

CONSUMER CONNECTION

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Is it happening to
someone you love?

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FROM THE ACTING DIRECTOR

It's summertime and the livin' is easy, so the song goes. But with gas prices rising, home values falling, and incomes staying stagnant, it may seem to you like getting by is growing more difficult. Equally challenging is protecting what's already yours. Fraudsters and con artists never take a holiday, and that's why DCA is never complacent about helping you become a savvy consumer.

Part of being a smart consumer is managing your money wisely. For most people, the first step toward financial security is opening a bank account. That's where the State's Bank on California program can help. Through this program, you can get access to free and low-cost accounts with participating credit unions and banks. You need a valid ID, but many forms are accepted, including passports, California IDs, Mexican Matricula cards, and others. Without a bank account, the average person will spend 5 percent of his or her income at check cashers each year. Having a bank account has a lot of benefits. Read about them on page 6.

In other money matters, actor Mickey Rooney's recent testimony before Congress gave renewed attention to the

problem of elder financial abuse. Estimates say seniors are being bilked to the tune of \$2.6 billion every year. California is home to more than 4 million people over age 65, a number that continues to grow. These seniors often have accumulated assets such as home equity, savings, and pensions that make them targets for abuse. We tell you what to look for and actions to take if you suspect shady dealings by a caregiver or family member.

Another disturbing scam that's come to our attention is the "spy cam" case that made headlines this summer. Fullerton police recently arrested a computer technician suspected of installing spyware on victims' laptops that allowed him to remotely take photographs of the unsuspecting users through the machines' Web cameras. We tell you how to protect yourself.

Here's another topic sure to affect many of you: New Federal regulations were enacted last year covering renovations of houses built in or before 1978. Contractors who work on these homes must have special training and equipment to handle lead and asbestos – materials commonly used in construction during that time.

We tell you how to find these individuals and provide access to publications you can download that explain how to protect yourself and others when tackling home maintenance and remodel projects.

In addition, one of our most popular booklets has been updated for 2011 – *The Small Claims Court: A Guide to its Practical Use*. See the article for highlights, and call (866) 320-8652 to have a free copy mailed to you.

Finally, you don't have to wait for *Consumer Connection* to keep abreast of consumer issues. Visit *California Consumer Connection* on Facebook for daily tips and news at www.facebook.com/CACConsumerConnection. We're also on Twitter: www.twitter.com/dcanews.

Brian J. Stiger, Acting Director
California Department of Consumer Affairs



FINANCIAL ABUSE OF SENIORS

It's devastating —
and growing

It was March 2, 2011, in Washington, D.C. The setting was a U.S. Senate hearing room. An elderly man sat at a table facing the panel of committee members. He started to speak:

“My name is Mickey Rooney and I want to thank you for the opportunity to testify today. We are here today on a very critical issue – preventing the abuse, neglect, and financial exploitation of seniors. Unfortunately, I am testifying before the Committee today not just as a concerned citizen, but also as a victim myself.”

With that introduction, the former actor, now age 90, choked up as he described to the Senate Special Committee on Aging how he was financially exploited by someone close.

“I was eventually and completely stripped of the ability to make even the most basic decisions about my life,” Rooney said. “I felt trapped, scared, used, and frustrated. But above all, I felt helpless.”

In opening the hearing, Chairman Herb Kohl of Wisconsin said that “the physical, mental, and financial abuse of our nation’s seniors is all too common. These crimes are being committed by people because their victims are often fragile and their chance of getting caught is slim.”

In its report to the Committee, the Government Accountability Office (GAO) cited a study that estimated 14.1 percent of noninstitutionalized older adults had experienced physical, psychological, or sexual abuse; neglect; or financial exploitation. However, current studies “likely underestimate the full extent of elder abuse,” according to the report, *Stronger Federal Leadership Could Enhance National Response to Elder Abuse*. “Most [studies] did not ask about all types of abuse or include all types of older adults living in the community, such as those with cognitive impairments.”

Elders who watched the hearing may have wondered: “Can it happen to me?” Firm statistics are hard to come by, but experts say as many as 1 million elders are exploited each year and lose a total of \$2.6 billion dollars. Some estimates put the number of reported cases in California at 200,000 a year. The Elder Financial Protection Network (www.BeWiseOnline.org) estimates that only one in 100 incidents is reported to authorities. In 60 to 90 percent of cases, perpetrators are adult children or other family members of the victim.

What exactly is financial abuse and who does it happen to?

State law defines financial abuse as occurring when a person who has care or custody of or who stands in a position of trust of an elder or dependent adult takes or appropriates that person’s money or property “to any wrongful use or with the intent to defraud.” It can also include “undue influence,” such as persuading an elder to turn over assets, even bank accounts and deeds to property, to someone else.



The problem is not new, but it has been gaining more attention as the number of elders (defined as age 65 and up) grows. According to 2008 Census Bureau data, California is home to more than 4.1 million people over age 65 (nearly two-thirds are women). That number is expected to jump to more than 9 million by 2030.

In addition to their growing numbers, elders often have accumulated assets. Home equity, investments, savings, and even military or civilian pensions may make elders targets for financial exploitation or abuse.

The people committing these crimes against the elderly are typically not strangers, experts say. They are often family members, caregivers, or someone else who has gained the victim's trust.

A 2009 Met Life Mature Market Institute study, *Broken Trust: Elders, Family, and Finances*, includes this description of the typical victim: Between 70 and 89 years old, female, frail, and mentally impaired. She is trusting of others and may be lonely or isolated. She may be someone financially supporting a

troubled adult child or grandchild, who may be addicted to drugs or alcohol. (The report is available online at www.metlife.com.)

One type of elder financial abuse that men fall victim to is the "Sweetheart Scam." In this scam, a younger woman "befriends" an elderly widower, and soon he is giving her money, expensive gifts, the keys to his car, and maybe even the deed to his house.

Family members and caregivers are not the only ones who are exploiting vulnerable elders. In some cases, the person stealing the elder's money is the same person who was appointed by a judge to oversee it.

A few years ago, several cases of court-appointed conservators stealing from their clients came to light. Experts urged greater oversight. The result was a State law which created the Professional Fiduciaries Bureau to license and regulate professional fiduciaries (also called conservators). The Bureau, part of the Department of Consumer Affairs, oversees nonfamily professional fiduciaries, including conservators, guardians,

trustees, and agents under durable power of attorney. The Bureau currently licenses approximately 500 professional fiduciaries. More information is available from the Professional Fiduciaries Bureau at www.fiduciary.ca.gov.

There have also been reports that money paid by seniors to a preneed funeral trust were misused. The Cemetery and Funeral Bureau, another entity of the Department of Consumer Affairs, has sued one trust company for \$14 million. Consumers who opt for a preneed trust should weigh the decision carefully. More information is available from the Cemetery and Funeral Bureau, www.cfb.ca.gov.

What is being done about the problem?

Studies show that most victims of elderly financial abuse do not report it. The reasons vary, but in many cases, the victims don't report the crime because they don't want the guilty adult child or grandchild to go to jail, they feel responsible for what happened, they don't think anyone will believe them, or they think they will be placed in an institution because they can't handle their own financial affairs. In some cases, the elder does not believe financial abuse has occurred.

Whether reported or not, financial abuse of the elderly has a lasting effect on the victims, their families, and society at large. The crime puts enormous emotional stress on the elders, according to the Met Life study, increasing their risk of depression. The loss of money may impact the elder's ability to afford basic necessities such as food and medications and may rob them of their independence, and maybe even their home.





State and Federal laws require certain professionals to report suspicions of financial and other types of elderly abuse. Mandatory reporters in California include physicians, home health care providers, mental health service providers, law enforcement authorities, and representatives of financial institutions. Concerned relatives, neighbors, or others can also report suspicions of elder abuse.

As Mickey Rooney told the Senate Committee, "If we all stand strong and speak up, we can begin the necessary steps to end the cycle of elder abuse."

How can seniors prevent problems?

- Stay organized. Keep track of your possessions; handle your own mail; complete and sign your own checks.
- Stay informed. Consult with an attorney about your future plans including power of attorney; review your will.
- Stay alert. Do not sign any document unless someone you trust reviews it.

Source: *Met Life Mature Market Institute, A Study on Elder Financial Abuse Protection, March 2009*

What are the warning signs of financial abuse?

No single indicator can be considered proof that a senior is being financially abused or manipulated. Concerned family and friends should look for patterns or clusters of indicators that suggest a problem. For example:

- Unpaid bills, eviction notices, or notices to discontinue utilities.
- Withdrawals from bank accounts or transfers between accounts that the older person cannot explain.
- Bank statements and canceled checks no longer mailed to the elder's home.
- New "best friends" who never leave the elder's side.
- Legal documents, such as power of attorney, which the older person didn't understand at the time he or she signed them.
- Unusual activity in the older person's bank accounts including large, unexplained withdrawals, frequent transfers between accounts, or ATM withdrawals.
- The care of the elder is not in line with the amount of money in of his/her estate.

- A caregiver expresses excessive interest in the amount of money being spent on the older person.
- Belongings or property are missing.
- Suspicious signatures on checks or other documents.
- Absence of documentation about financial arrangements.
- Implausible explanations given about the elderly person's finances by the elder or the caregiver.
- The elder is unaware of or does not understand financial arrangements that have been made for him or her.

Source: *National Committee for the Prevention of Elder Abuse*

What should you do if you suspect financial abuse of an elder?

Contact one of the following:

- Adult Protective Services. Check your phone directory or go online to www.cdss.ca.gov/agedblinddisabled/PG2300.htm for a list of addresses and phone numbers. Each county has a 24-hour abuse hotline.
- Law enforcement. If the person is in immediate danger, call 9-1-1.
- Long-term care ombudsman. If the elder resides in a long-term care facility, call (800) 231-4024 to find a long-term care ombudsman in your area.
- District attorney or city attorney; check your phone directory for the office near you or go online to www.cdaa.org for a roster of district attorneys and city attorneys in each county.



EVERYONE IS WELCOME



Bank on California:

A chance for a better future

As part of its mission to empower California's consumers, the Department of Consumer Affairs (DCA) is helping make it easier for low- and middle-income people to open checking and savings accounts at financial institutions statewide.

DCA is now administering the Bank on California campaign, which in the past two years has helped more than 200,000 people open low-cost savings and checking accounts. Bank accounts build credit, save money, and create access to loans, credit cards, and other financial services.

“We are pleased to join Bank on California in reaching those who have been especially marginalized by the economy,” said DCA’s Acting Director Brian J. Stiger.

Roughly 11 percent of California’s households do not have a checking account; nearly half have no savings account, according to a Brookings Institution report. That’s 5.7 million people with no savings account, and 1.2 million with no checking account. Most of them are young, minority, and low income.

People without bank accounts are more likely to use check cashers and payday lenders, and to pay high interest charges and high fees for those services. In fact, without a bank account, a consumer will spend an average of \$800 a year to cash checks and pay bills. In addition, consumers without bank accounts are not building credit histories that could help them secure car loans, credit cards, and even home mortgages.

Overall, about a third of the households considered “unbanked,” say they don’t have bank accounts because they don’t have enough money. Nearly half of those with household incomes under \$50,000 a year give that reason. That’s why the financial institutions participating in Bank on California offer free or low-cost accounts, some of which can be opened with as little as \$1. Many of the accounts have no minimum balance and limit overdraft and other fees. These are called “starter” accounts. “Second-chance” accounts may be available for people who’ve had problems in the past with overdrafts and bounced checks. The accounts vary by financial institutions.

Banks and credit unions are also expanding the types of acceptable identification needed to open an account. In addition to driver licenses, acceptable primary identification may include California State ID, passport, military ID, Mexican or Guatemalan Consular ID, or permanent resident (green) card. Some banks or credit unions ask for secondary ID, too. You should check with the bank or credit union ahead of time about specific ID requirements.

Under the Bank on California model, government entities, financial institutions, and community-based organizations collaborate to promote the benefit of bank accounts. Many community organizations also offer financial education classes to help people learn how to manage checking accounts, set up household budgets, and build credit.

The campaign is operating in seven major California cities (Fresno, Los Angeles, Oakland, Sacramento, Santa Ana, San Francisco, and San Jose) with more to come. Financial institutions participating include Bank of America, Bank of the West, Chase, Citibank, Redwood Credit Union, Safe Credit Union, Visa, Wells Fargo, and others.

For more information on participating banks and credit unions in your area, or for help opening an account, call 2-1-1 from your home or mobile phone. For a list of participating partners, educational classes, savings calculators and more, visit the Web site of the participating city near you:

- **Fresno:** <http://www.bankonfresno.ca.gov>
- **Los Angeles:** <http://bankonla.org>
- **Oakland:** <http://www.bankonoakland.ca.gov>
- **Sacramento:** <http://www.bankonsacramento.ca.gov>
- **San Francisco:** <http://bankonsf.org>
- **San Jose:** http://uwsv.org/indephp?pr=Bank_on_San_Jose
- **Santa Ana:** <http://www.bankonsantaana.ca.gov>

Bank on California. Everyone is welcome.
www.BankonCalifornia.ca.gov



SPY CAM CRIME

Does your computer have eyes?

Do you ever get the feeling someone's watching you? Unfortunately, it can happen in places you least expect it – and don't want it.

Case in point: Recently, Fullerton police arrested a man accused of planting a type of “spyware” on numerous laptop computers which allowed him to remotely activate each machine’s Web camera and take photographs of the users.

In a news release dated June 8, 2011, police said the man worked for a computer service company – Rezitech, Inc. – that provided residential computer service to users with Macintosh computers. He also worked on friends’ computers. Shortly after users picked up their “repaired” computers, they received an on-screen message that stated, “You should fix your internal sensor soon. If unsure what to do, try putting your laptop near hot steam to clean the sensor.” In response to the message, many of the victims took their laptops into the bathroom while showering. Still images, videos, and cell phone videos of women taken surreptitiously were all seized from the man’s computer.

The Orange County District Attorney said there were six victims of this scam, all of them adult females. The case came to light in the summer of 2010 when a Fullerton resident contacted police about suspicious messages that were appearing on his daughter’s computer. Authorities said the suspect – a computer science student – was charged with 12 felony counts of computer access and fraud with sentencing enhancement allegations for committing a crime for sexual gratification. Fullerton police said potential victims should search the “Library/WebServer/Documents” directory on their laptop for “CamCapture,” which is the program they said the suspect used.

So, how do you prevent this from happening to you?

First, businesses that provide computer repair service must be registered with the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation. To check registration status, go to www.bearhfti.ca.gov and click on the tab “License Verification.”

Don’t respond to any type of message on your computer that cannot be validated or makes what seems to be a strange request. Also, if the computer is equipped with a video camera, make sure it is not on (usually there is an indicator light), unless you’ve intentionally turned it on.

Other steps to protect yourself include:

- Password protect any sensitive information. Use strong passwords with at least eight characters in a combination of letters, numbers, and symbols that’s easy for you to remember, but hard for others to guess. If your computer will be out of your possession, transfer personal data to an external drive that remains in your control and remove it all from the computer’s internal drive, if possible.
- Regularly run an anti-virus program from a reputable security software company to reduce the chance of having unwanted programs installed or activated. Keep the anti-virus program running at all times and perform frequent scans to look for and isolate suspicious programs.
- Perform frequent backups of your hard drive.
- Use a firewall to help protect your system from potential hackers.
- Check with the computer manufacturer if you are given any direction (such as from a pop-up message) on what to do with your computer. Representatives can tell you whether or not it is a standard system message or if you should be concerned. They should be able to provide advice on what to do in many situations.
- Be wary of downloading any types of programs online – there are spyware, malware, and tracking software programs that are marketed as protection for your computer, when in fact their purpose is to gather personal information, induce you to buy more products, or potentially cause harm to your hardware or data. Research outside of the software vendor’s Web site to check the credibility of the company and its products. There are many independent computer publications that rate and recommend software.

Still worried about who’s watching you from your computer’s camera? Consider blocking it with a piece of painter’s tape or similar screening object until you’re ready to use it.

For more information, visit the Web sites for the California Office of Privacy Protection www.privacy.ca.gov and the Federal Trade Commission www.ftc.go.



Is your Pre-1978 home **safe?**

Was your home built in or before 1978? If so, it might contain lead-based paint and asbestos. These materials were used extensively in construction until the U.S. Environmental Protection Agency (EPA) restricted their use, so many buildings have them. When they are disturbed during remodeling or demolition, they can create dust and expose workers and building occupants to potential health hazards.

Lead-based paint was used in more than 38 million homes until it was banned for residential use in 1978, according to the EPA. Laws are in place to help prevent exposure to these dangerous substances. Here are some basics you should know.

LEAD

As of April 22, 2010, contractors remodeling or demolishing more than six square feet indoors or 20 square feet outdoors must be trained and certified for lead safety by the EPA to work in homes, child care facilities, or schools built in or before 1978. They must also follow specific work practices to prevent lead contamination. To find a database of contractors who are licensed by the Contractors State License Board and lead-certified, visit http://cfpub.epa.gov/flpp/searchrrp_firm.htm.

If you plan to do your own renovation work, you're exempt from certification requirements but you should educate yourself about safe practices. The EPA recommends that you call your local health department for advice on reducing or eliminating exposure to lead-based paint dust. You may also want to consider having a lead inspection. Visit the EPA Web site www.EPA.gov or call (800) 424-LEAD (5323) to locate a certified inspector. More information is available in the EPA's booklet, *Renovate Right* at www.epa.gov/lead/pubs/renovaterightbrochure.pdf. (Contractors are required to provide homeowners and tenants with a copy before work begins.)

The main conduit for lead poisoning is dust. Lead dust comes from deteriorating lead-based paint and lead-contaminated soil that gets tracked into the structure. Although the lead-based paint may have been covered by nontoxic paints in subsequent years, remodeling or

demolition will still disturb the lead paint underneath, potentially harming workers and consumers. For example, the amount of lead dust that can cover a three-by-five-inch card can poison a 1,500-square-foot house or apartment, and cause it to fail a lead safety inspection, says the EPA.

That's why it's critical to contain the work area, use work practices that minimize dust, and clean up thoroughly.

The EPA says lead paint poisoning affects more than 1 million children today. Scientific studies show children with high levels of lead in their bodies can potentially suffer from:

- Damage to the brain and nervous system
- Behavior and learning problems
- Slowed growth
- Hearing problems
- Headaches

A blood test is the only way to determine if an individual has lead poisoning. Call your doctor or local health department to arrange for a blood test.

Contractors could face fines of up to \$37,500 for not complying with Federal regulations aimed at protecting them and consumers from exposure to dust from lead-based paints. If you see a worker who you think is not following procedure or doing something unsafe, the EPA recommends that you:

- Direct the contractor to comply with regulatory and contract requirements.
- Call your local health or building department; or
- Call the EPA's hotline at (800) 424-LEAD (5323).

ASBESTOS

Another concern in many older structures is asbestos. This naturally occurring mineral fiber was commonly used in construction and many other industries because of its durability and resistance to heat and chemicals. It can be found in wall insulation; paint; sprayed- or troweled-on surfacing materials; ceiling and flooring materials; pipe, boiler, and duct insulations; cement filler; and a variety of other products.

By law, any project 100 square feet or more that involves asbestos-containing construction materials must be performed by a contractor registered with the California Department of Occupational Safety and Health (DOSH). To find an appropriate contractor, visit DOSH's Asbestos Registrants Database at www.dir.ca.gov/databases/doshacru/acrusearch.html.

For more information, including general guidelines for handling products containing asbestos, see *A Consumer Guide to Asbestos* from the Contractors State License Board. Visit www.cslb.ca.gov or www.dca.ca.gov, or call (866) 320-8652 for a copy.

Exposure to asbestos can cause several types of serious diseases, including asbestosis, lung cancer, and mesothelioma. The likelihood of developing asbestos-related disease depends on the amount of asbestos you are exposed to, the length of time, and the number of times you are exposed. The greater the total exposure, the greater the chance you will become ill. The best way to protect your health and the health of your family is to limit exposure as much as possible.



http://WWW.

The Internet never forgets

You'll have to look elsewhere for evidence of a spiritual afterlife, but we can say this about the digital afterlife: It exists, and it remains long after you've joined the ranks of the dearly departed.

What should happen to all those e-mails, photos, videos, online dating profiles, blogs, social media pages, domain names, and other elements of your online identity when you're no longer around?

It became an issue recently among the young and the techie after the untimely deaths of a couple of popular bloggers. But, as older folks become more computer savvy and younger folks grow older, the topic gains urgency. In fact, a diverse and loose-knit group of professionals in information technology and the death care industry held an online Digital Death Day "unconference" recently in the Bay Area to call attention to the issue. More events are planned. Find details at <http://DigitalDeathDay.com>.

Another resource is a blog written by Evan Carroll and John Romano called *The Digital Beyond* (www.TheDigitalBeyond.com) which has been featured in several publications including the *New York Times*. It is described as a "think tank for digital death and legacy issues." The pair have also written a book, *Your Digital Afterlife: When Facebook, Flickr, and Twitter Are Your Estate, What's Your Legacy?* (www.your-digitalafterlife.com). In an interview on National Public Radio, the authors suggested naming a "digital executor" to handle your digital belongings.

The issue is important on two levels. For professional authors,

musicians, photographers, and others who store their work online, there are legal issues surrounding intellectual property or personal brand. For the rest of us, the digital evidence of who we are and what we said or liked or took pictures of is something to pass to friends or relatives or be deleted. In the absence of specific instructions and passwords, family members may be unwilling – or unable – to act. If that happens, part of your identity, your digital footprint, floats out there in cyberspace, maybe forever.

Another factor is family history. Grandma saved letters, scrapbooks, and pictures in her hope chest, Mom kept shoeboxes of family photos in her closet. Your photos, letters, and other materials probably exist only online. You may even have hundreds of digital photos that were never printed. If you don't make arrangements for someone to handle them after you're gone, the images of little Lucy's first steps may never be seen by her grandchildren.

Digital material can have historical significance, too. Experts who study popular culture use pictures, letters, journals, and other documents to connect everyday people to their times. We could be the generation that loses those tools.

So, what should you do? First, review the policy of the social network or other sites where you have accounts. Some social

network sites, for example, will allow families to create a memorial page for their loved one. Each site will also have instructions on how family members can access your account. It can be difficult, requiring death certificates and other documentation. An easier way to handle the matter is to leave a list of your accounts and the login and password information. Include instructions on how you want the material handled.

If that seems like too much to do, there are businesses that can help. Several companies have recently sprung up that handle personal digital archiving. For a fee, these companies can provide an automated system to store passwords and instructions on handling your digital accounts. Some online accounts are simply permission to use a particular Web site and will expire after your death. Other accounts may be considered assets. You may want to consult an estate planning attorney about including digital assets in your will.

If you're considering backing up your online material onto a storage device, think about the technology you'll use. Today's technology may not be relevant or even usable in a generation's time. Today's flash drives or CDs may become as obsolete as yesterday's floppy disks or Super 8 movies. Storing your data online (and sharing the password) could be the safest approach for keeping your life-affirming digital collection. After all, the Internet never forgets.

WHAT QUALIFIES AS A SERVICE ANIMAL?

[ADA UPDATES ITS DEFINITION]

We've all seen guide dogs, but guide horses? That's right. On March 15, a number of changes to the Federal Americans with Disabilities Act (ADA) went into effect, including a new definition of what qualifies as a service animal. New language also allows for the use of miniature horses.

The ADA is a civil rights law that prohibits discrimination against people with disabilities and opens doors for their full participation in all aspects of everyday life. The new rules not only affect users of service animals, but also the hospitality industry, retailers, and other businesses that accommodate the public. Service animals are allowed anywhere the public is allowed to go.

The updated regulations now define a service animal as a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. For example, many

people who are blind or have low vision use dogs to guide and assist them with orientation. Many individuals who are deaf use dogs to alert them to sounds. People with mobility disabilities often use dogs to pull their wheelchairs or retrieve items. People with epilepsy may use a dog to warn them of an imminent seizure, and individuals with psychiatric disabilities may use a dog to remind them to take medication.

The revised service animal definition excludes animals used for emotional support, well-being, comfort, companionship, or crime deterrent. Guide dog advocates hope the new regulations will help eliminate the fraudulent use of service animals.

The final rule does not actually include miniature horses in the definition of "service animal." Instead, it requires public places like restaurants, hospitals, and government buildings to make "reasonable modifications" in their operations to permit the use of





trained miniature horses, subject to certain limitations. This allows flexibility in situations where using a horse would not be appropriate.

To consider whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public entity must consider:

- The type, size, and weight of the miniature horse and whether the facility can accommodate those features.
- If having the horse there compromises legitimate safety requirements necessary for safe operation.

Just like a service dog, the horse must be housebroken and under the control of its handler. The care or supervision of a service animal is solely the responsibility of his or her owner.

ADA advocates say you're not likely to see many guide horses and they are not for everyone. But according to the Guide Horse Foundation, a nonprofit founded in 1999 that trains and provides guide horses, there is a strong demand for them among blind horse lovers, those who are allergic to dogs, and those who want a guide animal with a longer lifespan.

Under the ADA, service animals must be harnessed, leashed, or tethered, unless doing this would interfere with the service animal's work or the person's disability prevents it. In that case, the animal must be controlled through voice, signal, or other effective means.

Public entities may exclude a legitimate service animal only if it is out of control or is not housebroken. In cases where it's not

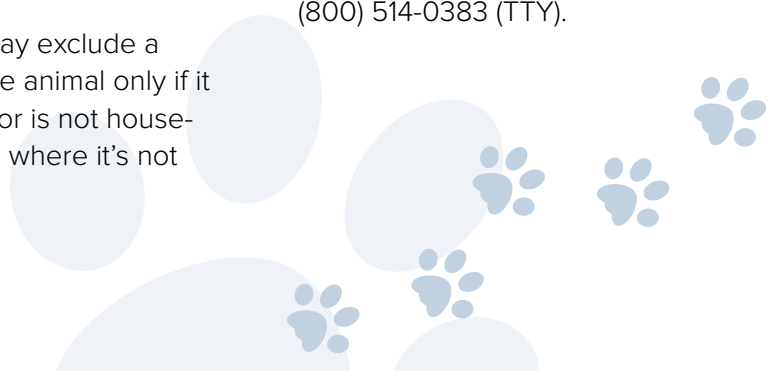
clear whether the dog (or miniature horse) is not actually a service animal, the business owner can ask only two questions:

- Is the animal required because of a disability?
- What task has it been trained to perform?

That's it. Businesses cannot ask about the disability itself, or require proof or medical documentation as a condition for entry. The Federal law is the baseline – if a local or State law gives more protection for individuals with disabilities, it takes precedence, and vice-versa.

These changes were the focus of a comprehensive panel discussion in February hosted by the State Board of Guide Dogs for the Blind in Sacramento. Attorneys from the U.S. Department of Justice and Disability Rights California addressed these revisions and what they mean to members of the public, law enforcement, and the business community in California. They provided clarity on what fits the definition of a service animal and fielded questions from the audience. View the archived webcast of the gathering at www.dca.ca.gov/publications/multimedia/webcast_archive.shtml.

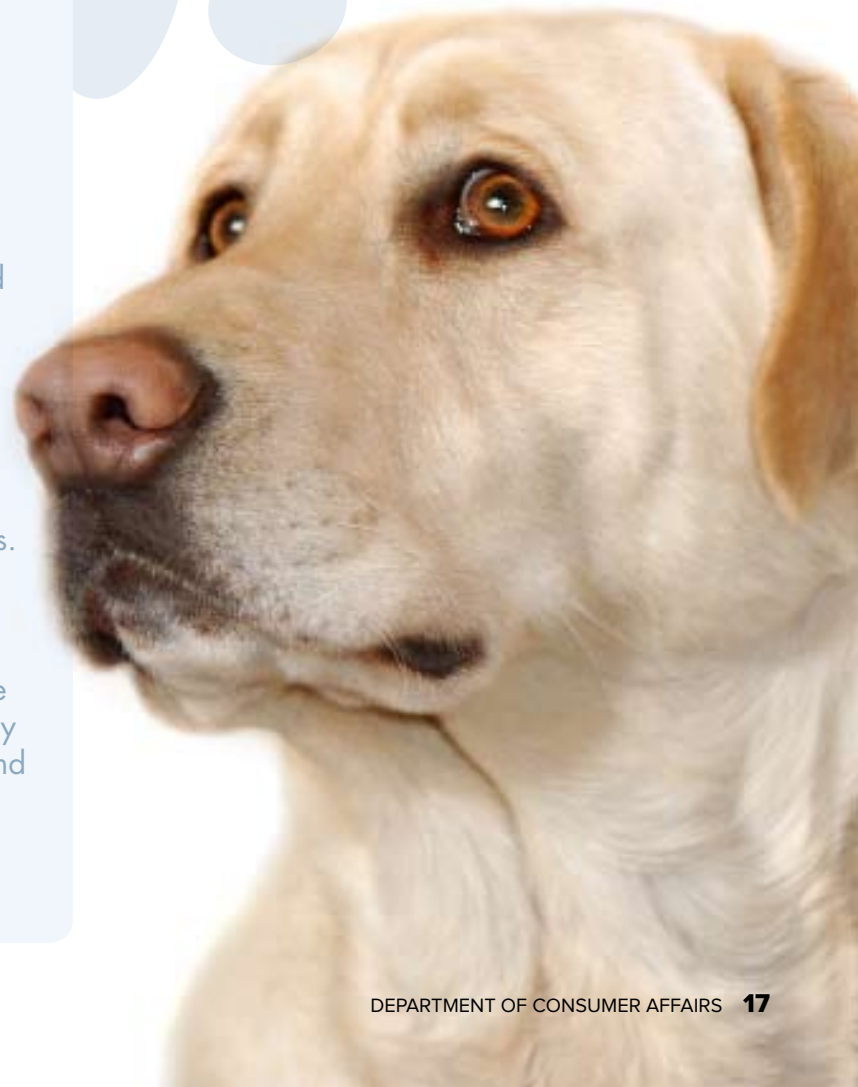
For more information, visit the ADA Web site at www.ada.gov, or call (800) 514-0301 (voice) or (800) 514-0383 (TTY).



The State Board of Guide Dogs for the Blind licenses and regulates guide dog programs in California, making sure that instructors are qualified, training is standardized, and schools are well-managed. California is the only state in the nation to require licensing of guide dog instructors and schools.

GUIDE DOG FACTS:

- Nearly 2,000 Californians use guide dogs.
- Almost 20 percent of all guide dog handlers live in California.
- The handler uses about 20 different commands to direct the dog. The dog, trained through repetition and praise, will disobey a command and signal through its rigid harness when it's unsafe to proceed.
- You should never pet a working guide dog without asking the handler's permission.
- Puppy raisers are volunteers who care for, train, and socialize guide dog puppies. A puppy lives with a puppy raiser for 15 to 18 months.
- Guide dogs spend six months in training before meeting their human partners. Blind handlers spend about one month training with their dogs.
- Like all dogs, guide dogs enjoy playing when they're not working.
- Guide dogs work for about six to ten years. They usually start working at the age of two-and-a-half.
- Dogs that don't succeed as guide dogs are "career change" dogs. They become family pets, service or therapy dogs, or search and rescue dogs.



ROUNDUP OF CURRENT

SCAMS



Osama Bin Laden e-mails

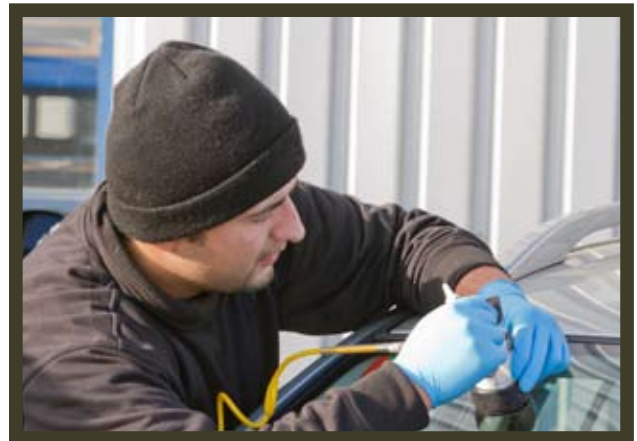
The FBI is warning computer users not to open any e-mail claiming to have photos or video of Osama Bin Laden's death. It's likely to contain malicious software known as "malware."

If you open one of these e-mails, it will embed itself into your computer and corrupt your hard drive. From there, it could take control of your computer to steal information such as bank account and Social Security numbers, tax records, and other personal information. Not only is there risk to your computer and personal information, it could also spread to all individuals on your e-mail contact list.

Windshield bullies

If you have a small crack or chip in your windshield, be on the lookout for this scam. Windshield "bullies" hang out at gas stations, car washes, office building complexes, and even go door-to-door looking for customers. They tell you they can fix that windshield crack or chip onsite and cheaper than going through your insurance company. Their sales tactics are very aggressive but there is no guarantee the work will be done correctly. If the repair fails, you could end up spending more getting it fixed right.

If you have a cracked or chipped windshield, contact your insurance company first. An adjuster will estimate your out-of-pocket costs to repair or replace the windshield. Ask yourself, "Is it better to get the job done cheaply or get it done right?" Before you choose to do business with a windshield bully, consider both the financial and safety consequences of inferior work he or she may perform.





Airport travel: Keep an eye on your valuables

Recently, a few security agents confessed to stealing money and valuables from airline passenger bags as the bags passed through airport security. To avoid becoming a victim, follow these suggestions:

- Whenever possible, carry cash or valuables on you.
- Never allow luggage or personal items out of your sight while they get inspected and scanned.
- Take equal precaution with the bin in which you place your shoes, keys, wallet, and purse as it's going through the scanning device.

Individuals most likely to become victims aren't aware about this type of crime. Awareness is the first line of defense; taking proper action to avoid becoming a victim is the second.

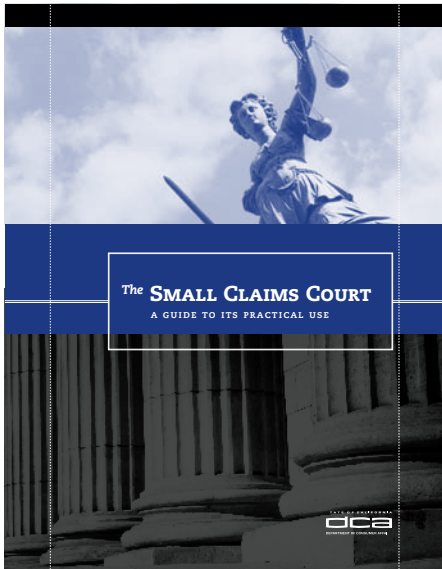
Scammers using text messaging

Scammers first began by calling your land line, then moved to sending e-mail messages, and now they're sending text messages to your phone. The scams remains the same. The message may look official and seem like it's coming from your bank or credit card company, asking you to verify account numbers or passwords. In reality, these are scammers trying to catch you. Once you reply it's too late – they now they have your personal information.

If you get a telephone call, e-mail, or text message indicating your credit card has been deactivated, be careful. Most likely, it's a scam and there is nothing wrong with your card. It's just an attempt to get your credit card number. Scammers do this by asking you to verify your credit card number so it can be "reactivated." Don't fall for it. Call the toll-free number on the back of your credit card to confirm the card is active.



SMALL CLAIMS COURT BASICS



If you're a consumer with a dispute to solve, and other means haven't worked, small claims court is another option for you. It's easier than you might think – you just have to be organized and use your resources.

That's where our latest publication can help: You can find nearly everything you need to know about suing and being sued in the newly updated booklet, *The Small Claims Court: A Guide to its Practical Use*, from the California Department of Consumer Affairs. Updated for 2011, it includes a list of situations in which small claims court might help; tips on how to prepare your case, what to do if you're named a defendant, and how to collect if you win; a checklist, glossary, and much more. Find it online at www.dca.ca.gov/publications/small_claims/index.shtml.

Here are some basics from the booklet:

What should I consider before I file?

Most claims must be filed within a time limit, called a statute of limitations. You'll want to establish how much you think is owed to you by the other party, and be able to prove it. You can get the necessary forms for filing by visiting or writing any small claims court or by accessing the Judicial Council's self-help Web site at www.courts.ca.gov. There are fees associated with filing, but it is possible to request a waiver using Form FW-001. You should be able to name the defendants correctly when you file your claim. If you don't, the judgment could be difficult to enforce. You can, however, ask the judge to amend it at the hearing, or later after the judgment. If you're not sure which of several possible defendants is responsible for your claim, name each one you believe is liable. Get the correct addresses using telephone directories, U.S. Postal Service records, Secretary of State records (for business addresses), city and county business records, Internet databases, and, in limited circumstances, Department of Motor Vehicle records.

How do I prove my case?

You can prove your claim by almost any kind of evidence: a written contract, warranty, receipt, canceled check, letter, professional estimate of damages, photographs, drawings, your own statements, and through witnesses who come to court.

How do I know what to do in court?

Before the hearing, the courtroom procedures will be explained by the judge, another court officer, or via videotape.

How do I collect if I win?

The judge will base the decision on evidence, the law and common sense. The judge may rule for either the plaintiff or the defendant, or may award something to both parties. Sometimes all it takes is a note to the judgment debtor (the person who the judge said owes you money). If that doesn't work, there are many other methods. Most require a special form from the court, a fee, and assistance from the sheriff.

They include:

- Wage garnishment.
- Bank levies – money will be taken from the debtor's checking or savings account to pay the judgment.
- Abstract of judgment – involves putting a lien on any land, house, or other building the debtor owns in the county of the judgment.
- Sheriff "till-tap" – if the debtor is a business with a cash register, the sheriff can go to the place of business and take enough money out of the till to cover the debt.
- Sheriff "keeper" – the sheriff will remain in the debtor's business and collect funds that come in until the debt is paid.

You can also have the debtor's driver license suspended for 90 days if the judgment is \$750 or less, or indefinitely for higher amounts, simply by completing and submitting forms DL 17 and DL 30, respectively, found at www.DMV.ca.gov. Call DMV's civil judgment unit at (916) 657-7573 for more information.

What if I'm the one being sued?

Never ignore a court summons. If you don't come to court, the judge may hear and decide the case without you. If a court judgment is issued against you, your wages could be garnished or your property forcibly taken. Your credit record will also reflect the judgment. Show up in court with any proof that works in your favor, such as receipts, contracts, documented conversations (such as e-mails) or canceled checks.

For a free copy of *The Small Claims Court: A Guide to its Practical Use*, call the publications hotline at (866) 320-8652.

This edition:

STUDENT FINANCIAL AID

MONEY SMARTS

Everyday financial facts to educate, empower, and amuse

The road to college is so much more than just grades, extracurricular activities, and test scores. It's also about who's paying the bill and what the student and parents can afford – to borrow.

In these tough economic times, the choices can be difficult. As with all decisions, however, advance knowledge is helpful. School counselors are key, but parents and students are better prepared if they educate themselves on college financial matters, too. Here are some terms commonly used when talking about college financial aid. Test your knowledge, then use our resources at the end to find out more.

1. What is loan forgiveness?

- a) A Federal program that rewards college graduates for public service employment by forgiving a portion of their loan.
- b) Waiving the fee for a late payment on your student loan.
- c) A rich uncle stepping up and picking up the bill.

2. What is EFC?

- a) Extra financial compensation.
- b) Every family's crisis.
- c) Expected family contribution.

3. What is free tuition?

- a) A pipe dream.
- b) A program at a handful of schools that offer no-loan packages to students from low-income families.
- c) See rich uncle in question 1.

4. What is FAFSA?

- a) A type of sandwich on pita bread.
- b) The only time you'll see "free" and "student aid" in the same phrase.
- c) Free Application for Federal Student Aid, used by virtually all two- and four-year colleges, universities, and career schools to determine financial aid.

5. What is capitalized interest?

- a) Interest with a capital letter.
- b) Interest added to the loan balance.
- c) Interest that grows over time.

Answers: 1, a; 2, c; 3, b; 4, c; 5, b.

The real deal

Everyone knows college costs are going up, but there is some good news. The Free Application for Federal Financial Aid (FAFSA) has gotten simpler to fill out. Submitting the form online is even easier. In addition, Federal student loans are no longer handled

by private lenders. Instead, all new Federal student loans come directly from the U.S. Department of Education. Consumer experts say private loans often have high or variable interest rates; government loans are fixed at a low rate.

Federal resources

www.studentaid.ed.gov
www.college.gov
www.students.gov
www.fafsa.ed.gov
www.federalstudentaid.ed.gov
www.Finaid.org

Federal Student Aid Information Center

(800)-4-FED-AID or (800) 433-3243

Resources from the California Student Aid Commission

www.csac.ca.gov
www.calgrants.org
www.californiacashforcollege.org

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