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00:01

Okay, my name is Dennis Graf, it's March one 2019. I'm thrilled to be doing it the third video for LexVid. I one of the great companies in are they great company in the business of providing MC I for MC LA for attorneys I've done for decades of the mouth. And the last two have been with LexVid. And I really enjoy their their videos, they have great people very interesting. And I really appreciate the opportunity to talk to people about credit, perfection, unlimited funding, growing their dreams exponentially. Law, lawyers are growing their practices, helping their clients and growing their own practices exponentially. I really appreciate the opportunity. We've covered a lot of territory in a lot of depth. I've tried to make it fun for you, I hope you've enjoyed it. Considering the spirit it's been done. I look forward to your comments about it, whether you like that approach or whether you'd prefer that I do it in a manner that I'm afraid would have put us all to sleep. There was a lot of technical stuff. There's a lot. Now we're into the real technical stuff, the statutes, and so on and so forth. It's kind of hard to make the Fair Credit Reporting Act funny, but I will try to do that. Now just a few things that I take mine in terms of approach a general patent again, a good plan violated or violently executed today is far better than a plan you think will be perfectly executed next week, General George S. Patton don't procrastinate. Get into these programs, get your clients into these programs. And let's, let's, let's, let's make some great things happen. We talked about deletions, we talked about so on and so forth. We talked about what I call going around the credit reporting agency imagine a line the 1940 the French had a seemingly impregnable Maginot Line which the Germans faced and it looked impossible for them. There was no way that they would lose half their army or more just trying to do that. But they had a brilliant general that very few people ever have heard about Erich von manstein came up with a circumvention flanking plan and invoking what called blitzkrieg, which means lightning Wharf. He his plan was to circumvent the line to go around it at a result that was he turned their outdated strengths. So supposedly against them, they routed the imaginal line of set the trap, the the Belgian and English armies went into it. And then they came around to the our den mountains

and circled push the English and Belgian for 10 divisions of the French Army Corps back to the Dunker beaches. some reason of didn't finish the Java could have ended the war that the British would had nothing to fight with, they would have been sued for peace, which is what Hitler wanted anyway, was to make peace with the English and what a changed world history. But the main point of this is, is that they faced an impossible situation that they decided to resolve not by going directly at their strengths, but by using tactics used by General von manstein. And by Douglas MacArthur, that is to hit them where they're weak, not where their strengths so let's talk about their weaknesses. The E Oscar violations violate the law, no question. No, no, no doubt. There, they violate the law, they're done to save money, it would be really much more expensive to actually look at documents, think about it, they can process 100 or more transactions. If they had to do 20,000 transactions a day ordered documents. They'd have to hire five times more people, so on so forth. So they're not only did they violate the law, they're going to continue to violate the law. So we know that we've got them they're dead. All we got to do is play out the game, not give up. So we're not going to give up. They eventually will. Credit perfection as we talked about geology early as a matter of time and pressure. That's what Morgan Fairchild said in that great movie The Shawshank Redemption where Andy frane was digging his way out of the prison inch by a half inch or quarter inch branch. Basically, digging time and pressure for geology and same thing in in our approach. We've got our consumer protection statutes NW MDS, we got the government we got private consumer protection entities. They would rather delete than fight because they're bullies. They like kicking sand in somebody's face, but they can't take a punch. They got a glass jaw and a In a soft stomach.

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Again, Winston Churchill said there are only nine words you need to know to succeed. Never give up, never give up. Never give up. That's what I believe is absolutely true in this case, I've never seen in my whole career, either my personal lawsuits against these agencies who are credit reporting agencies who were going to teach me a lesson, they never got past motion for summary judgment, once they lose that they're going to fold because they know they will not win in front of a jury. Just think about it. Everybody on that jury has either been had a credit reporting agency that's messed them over or they've had family that's messed them over and is messing with over California juries in particular are notoriously anti CRA, and they're not going to put themselves in that position. Now, if you're going to demand $10 million or something, well, that's a little different. But talking about what's reasonable here, injunction declaratory relief suits, complaints with the government, private entities. The FTC, Consumer Financial Protection Board, the Attorney General which I just talked about, the 31 Attorney General's got together and forced the series to make dramatic changes regarding judgments, liens and medical bills. The US Attorney I'm going to talk about in a minute of regarding mail and wire fraud and Rico claims which don't roll your eyes out their attorneys. I'm going to explain to you why civil Rico is a very relevant weapon to our arsenal, the local district attorney, and even the city attorney has the right to force

certain statutes such as the California credit reporting agencies act. You can recover damages attorney fees costs, expert fees punitive damages, treble damages for Rico, California unfair business Practice Act, and one of my personal favorites that consume California consumer legal remedies, Zach, give the attorney act right to act as a private attorney general seek injunctive relief and cause all kinds of problems to the to the credit reporting agencies, so on and so forth. Again, these are damages costs, attorney fees punitive damages, expert costs, treble damages, class action, private AG, criminal law referrals for wire fraud, mail fraud, Rico, wholesale frauds, credit reporting agency act, credit reporting organization act violations, most people don't realize under the California law, every violation of the CRA by a credit reporting agency is a misdemeanor.

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So

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it's a crime not to follow that which there are very stringent rules. I'm going to get into that. almost unbelievable. It's almost hard to believe that a group would be that regulated much more so than the mob and the Rico statutes of lawyers associations. I belong California Attorneys Association, Los Angeles 5000, the biggest gunslingers in the West as they say, the billion dollar judgment people these that that is the top organization for trial lawyers in the world, my opinion the American Bar Association, the ncls National Consumer legal society, I think it is they have they have all kinds of information and documents, National Association of Consumer Attorneys another subset. This is all kinds of litigation they focused on consumers, life takers and Heartbreakers. As they say that end cap is their name escapes me that's the group of Attorney General's and whatever the force, the CRA is, the council against unethical and inaccurate credit reporting. I always put that in the letter at the bottom. And I've had people that have called and said, Please do not report to that counsel against unethical and inaccurate credit reporting. The interesting thing about it is is that right now has one member It's me. I am the National Council against unethical and inaccurate credit reporting. I'm planning on building that organization. But I throw that in my letter because actually, I don't think that those groups want to get me against they're on their side with my contacts through the through the group and we are going to build that group up someday and we're going to be a very active consumer group right now it exists. It's just me, but it's nice to have that in a letter contact the media threaten the content promised to contact the media that always gets their attention. Private ag we talked about unfair business Practice Act which they have in virtually every state California consumer legal remedies act that was an old buddy of mine from way back I used it a lot it's it's liberally construed against the it's just a throws the defense attorneys completely crazy. They don't know quite how to react to it. Okay, now we're going to talk about the major consumer protection statutes. The first one, the

Federal Credit Repair organizations act, if you have a client who has hired one of these repair services, you should just smile from ear to ear, because you have got in, in every state, you've got the federal law. In California, you've got the California law, which I almost, it's just hard to believe. I don't think that I could set about if you gave me a task of designing a perfect consumer protection statute, I could come up with something much better than that, that would be constitutional. But let's talk about the credit repair. Let's bring our old friend Richard Nixon back because we got lots of crooks in the credit repair business. And section 403, section 402 talks about the rich the Richard nift, and crooks. Section 403. Credit CRA Oh, a credit repair organization that covers anyone in business of advising or improving people's credit now that that includes people that do deletions or, or sell authorized user trade lines, that includes lenders, that they have to get their own license, which makes them exempt at that point. But anyone who is in the business of advising or improving people's credit, that includes lawyers under the federal act, incidentally. So we're, if you're doing credit repair or credit, perfection, you are fall, or you fall under this act is not geared towards lawyers, because there's all kinds of protections. That's why we are specifically exempted from the California law. Because of the fact that we have, we are the final defense, if we can't qualify to protect people, then I don't think there will be any credit perfecting going on in the entire system, section 404 prohibited activities. You cannot advise anyone to make a false statement, you can't tell your client to say I didn't have that bankruptcy when they had that bankruptcy. But you can have them write and say I need you to verify that bankruptcy, there's a big difference, they have an obligation, the CRA have an obligation to verify anything.

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And if they don't follow that 30 day reasonable procedure, then you it's it, you have the right to get deleted, even if even if it does turn out to be true. You can't falsely represent any service. The CRL provides you can't say for instance, I can get all your derogatory is off in five days, when you know darn go out you can't do anything. You can't say you're doing anything fraudulent it That goes without saying directly or indirectly. that's meant to now Incidentally, I have never seen this, I will get to this down a little bit lower. I've never seen this my whole life. They have a five year fraud statute, five years from the date of discovery. My guy that all the fraud that goes on this world, they have a two year three year statute, and for this particular group, the credit repair people, they got five years. So obviously Congress takes this stuff very seriously. This is the real killer, you cannot receive any monies before the services are fully performed. Now. We have trust accounts. There are exceptions to this the business repair, this applies to consumers, not businesses, so on and so forth. So in the business as we are, but everybody else out there, that's not a lawyer, or that's not offering business service credit, they're in violation of this. They're there they're not waiting to to collect their monies to lay down all the service. And they're not putting them in trust accounts. So so they're in violation of the Federal section 405. A separate disclosure statement very specific, must be signed and kept for two years. I make it a policy to get I actually

have a disclosure statement. I get it signed, just not that it really i think that i guess it applies to me as an attorney, but it's just good to have that you should have it and have it a detailed signed contract with a three day cancel period. You have to advise the client of that. In California, it's a five day cancel period. So they can wake up 72 hours later and say I just don't want this and you had to if you took money, you have to give it back to them. They can't be held to comply with the contract. Okay. compliance, non compliance by the credit reporting organism credit repair organization to anyone any one of the provisions of Your renders the contract void ab initio and unenforceable in any court. So if they don't give you that disclosure statement, their contracts, void and unenforceable. The right the consumer rights within all of this, you cannot waive them. It's against public policy. Civil liabilities, the damages are restitution. So in other words, you get your money back, you get, you get that automatically, because the contracts void, any damages they cause, for instance, if they, if they objected to things you told them not to, and it caused the credit card to get closed. That happens a lot with those credit repair organizations, you've got some serious damage, punitive damages, which are based on the severity and regularity of the violations, you often have a situation where credit reporting Association has tons of complaints filed against it. So it's a it's a repeat offender, the court they're often not licensed to practice in your state. So the court has the discretion. And and if you can convince the court, this is recidivist, this is a person that's doing this, with total disregard for the law, who knows what multiple that court may is it would be whatever the amount that they're limited to, I know, there have been cases that say PMD damages have to be limited to a certain percentage of whatever. But this would be a case, you get your attorney fees, expert costs, costs, class actions, tort flow and fraud claims are separate any claim you've got besides this is a specific separate cause of action you have for this statute, it doesn't affect any of your other claims.

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Now, here is the real kicker for people in California. If your defendant is not licensed to practice, according to the California statute, or not licensed at all, you can sue them, you do not have to serve them personally outside the state, you can serve the Secretary of State, go in and get a default, hire a collection attorney go in and yank the money out of their account. And at that point, you will get their attention, I promise you. It's it's I just researched just yesterday, I researched it a second time because it just doesn't seem like due process. But on the other hand, they're the ones that are practicing, or they're doing business in California, they're doing business, while the rest of us are paying taxes supporting the state, they're violating the law that they know, they have an obligation to follow. They don't even have the right to use the courts to access the courts or defend themselves. They are non existent. And they're going to get theirs in court. So if you ever have one of those cases, as there's all kinds of administrative enforcement of this act, federal agencies, the FTC shuts people down right and left for these violations. ag does the same thing. I have not heard of a case where the US Attorney's prosecuted one of these cases, but I presume with the data and a lot of wire mail fraud, so on and so forth. It would, as I told you

earlier, the statute limitations five years from discovery, including for fraud. Never heard of such a thing. remedies in addition to state state law remedies. Now that is a pretty draconian set of weapons you got there now hard to believe but the California one is even better, because even stronger. Section 17 a 9.1011. protect consumers liberally construed for consumers. Which means when I read that sentence, it just means you're dead. When you go to court, if you're in business. If you think you don't apply, then it's liberally construed, you will apply it will be applied. Credit Services includes advising, providing credit pair, including obtaining loans, if you're in the business making loans and you're telling people how to improve their credit, then you're covered under the Act. Now you can be excluded exemption from the act. Attorneys not employed or directly affiliated with the theater with a CRL. So if you are not working for a credit repair organization, you're not directly affiliated. That doesn't mean I directly affiliated that doesn't mean it doesn't preclude you from having services. It just means that directly affiliated so you can buy products from them. That doesn't give you a direct affiliation, you're totally exempt from this act. Lenders only if they're licensed in some state to lend money. Separate spet there's a separate special information sheet required. under the Act, special contract required. These are disclosures you make to the consumer breach of contract violates the title $100,000 security bond retired required, you have to get 100,000 Dollar security bond filing with the Secretary of State, before the Department of Justice who is required to issue these licenses will even consider issuing the license. So you have to go to the Secretary of State, the Department of Justice, you have to get $100,000 surety bond, again, waiver rights by Consumer as voiding as public policy. any violation of any of these provisions including not giving them a disclosure statement, not giving a written contract, misdemeanor, and any court may enjoin Attorney General da city attorney, private AG, Department of Justice licensed required disclosure, consumer claims investigation that they have to do an investigation of the person before they'll issue the license. I have no idea what the bonds cost, I have a feeling they're fairly expensive in regard to credit repair organizations, and so you may be looking at $10,000 cost of a bond or you have the option of putting the $100,000 up. I know some of the people in the business and they're going to have a rude awakening one of these days because they're not complying with these laws and somebody some aggressive prosecutors going to come in and put a stop to that nonsense of Federal and State Fair Credit Reporting acts. credit reporting agencies again shall follow reasonable procedures to assure maximum security accuracy that's section 607 B. I'm not giving you the subsections here by the way.

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So that would just bore you to death if you don't they don't follow these procedures, delete, delete, delete delete, doesn't matter if it's accurate or not. disputed item procedures we've pretty well covered that 30 days inaccurate, incomplete or in verifiable I, I circled the word or it doesn't say and it doesn't say unverifiable unless it's accurate, then you don't have to verify it. It says unverified, verifiable, so that's what the law is. That's our weapon because they don't follow the

reasonable procedures. Items must be deleted. 611 eight anti reinsertion rules they must use reasonable procedures to permit reinsertion prevent reinsertion interesting case I had recently I have a client who, who had a bogus account created by T Mobile, they got fined by the FTC many times for for fraudulent charges and fraudulent accounts. Anyway, he got a saw the the account on his collection with a collection agency back in and he went to that collection agency got them to agree to remove it, delete it permanently, even said in area, T Mobile is bound by this. Two months later, guess what the same account comes back different different collection agency. He called that agency up and talked to the manager and manager said, yo, you're right, that just can't happen. So got a second agreement. Now. Then they went to T Mobile went to a third credit report or collection agency, the thing came on a third time. Now, this is so far in violation of the law. Now, the credit reporting agencies are claiming that because it's a different collection agency, that therefore it makes a different account. Now that's just utter nonsense. If it comes on a fourth time, then I'm going to be deeply involved in the suing of of all of the T Mobile, the collection agency and the the two credit reporting agencies, Equifax has taken steps to keep it off but they can't You can't reassert something in unless let's see. You cannot you just cannot prove put reinsertion in unless you certify, which we'll get into later that the information is accurate now certifies the legal document, which has to be signed with the I doubt the credit reporting agency agencies even have that form in their thing. So they never comply with that. So if some gets reinserted, basically that's not allowed, except in limited circumstances. The standard now as a credit reporting agencies are prohibited from supplying information it knows or should know are consciously avoided knowing is inaccurate. So they can't just bury their head in the sand and say, well, we didn't know it was accurate. They have to do reasonable procedure. There's like we talked about the special rules for identity theft for days with identity theft affidavit, police report for days tops Now usually they take it off the day they get it because why would they mess with it? Why? Why? set it to the side, you know, take it off. That's what most of them do. That's what they all should do. That's what they all will do if there's a police report, if there's not a police report, some of them will mess with you and ask for 30 days. Now, California act and specific injunctive relief under their California a Fair Credit Reporting Act. There's some disagreement among the circuits as to whether the federal law allows you to go in and get get get accounts off by injunctive relief, clearly the state does. Back in 2006 2008, I was going into a specific court in small claims court in Laguna, that Laguna Niguel, there was a judge there who apparently she must have had a problem with the coach, she did not like credit reporting agencies, I would go in and get an engine get an injunction for a client after client after client, I'd take them with me. And I would not appear for them because it was small claims court. But basically that went on for two to three years. Finally, they lobbied the state and they changed the law. So you can't get injunctive relief in those cases in small claims. Let's see. They applied these rules to information furniture. So now they have to have that says this is fact fair and accurate credit transaction. They're liable for information they know as accurate, cautiously avoid knowing as inaccurate. So they can't bury their head in the sand. Again, this this was 1996 upgrade to the Federal Credit Repair Credit Reporting Act. I've talked about the identity theft rules several times, get it get your

affidavit notarized, get file a police station, get the report copy. And then when you say send that in.

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They have four days. It's just that's just the doomsday weapon for everything on that list. That's there's no exceptions to it. Federal and State Fair, Fair Debt Collection Practices Act. attorneys are exempt from that. We have really got a good group of lobbyists out here in California for our attorneys, our trial lawyers are our real, we are very organized. And that's why we get things like that. In addition to the fact we got all so many other regulations that we really don't need it. strict regulation and collection methods, it says what you can and can't do. If falls in the gray area, guess who gets the benefit of the doubt the consumer, the the the debt collector can only speak to the debtor or the spouse or the attorney until such time as as when the attorney enters his appearance, it has to all be with the attorney. But in no event, can it be even without attorney? Can it be more than the debtor or the spouse you can't show up at somebody's work and say, Hey, Betty Lou Simpson here, she you know, she owes us a bunch of money, you can't do that.

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you may, okay. The bounced checks cases now, the recent finding fall under the Act now. So even if they're collecting a bounced check, the Fair Debt Collection Practices Act actually applies. There's a debt validation section, which is very powerful of you, what you do is you ask for, you're entitled to ask for a debt validation from them. And you ask for all of these five things, explanation what the debt was for complete payment history and proof of debt, the correct copy of the document signed agreeing to pay the debt copy of the contract showing the agency has the authority collected that you can force them to show that and a copy of their state licenses. This is really I put that in my nuclear bomb letter by the way that if they're not going to delete that I'm gonna request that they do this immediately. So that just gives them another incentive to delete the person's

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section 809. Now California has the California Rosenthal Fair Debt Collection practice and the it's even stronger than the federal one, so on and so forth. And backing up a second I was trying to figure out right my writing was a while this validation is going on all collection activity and reporting activity stops till they verify that Okay, now the Fair Credit billing act. Incidentally, to

digress back a second, I just had a case for a client that she had had a judgment taken against her without proper service. They served her at her dad's house. She came to me and asked if I could work out a payment plan. She told me what happened. I wrote I got ahold of the person handling the case for the other side who happened to be a second year or second year attorney. I wasn't sure if 12 months wise it was even the second year but she was admitted in 2017. Very nice, young attorney and I looked up and told her that in my opinion, which I do, I believe That, under a case like this, where there was improper service, under under section, I believe it's there's, I think, the name section 804 of the of the attorney, ethical rules jumps in mind, but don't keep that in mind. But anyway, it's a section having to do with the duty of an attorney to, to, to, you know, do justice or whatever, something a lot, I convinced her that, given that situation, that it would be an ethical violation for them not to vacate the judgment. And they surprisingly or not surprisingly, agreed to vacate the judgment voluntarily. So needless to say, my client was just a little happy that instead of a payment plan, she was informed not only don't have to pay it, but that judgment is gone. Incidentally, she was the same person that I got. So I got that off your credit report as well, because of the fact that the law had changed. So she was a very happy camper. Fair Credit Report, billing act, creditor collection agency must provide all billing statements, and how the debt is calculated this act has to do with when you when you when you accrue credit sitting on a credit card, it tells the creditor in and you what you what your rights are, what their obligations are, it applies to creditors. And creditors, basically that take payments over four months on debt. So basically, the person that does the one time loan, as this doesn't apply to person, really this not in the business. But clearly credit cards are in it, they're also subject to the Truth in Lending Act. So everything they tell you has to be truthful, disclosure, blah, blah, right here, this page, this lists all the ways the credit reporting agencies can beat you, if you do what you're supposed to do, they have none. So that's all there. That's all there ways to win if you're going to stick the game. So let's put that in there deliberately. To show you that there. There's nothing they can do.

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The creditor must reverse charges for billing errors. In other words, you got your credit card, you you discover, like I did last month, I was on Amazon, they offered a thing for for just shipping and handling, you got this miracle like cream. And for some reason, because I have a rule, don't ever do those things. I just for some reason thought, Well, I'm just going to try that. Well, you know what, I got the eye cream, then a month later, 59 $83 was billed to me for something, I called them up, they ran me through three places, they weren't gonna take it off. Finally, they did take it off, then it appeared. Another on another place. Three months later, I finally called Chase Bank told him what was going on. They reversed it. They told me they have all kinds of problems with that company. Be careful, do not buy those things that only want to send you shipping and handling because what they're really doing is getting your email and your credit card information. And they're going to charge it. There's no way they're not going to start putting bogus charges, big amounts hope you don't catch it. And I don't I don't know how aggressive chases putting those

people out of business, but they're not aggressive enough or any of the credit card companies. Now billing errors, let's talk about what four things you can object to goods or service not agreed not provided delivered as agreed. This, as we'll see in a minute, that includes his time and the essence or quality promises that that they don't meet that's that enables you to return or not accept the product and reverse the charges, goods or services not delivered in timeframe promised. I had a client that paid a company for deletions three times what another company was because he was promised the deletions that would all happen within 21 days. Six weeks later, nothing had happened. We got that reversed goods or services not accepted by the obligor or designee if you don't accept goods as delivered, that's more not so much an area of practice of law are handled by intangibles more of the tangible area, and also goods or servers not made in accordance with the agreement made at the time of the transaction. The special order type situations that sections of 161 three B of the fair fair billing act for so for. Now, the real kicker of all of this is and I what you use when you're negotiating with the person's credit card company is you remind them of the section that says the credit issue are subject to the same claims and defenses is provided the goods delivered in a lawsuit except for Tort Claims. What this means is is that if the If the Chase Bank, let's say you have a $5,000 charge there, and the goods were defective, they weren't delivered on time, so and so forth. But Chase Bank just decides or or Wells Fargo Bank, or whoever you have your credit card just decides they're not going to reverse the charge, even though despite the fact you've told them what it is, in my case, I tell them what the statute says. If for some reason they don't do it, then you when you go into court, you not only sue the person that supplied the goods, you sue the credit card company, and they're subject to the same defenses. By the way, when you tell them that in a dispute process within the credit card company that usually gets unsettled because they don't want to get sued. It's what I call reasoning with them. And anyway, common law claims defamation, invasion of privacy, infliction of emotional distress, fraud. In terms of a case against the credit reporting agencies, defamation cases have to be actual malice has has to be shown. And we talked about invasion of privacy under the HIPAA statute, which designed to protect I also take the position that my prior addresses my prior phone numbers, my prior information is not relevant to a credit report, I take the position that that should not be allowed on there, even if accurate, because it's it's disclosing things that I don't like that I have not authorized to be disclosed. And they they will take those things off by phone call ones I just talked to you. Now mail fraud and wire fraud. Let's talk about mail fraud, what is mail fraud, fraud, which occurs through the use of the mail, it's that simple.

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It's a predicate act for the the Rico civil Rico criminal civil Rico statute. In other words, one act, you have to have for predicate acts required you have to have at least two acts of listed activities, which there's almost 25 that wire a mail fraud. If you have one wire one mail fraud act, one wire fraud act, if you've got your two, if you have to a mail fraud, you've met your two two wire fraud. Now, you wire fraud, fraud using a wire, what's a wire the internet, all the credit

reporting agencies use it every day. It's my position that if they if they are a collection agency, the collection agency or a creditor report something that's not true over the wire or uses the mail, they've committed wire fraud, just by definition, these are two of the most broad statutes ever, ever devised. And it's it's serious business, if you think about it for a credit reporting agency to ruin somebody's credit with something as false. I mean, that's, that's got to be solved. Same with a collection agency or whatever. Now let's talk about Rico. And before everybody rolls their eyes out there. Let's talk about the statute what the case law says I've actually been involved in several read civil Rico cases. So I know what what you run into. There's four elements you need conduct, which is always present. I don't even know why that's an element, quite frankly, because if there wasn't conduct, then I guess that's meant to be that you can't just think about it. It can't be in conspiracy. You got to do something of an enterprise, which they've helped me It must be an ongoing enterprise. I'm wanting to hold off on enterprise in a minute talking about that as engaging in a pattern that's two or more predicate acts, two or more acts of mail or wire fraud, which that's not hard to find, in a case where someone is deliberately Miss reporting information that's harming your credit of racketeering. racketeering acts are specifically enumerated in Section 18 USC 1961 to 1968. They go all the way from extortion, to identity theft, to whatever. If you're going to have an elaborate lawsuit for civil or for civil Rico against a defendant is doing extortion, things like that, then you need to worry about that for the purposes of what we're talking about. Focus on wire and mail fraud, because there's always going to be that present. whenever they're intentionally transmitting information, that is false that you have I have made them more and more than aware that it's false that it needs to be taken off, then that's my that's mail and wire fraud, you're going to get your more than two acts. If they do it two days in a row, you're going to get your two acts. So those three are conduct engaging in a pattern two or more acts racketeering, 2820, specific marmore 26. Acts, I think it is a qualify. That's all that's all present. Now. What about the enterprise? Well, what the enterprise according to the definition is that it has to be ongoing. It can't be just for one thing, but the enterprise can be It can be a Corp. It can't be one Corporation, it has to be more than just a corporation. It could be two corporations. For instance, if you had in the case of what I believe was a clear, civil, criminal and civil Rico violation in the case of T Mobile whereby they conspired with the collection agency, they have to just keep transferring a debt that has been agreed to be removed for the purposes of putting on the the consumers getting around the reinsertion rules. That is a Rico case. You've got conduct, you've got mail and wire fraud, you got mail racketeering and got more into x. The Enterprise in that case is, is T Mobile, and anyone coming to any one of combinations of their collection agencies that are involved in that, and possibly including some of the credit reporting agencies, so enterprise is always the challenge. Why do you want to mess with it? Because it's a lot of work. It's getting in an area, I'll tell you why treble damages, you file a suit against someone for civil Rico. It it just a different level. It does, it's really, I've been through those motions for summary judgment or motions to dismiss, they always get dismissed on the basis of an enterprise. If you can solve that hurdle, you've got to treble damage claim. So if you have a $200,000 climate became 600,000. Plus you've increased your if you ever get past a Rico motion for summary

judgment, I believe me you have a very motivated client to settle. Not to mention the fact that

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you're referring this to the US Attorney's Office for criminal which they may or may not do are my wire and mail fraud, which they clearly have the ability to prosecute, then you are just putting your your you're just following through more nails to put in the coffin. We've talked about medical condition, many, many times. I don't think we need to talk about them. I guess we have, believe it or not, I think I actually finished a almost finished a video and well under two hours. So we pretty well, rapid fire them. We do have a let's see. We have a couple guests, I guess again. Then we got a few questions, I guess. I guess Mr. Winston Churchill has one last thing to say for it. I actually. Remember, my favorite Winston Churchill speech when he was talking about how, during the darkest hours of time, the Germans had just blitzkrieg France trapped his army and the Dunkirk looked like they were going to lose the army, everyone in England was telling him that he had to make peace with the Nazis. And Churchill was recounting that in a speech three years later to the Canadian Parliament, and he said, the French warned me that within three weeks, the Nazis would ring the English neck like that of a chicken,

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some chicken,

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some neck. And I think what Winston was saying is that, Never give up. Never give up, never give up. I urge you to never give up, never give up. I cannot tell you how much I've enjoyed doing this video, I hope that I've provided you with knowledge. I hope you've enjoyed my sense of humor. I've tried to do that for a reason number one, I as my daughter tells me, my sense of humor is constant. I can't control it. So that's part of it. But the main reason is I wanted this to be fun for you enjoyable, I hope I have not overdone it. And as my daughter said, become a stand up Seinfeld routine. But I also believe and I hope and the main reason I did this was I think I've given you a tremendous amount of technical information, a tremendous amount of things that can help you. You've got my name and number to call me. I would like to work with your attorneys. I encourage you attorneys keep doing what you're doing, because we're the frontline for democracy. We're what saves the consumer, from the big companies, the big insurance companies and the virtually evil credit reporting agencies, collection agencies, so on and so on. What parts of the strategy should be implemented first. First thing you should do is meet with the client, get them immediately into the business building. whatever else you do, immediately get them a business, figure out what their business is. I mean, anything can be a business, if they're crocheting, if they're knitting, if they're making potholders, whatever that could be a business,

there will be some costs for them associated with that business. So you know that things like there'll be purchasing money for vendors and so on and so forth. So they need to have a little bit of pot of money, but get them into the business and eventually get them almost totally into the business side with the personal just being kind of a nice, little separate petty cash fund to have to take them to use occasionally. But everything else would go through their business and their credit building would go through that are unlicensed businesses and as bad shape as he described, you asked me if unlicensed businesses are in bad shape, as I've described here, the answer is absolutely not. They're in much worse shape than I've described in here. They are dead, dead dead, they basically you have them in a position, if you have caught them on being unlicensed, you have them in a position to go into court, to sue them to, to note to, to serve the Secretary of State, the Secretary of State is going to take action immediately to completely shut them down, the Franchise Tax Board is undoubtedly going to get a hold of it, they're going to they're going to they're going to tax their profits, the Department of Justice is going to get a hold of it, they're going to put them out of business. I know a company that makes hundreds of 1000s or millions a year doing business in California, they're probably going to be sued very quickly by me. And basically all those consequences are going to follow. I didn't touch on all those consequences. But I can tell you, the answer is they are in worse shape. It's just a goldmine for you, as far as a lawsuit, you're gonna win it, you're going to get a big victory, you're going to get it your damages your attorney fees, you're going to get a big punitive damage award. And you're probably going to be able to sneak collect it because you're going to get one of those big collection firms that's going to find out where their bank account is you're going to have a judgment, you can go in there levy the account, it's out of there before they even know ahead, amen. And they're out of business. And they're going to know that if you serve them with a lawsuit, they're going to know they're in trouble. So you have a decision to make there. There is no excuse for a company getting around paying California taxes that's making money here. We got too many hardworking people, particularly middle class people that are making barely making ends meet paying their fair share of taxes. And we got these people riding around and jets around the company on the credit repair organization, not paying their taxes. You know, if I I'm going to take a very active role in getting the secretary of state we have to FTB translate Franchise Tax Board and the Department of Justice and in stopping that, make them pay their fair taxes, make them get licenses like they're supposed to.

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What are the most powerful tools in the consumer Arsenal

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most powerful tools and conserve our arsenal number one, your attorney because he knows how to put this together, either through himself or through me. He's got a letterhead that that in and of

itself is a weapon of mass destruction. And when everybody gets a letter from Jimmy Joe, Jim Bob over the corner, they don't pay much attention, they get a letter from an attorney saying you're in big trouble pal. It pay attention. That's number one, the credit repair organization Actually, that's just a complete annihilation machine against against those particular type of lawsuits. All of the other ones are good, the fair fair billing act is great protection for you when you charge something few other things I will mention don't ever pay money to anybody that insists that you send them the money by wire as opposed to putting on your credit card because you have no way of getting it back. Whereas on your credit card you can object to it. And after so many objections the credit cards will shut those people down. So pay by credit card you've got the course the Fair Debt Collection Practices Act which is powerful if you owe a debt. You've got the the the biggest weapon of mass destruction you have in your favor is the arrogance and non compliance of the credit reporting agencies with the law because they always violate the law. They use these e Oscar verifications, and that's why you're going to get everything off