

MORELLI LEGAL COUNSEL, P.C.

ATTORNEYS AT LAW

IRS Warns of Phony E-Mails Claiming to Come From IRS

WASHINGTON — The Internal Revenue Service alerted taxpayers about Internet scams in which fraudulent e-mails are sent that appear to be from the IRS.

The e-mails direct the consumer to a Web link that requests personal and financial information, such as Social Security, bank account or credit card numbers. The practice of tricking victims into revealing private personal and financial information over the Internet is known as “phishing” for information.

The IRS does not send out unsolicited e-mails or ask for detailed personal and financial information. Additionally, the IRS never asks people for the PIN numbers, passwords or similar secret access information for their credit card, bank or other financial accounts.

The information fraudulently obtained by scammers is used to steal the taxpayer’s identity and then his or her financial assets.

In the on-going e-mail schemes that use the IRS name, the recipients are asked to click on links to take them to the “IRS” Web site. The links appear authentic and connect the victim to sites that resemble the genuine IRS Web site (www.irs.gov). The sites then prompt the victim for personal identifiers, credit card numbers, PIN numbers or similar financial information. The phony sites appear legitimate because most of the images and content are copied from actual pages on the genuine IRS Web site before being modified by the fraudsters to include their loaded questions.

The schemes have a few variations.

In one, the bogus e-mail tells the recipient that he or she is eligible to receive a federal tax refund for a given amount (often \$63.80) and sends the recipient to a Web site to complete a form to “submit the tax refund request.” The form then asks for the personal and financial information.

The IRS does not notify taxpayers of refunds via e-mail. Additionally, taxpayers do not have to complete a special form or provide detailed financial information to obtain a refund. Refunds are based on information contained on the federal income tax return filed by the taxpayer. (continued...)

Contact Morelli Legal Counsel, P.C. today at 630.377.7500.

Inside This Issue

IRS Warns of Phony E-Mails Claiming to Come From IRS

*Housing
Discrimination Cases*

*Kane County Motorists
Need to be Aware of
No Refusal Weekends*

*How To Protect
Yourself From Credit
Card Fraud*

*Sister Names Herself
Beneficiary with Power
of Attorney*

Client’s Corner

This newsletter is designed for general information only. The information presented here should not be construed to be formal legal advice nor the formation of a lawyer/client relationship. This newsletter makes no claims or representations as to the validity of the articles submitted by third party authors.

2902 LINCOLN HIGHWAY
ST. CHARLES, ILLINOIS 60175

TELEPHONE. 630.377.7500

FACSIMILE. 630.377.7502

info@morellicounsel.com

www.morellicounsel.com

Recipients of questionable e-mails claiming to come from the IRS should not open any attachments or click on any links contained in the e-mails. Instead, they should forward the e-mails to phishing@irs.gov (the instructions may be found on IRS.gov by entering the

term phishing in the search box) or notify TIGTA's toll-free hotline at 800.366/4484.

The only genuine IRS Web site is IRS.gov.

Housing Discrimination Cases

A landlord violated the Fair Housing Act by maintaining a policy of requiring prospective tenants to divulge mental health information and, on occasion, to make their mental health records available as part of the tenancy application process. Pursuant to the consent decree, the landlord paid a \$40,000 settlement.

A black tenant and her family were repeatedly harassed from the first day they moved in. Their neighbor spewed

racial epithets and banged on the walls. This forced them to move elsewhere. Although they complained to their landlord, he did nothing to alleviate the situation. The landlord appeared sympathetic to their plight, but failed to take any action. He suggested that the tenant call the police (which she did numerous times) and the NAACP, but specifically told the tenants that he did not want to get in the middle or "take sides." A \$15,500 judgment was rendered against the landlord.

Kane County Motorists Need to be Aware of No Refusal Weekends

This past Memorial Day weekend ironically while the country honored those men and women who fought and died to protect our freedom, the Kane County State's Attorney's Office implemented its first "no-refusal weekend" initiative attacking one's freedom of privacy.

The initiative is aimed at cracking down against uncooperative drunk drivers in order to increase DUI convictions in the State's Attorney Office by taking blood tests of the driver. According to the Chicago Tribune, here's how the initiative generally works:

- A driver is pulled over.
- A driver who is suspected of DUI who refuses to submit to a breathalyzer test will be brought to the police station
- Prosecutors draft a search warrant which will be taken to an on-call judge.
- The warrant will authorize a Health Department phlebotomist to immediately take the suspect's blood for testing, even by force if necessary

According to the Chicago Tribune, the reason for the State's Attorney initiative was the result of apparent statistics revealing that in April 40 percent of 158 drivers arrested for DUI in Kane County refused to be tested.

Illinois has an "implied consent" law in place which means that any driver who operates a motor vehicle on an Illinois road or highway consents to submit to lawfully requested tests to determine alcohol content of blood, breath and urine. Those that refuse to submit to such testing face statutory summary suspensions of 6 months for first offenders or 3 years for non-first time offenders.

The reason that motorists refuse to submit to such testing is due to time periods that their licenses will be revoked if convicted. (1 year for first conviction; 5 years for second conviction; 10 years for third conviction; and lifetime revocation for fourth conviction). The Kane County State's Attorney admitted to the Chicago Tribune that refusal is a smart tactic of accomplished veteran drunk drivers as the lack of blood evidence makes it very difficult to prosecute DUI cases to conviction.

Kane Country Motorists Need to be Aware of No Refusal Weekends (continued)

Due to their success over the Memorial Day holiday weekend, the Kane County State's Attorney intends to institute more:

- 14 motorists were arrested
- 8 of those 14 refused to take breath tests
- 4 of those 8 later consented to blow after being threatened with a warrant
- Of the remaining 4, 2 later changed their mind consenting to blow after being served with warrants.

- 1 of the 2 who still refused and disobeyed the warrant was held in contempt of court
- 5 of the 14 motorists were repeat DUI offenders

The State's Attorney, however, failed to indicate when the next "no-refusal" weekend would be in order to surprise would-be offenders. Therefore, drivers beware!

We expect to see in the near future that convictions arising from these "no refusal" weekends will be appealed on constitutional grounds of privacy.

Please stay tuned and contact Morelli Legal Counsel, P.C. for additional information.

How To Protect Yourself From Credit Card Fraud

When another person succeeds in using your credit information to commit credit fraud, it can cause a lot of hassle in your life. So how do you protect yourself? Here are a few tips on how to avoid becoming the victim of this type of crime:

- Periodically review your credit reports. There are three main credit bureaus. Order your credit report from each of them at least once a year. Request copies of your credit report from TransUnion (800.680.7289), Experian (888.397.3742) and Equifax (800.525.6285).
- Properly discard documents. Cut up, shred or otherwise destroy credit card statements, bank statements, pre-approved credit offers or any other documents that contain your personal information. Destroy credit card receipts, too.
- Limit identification pieces. Carry only essential identification pieces in your purse or wallet, backpack or car. Do not carry your Social Security card or your birth

certificate with you unless absolutely necessary.

- Limit the number of credit cards you carry. Try to only carry one or two.
- Memorize your PIN and password numbers. Do not write them down.
- Make and keep copies of credit account and bank account numbers in a secure place.
- Guard your personal information. Don't give out credit card or Social Security numbers to people you don't know.
- Do not have your Social Security number printed on your checks or driver's license.
- Monitor employees account activities for unknown charges, withdrawals, or use.

Contact Morelli Legal Counsel, P.C. for updates regarding this matter at 630.377.7500.

Sister Names Herself Beneficiary with Power of Attorney

A woman executed a durable power of attorney making her sister her agent. The sister used the power of attorney to make herself the beneficiary of the woman's \$50,000 life insurance policy, revoking the beneficiary status of the woman's children and grandchildren. When the woman died, the children and grandchildren argued that the terms of the power of attorney did not authorize the sister to change beneficiaries. The court ruled that the power of attorney was sufficiently explicit stating that the sister had the authority to "transact all insurance business" and "to take any other action in this regard". However, the court's ruling did not preclude the original beneficiaries from suing on the grounds that the woman originally lacked the mental capacity to execute the power of attorney or that the sister violated a fiduciary duty.

CLIENT'S CORNER

Sensaria's mission is to promote nurturing rituals with naturally-based products formulated to enhance health, wholeness, and individual beauty. It's a direct sales company that markets its products via on-site spa experiences that include:

- 4-Step Healing Facial
- Relaxing Aromatherapy Treatments
- Renewing Foot Mask/Soak
- Soothing Hand Rejuvenation
- Emphasis on how to integrate nurturing ritual into your everyday routine

Sensaria can breathe new life into the way you live & work.

LaDora Colon, Independent Representative

Sensaria.com/ladora

630.267.4590



SENSARIATM
NATURAL BODYCARE