get a notice that a company has provided negative public record information to an employer, you may have a chance to correct or clarify it, which, in turn, may help you get or keep a job.

If Employers Don't Comply with the FCRA

There are legal consequences for employers who don't comply with the FCRA, whether they fail to get an applicant's okay before getting a copy of their credit or other background report, fail to provide the appropriate disclosures in a timely way, or fail to provide adverse action notices to unsuccessful job applicants. If you think an employer has violated the FCRA, report it to the FTC, because the law allows the FTC, other federal agencies, and states to sue employers who don't comply with the law's provisions. The FCRA also allows people to sue employers in state or federal court for certain violations. ●

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Obama Showing "Sustained, Substantive, and Thoughtful Leadership to Stabilize Neighborhoods"

continued from page 1

stantive, and thoughtful leadership to stabilize neighborhoods and stem foreclosures. The administration is clearly committed to using the executive branch to bypass obstruction in Congress to help underwater homeowners in danger of foreclosure by expanding eligibility for the Homeowners Assistance Mortgage Program.

President Obama is providing banks with greater incentives to help homeowners stave off foreclosures by modifying their loans. We hope that the major banks, along with Fannie Mae and Freddie Mac, will follow the administration's lead as they have on providing 12 months of forbearance for unemployed homeowners.

The neighborhood stabilization programs will help put families in foreclosed and otherwise vacant properties. These programs will also prevent more of the foreclosures that have already gutted low-income communities and decimated the wealth of African-Americans and Hispanics.

We commend the president for once again siding with American families. We hope that the Federal Housing Finance Agency's Acting Director Edward Demarco will stop obstructing this effort by allowing Fannie Mae and Freddie Mac to provide real help for underwater



homeowners." ●

Wade Henderson is the president and CEO of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States. The Leadership Conference works toward an America as

good as its ideals. For more information on The Leadership Conference and its 200-plus member organizations, visit www.civilrights.org.



President Barack Obama with community leaders: left, Gerry Hopkins and far right, Brian Figeroux, at an exclusive meeting where the Mighty Sparrow (second left) presented a CD with a song "Barack the Magnificent" written especially for the President.

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New Report Shows Immigrant Women Entrepreneurs Create Jobs and Contribute to Economy

BY SETH HOY

Economists readily acknowledge the economic contributions of immigrant entrepreneurs to the U.S. After all, we wouldn't have one-quarter of all public companies in the U.S.—companies like Google, Yahoo!, and Intel which employed 220,000 people and generated more than \$500 billion in one year—without them. But lost in that acknowledgement are the contributions of immigrant women entrepreneurs who last year made up 40% (or 980,575) of all immigrant business owners in the U.S. This week, a new report, *Our American Immigrant Entrepreneurs: The Women*, takes a closer look at these women and examines the obstacles and pathways to establishing successful businesses—businesses that have created American jobs and generated millions in taxable revenue.

According to the report, there was a significant rise in immigrant women entrepreneurship over the last 10 years. According to the Census, 575,750 foreign-born women who immigrated as adults claimed to be self-employed in their own business as of 2000. Ten years later, how-

ever, that number has increased to 980,575 or 40% of all immigrant business owners in the U.S.

But that success isn't always easy to come by. Of the immigrant women interviewed, many faced gender bias and difficulties securing start-up capital. Many women also reported that banks were hesitant to provide start-up funds due to the small size of their businesses. Yet, through their own determination and help from friends, associations, networks, colleagues and families, these women were able to establish successful businesses.

Maria Sobrino, for example, came to the U.S. from Mexico and started her own dessert company, Lulu Desserts. She noticed the absence of a Mexican comfort food, gelatinas or flavored gelatins, and began experimenting with samples. Due to difficulties securing capital, Sobrino had to start small and constantly reinvest in her business. *"Do you know how many people laughed at my idea of having gelatinas*



and selling them with a little jar three hundred cups a day that I was doing?" Sobrino asked. *"Today we sell about fifty million cups a year of gelatin, and we distribute to supermarkets."* Lulu Desserts currently generates \$9.2 million and employs a host of marketing, sales, and delivery personnel.

Sheela Murthy, an immigration attorney from India and graduate of Harvard Law School, agrees that a passion to succeed was essential in establishing her own law firm—a firm which today generates \$4-5 million a year and employs 70 people. Rubina Chaudhary, also of India, had

trouble securing capital for her engineering management firm at first. Now, however, as president of MARRS Services, Inc., she manages multimillion dollar public contracts, employs 50 full time staff, and consults with large public and private clients.

These are just some of the many stories of immigrant entrepreneur women who, despite gender and racial discrimination, started their own businesses. And they want nothing more than to create an easier path for other immigrant women to do the same. They recommend easier access to start-up capital and federal loans for women- and minority-owned business, reform of bureaucratic hurdles, access to clearer information on state and federal regulations, and a continued discussion on how to address the barriers women face in the workplace.

In fact, making it easier for all entrepreneurs—including immigrant women—to start businesses which create American jobs, stabilize communities, and generate millions in taxable revenue seems like something every American would be wise to support. ●

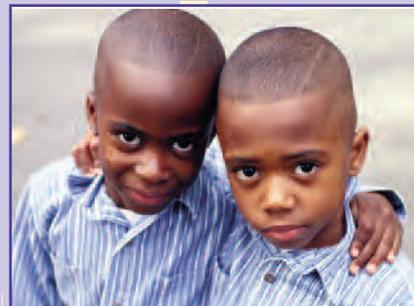
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Planning for your Tax Bill? How it Can Affect your Credit Score

Your resolutions are made and you even have a game plan to make sure 2012 is the year you stick to them. But before you can really get going on achieving your personal goals in the new year, you'll need to wrap up some unfinished business from 2011 — your taxes.

Even though tax season comes every year at the same time, many Americans face their tax bill with no plan for how to manage it. Facing unbudgeted debt is a situation that can lead you to make reactive, desperate decisions that could negatively affect your credit score and your finances long after April 15. Similarly, an unexpected tax refund that turns into “fun money” can be an opportunity lost when it comes to managing your credit and overall financial health.

Not sure if you'll owe? Visit IRS.gov for an online withholding calculator, or search for a free tax estimator. Many manufacturers of tax preparation software offer free estimators on their websites.

Once you have an idea of how much, if anything, you'll owe, evaluate your payment options. Take steps to understand your credit, and consider the relationship between tax bills, debt payments and credit before you decide how you will pay your taxes.

Cash: Of course, the payment method that will have the least amount of impact

on your credit is to pay what you owe in full with cash. In this economy, that may not be a realistic option for many people.

Credit Cards: The IRS accepts credit card payments, an option that has become increasingly popular in the recent past. But before you use plastic to pay your taxes, make sure you know your credit score, credit status and how both might be affected if you use credit to pay your taxes.

Websites like freecreditscore.com can help you understand the potential impact of big credit expenditures or delayed payments on existing debts. The site's credit score estimator helps members plan ahead to see how major financial decisions, like maxing out a credit card (if necessary) to fund a tax bill might impact your personal credit.

Keep in mind that in addition to paying interest on the balance carried on your credit card, you may face other fees and conditions for using your card to pay your taxes. Check with both the IRS and your card issuer.

Loans: You may also opt to use a bank loan — such as a home equity loan — to pay your tax bill. Again, this method of payment may have a larger impact than just interest expense. This loan will appear as debt on your personal credit until you are able to pay it off.

Payment Plan: Another option for



paying your tax bill is to ask the IRS for a payment plan. According to the IRS website, there are several payment options that could help you if you can't pay your entire tax bill at once. Research your options and follow the website's instructions for corresponding with the IRS.

According to IRS.gov, if you file your tax return, owe money and do not include immediate payment, the service will send you a tax bill. That bill initiates the collection process, and will include an explanation of the balance due plus any penalties and interest.

Although you have many alternatives for dealing with your tax bill, not filing your tax return or not paying your bill are not among them. IRS.gov points out that

bank or credit card interest rates and fees are “usually lower than the combination of interest and penalties imposed by the Internal Revenue Code.”

Finally, keep in mind that your taxes can provide an opportunity to positively impact your financial health. Avoid the temptation to turn a tax refund into fun money - or set aside only a small percentage towards that purpose — and use your refund to help pay down outstanding debt. Lowering your ratio of credit used to credit available can help improve your credit score. And, if your debt is under control, consider applying your refund towards a retirement account. One day, you'll thank yourself for doing so.

● (ARA)

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Starting an Internet Business: Dream Job or Pipe Dream?

Starting an internet business can sound like a dream: work from home, set your own hours, be your own boss. But most internet startups require significant investments of time and money, and many of them fail. If you're considering buying an internet business opportunity, know that the promise of big earnings and ideal work conditions is a pipe dream for most. Regardless of the handful of stories you've read about college-age entrepreneurs turning into internet gazillionaires, there's no such thing as a sure thing.

You may encounter pitches like "Start your own internet business;" "No experience required;" "Experts available to coach you" in a variety of places: on the Web and in e-mail offers, infomercials, classified ads, flyers, texts, telephone pitches, seminars, and direct-mail offers. The Federal Trade Commission (FTC), the nation's consumer protection agency, says that many of these solicitations are scams that promise more than they can possibly deliver. Often, bogus internet opportunity sales pitches are short on details and long on high-pressure tactics to persuade you to buy before you've investigated the offer.

Short on Details

An internet business is just like any business — it requires a solid business plan. Anyone who sells legitimate business opportunities should give you

detailed information. Be skeptical of a seller who offers vague descriptions of what the business is and how it will work. Sit down and ask yourself some critical questions, like:

- What would you be selling or doing?
- How and why shoppers would find and use your website?
- How would the business generate income and what are your specific expenses?

Answer these questions before you pay any promoter the price of admission to a business.

Some sellers claim you don't need to understand the details of the business because "it's the internet" or because their expert coaches and support staff will "take care of everything for you." The internet is not a magic place for business owners: in an internet business success requires the same solid planning and hard work as in any other venture. It's your business and your reputation; you can't afford to be in the dark about key details.

Long on Pressure

Scammers try to create the impression that if you don't buy immediately, you're going to miss out on a valuable opportunity. They emphasize the need to act fast, and may suggest that other buyers are ready to take your place if you hesitate or ask questions. They want to persuade you to give up your credit card or bank account

information before you've had time to research their claims or other people's experiences with the company. The scammers know that if you do even a little research, you're likely to find reports of rip-offs. In fact, a quick internet search often is enough to reveal alarming complaints. Legitimate business opportunities don't need to use high-pressure sales tactics: if an offer is good today, it should be good tomorrow.

As part of their sales pitch, scammers often hype a "no risk" refund policy to encourage you to buy an opportunity before you've researched it. Here's a tip: don't rely on a refund policy or a money-back guarantee because you have "nothing to lose." No matter the guarantee, scammers will make it virtually impossible for you to get your money back.

Before you buy any business opportunity

- Consider the promotion carefully.
- Study any disclosure documents. Under the Business Opportunity Rule, which is enforced by the FTC, many business opportunity promoters are required to provide a document to potential purchasers that includes information about the opportunity.
- Interview previous buyers in person. This helps reduce the chance of being misled by phony references.

■ Do a few internet searches by entering the company name, or the name of the company's CEO or president, and words like "complaints" or "scam." Contact the state attorney general's office, local consumer protection agency, and Better Business Bureau, both where the business opportunity promoter is based and where you live, to see if complaints are on file. While a complaint record may indicate questionable business practices, a lack of complaints doesn't necessarily mean the company — or the opportunity — is legitimate. Unscrupulous dealers often change names and locations to hide a history of complaints.

■ Consult an attorney, accountant, or other business advisor before you put any money down or sign any papers. Entering into a business opportunity can be costly, so it's best to have an expert check out the contract first.

Report Possible Fraud

If you suspect a business opportunity promotion is fraudulent, report it to the attorney general's office in the state where you live and in the state where the business opportunity promoter is based. You should also report it to the FTC. File a complaint online at ftc.gov or call toll free 1-877-FTC-HELP (1-877-382-4357). ●



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DON'T HESITATE

Diet Soda Tied to Heart Attack, Stroke Risks

BY AMY NORTON

Diet soda may benefit the waistline, but a new study suggests that people who drink it every day have a heightened risk of heart attack and stroke.

The study, which followed almost 2,600 older adults for a decade, found that those who drank diet soda every day were 44 percent more likely than non-drinkers to suffer a heart attack or stroke.

The findings, reported in the *Journal of General Internal Medicine*, don't prove that the sugar-free drinks are actually to blame.

There may be other things about diet-soda lovers that explain the connection, researchers say.

"What we saw was an association," said lead researcher Hannah Gardener, of the University of Miami Miller School of Medicine. "These people may tend to have more unhealthy habits."

She and her colleagues tried to account for that, Gardener told Reuters Health.

Daily diet-soda drinkers did tend to be heavier and more often have heart risk factors like high blood pressure, diabetes and unhealthy cholesterol levels.

That all suggests that people who were trying to shed pounds or manage existing health problems often opted for a diet soda over the sugar-laden variety.

But even after the researchers factored



in those differences — along with people's reported diet and exercise habits — they found that daily diet soda was linked to a 44-percent higher chance of heart attack or stroke.

Nevertheless, Gardener said, it's impossible for a study to capture all the variables that could be at work.

The findings do build on a few recent studies that also found diet-soda drinkers are more likely to have certain cardiovascular risk factors, like high blood pressure or high blood sugar.

This is the first study, Gardener said, to look at actual "vascular events" — that is, heart attacks, strokes and deaths from cardiovascular causes.

The findings are based on 2,564 New York City adults who were 69 years old, on average, at the outset. Over the next decade, 591 men and women had a heart attack, stroke or died of cardiovascular causes.

That included 31 percent of the 163 people who were daily diet-soda drinkers at the study's start. In contrast, 22 percent of people who rarely or never drank diet soda went on to have a heart attack or stroke.

There was no increased risk linked to less-than-daily consumption. Nor was regular soda tied to heart attacks and strokes.

If diet soda, itself, somehow con-

tributes to health risks, it's not clear how, Gardener said.

There's research in rats suggesting that artificial sweeteners can end up boosting food intake and weight. But whether results in rodents translate to humans is unknown.

"I don't think people should change their behavior based on this study," Gardener said. "And I wouldn't advocate drinking regular soda instead."

Regular soda is high in calories, and for people who need to shed pounds, experts often suggest swapping regular soda for the diet version.

A study out this month found that the advice may be sound. Obese people who were randomly assigned to drink water or diet drinks in place of sugary ones lost about five pounds over six months.

Gardener said that further studies such as hers are still needed to confirm a connection between diet soda and cardiovascular trouble.

Ultimately, she noted, clinical trials are considered the "gold standard" for proving cause-and-effect. That would mean randomly assigning people to drink diet soda or not, and then following them over time to see if there were differences in their rates of heart problems or stroke.

A study like that, Gardener said, would be "difficult and costly" — since it would have to follow large groups of people over many years, and rely on people to stick with their assigned beverages. ●

SOURCE: bit.ly/widyUV *Journal of General Internal Medicine*, online January 27, 2012.



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It Has Become the New Norm: Unmarried Couples Deciding to Live Together

In fact, the number of unmarried, opposite-sex couples who shared the same living quarters jumped by 13 percent, to 7.5 million, in 2010 over 2009, according to the U.S. Census Bureau. The number of same-sex couples living together is about 620,000.

More often than not, most unmarried couples who decide to live together intend to marry at some point. It's an added step in the courtship process. Living together is perceived as a way of "testing" compatibility, and as an opportunity to establish financial stability prior to getting married.

Living together doesn't always work out as planned, however. According to the Annual Review of Sociology, 55 percent of cohabitating couples get married within five years of moving in together. In that same period, 40 percent break up.

As cohabitation has become the norm, the number of legal cases involving disputes among unmarried couples who live together has risen in proportion, according to FindLaw.com. When an unmarried couple buys large ticket items together, including homes, and supports each other financially, trouble may emerge if they experience a difficult breakup. Because there is no legal mechanism such as divorce to help unmarried couples separate their property, they may need legal help to resolve their differences.

"You may share many things, from the toothpaste to the purchase of a new flat-screen TV," says Stephanie Rahlfs, an attorney with FindLaw.com. "Keep in mind that you're still single. You're not married yet, and in case things don't work out, you should take some steps to protect your rights and your property."

The key, according is clear communication, up front, before you rent the moving van. So before you say "I do" to living together, consider these tips:

Set the ground rules. Living together isn't like having a roommate. It's an intimate relationship that comes with many financial and social complexities. Take time to talk about how you want the relationship to work and what you will do if it doesn't. Be clear about finances, chores, and visits from friends and family members. Put all of this into writing. Family law attorneys recommend that unmarried couples sign a cohabitation property agreement, which is similar to a prenuptial or postnuptial agreement for couples getting married. Think about the unexpected. Cohabiting means sharing your lives, but you're still free (and single) to opt out if it doesn't work. But what happens if your girlfriend unexpectedly becomes pregnant, your boyfriend loses his job and can't afford to pay his share of the rent, or your partner is seriously injured or becomes terminally ill? These are real possibilities that should be discussed before moving in together.

Set goals. Marriage is often the biggest elephant in the room. Most couples move in together because they think they may marry the other person. Some couples agree not to move in together

until they're officially engaged. Some wait until a marriage date has been set. To avoid misunderstandings, clearly set a goal about whether you will continue the relationship or end it after a certain period of time.

Keep finances separate. Keep separate checking, savings and credit card accounts. Sit down each month and do your bills together. Be clear with each other about who pays for what.

Keep major purchases separate. If you make a major purchase such as a car and are making the monthly payments, be sure to keep the vehicle's title in your name. In the event of a breakup, this will make it easier to determine who owns what property. If you make a joint purchase such as a home, consult

an attorney to create an agreement stating the terms of the ownership and responsibility for payment of the mortgage.

Don't co-sign loan applications. Your boyfriend or girlfriend may ask you to co-sign an application for a credit card or an auto loan. Don't do it. That will

make you liable for the debt if you split up. Only co-sign after you have been legally married.

Do not become financially dependent upon each other. Maintain your career and keep developing your job skills in the event that the living arrange-

ment does not work out and you find yourself living on your own again. Even though you're living together, you are under no legal obligation to support your boyfriend or girlfriend. ●(ARA)



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The Black Vote is Still the President's Trump Card

EARL OFARI HUTCHINSON,
NEW AMERICA MEDIA

That black voters will again give President Obama a sky-high percentage of their vote in 2012 was never in doubt. What is in doubt is how many will make up that percentage. It is the number, not percentage of black voters that turn out that will again ease the President's path back to the White House or, make that path rocky. The 2008 election decisively proved that the presidential re-election bid is a pure numbers game. If black voters had not turned the 2008 Democratic presidential primaries into a virtual holy crusade for Obama, and if Obama had not, openly in the South Carolina primary and subtly in primaries thereafter, stoked the black vote, he could easily have been just another failed Democratic presidential candidate. Through its voter education, awareness and mobilization campaigns, the NAACP played a huge role in galvanizing and boosting the numbers of black voters, nearly all votes for Obama. It was part race, part pride, and all sense of history in the making, as well as being a part of Obama's epic win. The mass rush by blacks to the polls was the single biggest

reason that Obama carried the traditional must-win states of Pennsylvania, Ohio, Florida, and broke the GOP presidential grip on North Carolina and Virginia. There's no certainty that will be the case this time around. The GOP dominates the state legislatures in North Carolina, Virginia, Florida and Virginia. Four of these five states have GOP governors, and there's warfare between the GOP and the Democrats over GOP concocted remapping plans in Florida and Ohio and other states. The plans would virtually insure a spate of redrawn GOP friendly voting districts in the 2012 presidential election. The GOP aim is to gain greater dominance in the House and win majority control in the Senate. But the biggest prize is the White House, and the more GOP controlled districts in the states that Obama won in 2008, the greater the odds are of rolling those states back into the GOP win column. GOP strategists almost certainly will spend massive sums and mount a relentless, intensive blitz in these states to paint Obama and the Democrats as the cause of the economic woes of the middle-class, with the always subtle undertone of soft pitch racial code language to prick the lingering unease of many conservative white voters toward

Obama and the Democrats This political ploy is even more worrisome. Obama's centrist appeal to independents played a significant role in getting many of them to punch the Democratic ticket and augment the huge black vote he got in 2008. But a repeat of that in 2012 is questionable. Polls consistently show that a majority of independents are disappointed, dismayed, or hostile to Obama's handling of the economy, always the Achilles Heel for any incumbent who wants to keep his presidential job. The good news is that polls are showing the enthusiasm level for Obama is still as high as it was in 2008 among a majority of black voters. Polls also show that blacks are the most optimistic that the country is heading in the right direction. That's due almost exclusively to their backing of Obama. This is the key factor in getting numbers of voters to show up at the polls on Election Day. Obama has done two things to keep the enthusiasm level high. In November, he held a black leadership conference and unveiled what is as close yet to a white paper the White House has issued on race. It ticked off a checklist of initiatives from health care, job stimulus and small business aid that have benefited blacks. The position paper was an obvious counter to the shouts from some black activists, and on occasion the Congressional Black Caucus, that he hasn't said or done enough about the chronic high unemployment, failing public schools, high incarceration rates and worries about home foreclosures, and the poverty crisis facing black communities.

Obama strategists recognize that the novelty of his history-making election has worn off with many blacks. This realization and in some cases, frustration and impatience, set in among many blacks, caused far more second guessing about Obama's priorities than the White House found comfortable. The backstabbing, infighting, and clownish antics of the pack of GOP presidential contenders and the constant hectoring of them as weak and ineffectual at this stage of the election game should not be cause for the Democrats to uncork the champagne and declare the 2012 election a cakewalk for Obama.

Despite fielding arguably one of the weakest GOP presidential tickets in recent history, in 2008, the GOP contenders still got the bulk of the white vote. There's no guarantee that this can't happen again. The GOP will rally its fractious base when the election chips are down. The Black vote is still Obama's trump card, but only if the numbers are there. ●

Earl Ofari Hutchinson is an author and political analyst. He is a weekly co-host of the Al Sharpton Show on American Urban Radio Network. He is the author of How Obama Governed: The Year of Crisis and Challenge. He is an associate editor of New America Media. He is host of the weekly Hutchinson Report Newsmaker Hour on KTYM Radio Los Angeles streamed on ktym.com podcast on blogtalkradio.com and on thehutchinsonreportnews.com

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How Congress Can Better Protect Immigrant Victims of Crime

continued from page 1

protecting immigrant victims of crime who qualify for U visas. Among the important changes in the bill that the Senate will take up are the addition of dating violence and stalking to the list of crimes covered, better protections for children of U-visa recipients, and the ability to recapture visa numbers that were not used in previous years. Unfortunately, there were some significant trade-offs as well. With respect to the U visa, the original provision to expand the number of visas available annually from 10,000 to 15,000 victims was removed and replaced by the recapture provision.

Another important provision that didn't make it out of committee involves how a U-visa recipient initially qualifies. The U visa requires certification from law enforcement stating that a qualifying crime occurred, and that the victim had information about the crime and cooperated in the investigation or prosecution. The certification is mandatory; without it, the victim is not eligible for a U visa. The original proposal would have made it easier to get the necessary certification by expanding who within a law-enforcement agency can sign the certification and what level of participation a U-visa applicant must show to qualify. This provision was removed.

As the director of a program that serves U-visa clients, I find removal of this provision to be of great concern. The unfortunate reality is that the U visa is only available to victims who live in



jurisdictions with cooperative law enforcement like those highlighted in the Washington Post story, but that is not always the case. They have become the gatekeepers; they decide who can apply for a U visa. Across the country, many law-enforcement officials have created their own arbitrary policies regarding U-visa certification. In some jurisdictions, law enforcement refuses to certify. In other jurisdictions, law enforcement has created protocols that are not consistent

with the statute or regulations. Some agencies impose their own statute of limitations to limit victim eligibility. Others apply their own definition of substantial physical or emotional harm. They decide whether the victim was injured, usually without regard to any subsequent emotional harm suffered as a result of the criminal activity. In cases involving the murder of a parent or child, some law enforcement will not certify a case for the surviving children or parents because in

their eyes the victim is deceased. As a result, eligible family members are left out of the U visa.

These arbitrary policies continue despite the Department of Homeland Security's efforts to assist and educate law enforcement about the U-visa certification requirements. DHS developed an excellent "*U Visa Law Enforcement Certification Resource Guide*," and has made itself available to answer policy questions and provide trainings to local agencies. But the arbitrary practices continue. Although the provision didn't make it out of committee, the Senate should still consider creating an exception to the mandatory law-enforcement certification requirement. The law should allow victims to apply for a U visa if they can demonstrate their cooperation in the investigation or prosecution and their reasonable efforts to obtain certification. This provision works in the T-visa context and can easily be applied to the U visa. This straightforward amendment would provide fair and equal treatment so all victims can apply for the U visa and give them a chance to move forward with their lives. ●

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