

Fiscal Year 2008 Annual Report

Attorney General Martha Coakley



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Worcester Office

One Exchange Place
Worcester, MA 01608
Phone: (508) 792-7600

Consumer Hotline

Phone: (617) 727-8400

*Hours of operation for the Consumer Hotline are
10:00 a.m. to 4:00 p.m.*

Elder Hotline

Phone: (888) AG-ELDER (243-5337)

Fair Labor Helpline

Phone: (617) 727-3465

Insurance Fraud Tipline

Phone: (617) 573-5330

*The Insurance Fraud Tipline (accepting calls 24 hours) is
intended for calls pertaining to fraud in any of the following:
workers' compensation, motor vehicle insurance, disability,
health care billing, and unemployment insurance.*

Insurance and Health Care Consumer Helpline

Phone: (888) 830-6277

Introduction

The Attorney General's Office (AGO) brings enormous amounts of money back to the Commonwealth and its residents. In Fiscal Year 2008 (FY08), the Office generated direct recoveries and savings for the Commonwealth and residents of more than \$209 million, which does not include the \$458 million recovered in the Big Dig settlement with Bechtel/Parsons Brinckerhoff and other contractors. Recoveries and savings include:

- Recovered over \$68 million in civil law enforcement matters for the Commonwealth and individual consumers or victims (i.e., consumer protection, environmental protection, civil rights, fair labor, etc.).
- Saved consumers over \$49 million in lower gas, electricity and insurance rates through ratepayer advocacy efforts.
- Recovered over \$39 million for the Medicaid program in Medicaid fraud cases.
- Recovered over \$51 million for cities and towns in False Claims Act cases.
- Generated over \$2 million in fees for the Commonwealth from AGO approval of public charity organization registrations.

In addition, the Office saves the Commonwealth's taxpayers millions of dollars by successfully defending the Commonwealth in eminent domain cases, employment suits, personal injury suits, and other suits against the Commonwealth and public officials.

The bottom line: for every \$1 of funding, the Attorney General's Office returns more than \$5 to the Commonwealth's residents and taxpayers.

A Message from Attorney General Martha Coakley

The preparation of an Annual Report provides an opportunity to reflect on the past year and to use the lessons learned as we plan for the future. In conducting this review, I was again struck by the vastness of our mission, the gifted and hardworking staff who implement that mission, and the great honor it is to serve the Commonwealth in such a significant way.

In the past year, we have significantly improved our ability, using technology and the strength of committed staff, to respond to residents who have questions or concerns about consumer issues including health care, car and homeowners insurance, and others.

We continue to take the lead nationally in our response to the foreclosure crisis, bringing first-in-the-nation litigation against subprime lenders and aggressively pursuing fraud in the industry. We have advocated for policy and legislation at the state and the federal level to address the unfair and deceptive practices of deceitful mortgage lenders, protect current homeowners, and ensure fairness and a level playing field for borrowers in the future.

Our Cyber Crime Strategic Plan has resulted in extensive training of law enforcement and partnerships with industry to vastly improve the response to cyber crime.

Our investigators and attorneys have sought and obtained relief for workers who have been denied their rights. We continue to work on behalf of residents who deserve clean air and water, addressing violations of law in partnership with other state and federal agencies. And through policy, investigation, outreach and litigation, we have advocated on behalf of fair competition and ethical practices in health care and insurance.



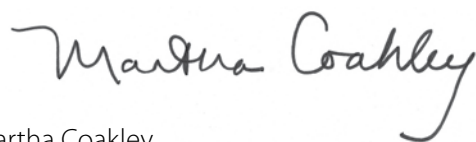
Our Office worked successfully with the Legislature to secure the passage of laws that will keep children safe, enhance effective and fair methods of police investigation, and protect consumers from the risks inherent in the disclosure of personal information.

We continue to represent state agencies, saving money by vigorously defending spurious lawsuits, and helping ensure that important health and safety regulations are enforced. We have enhanced our relationships with the business community, providing an important link and oversight so that regulation by the state is clear and predictable. We have successfully brought together ratepayers and raised important issues with consumers relative to the unpredictable and volatile cost of energy and its impact on the Massachusetts economy.

In your review of the work of our Office, I believe that you will see a balance of proactive efforts and rapid response to challenges. I am proud to carry on the Office's long tradition of service to the Commonwealth.

As we look ahead in the face of an unprecedented economic crisis, I believe that working together we can empower residents and advocate on behalf of the most vulnerable all in service of a stronger Commonwealth. I look forward, with gratitude, to the opportunity to continue to serve to Massachusetts and its residents.

Cordially,



Martha Coakley
Massachusetts Attorney General



Executive Bureau

The Executive Bureau provides administrative and policymaking support for the substantive divisions of the Office, as well as the operational, information technology, human resources, and fiscal management services for the Office.

The **Communications Division** serves as the liaison between the Attorney General's Office and the news media. In addition to responding to all media inquiries and providing comment on behalf of the Attorney General's Office, the Division also writes and distributes press releases and holds press conferences in order to inform and educate the public about the Office's work on behalf of residents of the Commonwealth. The Communications Division also works closely with other divisions in the Executive Bureau on a variety of projects aimed at providing information, consumer education, and resources to the public.

The **Community Information & Education Division** (CIED) promotes and facilitates internal and external communication, public awareness, consumer protection, education, and direct constituent services. CIED is responsible for: the development and management of all grants related to consumer protection, public health, and safety; oversight of Local Consumer Programs/Face-to-Face Mediation Programs; facilitation of public awareness and education through website management and the development of collateral materials; and AGO sponsorship of public events, conferences, and trainings.

In FY08, the **Information Technology Division** (IT) began implementing an intake management application that will allow the Office to track all communication and respond more efficiently to residents. The IT Division also completed a full upgrade of office information management from



Attorney General Coakley assists a young man at a Victim Rights Conference.

APRIL 2008

*A Look
Through History*

1680

Anthony Checkley is appointed Attorney General by the Colonial Council and charged with the specific task of trying persons charged with witchcraft.



1788

Robert Treat Paine is Attorney General when Massachusetts ratifies the U.S. Constitution and becomes the sixth state in the Union.

outdated technology to the Microsoft Office Suite. The Division works to develop strategic information management plans in support of AGO business goals: planning and implementing computer hardware and software architecture in support of multiyear technology initiatives; delivering training programs for all employees to ensure full use of technology and to increase employee productivity; supporting technology use by AGO employees with contemporary help desk technology, methods and tools; and providing business systems analysis in support of the bureaus and divisions to ensure application acquisitions meet business needs.

The **General Counsel's Office** provides legal advice within the AGO on ethics, conflicts of interest, contracts, employment, and administrative and managerial issues. The General Counsel participates in AGO diversity efforts and provides officewide, in-house training programs for all staff through the AG Institute. To ensure that staff has access to the latest information and training available and in furtherance of their professional development, in FY08, the AG Institute offered 23 continuing education programs to legal and nonlegal staff on a variety of topics, and also sponsored presentations by two distinguished lecturers: Boston University Dean of Students Kenneth Elmore, and Holocaust survivor Stephan Ross.

The **Policy & Government Division** works on the state level with the Legislature and state agencies, and also with members of the Commonwealth's federal delegation and municipal leaders throughout Massachusetts. In FY08, Policy & Government Division staff worked with members of the Legislature on the development of several major pieces of legislation. Staff from the Division is available to provide legal analysis to legislative and administration staff on a broad range of policy matters. The Division also worked with the federal delegation on a number of proposals such as funding for low-income heating assistance, pre-emption concerns with the new mortgage foreclosure law, and assistance with expanding the Office's



Attorney General Coakley with AGO staff volunteers and student participants in the Citizen Schools program.

MAY 2008



1832

Chapter 131 of the Acts of 1832 directs the Attorney General to issue a report to the Legislature on all business conducted during the previous year; the first report is issued by Attorney General James Austin on January 2, 1833.

1843

The Office of the Attorney General is abolished. It is re-established in 1849.



1877

Attorney General Charles Train continues work in the insolvency proceedings against banks and insurance companies following the great Boston fire of 1872.

VICTIM ASSISTANCE

During FY08, the AGO provided victim assistance training to 32 agencies, including: five domestic violence programs; three rape crisis centers; four community roundtables (domestic violence); five mental health agencies; three brain injury providers; five hospitals; SANE regional managers and hospital-based nurses; and six other state agencies which included District Attorney-based programs, the Parole Board, the Disabled Person Protection Commission, and SAFEPLAN advocates.

Abandoned Housing Initiative. The Division includes a Municipal Liaison who is responsible for responding to questions regarding general policy concerns, pending state and federal legislation, and referrals of constituent matters from municipal officials. Policy & Government staff meet regularly with community stakeholders on broad policy matters such as energy and environmental concerns, criminal law proposals and consumer protection matters.

The **Victim Services Division** provides comprehensive services to victims and witnesses involved in both criminal and civil cases. Through its administration of the Victim Compensation and Assistance Fund, the Division assists eligible victims and their families in paying for out-of-pocket medical expenses, lost wages, funeral and burial costs, mental health counseling, and other crime-related expenses. The Office's advocates help victims and witnesses understand the court process and their role in it, and also provide them with referrals to other state and local agencies. In FY08, the Victim Services Division, in partnership with the Massachusetts Human Trafficking Task Force, sponsored five statewide trainings which addressed human trafficking for sex trade and unfair labor practices. In total, 168 human service professionals were trained to provide additional workshops statewide on the topic of human trafficking.

Government Bureau

The Government Bureau represents the Commonwealth, its agencies and officials in many types of civil litigation, as well as defending Commonwealth employees from civil claims made against them resulting from the performance of their duties. The Bureau develops and maintains close working relationships with agency counsel and provides them with information and advice on matters of broad common interest, particularly where advance consultation may prevent unnecessary litigation. The Government Bureau

1885

Attorney General Edgar Sherman recommends that laws be changed to allow criminals to waive their right to trial by jury to alleviate overcrowding in Superior Courts.



1894

Attorney General Albert Pillsbury personally argues a Commerce Clause case before the U.S. Supreme Court, which upholds a Massachusetts statute forbidding the sale of oleomargarine masquerading as real butter.

1897

The total appropriation, including the salary of the Attorney General and his four assistants, is \$41,000, of which only \$27,000 is spent.

also initiates affirmative litigation on behalf of the Commonwealth when such litigation is in the public interest and has significant monetary value or raises legal or policy issues of concern to the public and the Commonwealth. The Bureau has two divisions, Administrative Law and Trial, and a Municipal Law Unit.

The **Administrative Law Division**: defends suits concerning the validity of statutes and regulations and the legality of government operations, particularly those seeking injunctive or declaratory relief; defends suits challenging adjudicatory decisions of state administrative agencies; prepares legal opinions for constitutional officers, heads of agencies, and certain other officials concerning issues arising from the performance of their formal duties; and reviews proposed statewide initiative and referendum questions under Amendment Article 48 of the Massachusetts Constitution to determine whether such questions are of the type that may lawfully appear on the ballot. In these matters, the Division addresses diverse subject matter, including land use and housing, environmental protection, education, health and human services, employment and retirement, professional licensing, taxation, and insurance.

The **Trial Division** defends suits against state agencies or employees who are sued in the context of their agency duties. These suits generally seek damages or other relief for alleged wrongful acts of government officials or employees, particularly torts, real estate matters, contract-related disputes, employment disputes, civil rights violations, and environmental damage claims. The Division also reviews certain contracts, leases, bonds, and various conveyance documents submitted by state agencies for approval as to form. As required by statute, the Division must review and approve all prelitigation settlements of tort claims against the Commonwealth or its agencies for \$2,500 or more.



Each year, the AGO partners with students at the Paul R. McLaughlin Center to create a calendar in honor of victim rights.

RELEASED MARCH 2008



1899

Attorney General Hosea Knowlton argues for limiting the hours that women and children can work in manufacturing establishments.



1904

Under Attorney General Herbert Parker, town by-laws are now effective only after approval by the AGO.



1913

Under Attorney General James M. Swift, the Legislature gives the Office its first limited investigatory powers. Its first assignment: to investigate the supply and retail price of ice in the Commonwealth.

APPEALS

The AGO has 400 civil and criminal cases pending in state and federal trial and appellate courts. In FY08, over 300 new cases were opened and approximately 250 cases were closed. The AGO received: nine published decisions of the First Circuit; nine published decisions of the Supreme Judicial Court; two published decisions of the Appeals Court; and several unpublished decisions from each of these appellate courts.

The **Municipal Law Unit** reviews and approves municipal by-laws and by-law amendments from the more than 300 towns throughout the Commonwealth. By statute, the Attorney General is charged with the review of town general by-laws (M.G.L. c. 40, s. 32), town zoning by-laws (M.G.L. c. 40A, s. 5), town historic district by-laws (M.G.L. c. 40C), and city and town Home Rule Charter amendments (M.G.L. c. 43B). The most prevalent subjects of local regulation during FY08 were “Right to Farm” by-laws, trench excavation permit by-laws, smart growth zoning by-laws, expedited permitting by-laws, and sex offender residency by-laws.

Criminal Bureau

The Criminal Bureau investigates and prosecutes a wide spectrum of criminal cases and also focuses on prevention and educational efforts to support public safety and quality of life for all Massachusetts residents. The Bureau focuses on cases that reflect the statewide jurisdiction of the Office and areas of investigative and prosecutorial expertise not addressed by other law enforcement offices, particularly in the protection of taxpayer funds and the integrity of governmental agencies. In FY08, the Criminal Bureau included the following divisions: Appeals; Corruption & Fraud; Cyber Crime; Enterprise & Major Crimes; Environmental Crimes Strike Force; Financial Investigations; Insurance & Unemployment Fraud; and the State Police Detective Unit.

The **Appeals Division**: represents the Commonwealth on direct appeal in all criminal cases prosecuted by the Criminal Bureau; defends the Commonwealth in all state and federal *habeas corpus* proceedings filed by persons held in custody; represents state officials and agencies, including judges, clerks, probation



1922

Attorney General J. Weston Allen requests the Legislature pass an act granting the Attorney General power to conduct investigations and to summon witnesses.



1925

Attorney General Jay R. Benton orders an investigation of alleged fraud at the 1925 Massachusetts bar examination and collects enough evidence to present case to a Grand Jury.

1926

The AGO successfully defends, in the U.S. Supreme Court, a challenge to the constitutionality of the state's daylight saving law.

officers, and prosecutors, sued or issued subpoenas in state or federal court proceedings arising from actions related to the criminal justice system; and defends the constitutionality and legality of state criminal statutes, rules, practices, and procedures in state and federal trial and appellate courts.

The **Corruption & Fraud Division** investigates and prosecutes criminal misconduct involving corrupt individuals and entities, whether public or private, and a broad array of financial crimes, including fiduciary embezzlement, complex financial frauds, and tax crimes. The Division focuses on cases that have an impact beyond the facts of the individual case, that involve particularly vulnerable victims, or that restore trust and confidence in institutions responsible to the public.

The **Cyber Crime Division** investigates and prosecutes crimes with a cyber component, including both crimes committed on a computer network and crimes involving electronic evidence. Following the 2007 Cyber Crime Strategic Plan, in FY08 the AGO held a series of 19 trainings for a total of 1,695 law enforcement officers and prosecutors throughout the Commonwealth. This year, the Cyber Crime Division hired two additional investigators and developed plans for a new state-of-the-art forensic lab. The Division handles investigations and cases in the areas of identity theft, child exploitation, and large-scale financial fraud, which utilize modern technology and threaten all segments of society.

The **Enterprise & Major Crimes Division** (formerly the Special Investigations & Narcotics Division) targets criminal enterprises and organizations using sophisticated investigative techniques and strategies in order to develop high-impact prosecutions. The Division includes prosecutors and State Police assigned to the Attorney General's Office who work closely with various federal, state and local law enforcement authorities and agencies to target, investigate, prosecute, and disrupt criminal organizations in order to promote and ensure public safety in communities throughout the Commonwealth.

ENTERPRISE & MAJOR CRIMES

Oversaw 14 investigations that were ultimately closed down or referred to the appropriate District Attorney's Office; initiated 23 forfeiture actions (civil and criminal); and resolved 27 matters which resulted in the recovery of \$74,612 for the AGO forfeiture fund and \$6,700 to the Commonwealth's General Fund. In FY08, there were: 32 cases disposed; 17 new indictments; 19 arrests; eight firearms seized; 18 search warrants; seven Blood warrants; 11 GPS warrants; and three orders for cell tower records.



1934

During the Depression, Attorney General Joseph Warner obtains the heaviest penalty seen to date against the Industrial Bank and Trust Co. for banking law violations.



1936

Attorney General Paul A. Dever pushes for legislation that later results in the creation of a performance structure on the Charles River from the Edward Hatch Memorial Trust.



1941

Under Attorney General Robert Bushnell, the Office provides advice about executive power during World War II.

The **Environmental Crimes Strike Force** (ECSF) is an interagency team that includes prosecutors from the Attorney General's Office, officers from the Massachusetts Environmental Police, and investigators, engineers and attorneys from the Massachusetts Department of Environmental Protection. ECSF investigates and prosecutes crimes that harm the state's air, land or water, or that pose a significant threat to human health. ECSF has recently pursued prosecutions for improper disposal of hazardous waste, failure to properly report spills of oil or hazardous waste, failure to properly abate and dispose of asbestos, and exposing workers to unsafe environmental conditions.

The **Financial Investigations Division** is a team of investigative professionals who work with State Police and Criminal Bureau prosecutors to provide complex analysis and examine evidence for a variety of cases involving white-collar crime, such as larceny, identity theft, public corruption, and securities fraud. Investigators also work on cases with investigative or audit personnel from the State Inspector General's Office, Board of Bar Overseers, Department of Revenue, Department of Education, Office of the State Auditor, and Securities Division of the Secretary of the Commonwealth's Office.

The **Insurance & Unemployment Fraud Division** (IUFD) investigates and prosecutes those who commit fraud against all types of insurers (automobile, health care, workers' compensation), and against the Commonwealth's unemployment insurance and workers' compensation system. IUFD prosecutes these crimes to protect both the integrity of the insurance system and Massachusetts consumers from the higher premiums and taxes that result from fraud, and to assure that those in need receive appropriate services. Working with the Insurance Fraud Bureau, the AGO held the first-ever Executive Insurance Fraud Summit in FY08, bringing together the major stakeholders from law enforcement and the insurance industry to work collaboratively on prosecuting fraud and keeping premiums low.

1943

No annual report is issued this year due to World War II.



1944-1945

Attorney General Clarence Barnes establishes a Veterans' Division in the Office to advise and advocate for World War II veterans and their families.



1953

Attorney General George Fingold establishes the Criminal Division to help enforce the laws of the Commonwealth. He also creates an Anti-Communist Division to help fight the "relentless war Massachusetts is waging against the Reds."

The **State Police Detective Unit** functions as an investigative branch of the Criminal Bureau and is involved in investigations throughout all of the Bureau's divisions. In FY08, the State Police assigned to the AGO opened 132 criminal investigations; obtained 500 subpoenas for financial records from banks, corporations, mortgage companies, and others; and drafted and executed over 70 search warrants, 12 Blood warrants for wiretaps, and dozens of GPS warrants.

Business & Labor Bureau

Through the Business & Labor Bureau, the AGO works to develop clear rules and parameters for the business community and all stakeholders to follow. The AGO takes the long view of promoting a healthy economy by balancing regulatory enforcement and review with advocacy for ratepayers, consumers and workers. Communication, education and outreach are crucial.

The Bureau also plays an important role by focusing on fraudulent acts and practices that occur in the context of commercial relationships. The Bureau works to prevent rising government costs caused by fraud involving business or medical services provided or regulated by the government and to level the playing field so that no company can gain an unfair advantage by breaking the rules. In FY08, the Business & Labor Bureau included the following Divisions: Business, Technology & Economic Development; Energy and Telecommunications; Fair Labor; Medicaid Fraud; and Non-Profit Organizations/Public Charities.

The primary role of the **Business, Technology & Economic Development Division** (BTED) is to promote economic and technological development in Massachusetts. BTED is the liaison between the business community and the AGO, promoting better communication, providing information, and facilitating a



In the summer of 2008, the Office launched a multi-lingual public service campaign educating employees in Massachusetts about their rights in the workplace.

RELEASED JUNE 2008

1953

After a disastrous tornado hits the Worcester area, a special branch of the AGO is opened there to help assist disaster victims. Two years later, a Springfield branch is opened to serve the people of Western Mass.

1954

The Public Charities Division is officially created within the AGO.



1958

Attorney General Edward McCormack establishes the Civil Rights and Liberties Division.



1963

Edward W. Brooke becomes the first African-American Attorney General in the nation.



U.S. Senator John Kerry speaks at a small business hearing, while Assistant Attorney General Jed Nosal, chief of the Energy & Telecommunications Division, and Attorney General Coakley look on.

MAY 2008

better understanding of issues facing the business community. In addition, BTED staff advise the Attorney General from the perspective of the business community as the Attorney General develops policy on matters that may affect the economic climate of the Commonwealth.

Through the **Energy & Telecommunications Division**, the Attorney General serves as the Ratepayer Advocate in administrative and/or judicial proceedings on behalf of consumers in connection with matters involving the rates, charges, prices, or tariffs of an electric, gas or telephone company doing business in the Commonwealth and subject to the jurisdiction of state regulators (M.G.L. c. 12, s. 11E). The Division works to ensure that businesses and residents have access to reliable, safe and affordable energy. The Division litigates cases before state and federal courts, as well as administrative regulatory bodies such as the Massachusetts Department of Public Utilities, the Federal Energy Regulatory Commission, and the Federal Communications Commission. In many of these matters, particularly public utility rate cases, the Attorney General is the only active participant advocating on behalf of Massachusetts consumers. The Division is funded through an assessment on the gas, electric and telecommunications companies doing business in the Commonwealth.

The **Fair Labor Division** enforces various laws that protect workers, including the prevailing wage, minimum wage, payment of wages, overtime, tip pooling, child labor, Sunday and holiday premium pay laws, and the arbitration of related public construction bid disputes. The Division has broad powers to investigate and enforce violations of these laws through criminal and civil enforcement actions. The Division uses this authority to protect employees from exploitation by an employer; prosecute employers who are failing to follow the Commonwealth's wage and hour laws; and set a level playing field with clear rules that the Commonwealth's employers can follow, ensuring that strong economic growth and fairness for workers go hand-in-hand.

1964

Attorney General Brooke successfully conducts the massive investigation of the Boston Strangler case with the state Crime Commission.

1967

The Consumer Protection Division is created.



1970-1971

Under Attorney General Elliot Richardson, the Criminal Division secures its first indictments in state history for violations of state pollution laws.



1971

Attorney General Robert Quinn creates the Environmental Protection Division to protect the Commonwealth's environmental needs.

The **Medicaid Fraud Division** works to prevent and, if necessary, prosecute provider fraud and violations of state law pertaining to fraud in the administration of the Medicaid program. The Division executes search warrants and administrative document requests, negotiates settlements, obtains judgments and convictions, and recovers criminal and civil restitution, fines, penalties, and costs. In addition, the Division reviews complaints of resident abuse or neglect in nursing homes and other health care facilities. The Division serves as the Medicaid Fraud Control Unit for the Commonwealth of Massachusetts and is annually certified by the Secretary of the U.S. Department of Health and Human Services.

The **Non-Profit Organizations/Public Charities Division** supervises non-profit organizations that are public charities to safeguard the public's interest in these organizations and to ensure the proper solicitation and use of charitable funds raised. The Division reviews annual public charity filings, works with organizations to address and cure potential violations, and, when necessary, conducts civil investigations and litigation to enforce the law.

Public Protection & Advocacy Bureau

The Public Protection & Advocacy Bureau uses investigation, analysis, affirmative litigation, and other advocacy to advance the Attorney General's statutory and constitutional responsibility to enforce laws protecting the public. The Bureau focuses on a wide range of issues, including: equality and civil liberties for all; clean air, land and water; fair and competitive business practices in the areas of consumer protection, antitrust, and financial services and insurance; and access for all to affordable, high-quality



Attorney General Coakley addresses the audience at a charities conference. Assistant Attorney General David Spackman, chief of Non-Profit Organizations/Public Charities Division, looks on.

JUNE 2008



1975

Under Attorney General Francis X. Bellotti, Assistant Attorneys General are prohibited from private practice and the law library is created.

1981-1982

The Insurance and Utilities Divisions save Massachusetts taxpayers over \$300 million by fighting increases in insurance and utility rates.

1984

The Environmental Protection Division, along with five other state Attorneys General, sues the U.S. Environmental Protection Agency for its failure to take action on acid rain.

health care. In FY08, the Public Protection & Advocacy Bureau included the following divisions: Antitrust; Civil Rights; Consumer Protection; Environmental Protection; Health Care; Insurance & Financial Services; and Investigations.

The **Antitrust Division** protects the people, state agencies, and businesses of Massachusetts from anti-competitive practices and helps maintain and encourage a competitive and vibrant economy through fair and effective enforcement of antitrust laws. The Division investigates and challenges anti-competitive mergers, price-fixing agreements, and other illegal practices by companies, local and national, that harm both Massachusetts consumers and important state interests. The Division also advocates for effective competition policy at the state and national levels by filing legal briefs in important antitrust cases, engaging in policy initiatives, and promoting pro-competitive legislation.

The **Civil Rights Division** enforces laws protecting and securing for all Massachusetts residents an equal opportunity to participate in civic society in areas such as education, health care, housing, financial services, public accommodation, employment, civil marriage, and voting, and the enjoyment of individual rights, autonomy, and privacy, under state and federal law. The Division brings enforcement actions, advocates in support of proposed legislation, and works with community and advocacy groups to promote civil rights for all. The Division litigates housing discrimination cases under the Massachusetts Antidiscrimination statute (M.G.L. c. 151B), investigates and litigates hate crime cases under the Massachusetts Civil Rights Act (M.G.L. c. 12, s. 11H), and performs education, outreach and enforcement work in the area of disability rights through the efforts of the Division's Disability Rights Project.

1987

The Victim Compensation Division is formed to provide compensation, counseling, referral and creditor intercession for victims and survivors of violent crime.



1987-1988

Attorney General James Shannon successfully invokes the Civil Rights Act for the first time in a case involving discrimination based on sexual orientation.

1989

Attorney General Shannon creates the Environmental Crime Strike Force to focus on cases involving drinking water supplies, illegal dumping, and wetlands.

The **Consumer Protection Division** protects Massachusetts residents and businesses from unfair, deceptive, and otherwise unlawful conduct that causes consumer harm. The Division investigates unfair and deceptive business conduct and brings enforcement actions under the Consumer Protection Act (M.G.L. c. 93A) to enjoin unlawful practices and to recover consumer restitution, civil penalties, and attorneys' fees.

The **Environmental Protection Division** pursues three main types of work: (1) prosecuting civil enforcement and cost recovery cases, seeking to produce the greatest results in terms of compliance and deterrence, environmental and public health benefits, and financial recovery; (2) handling defensive cases, seeking to provide effective representation to support the policy choices made by state agencies and officials in implementing our environmental protection laws; and (3) undertaking affirmative, nonenforcement work to develop and pursue innovative ways to further environmental protection exercising the Attorney General's role as the Commonwealth's chief law officer. This last area includes bringing "impact litigation" (typically against the federal government); participating as an *amicus* to help develop the law in a way that will further the Commonwealth's interests; developing or supporting legislative or other policy proposals; intervening, where appropriate, in siting disputes; and entering into Brownfields liability agreements to further the clean-up and redevelopment of contaminated sites.

The **Health Care Division** advocates and brings enforcement actions to increase access to health insurance, control health care quality and costs, promote public health, reduce disparities, and protect consumers. The Division: investigates and litigates consumer protection cases involving health insurers, health providers, and pharmaceutical companies; addresses consumer complaints relating to health insurance and health care; and assists state entities, including the Commonwealth Health Insurance Connector and the Health Care Quality and Cost Council, in developing sound policies and practices.



Each year, the AGO releases a consumer calendar with helpful tips and information for Massachusetts residents and businesses.

RELEASED DECEMBER 2007

1992-1993

The Appeals Division carries a total of 172 *habeas corpus* cases to federal court; of the 90 dispositions, the Office is successful in all but one.



1993

Under Attorney General Scott Harshbarger, the Fair Labor and Business Practices Division is formed following statutory transfer of responsibilities from the Department of Labor and Industries to the Attorney General. Harshbarger also establishes the Disability Rights Project within the Civil Rights Division.

The **Insurance & Financial Services Division** represents the interests of consumers and the public in matters involving the insurance, securities and commercial banking industries. The Division investigates and litigates consumer protection and False Claims Act cases and participates in insurance rate proceedings before the Massachusetts Division of Insurance. The Division also assists consumers by mediating insurance, banking and investment disputes that do not rise to the level of unfair practices, and by advocating for statutory and regulatory reforms.

The **Investigations Division** conducts civil investigations for all divisions across the AGO. Investigators in the Division: locate and interview victims, witnesses and subjects; obtain and review documentary evidence from numerous sources including individuals, corporations, and federal, state, county, and municipal agencies; conduct surveillance, background checks, and asset checks; analyze financial records and perform other forensic accounting functions; and testify before Grand Juries and at trial.

Regional Offices

The work of the three regional offices reflects the commitment of the Attorney General to providing effective services and assistance to residents of the entire Commonwealth. The **Central** (Worcester), **Southeastern** (New Bedford), and **Western** (Springfield) Massachusetts regional offices provide residents with closer access to the Attorney General's staff without traveling to Boston, and a chance to discuss their concerns and questions with staff who are familiar with their region. In each of these regional offices, AGO staff work together to promote the education, outreach and enforcement priorities of the Attorney General and respond to the specific needs of the residents throughout the Commonwealth.

1998

A groundbreaking settlement with the tobacco industry, brokered by the Consumer Protection Division, gives Massachusetts \$8 billion over the following 25 years plus \$323 million each year thereafter.

1999

The Attorney General's Office launches its first official website.



2000

Attorney General Tom Reilly plays major role in the stabilization of Harvard Pilgrim Health Care.

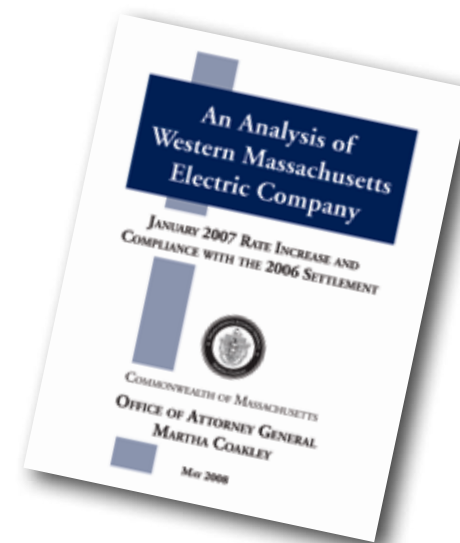
2000-2001

A full-service office serving Southeastern Massachusetts is opened in New Bedford.

Within each Regional Office, Public Protection & Advocacy Bureau staff respond to both consumer protection and civil rights matters, provide mediation services, and offer educational outreach to area residents and organizations. Fair Labor Division attorneys and investigators work in each region to enforce the state's wage and hour laws. And the Trial Division represents the state and its constituent agencies and employees in civil litigation. Each regional office handles cases defending the Commonwealth's agencies from spurious litigation, resulting in significant savings for the taxpayer.

In addition to handling cases, each regional office responds to telephone calls and in-person visits from residents and businesses seeking information on consumer and civil rights, mediation services, and assistance with wage and hour complaints.

Regional office staff members also serve on local housing task forces, working with communities to support fair and equitable treatment for tenants, supporting landlords in their efforts to be an active part of neighborhood revitalization, and helping residents to understand state and local compliance regulations. Regional offices work with schools and municipal officers and community groups in support of active efforts to support enforcement of civil rights laws. The regional offices work closely with local community organizations to provide outreach and education programs on topics such as youth health and safety, workplace rights, and consumer scams.



"An Analysis of Western Massachusetts Electric Company: January 2007 Rate Increase and Compliance with the 2006 Settlement" followed an extensive investigation into the pricing and practices of WMECo.

RELEASED MAY 2008



2006

Martha Coakley is elected as the first female Attorney General of the Commonwealth.

2007

The Environmental Protection Division wins a landmark U.S. Supreme Court case against the EPA, which can no longer disregard its authority to regulate greenhouse gases.

*A Look
Through History*

The Mortgage Lending Crisis

In 2007 and 2008, the foreclosure crisis escalated, devastating families and entire communities. The AGO continued to play a national leadership role through a combination of investigations and enforcement actions, new regulations, and legislative advocacy at the state and federal level, all designed to address fraud and other unlawful activity at virtually every stage of the mortgage lending process.

New Regulations. On January 2, 2008, Attorney General Coakley issued new Consumer Protection Act regulations governing mortgage lenders and brokers (940 CMR 8.00). The regulations address several harmful lending practices, including broker conflicts of interest, lender price gouging, steering borrowers into unduly expensive loans, and the use of so-called “stated income” loans. These followed the Attorney General’s adoption of permanent regulations (940 CMR 25.00, issued in September 2007) banning “foreclosure rescue transactions” and restricting foreclosure-related services.

Enforcement Actions against Subprime Lenders. Attorney General Coakley has led the way nationally in the effort to hold subprime lenders accountable for their unfair, deceptive and predatory actions.

- The AGO obtained a first-in-the-nation injunction against Fremont Investment & Loan, a California-based high-volume subprime lender in Massachusetts. In granting the injunction, the Superior Court determined that Fremont’s extremely risky loan products – featuring 100% financing and “teaser” interest rates followed by predictable payment shock – were doomed to result in foreclosure. The injunction restricted the ability of Fremont or its assignees to foreclose until the Court considered the Attorney General’s objection. The lawsuit against Fremont is ongoing.
- H&R Block and its subprime subsidiary, Option One Mortgage Corp., made more than 35,000 subprime loans to Massachusetts borrowers over the past four years. In June 2008, the AGO filed suit alleging that Option One made mortgage loans without considering borrowers’ ability to repay, steered well-qualified borrowers into expensive, risky subprime loans, and discriminated against black and Latino borrowers by systematically charging them higher fees than similarly situated white borrowers.

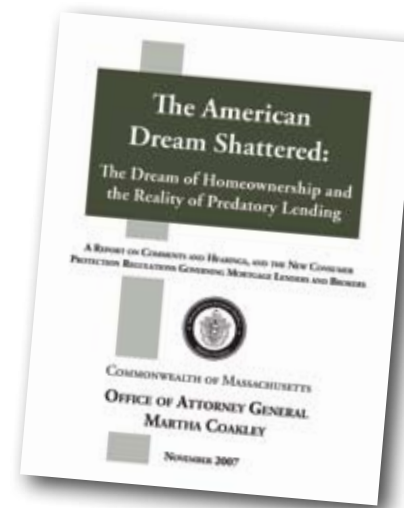
Local Enforcement Actions Cracking Down on Mortgage Fraud. In addition to its litigation against large-scale subprime lenders, the AGO took action against local real estate agents, bank employees, and mortgage brokers who have been indicted for creating false bank documents that were then used to fraudulently obtain millions of dollars worth of mortgage loans. The Office obtained a preliminary injunction against Lehi Mortgage for having arranged loans based on false verifications of deposit from banks. The Office reached a settlement with several lenders who agreed to reduce mortgage loans for victims of a foreclosure rescue scheme, thus restoring home ownership to prior homeowners. Complementing its enforcement efforts, the AGO was at the forefront of legislative initiatives addressing criminal mortgage fraud.

Maintaining Home Ownership and Avoiding Foreclosure through Loan Modifications. The Attorney General has also sought to engage national mortgage lenders and servicers to achieve real loan modifications for Massachusetts borrowers. The Office's work on the State Foreclosure Prevention Working Group has collected objective data on loan modifications and sought to generate a real commitment from lenders to work with borrowers to avoid foreclosure whenever possible. The Office will continue to work on the state and federal level to achieve sustainable loan modifications based on the borrowers' ability to pay.

The Big Dig Investigation

During FY08, the AGO indicted Powers Fasteners, Inc., in connection with the fatal 2006 Big Dig ceiling collapse, and obtained two major settlements: a \$50 million settlement with Aggregate Industries Northeast Region, Inc.; and a \$458 million settlement with Bechtel/Parsons Brinckerhoff and other contractors.

Ceiling Collapse Investigation. Headed by a Special Assistant Attorney General, the AGO Big Dig team completed an exhaustive Grand Jury investigation to determine the cause of the July 10, 2006, Interstate-90 (I-90) tunnel ceiling collapse that killed a female passenger in a car traveling to Logan



"The American Dream Shattered: The Dream of Homeownership and the Reality of Predatory Lending," is a summary report of statewide hearings held on proposed mortgage regulations that the AGO held in September 2007.

RELEASED NOVEMBER 2007



Attorney General Coakley announces the indictment of Powers Fasteners.

AUGUST 2007

International Airport. Based on this investigation, the AGO indicted Powers Fasteners, Inc. ("Powers"), for manslaughter. Powers, a New York-based company, supplied the anchoring system used to install the ceiling in the portion of the tunnel that collapsed. Investigators determined that the cause of the ceiling collapse was the use of Power-Fast Fast Set epoxy product in the anchor system. The indictment alleged that Powers knew that Power-Fast Fast Set was unsuitable for sustained loads such as a ceiling and that Powers knew that its epoxy was being used in the tunnel, and when provided with the opportunity, failed to reveal the limitations of Power-Fast Fast Set. Ultimately, the AGO alleged that Powers had the necessary knowledge and the opportunity to prevent the fatal ceiling collapse but failed to do so, and that this wanton and reckless conduct resulted in the death of the passenger.

Acknowledgement of Responsibility, Financial Settlement, and Future Protection. The AGO and the U.S. Attorney's Office reached a \$458 million settlement, including interest, with Bechtel/Parsons Brinckerhoff, the management consultant to the Central Artery/Tunnel Project. Bechtel/Parsons Brinckerhoff agreed to pay \$407 million to resolve its criminal and civil liabilities in connection with the ceiling collapse in the I-90 tunnel and defects in the slurry walls of the Thomas P. "Tip" O'Neill, Jr. Tunnel. Simultaneously, 24 other contractors who worked on various parts of the project agreed to pay an additional \$51 million to resolve certain cost recovery issues associated with the design of the Big Dig. The majority of the \$458 million will be held in a newly-established trust fund to be used for the future non-routine repairs and maintenance of the Big Dig.

Bechtel/Parsons Brinckerhoff acknowledged serious failures in its obligations to manage construction of the Interstate-93 (I-93) slurry wall construction, failures regarding its oversight responsibilities in the failure area of the I-90 ceiling, failure to fulfill its construction management obligations relating to contract modifications, and failure to meet its oversight obligations to prevent substandard concrete from being used in the Big Dig.

The agreement also included provisions to help detect and protect against future construction failures. Bechtel/Parsons Brinckerhoff agreed to:

- Conduct an internal investigation and report to state and federal authorities any construction defects that could lead to the type of catastrophe that occurred with the ceiling collapse.

- Enact corporate compliance programs designed to prevent any similar conduct from occurring on future projects.
- Waive their right to statute of limitations and other time-based defenses for 10 years (through October 2017) in the event there is another catastrophic event in the Big Dig which causes more than \$50 million in damages. Under this provision, the state and federal governments retain their right to sue the joint venture for such a catastrophic event; damages would be capped at \$100 million per event and the suit would be resolved by binding arbitration.

Substandard Concrete. Working with the U.S. Attorney's Office, the AGO resolved criminal and civil claims against Aggregate Industries Northeast Region, the largest asphalt and concrete supplier in New England, for supplying substandard concrete to the Big Dig. The company pleaded guilty in Federal District Court and made a \$50 million payment to a new state Repair and Maintenance Trust Fund. It also paid an additional \$75 million for insurance coverage for potential future structural maintenance costs related to the substandard concrete, and \$500,000 for concrete testing on the Big Dig. Under the plea agreement, the company must hire and pay for an independent monitor who will oversee the company's compliance with federal and state laws and regulations for five years and make regular reports to the AGO, the U.S. Attorney's Office, and the Federal Highway Administration.

Safety & Security in Cyberspace

The Attorney General has focused efforts on cyber security as it applies to youth safety, business security, and the investigation of crimes with a cyber component.

Making Social Networking Sites Safer for Young People. In a significant step to improve social networking safety, the AGO played a leading role in crafting a 49-state agreement with MySpace™ in January 2008 to better protect children on the MySpace™ website and, in the context of the agreement, also created a broad-based Internet Safety Task Force to explore and develop age and identity verification technology.

ID THEFT LEGISLATION

In 2007, the AGO worked with the Legislature on a new statute requiring that individuals be notified in the event of a data breach involving their personal information. Companies must notify the AGO of these security breaches and provide affected individuals with a comprehensive notice outlining the information that they will need to protect themselves against potential identity theft. On its website, the AGO makes available sample notification letters to provide guidance for businesses on how to respond appropriately to a data security breach, and also issues consumer advisories in response to data breaches. The AGO will investigate a company's failure to maintain adequate computer security to protect consumers' personal data.

The MySpace™ Agreement was followed, in May 2008, with a similar agreement with Facebook®. Under the agreements, MySpace™ and Facebook® each agreed to implement a variety of safety policies allowing parents to take a more active role in protecting their children, and requiring the sites to take affirmative steps to assist underage participants to set up sites with greater attention to safety. For example, the default setting for MySpace™ profiles of 16- and 17-year-olds must now be "private." The sites will respond within 72 hours to inappropriate content complaints, and MySpace™ will commit additional staff or resources to review and classify photographs and discussion groups.

To date, over 20 organizations have joined the Internet Safety Technical Task Force, representing other social networking sites, age and identity verification experts, child protection groups, and technology companies. The Task Force reports to the Attorneys General every three months and will issue a formal report with findings and recommendations at the end of 2008.

Identity Theft and Data Breaches. The Attorney General's Office worked to safeguard the privacy of consumers' personal information by investigating data breaches by commercial parties and, where appropriate, pursuing consumer protection claims concerning data privacy. The AGO conducted a one-day intensive training session on "Identity Theft and Victim Rights" for 45 attorneys, investigators, mediators, and state police. Funded by a grant from the U.S. Department of Justice, Office for Victims of Crime, this training provided an opportunity for staff to learn national "best practices."

Criminal Prosecution and Law Enforcement Training. The Office pursued 183 criminal cyber crime investigations, opened 14 cases, and closed 12 cases in its ongoing effort to work in collaboration with state and local law enforcement and direct AGO resources to the most challenging aspects of cyber crime.

Cyber Crime Strategic Plan. The AGO built upon the first-in-the-nation Strategic Plan for Cyber Crime and made significant progress in all six major priorities outlined by the Strategic Plan as outlined below:

Deliver Law Enforcement Training. During FY08, the AGO trained over 1,000 Massachusetts law enforcement personnel and, working with Microsoft®, implemented innovative online training for law enforcement, including hosting trainings on the new Vista™ operating system and on Xbox™.

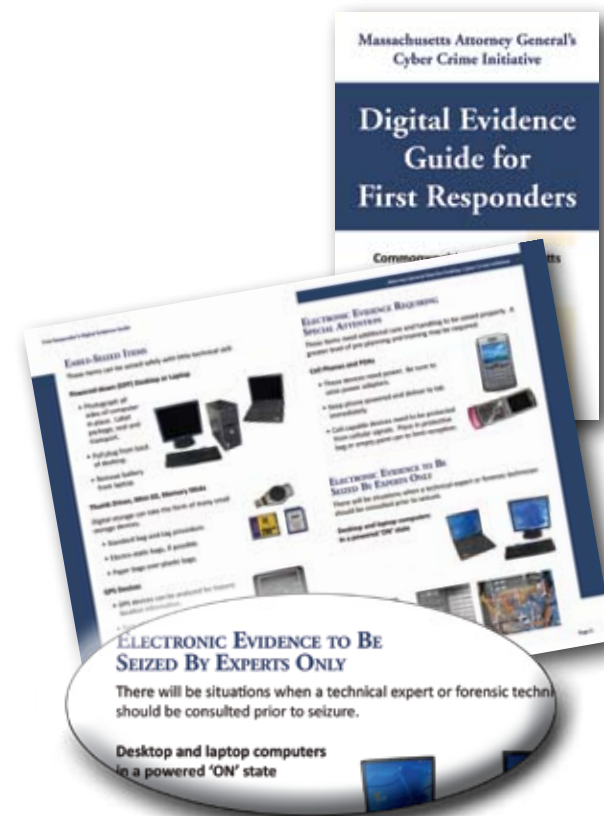
Support and Enhance Cyber Crime Prevention and Information Sharing Activities. The AGO has established a secure online portal at www.maagocybercrime.org. The portal is restricted to law enforcement use only. It is used to announce training events and deliver training materials and includes a reference library.

Develop and Promote Common Operating Procedures and Standards. The AGO, working with state and local law enforcement, has created a “Digital Evidence Guide” to help first responders identify and seize electronic devices which may have been used in the commission of crimes.

Examine Statewide Digital Forensic Evidence Processing Requirements. The AGO hired a lab director and two forensic examiners to lead the development of a world-class, 3,000-square-foot digital evidence facility slated to be fully operational in 2009. The lab has already conducted 38 examinations in FY08 and recovered over 450 terabytes of information in one search alone.

Secure Funding for Cyber Crime Programs. The AGO secured almost \$350,000 in federal funding for information sharing and to purchase equipment to be used in the planned digital evidence facility.

Amend Jurisdictional and Substantive Law. In 2008, the Attorney General was one of the key leaders in the effort to successfully update Massachusetts law concerning administrative subpoenas for subscriber information as part of broader legislation to protect children.



The AGO developed the “Digital Evidence Guide for First Responders” to instruct law enforcement on handling and collecting digital evidence such as electronic devices.

RELEASED SEPTEMBER 2008

Crime & Prevention

In FY08, the AGO undertook a broad range of measures to promote public and community safety, including investigations, prosecutions of crime, legislative advocacy, and prevention and education.

Protecting Children through Legislation. With the support of the 11 District Attorneys, legislative leaders, and the Governor, the AGO proposed “An Act Further Protecting Children.” It was signed into law in July 2008 and creates three new child abuse crimes: aggravated forcible rape of a child, aggravated statutory rape of a child, and aggravated assault and battery on a child under age 14. All of these new crimes carry minimum mandatory sentences that range from 10 to 15 years in prison. In addition, this

Fiscal Year 2008 Accomplishments



Attorney General Coakley addresses law enforcement officials at a police memorial ceremony.

SEPTEMBER 2007

legislation strengthens the current laws on repeat offenders by expanding the types of sexual assault crimes that constitute a repeat offense and by increasing the minimum mandatory sentences for repeat offenders. The law also allows prosecutors to issue administrative subpoenas to Internet service providers so that subscriber information is available to track online predators.

Obtaining Indictments and Convictions. The AGO focused its efforts on addressing corruption in the public and private sectors and obtained a number of convictions:

- Twenty employees of the Massachusetts Port Authority were convicted for fraudulently placing their children, some as young as two years old, on the payroll, and for falsifying their own work hours in order to obtain benefits to which they were not entitled and fraudulently collecting unemployment insurance.
- A Boston attorney was found guilty of multiple counts of fraud involving the theft of over \$500,000 from various client funds. The defendant was sentenced to four to five years in state prison.
- A Lieutenant in the Peabody Police Department was convicted for illegally accessing promotional testing scores via the computer system at the police station and for accessing privileged personal information also kept at the police station.

The AGO also indicted a father and son for multiple charges of procurement fraud, larceny and false claims, after they allegedly used vast amounts of materials purchased by the City of Haverhill in their private construction and paving businesses while they were employed by the Haverhill Highway Department.

In addition, the AGO worked with the State Police Gang Task Force to target the leaders of an organized group suspected of committing a series of burglaries targeting businesses and free-standing, non-FDIC-insured ATM machines throughout Massachusetts and upstate New York. As a result of the investigation, several weapons were seized, two defendants face drug distribution charges, and the AGO indicted the defendants in several of the robberies.

The AGO also indicted two defendants for four separate large-scale building arsons in Franklin and Worcester Counties. The AGO's investigation used GPS warrants and other sophisticated investigative techniques to identify and arrest the suspects.

In addition, the AGO obtained several convictions in drug and organized crime cases, including one in which the AGO conducted a wiretap investigation targeting the defendant and several of his associates who were involved with extortion, illegal firearms, and drug distribution. In February 2008, the defendants pleaded guilty to multiple counts of extortion, assault and battery, and other charges, and were sentenced to state prison.

Appellate Law. Many individual cases, when on appeal, help to establish important legal principles. In one case, the Supreme Judicial Court reversed the trial court's dismissal of a criminal indictment against a Massachusetts Port Authority employee, who made false entries on the books of this public corporation. As a result this decision, indictments in 16 related cases proceeded to trial or plea, and the Commonwealth retains its statutory authority to prosecute individuals who make false entries on the books of public corporations.

Operating under the Influence. The AGO defends decisions of the Registry of Motor Vehicles suspending or revoking drivers' licenses, requiring the use and installation of ignition interlock devices under Melanie's Law, and denying hardship licenses. In one such case, the AGO persuaded the Superior Court to uphold an eight-year suspension after three drunk driving convictions, rejecting the driver's argument that his second offense committed in Georgia was not a conviction because Georgia only required the payment of a fine.

Training. The AGO sponsored two three-day training sessions focusing on the Commercial Sexual Exploitation of Children (CSEC). Participants learned how children are brought into the commercial sex industry, the impact of the crime, and investigative and prosecutorial techniques in bringing cases against the offenders, as well as collaborative strategies to assist victims. This "train the trainer" curriculum also provided the tools and knowledge that participants need to bring these training components back to their communities. The AGO also provided training to address labor exploitation, with a curriculum that included identifying victims, understanding victim fears and traumas, and resources available to assist them. The audience included professionals who were most likely to come in direct contact with these victims. In partnership with the Massachusetts Human Trafficking Task Force, the AGO also held a full day-conference with local and national presenters to raise awareness of the issues surrounding trafficking and its victims.

Fiscal Year 2008 Accomplishments

INVESTING IN THE COMMUNITY

AGO staff are deeply committed to the communities in which they live and work. The AGO has a formal alliance with two organizations, and employees have the opportunity to work with at-risk students through their work with the Citizen Schools Program and the Colonel Daniel Marr Boys & Girls Club/Paul R. McLaughlin Center.

Through Citizen Schools, each AGO volunteer works one-on-one with a student every other Tuesday for the academic year. Each tutor and apprentice work together on strengthening the apprentice's writing skills through a positive mentoring relationship. The Boys & Girls Club in Dorchester supports neighborhood youth in the City of Boston. Each AGO volunteer who offers his or her time is paired with a student for the year and helps strengthen the students' academic performance.

Working with Youth. Recognizing that communities are safer when young people have marketable job skills and opportunities for employment, the AGO works with cities, towns, and local organizations to provide skills, experience and mentoring opportunities for youth and to support economic and job development throughout Massachusetts.

Jobs for Youth. In FY08, the AGO provided funding to 12 communities throughout the Commonwealth to support job and life skills training and employment for 96 youth. The programs run from September to June and each program is designed based on the needs and resources of the individual communities. Employment opportunities have included office and clerical work, coaching, media and Web design, and reading with elementary school children as part of a city literacy campaign.

Project YES. In FY08, Attorney General Coakley established Project YES (Youth Employment Solutions) to bring together schools, businesses, public safety officials, workforce investment boards, and local government to promote increased opportunities for job creation and job skills training, mentoring and educational achievement for young people, ages 14 to 21.

In FY08, the AGO piloted Project YES in three communities: New Bedford, Springfield, and Worcester. All three communities showed significant increases in the number of youth jobs created for the summer and were successful in building supportive, mentoring and educational opportunities for young people which will last long beyond the short-term job experience.

According to the data provided by the three pilot communities:

- Youth employment in the Greater Springfield region increased from 794 jobs in 2007, to 940 jobs in 2008.
- The New Bedford Mayor's Summer Stipend Program increased from 139 youth in 2007, to 187 youth in 2008. Subsidized/grant-funded employment increased from 309 jobs in 2007, to 355 jobs in 2008. Private sector employment increased from 33 jobs in 2007, to 93 jobs in 2008.
- Worcester youth employment increased from 322 in 2007, to 1,153 in 2008 – a 300% increase.

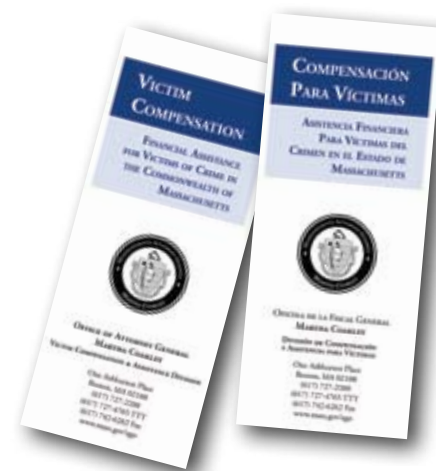
Victim Witness Services. In furtherance of the AGO's focus on expanding victim services, a Victim Witness Advocate (VWA) was assigned to work with victims on 14 erroneous conviction proceedings. In addition, in FY08, the AGO began to assist victims in the context of *habeas corpus* cases. VWAs were assigned to 64 *habeas corpus* petitions in an effort to provide information to the victims on the underlying cases. The Office also developed a written brochure about the process to be distributed to victims. FY08 was the first time that victims and their families were provided such a resource in these important cases.

During FY08, the VWAs and staff in the Victim Compensation Division worked with the Executive Office of Public Safety, area rape crisis centers, the Victim Rights Law Center, and Sexual Assault Nurse Examiners (SANE) to establish a new protocol under which victims of sexual assault who go to hospitals for exams, but who do not file formal police reports, are eligible to apply to the Division for compensation of their expenses and not be billed for their examinations.

Financial Compensation for Victims of Violent Crime. In FY08, the Victim Compensation and Assistance Division received 1,318 new claims, a decrease from FY07. Of those claims, 264 were homicide claims, including 35 homicides related to domestic violence. This is an increase of almost 300% over the domestic violence homicide claims of FY07. Also in FY08, the Division opened 1,192 new claims and 886 supplemental claims. The AGO reviewed 82 claims in FY08; of these, 51 were affirmed, 23 were modified or reversed, five were classified as late filings, and three remained pending. The Division received a total of 217 domestic violence-related claims and 38 DUI (driving under the influence) claims.

A major change in the law allowed for compensation for the expenses associated with having a Forensic Sexual Assault Exam. Of the claims made eligible during FY08, 145 victims were under the age of 17, and 18 victims were over the age of 65. The AGO processed claims and issued payments in an average of only 11 weeks.

During this Fiscal Year, the AGO awarded compensation to victims worth a total of \$2,636,109. This represents a decrease of \$819,328 from the previous Fiscal Year. The AGO was awarded a U.S. Department of Justice grant of \$1,203,000, which it used for victim compensation.



This brochure describes the Victim Compensation Division, and its abilities to provide financial assistance to eligible victims of violent crime for uninsured medical and dental care, mental health counseling, funeral and burial costs, and income lost due to the inability to work.

RELEASED JUNE 2008

MEDICAID FRAUD

The AGO investigates and prosecutes Medicaid fraud, working with federal and state agencies to save taxpayer funds and prevent patient abuse. In FY08, the AGO recovered a record \$49,426,013 for the Massachusetts Medicaid program. The AGO also obtained criminal convictions against six Medicaid providers for abuses.

Quality, Affordable Health Care

In FY08, the AGO continued to play a leadership role in the historic health reform effort in Massachusetts. Through investigation, litigation, and work with other government agencies and private parties, the AGO has made efforts to promote high-quality health care and insurance coverage; expand access to care; contain costs; and promote public health, including prevention and reducing racial disparities.

Patient Abuse. In FY08, the AGO obtained convictions against two doctors for illegally prescribing drugs to their patients. Both were incarcerated, fined, and have lost their licenses to practice. In another case, a former Certified Nurse Assistant (CNA) at a nursing home in North Andover pleaded guilty to assault and battery of an elderly patient and was sentenced to two years probation. Another CNA, formerly employed at a nursing home in Pittsfield, pleaded guilty to charges of larceny from a person over 65 years old, and assault and battery of an elderly person and was sentenced to one year on each charge. All of these cases involved Medicaid patients.

Health Insurers and Providers. The AGO successfully fought for the passage of legislation that guarantees equality relative to health benefits (as well as insurance annuities), and legislation that established cost containment measures in the health care industry. In FY08, the AGO took action against several insurers that violated consumer protection and market conduct laws. In ongoing litigation, the Office alleges that these insurers have included false or misleading provisions in their insurance policies, failed to cover health benefits and services as represented, improperly disclosed personal health information, and required fees to gain access to small group insurance.

Other AGO enforcement work resulting in cost savings to consumers and to the Medicaid program include:

- Opposition of Oxford Life Insurance's request for a Medicare Supplement insurance rate increase of up to 37% for some consumers. After litigation, the AGO reached an agreement with Oxford to reduce its rate request to 13.9%, saving consumers about \$87,000.

- Resolution of an enforcement action against an insurer, ConnectiCare, that failed to provide over 200 groups with notice that their employers' group health plans were terminated due to the nonpayment of premiums by their employers. The insurer paid fines, restitution and gave the insured parties an opportunity to re-submit filed claims.
- Securing a consent judgment against Boston Medical Center Corporation (BMC) and Boston Medical Center Health Plan, Inc. (BMCHP), for improper use of protected health information to conduct deceptive marketing and sales of its health plan, misinforming consumers that they would need to switch to a BMC health plan to receive care at Boston Medical Center. BMC and BMCHP agreed to pay \$562,000 to the Commonwealth.

Prescription Drugs. The cost of prescription drugs has a huge impact on consumers and to the Medicaid program in the Commonwealth. The AGO's efforts to address unfair and deceptive pricing, labeling and marketing practices yielded significant financial awards.

- The AGO obtained a nationwide settlement with CVS/Caremark and with Walgreen, Co., resolving allegations of drug-switching and billing improprieties. Walgreen, Co., agreed to pay \$120 million, of which more than \$5 million was returned to the Massachusetts Medicaid program. The Medicaid fraud settlement with CVS/Caremark Corporation recovered \$36.7 million, with \$3.7 million for Massachusetts.
- The AGO addressed allegations of off-label marketing, unfair pricing practices, and illegal switching of drug dosage strengths and forms by the pharmaceutical industry in FY08. Through successful settlement of 10 such cases, the AGO recovered over \$30.8 million for the state Medicaid program from pharmaceutical manufacturers and retailers. Among the largest pharmaceutical cases were two separate global settlements with Merck & Co., Inc., for failure to pay rebates due to state Medicaid Programs. These settlements resulted in a total payment of \$649 million by Merck, including \$10 million for the Commonwealth's Medicaid program. The AGO also filed a separate consumer protection settlement with Merck resolving concerns about the company's deceptive advertising and promotion of Vioxx. Massachusetts received \$1.64 million of the nationwide payment. The payment to the states was the largest consumer protection settlement to date concerning deceptive marketing and promotion of a prescription drug.

Fiscal Year 2008 Accomplishments

- The AGO also obtained significant recoveries in a pending Medicaid fraud civil action against 13 generic drug manufacturers accused of falsely reporting their prices. Two of the defendants, Barr Laboratories, Inc., and wholly-owned subsidiary Duramed Pharmaceuticals, Inc., together paid the Commonwealth \$2 million, and Ethex Corporation paid \$725,000. Nine defendants remain in this case, which is in U.S. District Court for the District of Massachusetts.
- The AGO worked with other state Attorneys General to pursue antitrust litigation against two pharmaceutical manufacturers for entering into a market allocation agreement designed to keep a lower-priced generic contraceptive drug off the market. National settlements with the two companies ended the market allocation scheme and recovered \$11.4 million in civil penalties and costs, including \$279,063 for Massachusetts. The AGO also joined 25 other states in filing suit against three pharmaceutical companies that manufacture and sell a class of drugs used to regulate triglyceride and cholesterol levels. The complaint alleges that the companies engaged in anti-competitive conduct aimed at blocking competition from lower-priced generic drug manufacturers. The pending lawsuit seeks damages, civil penalties, and other relief on behalf of consumers and Massachusetts state agencies that allegedly paid inflated prices for the drugs.

Fraudulent Medicaid Billing. As part of an ongoing, industry-wide investigation into urine drug tests billed by independent clinical laboratories, the AGO secured an \$8.15 million settlement from Willow Street Medical Laboratory, LLC, resolving allegations of overpayment and inappropriate referrals. In addition to such large-scale actions, the AGO also secured a settlement with a dental office in Chinatown that agreed to pay \$400,000 to the Commonwealth in settlement of allegations that it billed for services not rendered.

Reviewing the Fiscal Health of the Caritas Christi System. In FY08, the AGO commissioned a study of the Caritas Christi Health Care System following its failed efforts to partner with a national Catholic faith-based system. Caritas not only provides critical health care services to thousands of Massachusetts residents, but the system also plays an important role in preserving competition among hospitals in eastern Massachusetts, which is necessary to restrain skyrocketing health care costs. The study concluded that the system needed to: (i) reorganize its governance structure such that the Archdiocese of Boston retained control only of matters related to Catholicism; (ii) thoroughly evaluate the future of Carney Hospital including exploration of alternative uses; (iii) restructure its Physician Network; and (iv) realign

St. Elizabeth's Hospital as a community teaching hospital with a limited number of tertiary care and specialty services. Consistent with the recommendations of the report, the AGO entered into a governance agreement with the Archdiocese of Boston requiring by-law changes. The Archdiocese agreed to restrict its powers to matters of Catholicism, to act as a fiduciary under Massachusetts law when exercising such powers, and to provide prior notice to the AGO whenever such powers are exercised.

Access to Dental Services. During FY08, the AGO continued to represent state agencies in connection with implementation of a remedial judgment that expands access to dental services for MassHealth-eligible members under age 21. Substantial progress has been made in expanding the MassHealth dental network and increasing access to dental care. Administrative changes, along with increases in dental reimbursement rates and expanded outreach efforts, have attracted nearly 300 new dentists to the MassHealth dental program. In addition, regulatory changes have eliminated delays in treatment that have resulted from requiring prior approvals for many routine dental procedures. The Commonwealth is also expanding the availability of preventive dental care by implementing a statewide fluoride varnish program that will reimburse physicians and other health care professionals for providing this service during pediatric well child visits. During the next year, the AGO will continue its efforts to improve access to dental services for MassHealth-eligible members under age 21 and, thus, comply with the court's remedial judgment.

Working with Other Agencies. In FY08, the AGO served as a member of the Health Care Quality and Cost Council, working to ensure that a new state website for displaying cost and quality data will provide accurate information and protect confidential information. In addition, the AGO worked on the Council to promote policies regarding patient safety, end-of-life care, and chronic disease management. The AGO also participated in a multi-agency group, the Healthy Massachusetts Compact, working with various agencies to address several health care initiatives, including administrative simplification, payment reform, serious reportable events, and chronic disease management.



The AGO released a series of consumer posters providing information on topics such as health insurance, scams, and credit.

RELEASED JANUARY 2008

ENERGY HIGHLIGHTS

During FY08, the AGO: opposed Bay State Gas' proposed rate increase of approximately \$7.5 million and proposal to accelerate cost collection, saving customers tens of millions of dollars over the life the company's rate plan; successfully argued to reduce Fitchburg Electric's proposed increase of \$3.1 million to a little over \$2 million; saved over \$3.5 million for customers of Western Massachusetts in its annual reconciliation filings for 2006 and 2007 and limited an incentive for NSTAR saving its customers approximately \$1.5 million; and reached a settlement with New England Gas Company, saving the customers of Fall River and North Attleboro approximately \$1.3 million.

Energy Costs

In its efforts to address fluctuating electricity and gas costs, the AGO saved approximately \$14 million for consumers and reviewed, intervened and otherwise participated in over 238 matters before state and federal regulators and courts, and worked on behalf of Massachusetts ratepayers on a number of fronts: securing significant savings for Massachusetts homeowners and businesses through litigation; working for the passage of landmark energy legislation; increasing its presence in regional wholesale market and transmission stakeholder processes; and utilizing general consumer protection authority to protect utility customers.

Clean Energy. The AGO reached a landmark settlement with NSTAR for long-term energy contracts and a green power option for NSTAR customers that was approved by the Department of Public Utilities in February 2008. Under the agreement, NSTAR entered into two long-term energy contracts with wind developers in New York and in Maine, and is able to market and sell this power directly to its customers.

Consumer Protection. The AGO entered into an agreement with a competitive electricity supplier regarding unfair and deceptive trade practices by the company in the manner its competitive supply services were sold. The agreement provided for a restitution payment that was used to offer mini-grants to Local Consumer Programs and non-profit organizations to provide consumer outreach and education about energy costs.

Federal Energy Regulatory Commission (FERC). On the wholesale market and regional transmission front, the AGO increased its presence in the regional stakeholder processes for transmission planning and wholesale markets by dedicating a full-time attorney and analyst to represent customer interests at these meetings, which preliminarily approve transmission investment and changes to energy market rules. In addition to filing over a dozen protests at the FERC and prosecuting several appeals of FERC orders, the AGO obtained an important ruling from the D.C. Court of Appeals through an appeal of a 2005 settlement establishing a forward capacity market in New England. By successfully appealing FERC's long-standing standard of review for challenges to settlements by non-settling parties, the AGO obtained a ruling that gives such parties greater ability to challenge the subsequent operation of a settlement. AGO settlements

with both NSTAR and New England Power regarding the building of new electricity transmission lines resulted in a direct refund to NSTAR's customers of \$400,000, increased transparency in transmission rate filings, limits on the recovery of certain costs, and annual audits.

Gas and Oil Prices. In May 2008, Attorney General Coakley and the Attorneys General of Maine, New Hampshire, New York, and Vermont, released a report on petroleum products markets in the northeastern states. The report, prepared by Professor Justine Hastings of Yale University and ERS Group, examines gasoline and heating oil markets within these states, and the conditions that may affect prices.

Consumer Protection

In FY08, the AGO worked on behalf of consumers on a number of fronts in addition to subprime lending and health care.

Unfair and Deceptive Business Practices. The AGO pursued a number of significant investigations and enforcement actions to ensure an honest marketplace for consumers and a level playing field for the many businesses that compete fairly, including:

- Spearheading a multistate investigation into the manufacture and sale of toys and other products that contain excessive amounts of lead, working to guard against unsafe toys manufactured abroad by ensuring that U.S. sellers remain fully accountable for overseas production.
- Bringing cases against manufacturers and distributors of tobacco who violated the state's tobacco laws by failing to report sales or selling tobacco products to minors.
- Taking quick and decisive action to resolve the claims of families of disabled children who lost thousands of dollars when Ashby Academy, a special needs residential school, failed to open for the 2007-08 academic year.
- Tackling deceptive advertising of car prices through settlements with nine car dealers who used "asterisk pricing" to artificially reduce advertised prices. Those dealers paid civil penalties totaling \$290,000. The AGO also negotiated a settlement with an Ohio-based marketer of coins and

LEGISLATION

On July 2, 2008, Governor Patrick signed into law the Green Communities Act, Chapter 169 of the Acts of 2008. The law expands the Attorney General's jurisdiction to include generators and transmission companies and grants the AGO new oversight authority through the ability to request information from utilities outside of a formal proceeding and request audits of utilities. The law also provides for Department of Public Utilities review of utility holding companies' mergers. These changes help to protect ratepayers in a time of fluctuating energy prices.

Fiscal Year 2008 Accomplishments



In partnership with the Massachusetts Association of Realtors, the AGO released a brochure entitled, "Protecting Your Investment: Understanding Home Financing and Avoiding Foreclosure."

RELEASED FEBRUARY 2008

collectibles that paid \$89,000 to resolve claims that its advertisements misled consumers about the future value of collectibles and whether some products were "free."

- Representing the boards of professional licensure in appeals from decisions that discipline professionals or revoke their licenses. The AGO represented the Board of Registration in Medicine in eight matters, and all other licensing boards in a total of 32 additional matters. For example, the AGO successfully defended the Board of Registration in Dentistry's revocation of a dentist's Massachusetts license based on discipline the dentist received in Rhode Island as a result of fraudulent conduct. In another case involving the Board of Examiners of Plumbers and Gasfitters, the AGO successfully defended at trial that Board's finding that the installation of a wastewater recycling system at Patriot's Place, a regional outdoor shopping and entertainment destination, required licensed plumbers.

Insurance Costs. The cost of automobile and property insurance is a significant part of the cost of living for all Massachusetts residents. The AGO takes an active role in rate-setting proceedings representing the interests of Massachusetts consumers and in efforts to revamp legislation addressing coastal homeowners' insurance.

- The Massachusetts FAIR (Fair Access to Insurance Requirements) Plan provides homeowner insurance for over 150,000 coastal and urban Massachusetts homeowners who cannot obtain coverage from private insurance companies. In proceedings governing the FAIR Plan, insurers sought a 25% rate increase for coastal homeowners and a 13.6% increase statewide. The AGO successfully opposed the insurers' proposal, saving at least \$35 million for Massachusetts homeowners.
- The AGO settled cases against Arbella Insurance Company and Safety Insurance Company for failing to follow legal procedures in canceling auto insurance consumer policies. The companies agreed to pay total penalties of \$97,000 and to provide required consumer notification in the future.
- The AGO continues to be a strong advocate for consumers in the new deregulated auto insurance market and reviews all auto rate filings that are submitted to the Division of Insurance (DOI). In FY08, the AGO challenged the proposed rates of five auto insurers that together cover

approximately 60% of all auto insurance customers: Commerce Insurance Company, Safety Insurance Company, Premier Insurance Company, Citizens Insurance Company, and Arbella Insurance Company. In each of these cases, the AGO argued that the company proposed excessive and unfairly discriminatory rates. Although the DOI declined to accept the AGO challenges, the AGO continues to monitor company filings and works with the DOI to support implementation of managed competition without harm to consumers.

Consumer Assistance. In FY08, the Attorney General's Office funded 18 Local Consumer Programs (LCPs), and 12 Face-to-Face (FTF) Mediation Programs.

- The LCPs help consumers resolve complaints against businesses through a voluntary mediation process involving phone calls and letters. They cover every city and town in the Commonwealth. Each LCP also conducts proactive outreach, such as appearing on public access television and presenting at high schools and senior centers, to educate consumers. In FY08, the Local Consumer Programs fielded 15,949 complaints, and returned \$3,765,079 to consumers.
- The FTF Mediation Programs offer a formal, in-person mediation process which is legally binding. They are available in approximately two-thirds of Massachusetts cities and towns. Many of these mediations are referrals from Small Claims Court, and as a result, many individuals are able to resolve complaints prior to going to court. FTF Mediation Programs completed 2,096 mediations, and returned \$1,052,818 to consumers.

Also in FY08, the AGO's Public Inquiry & Assistance Center, a new central hotline, received approximately 65,000 calls and 15,000 letters, emails and online complaints from consumers who filed complaints, sought mediation, and asked about consumer protection regulations or other consumer information.

Telecommunications. The AGO participates in proceedings and monitors telecommunication service quality issues in several communities in Western Massachusetts. Many customers in Western Massachusetts rely exclusively on landlines for communication and are without options such as Voice over Internet Protocol (VoIP) or cell phones. The AGO is working with local leaders, the legislative delegation and Verizon, as well as through the Department of Telecommunications and Cable (DTC), to ensure that phone service is reliable in this area. In addition to service quality issues, the AGO successfully opposed

Fiscal Year 2008 Accomplishments



The centerpiece of a youth employment campaign was a series of posters, with the theme, “Do You Work?” The poster presents basic information on the minimum wage and obtaining a work permit, as well as hour restrictions, guidelines around supervision, and safety restrictions for working teens.

RELEASED MAY 2008

motions to dismiss a DTC investigation into alleged anti-competitive pricing of access. Lower access charges can lead to more competition for these services and ultimately lower costs to consumers. In a pending case, the Office, along with several other states, petitioned the D.C. Court of Appeals to uphold a Federal Communications Commission decision that imposes certain reporting and filing requirements on Verizon to protect ratepayers in non-competitive markets.

Workers’ Rights

The AGO handled a variety of cases involving non-payment of wages and overtime, failure to pay the state prevailing wage on public construction projects, misclassification of employees as independent contractors, child labor violations, and other violations. In FY08, the AGO: issued 403 civil citations for violations of the wage and hour laws; obtained \$3,545,756 in restitution, penalties and fees; opened 3,720 cases; issued 71 decisions in bid protest cases; conducted 450 site visits; and received more than 30,000 telephone calls to the Fair Labor Hotline.

Non-Payment. During the summer of 2007, 13 Springfield-area Wendy’s restaurants abruptly closed and left 406 former employees without paychecks for up to five weeks of work. Within two months of the stores closing, the AGO obtained full restitution for the employees. In addition, the AGO indicted the owner of the restaurant for non-payment of wages. In May 2008, the owner pleaded guilty and was fined \$50,000.

In early 2008, the AGO reached an agreement with Super 88, a grocery store chain, to settle allegations that it failed to pay employees the minimum wage, overtime, and Sunday and holiday pay at six stores in the Greater Boston area. Under the agreement, Super 88 agreed to pay \$175,000 in restitution to over 300 current and former employees, along with a fine of \$25,000.

Prevailing Wage. After an 11-month joint investigation by the AGO and the Massachusetts Insurance Fraud Bureau (IFB), the AGO reached an agreement with Shannon Construction Corporation and its owner, requiring them to pay nearly \$300,000 in penalties and restitution and plead guilty to a variety of

charges including failure to pay prevailing wages. In addition to fines and restitution, the company and its owner were debarred for three years from bidding or working on future public construction jobs.

A Worcester drywall company, JC Drywall, and its owner were ordered to pay over \$70,000 in restitution to five employees and penalties to the Commonwealth for intentionally violating the Massachusetts Prevailing Wage and Records Keeping Laws.

Misclassification. The AGO assessed penalties of more than \$190,000 against FedEx Ground Package System, Inc., for intentionally misclassifying 13 drivers as independent contractors rather than as employees. The AGO cited FedEx Ground for failing to provide a proper paystub, failing to provide workers' compensation, not paying overtime to certain drivers, and neglecting to deduct and withhold state income taxes. In addition to the penalties, the citations require FedEx Ground to rectify the violations and provide restitution to the 13 drivers.

The AGO issued a civil citation against Champagne Drywall, an Agawam drywall company, and its owner for intentionally violating the independent contractor laws and records keeping laws in connection with work done at the Holyoke Mall. The AGO fined the company and its owner \$20,000.

Child Labor. The AGO issued 31 citations for child labor violations at retail stores in malls throughout the Commonwealth during the 2007 holiday shopping period. Live Nation, Inc., and Delaware North Companies, two separate companies operating at the Comcast Center, were also cited by the AGO for multiple violations of the Massachusetts Child Labor Laws.

Protecting the Environment

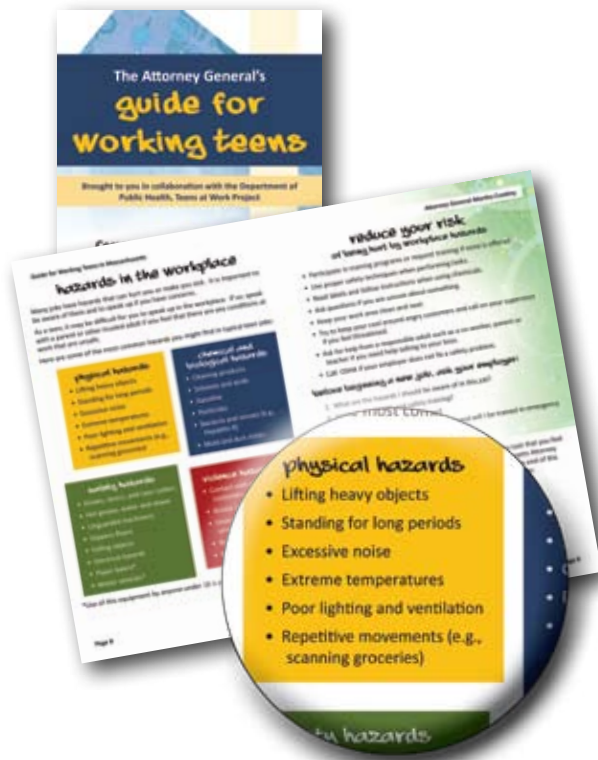
The AGO continues to play a national leadership role in the most important environmental issues of the day, such as the fight against global warming. The AGO also pursued state enforcement work in every major substantive environmental area, including combating air pollution, protecting our water resources, and cleaning up contaminated sites.



"The Attorney General's Guide to Workplace Rights and Responsibilities" provides Massachusetts residents with an overview of the wage and hour laws. It is available in: English, Cape Verdean, Chinese, Haitian, Khmer, Portuguese, Russian, Spanish, and Vietnamese.

RELEASED MAY 2008

Fiscal Year 2008 Accomplishments



"The Attorney General's Guide for Working Teens" provides teens, and those who employ or look out for teens, with valuable information to protect themselves in the workplace.

RELEASED MAY 2008

Addressing Global Warming. In April 2007, the U.S. Supreme Court ruled that the U.S. Environmental Protection Agency (EPA) could no longer disregard its authority to regulate greenhouse gases under the Clean Air Act, and it remanded the case back to EPA for action. In FY08, the AGO led a coalition of 19 states in filing a *mandamus* petition in the D.C. Circuit seeking to compel EPA to take specific action on the remand. The AGO also joined other states in challenging EPA's denial of approval for the California state program for regulating greenhouse gas emissions from motor vehicles (which Massachusetts has adopted). The AGO took many other actions as well, ranging from opposing attempts in Congress to reverse *Massachusetts v. EPA*, to filing an administrative petition with EPA requesting that the agency regulate greenhouse gases from non-road vehicles and engines.

Challenging the Siting of Unsafe Facilities. On behalf of the Commonwealth, the AGO continued its opposition to the siting of a liquefied natural gas import facility in Fall River in many different forums. The AGO obtained a dismissal from the D.C. Circuit of the proponent's claim that the Massachusetts Department of Environmental Protection had unreasonably delayed acting on state permits for the facility, and also obtained a ruling from the Secretary of Commerce rejecting the company's efforts to reverse a state denial under the federal Coastal Zone Management Act.

Fighting Dangerous Mercury Emissions. The EPA rejected its earlier proposal to regulate mercury emissions from power plants as "hazardous air pollutants" under the Clean Air Act, and it sought to employ much less stringent provisions. Working closely with a coalition of other states, Massachusetts successfully challenged this EPA policy in the D.C. Circuit.

Pollution and Environmental Violations. During FY08, the AGO obtained judgments or other final resolutions in enforcement actions that required defendants to pay \$6,392,886 in penalties or other payments. The AGO also spared Commonwealth taxpayers great expense by compelling others to clean up contaminated sites directly.

- Working with eight other states, the federal government, and citizens groups, the AGO resolved two major air pollution enforcement cases against a large Ohio utility whose emissions travel into the northeast on the prevailing winds. The settlements require the company to install air pollution control equipment valued at approximately \$4.6 billion that will remove approximately

816,000 tons per year of pollutants that cause smog and acid rain. The company will also have to pay a \$15 million civil penalty and to fund \$60 million in air pollution mitigation projects, including \$3.1 million specifically earmarked for projects in Massachusetts.

- The AGO brought air pollution cases against companies in Massachusetts, including one against a company that operates paper recycling facilities in Fitchburg and Haverhill. In that case, the AGO obtained a settlement ensuring future compliance and payment of \$575,000 in civil penalties and \$25,000 in compliance fees. The AGO obtained a settlement with another company that operates numerous construction and building materials production facilities in the state, requiring compliance and a \$587,000 civil penalty.
- The AGO also brought cases to protect the Commonwealth's water resources, including one involving a release of hydraulic oil into the Merrimack River from a hydroelectric dam in Lowell, in which the AGO obtained a settlement that required the company to pay \$125,000 in penalties and to develop and implement an environmental management system to prevent future violations. In another settlement involving discharge of thousands of gallons of raw sewage at a development in Plymouth, the AGO required the defendant to pay a \$135,000 civil penalty, to contribute an additional \$15,000 to study water quality in the Plymouth Harbor/Eel River estuary, and to take specified steps to prevent future discharges of untreated sewage into waters of the Commonwealth.
- To address contaminated properties, the AGO reached a settlement with a federal contractor at the Massachusetts Military Reservation on Cape Cod that required the payment to the Commonwealth of \$1 million in natural resource damages. The case was resolved concurrently with a multimillion cost recovery brought by the federal government.

Criminal Enforcement. In addition to its work in civil courts and before regulatory boards, the AGO works to protect the environment using the criminal law. The AGO investigated two cases of failure to notify of a hazardous materials release, and obtained indictments in both cases; and prevailed in a case in which the defendants, charged with illegal filling of wetlands, pleaded guilty to 10 counts of violating the Wetlands Protection Act, and were sentenced to one year of probation and fines totaling \$250,000. The defendants also entered into an administrative consent decree to restore the filled wetlands.

ENVIRONMENTAL CRIME

The AGO investigated nine cases of improper asbestos removal and brought criminal charges against three individuals for such actions, obtaining two convictions.

The AGO also investigated seven cases of illegal treatment or disposal of hazardous waste (one of which also involved the improper disposal of medical waste), and obtained indictments in two of these cases, both of which remain pending.

Civil Rights

The AGO investigated and brought enforcement actions in a wide range of civil rights cases, initiating new litigation in eight housing discrimination cases, four disability rights cases, one lending case, and two hate crimes cases under the Massachusetts Civil Rights Act (MCRA). During the same period, the AGO opened 12 new investigations, and engaged in compliance monitoring in eight other civil rights cases.

Fair Housing. The AGO obtained 20 consent judgments or decisions that resulted in recovery of \$197,400 to victims and required real estate companies, landlords, property managers, and other defendants to implement antidiscrimination policies, receive training on fair housing and antidiscrimination laws, adopt investigation and reporting mechanisms, and advertise equal housing opportunity policies.

Disability Rights. In FY08, the AGO continued to represent the Commonwealth in a pending class action by adults with mental retardation and other developmental disabilities who reside in nursing homes. Working with various executive agencies, the AGO negotiated and obtained federal court approval of a settlement of all remaining claims. The settlement provides, subject to appropriation, for the creation of 640 new community placement slots for class members over the next four years.

Also in FY08, the AGO received a judgment after trial before the Massachusetts Commission Against Discrimination awarding \$70,000 damages and penalties against a bus company that refused to allow a blind couple to travel with their service animal; and a consent judgment with a large property management company to resolve claims that the company failed to provide reasonable parking accommodations to a disabled resident, requiring the company to adopt comprehensive reasonable accommodation and antidiscrimination policies and procedures, annual employee training on fair housing laws, and monitoring and reporting obligations. The AGO also achieved a nationwide settlement with Cardtronics, Inc., the nation's largest ATM operator, that will provide significantly improved access for blind consumers to the company's machines.

Other Antidiscrimination Efforts. Other significant cases include:

- The first lawsuit by a state AGO for civil rights claims against a subprime mortgage lender. The AGO sued H&R Block and Option One in connection with their alleged sale of extremely risky loan products that the companies knew or should have known were destined to fail, charging black and Latino borrowers higher points and fees to close their loans, and targeting consumers with predatory loan products.
- The successful defense against a challenge to the constitutionality of the Massachusetts law that expands the buffer zone around reproductive health care facilities to protect patients seeking access to needed care.
- The successful defense against a challenge filed in federal court to the City of Lynn's voluntary K-12 school desegregation plan and the Massachusetts Racial Imbalance Act (MG.L. c. 15, s. 11).
- A civil rights injunction under the MCRA against a defendant who assaulted and threatened a gay man in Quincy.
- A judgment and permanent civil rights injunction against two defendants accused of a bias-motivated attack based on the victim's perceived sexual orientation.



Attorney General Coakley speaks to a special Human Rights Delegation from Russia.

MAY 2008

Prevention and Education. In addition to its enforcement activity, the AGO also:

- Held a series of hate crimes trainings for police departments with the New England Region of the Anti-Defamation League, the Fenway Community Health Center, and the Cape and Islands District Attorney's Office;
- Launched an initiative to protect the rights of veterans and their families to access needed benefits and services and to be protected against discrimination in the areas of housing, employment and education;
- Participated on numerous panels and in meetings with community groups and advocates to discuss ways to best advance and protect civil rights in the Commonwealth;

- Submitted *amicus* briefs in U.S. Supreme Court and state Supreme Judicial Court civil rights cases regarding issues of housing and employment discrimination;
- Submitted testimony in support of legislation, which passed, ensuring equal access to needed medical care and health insurance for same-sex married couples.

Non-Profit Public Charities

Non-profit charitable organizations are a major contributor to the Commonwealth's economy, providing services in education, health care, housing, culture, and other areas. The AGO works to safeguard the public's interest in these organizations, as well as ensure the proper solicitation and use of charitable funds raised. In FY08, the AGO approved 1,396 initial registrations and processed 20,562 annual financial reports from non-profit public charities. In addition, it approved 499 registrations for professional solicitors, fundraising counsel, and commercial co-venturers. Fees for these activities generated more than \$2.1 million for the Commonwealth.

Charitable Funds. During FY08, the AGO received, reviewed and investigated approximately 250 formal written complaints regarding the use of charitable funds. Examples include:

- The Attorney General concluded a year-long investigation using electronic surveillance, GPS devices, informants, and undercover officers, into a fraudulent charitable fundraising ring resulting in indictments of a half-dozen individuals. The indictments alleged that the defendants solicited donations by falsely claiming to be raising money for either disabled veterans or police organizations.
- The AGO obtained full refunds, totaling \$46,200, for 462 individuals who had purchased tickets to participate in an illegal raffle conducted by Voyage of the Spray, Inc.

- In response to financial improprieties and poor record keeping, the AGO entered into an agreement with the New England Skating Club, Inc., requiring the organization to adopt new financial policies and procedures, hold an election (under the supervision of the U.S. Figure Skating Association) of a new board, amend and restate their by-laws, and submit quarterly reports to the AGO for one year.
- The AGO conducted an investigation of Citi Performing Arts Center arising out of complaints regarding executive compensation and conflicts of interest. Although the AGO determined that the Center's procedures for establishing the compensation of its chief executive, as well as relationships with certain of its trustees and staff, were generally consistent with AGO standards, the AGO identified certain procedural weaknesses and the Center agreed to implement corrective changes.

Charitable Interests in Estates and Court Proceedings. When an estate includes a gift to charity, the AGO is made a party to the probate case. In addition, the AGO is a party to any judicial proceedings affecting charitable trusts. In carrying out its responsibility to assure the proper use of charitable funds, the Office reviews significant asset dispositions, changes in purposes, and other material transactions undertaken by non-profit charitable organizations, including all dissolution proceedings. During FY08, the AGO reviewed 22 notices regarding significant transactions and approved the dissolution of 116 public charities.

Supporting Massachusetts' Economy

In addition to the AGO's efforts to address high health care and energy costs that burden businesses, the Office supports the Commonwealth's economy in a number of other ways.

Insurance Fraud. By investigating and prosecuting insurance and unemployment fraud, the AGO has recovered large amounts of money that had been paid out as insurance benefits based on false claims in the areas of unemployment, motor vehicle accident claims, and workers' compensation. During

Fiscal Year 2008 Accomplishments



Attorney General Coakley addresses the Greater Boston Chamber of Commerce.

JANUARY 2008

FY08, the AGO resolved 45 such cases, obtaining restitution and fines totaling \$641,561. The AGO received 66 referrals of cases of insurance or unemployment fraud, of which 56 have presently resulted in charges. The AGO made significant progress in efforts to target major offenders and attack the roots of insurance fraud. Representative efforts include:

- Obtaining a guilty plea from a chiropractor for submitting numerous false claims, resulting in loss of his license to practice.
- The indictment of two attorneys and two chiropractors in for allegedly orchestrating tens of thousands of dollars of false motor vehicle insurance claims supported through false medical records.
- The prosecution of an attorney for over 20 charges of assembling false insurance claims in addition to numerous mortgage fraud schemes and stealing client funds.

In FY08, the AGO also worked with the Superior Court to develop a better method of ensuring that payment of restitution is tracked appropriately and made in a timely fashion. The effort was initiated because only a small fraction of restitution ordered in any given year was actually recovered by the Commonwealth in a timely fashion and the majority of restitution was waived or forgiven by the courts.

Workers' Compensation. All employers are required to carry workers' compensation insurance, which pays for lost wages, permanent injuries, and other expenses stemming from worker accidents on the job. In FY08, insurance companies asked the Commissioner of Insurance for a 2.3% increase in workers' compensation rates. The AGO intervened in the case, and negotiated a settlement that included a reduction in average rates of 1%, with additional savings of 5% to 10% for small business policyholders. This rollback resulted in a \$30 million savings overall, and an additional \$3.2 million in savings to small businesses.

Regulatory Review Initiative. In November 2007, Attorney General Coakley and Governor Deval Patrick announced a Regulatory Review Initiative (RRI), an effort to review regulations of the Commonwealth to identify measures that are unnecessary, overly burdensome or inconsistent with statutory mandates and serve as undue hindrances to economic investment and development in Massachusetts.

The goal of the RRI is to promote a favorable regulatory environment that improves the business climate in the Commonwealth while still protecting consumers, employees, and a clean environment.

Small businesses are an essential component of the Massachusetts economy, bringing in over \$30 billion in revenue and employing approximately 1.5 million people across the Commonwealth. Despite their importance to the economy, small businesses are heavily burdened by the costs of government regulation and excessive paperwork.

The AGO has received more than 100 suggestions from the business community about regulations that need to be changed. The largest number of suggestions involved health care regulatory changes. These suggestions were forwarded to the HealthyMass Initiative, a cross-agency initiative to build on health care reform, and have become the basis for the HealthyMass Initiative's Administrative Simplification Task Force. The balance of the suggestions are being studied by the AGO and the Patrick Administration to determine which regulations can be amended consistent with the goals of the RRI.

Brownfields. The AGO updated its Brownfields Covenant Program to provide new incentives and opportunities for developers to clean up and redevelop contaminated property. The program uses the Attorney General's authority under Chapter 21E, the state's hazardous waste site cleanup law, to resolve liability issues that hinder redevelopment. The AGO amendments to its Brownfields Covenant Regulations streamline and clarify the process for obtaining Brownfields Covenants, and the AGO published new guidance to help property owners, developers and communities facing the challenges of redeveloping contaminated sites. The Office also executed three Brownfields Covenants in FY08 to promote a variety of redevelopment projects:

- The redevelopment of the historic Washington Mills Building #1 in downtown Lawrence into 155 loft-style apartments, 10% of which met affordable housing criteria. These units are within walking distance of the commuter rail and the regional transportation center.
- Refurbishing and modernizing a commercial building and former gas station on Route 6A in Sandwich, contaminated with oil and diesel, into a multi-use commercial/residential development.
- Turning a contaminated gas station in the commercial district in Clinton into a retail pharmacy.

LISTENING TO BUSINESS

According to a study by UMass-Boston: 41% of Massachusetts CEOs think that government regulations are significant impediments; 48% of the CEOs said that their businesses experienced situations where government regulations were inconsistent with each other; state regulations were considered more of an impediment than federal or local regulations; and 52% of responding CEOs cited state regulations as the major source of the problem, compared to 28% citing federal and 10% citing local regulations.



Assistant Attorney General James Milkey, chief of the Environmental Protection Division, and Attorney General Coakley listen to testimony at a Brownfields hearing held in Boston.

MAY 2007

Saving the Taxpayers Money

The AGO brings suits to recover money owed the Commonwealth for a variety of reasons. For example, the AGO brought suit against a health plan to reimburse MassHealth for excess pharmacy benefit claims made by the health plan. The matter was settled through a consent decree with \$3.7 million returned to the Commonwealth.

Another way that the AGO recovers money for the Commonwealth is through its defense of eminent domain cases and other cases involving real property. In FY08, the AGO successfully defended three eminent domain claims at trial, saving the Commonwealth more than \$1.5 million. Finally, as noted elsewhere in this report, the AGO has secured significant recoveries for taxpayers in Medicaid fraud cases and other types of suits.

Defending the Commonwealth from Meritless Lawsuits. The AGO defends the Commonwealth from meritless lawsuits, including employment cases and tort suits. In FY08, these defense efforts saved the Commonwealth millions of dollars.

- In one case, an employee of the Department of Transitional Assistance claimed that she was not promoted due to gender discrimination because she was the mother of a young child. After a 10-day jury trial, the jury rejected her claim and returned a verdict in favor of the Department.
- The AGO won dismissals of: a case where an inmate claimed that he had slipped on a puddle of water on the floor at the Hampshire Jail and sustained back injuries; and of a case by a *pro se* plaintiff who had been convicted 30 years ago of numerous offenses as the result of a shooting incident outside a package store in Springfield. In the latter case, the inmate had filed a civil rights suit against the assistant district attorney who prosecuted him and the judge who presided over his trial.

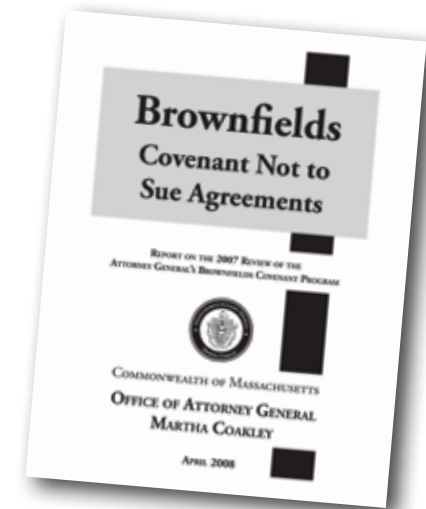
Expanded Efforts for False Claims Act Enforcement. In FY08, the AGO launched a new initiative to investigate companies that overcharged the Commonwealth and its political subdivisions in violation of the State False Claims Act. This effort has resulted in numerous investigations, lawsuits, and settlements

against entities such as UBS, Merrill Lynch, AIG, Travelers Insurance, Tufts Health Plan, Ace Group Holdings, and EBS Foran, totaling recoveries of over \$50 million for the Commonwealth and its political subdivisions.

- In the financial services area, the AGO investigated both Merrill Lynch and UBS for allegedly deceiving municipalities about the nature of the municipal investments. Towns and cities lost millions of dollars by investing in inappropriate financial products on the advice of these companies. After investigation, the AGO obtained settlements in both matters; Merrill Lynch returned \$13 million to the City of Springfield and UBS returned \$35 million to 18 different political subdivisions of the Commonwealth.
- The Office also initiated enforcement actions against two insurance agencies that specialized in providing advice to municipalities, alleging that the agencies had provided incomplete and misleading information to municipal customers. As a result, EBS Foran Insurance Company and Group Benefits Strategies paid penalties totaling \$135,000 to the Commonwealth, and the City of Melrose received \$85,000 in reimbursement.

Appellate Law. Many individual cases, when on appeal, help to establish important legal principles. In one case, the Supreme Judicial Court reversed the trial court's dismissal of a criminal indictment against a Massachusetts Port Authority employee who made false entries on the books of this public corporation. As a result of this decision, indictments in 16 related cases proceeded to trial or plea, and the Commonwealth retains its statutory authority to prosecute individuals who make false entries on the books of public corporations.

Antitrust. The Attorney General launched active investigations and enforcement action in areas where alleged anti-competitive conduct impacted the budgets and costs of Massachusetts municipalities. The AGO led a multistate investigation concerning the proposed merger of two school bus companies, FirstGroup plc and Laidlaw Transportation International. The AGO identified several Massachusetts cities and towns where the merger would substantially lessen competition and could lead to higher costs for school districts. The AGO entered into a multistate consent decree which included divestitures, conduct remedies, and a recovery of the costs of the multistate investigation of \$1.1 million (including \$105,786 for Massachusetts).



After a public review process in 2007, the AGO released a report that described the history of the Brownfields Covenant Program, evaluated its success since the 1998 Brownfields Act, and laid out a plan for program updates.

RELEASED APRIL 2008

Oil spill decree back in effect

State will enforce law during appeal

By DAVID KIRBY
Standard-Times staff writer

BOSTON — Oil shippers in Buzzards Bay will have to use tugboat escorts and take other spill prevention measures for the first time in more than a year under an appeals court decision that took effect this week.

The state Department of Environmental Protection and Attorney General Martha Coakley have decided to enforce the state's Oil Spill Prevention Act while the U.S. Justice Department and the oil shipping industry fight the law in court.

A federal judge ruled major portions of the law unconstitutional in July 2006, about 18 months after it had gone into effect. U.S. District Court Judge Joseph L. Tauro said the state law violated federal supremacy in an area where the Coast Guard had the legal right to set regulations. But a federal appeals court overturned the lower court ruling in June and sent it back to U.S. District Court for a new hearing on the evidence.

"Anyone who cares about Buzzards Bay can sleep better tonight with the state law being in effect."

MARK RASMUSSEN, Coalition for Buzzards Bay executive director

New Bedford Standard-Times
August 22, 2007

AG looks into Citi Center's spending

Scrutiny grows over operations

By Geoff Edgers
GLOBE STAFF

The attorney general's office is looking into practices at the Citi Performing Arts Center in light of recent Globe reports on the nonprofit organization's spending.

Citi Center Board chairman John William Poduska Sr. met this week with a representative of Attorney General Martha Coakley's office after being contacted, the center confirmed. It was unclear whether the attorney general intends to launch a full investigation, and Coakley's office would neither confirm nor deny the status of an inquiry.

of an inquiry.

Through a Citi Center spokesman, Poduska declined to talk about the meeting. He did release a statement.

"Anytime that there is misinformation about the center, we are prompt to brief the attorney general's staff on the facts, and we have done so in this case," the statement read.

"It [attention from the attorney general] certainly adds a cloud over the organization."

STACY PALMER
Editor, Chronicle of Philanthropy

Boston Globe
August 25, 2007



Protesters may continue to hold signs, pray, sing, chant, leaflet and converse from outside the buffer zone, Attorney General Martha Coakley wrote.

AG backs abortion buffer zone

Her brief responds to group's lawsuit

By Megan Woolhouse
GLOBE STAFF

Attorney General Martha Coakley said yesterday that a new law restricting antiabortion activists from standing within 35 feet of an abortion clinic's entrance did not violate their right to free speech.

Coakley filed a brief in federal court in response to a lawsuit filed last month by antiabortion activists, who oppose the new restriction, saying it violates their constitutional right to protest on a public sidewalk.

She was reiterating the position she took when she testified last year before the Legislature in support of the broader zone of protection around clinics.

Boston Globe
February 21, 2008

Malden gas station owner slapped with \$600K penalty

Judge sides with Mass. Attorney General Coakley in case; Rules owner failed to clean up gasoline and other spills at four stations

Same owner for three other gas stations in city of Medford

MALDEN — Mass. Attorney General Martha Coakley has obtained a \$600,000 judgment against the owners and operators of four gas stations in Malden and Medford for failing to clean up gasoline spills and other related petroleum products.

The Malden gas station named in the judgment is Service 93 Station, located at 854-856 Eastern Ave., (Route 60), at the corner of Maplewood Street and Eastern Ave.

"This judgment reaffirms the crucial role that state laws play in assuring that contaminated sites are cleaned up in a timely manner."

Martha Coakley
Attorney General
Commonwealth of Mass.

Malden Evening News
July 30, 2007

Big Dig supplier settles

Concrete company to pay \$50 million

By RODRIQUE NGOWE
Associated Press

BOSTON — A concrete supplier for the Big Dig has agreed to pay a \$50 million settlement to end civil and criminal investigations into more than 5,700 truckloads of substandard concrete it delivered to the massive highway project, state and federal authorities announced yesterday.

Aggregate Industries NE Inc., the largest asphalt and concrete supply company in New England, also agreed to plead guilty to a criminal charge of conspiracy to defraud the federal government. Six employees of Aggregate, which supplied concrete used in tunnels and roadways in the Big Dig project, were indicted last year on federal charges that they falsified records to hide the substandard quality of concrete. Their cases still await trial.



Attorney General Martha Coakley speaks to the media about the \$50 million Big Dig settlement as U.S. Attorney Michael Sullivan listens in the background yesterday in Boston.

Springfield Republican
July 28, 2007

Minorities hit with higher fees, AG says

Lawsuit accuses former H&R Block mortgage arm of discrimination

By Kimberly Blanton
GLOBE STAFF

The state attorney general's office yesterday sued Option One Mortgage Corp., alleging it targeted blacks and Latinos for subprime mortgages — which were likely to wind up in foreclosure — and required them to pay higher initial fees than white customers.

The lawsuit, which was filed in Suffolk Superior Court in Boston, resembles similar private class-action suits that have expanded the growing legal caseload against subprime lenders beyond initial allegations they sold risky mortgages to people who could not afford the payments. In this case, the suit charges that Option One's lending policies were discriminatory.

Academic research based on loan company filings with federal regulators has established that even high-income blacks and Latinos in Massachusetts were far more likely to obtain risky subprime mortgages. For example, 70 percent of black and Latino borrowers earning \$92,000 to \$152,000 received the high-risk loans in 2005.

"A clear pattern emerged of similarly situated black and Latino borrowers who were charged higher points and fees" for subprime loans, Attorney General Martha Coakley said. The suit demonstrates "a pretty widespread practice, not just in this company but in Massachusetts," she said.



'A CLEAR PATTERN'
Black and Latino borrowers

were charged higher points and fees for subprime loans, Attorney General Martha Coakley said.

Boston Globe
June 4, 2008

Coakley bans foreclosure rescue scams

Swapping help for house title called exploitive

By Kimberly Blanton
GLOBE STAFF

Massachusetts Attorney General Martha Coakley has permanently banned rescue scams that target victims of the state's growing foreclosure crisis.

Her office issued a regulation that prohibits a specific type of rescue plan in which a business or individual claims to offer assistance to distressed homeowners facing foreclosure if the homeowner gives over ownership of the property.



Attorney General Coakley cites duress of foreclosure.

Boston Globe
September 7, 2007

Wendy's checks in the mail



'We are very pleased to provide the workers affected with the money that they deserve.'

Attorney General Martha Coakley

PITTSFIELD — More than 400 people cheated out of their final paychecks when 13 western Massachusetts Wendy's franchises closed are getting their money.

Attorney General Martha Coakley said her office has mailed out checks worth a total of nearly \$192,000 to 406 former employees of the 13 closed Wendy's Restaurants in Western Massachusetts, including the one on Hubbard Avenue in Pittsfield.

These checks, the result of an agreement with Wendy's International, total \$191,673.89.

"We are very pleased to provide the workers affected with the money that they deserve," said Coakley. "It is important that every worker in the Commonwealth know their rights as employees under the wage and hour laws of the state, and I strongly urge workers to contact my Office if their rights have been violated."

The money came from a fund created with \$350,000 from Dublin, Ohio-based Wendy's International.

Berkshire Eagle
September 29, 2007

'Groundbreaking' alliance

AGs, MySpace plan assault on predators

Massachusetts joined 48 other states yesterday in an agreement with the online social networking Web site MySpace on how to better protect children from sexual predators and bullies.

THE AGREEMENT includes the creation of a task force that will develop age and identity verification technology, according to Attorney General Martha Coakley, who said sexual predators have repeatedly used the site to victimize children.

"The days are gone when a parent could feel his or her child was safe because he was up in his bedroom on the computer and not out after dark."

Coakley



Attorney General Martha Coakley announces yesterday she will be joining all other attorneys general from across the country to increase safety on the MySpace networking site.

Boston Metro
January 15, 2008

ATMs made accessible to blind customers

By KEN MAGUIRE
Associated Press writer

BOSTON — The nation's largest nonbank owner of ATMs will improve access for the blind at its machines located in malls, gas stations and pharmacies, under an agreement announced Wednesday.

Cardtronics Inc., based in Houston, will make most of its ATMs accessible to the blind by 2010, under an agreement settling a lawsuit filed by the National Federation of the Blind and Massachusetts Attorney General Martha Coakley.

Cardtronics operates about 24,000 ATMs in locations, including Albertson's supermarkets, CVS Caremark Corp. pharmacies, Costco, Hess Corp. and Sunoco Inc. gas stations, and Target Corp. stores. The agreement also covers another 5,000 ATMs that Cardtronics plans to acquire from 7-Eleven Inc.

The machines will employ voice guidance technology, which is commonly available at many bank ATMs. It is activated by plugging headphones into a jack on the machines. The National Federation of the Blind will monitor Cardtronics' progress, according to the agreement.

New Bedford Standard-Times
June 28, 2007

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