
CLIENT ADVISORY

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“RED FLAGS” POLICIES/PROGRAMS MUST BE IN PLACE BY MAY 1

The Federal Trade Commission’s six month delay in enforcement of its “Red Flags” Rule, which requires creditors and financial institutions to have identity theft prevention programs in place, expires at the end of April. Therefore, financial institutions and “creditors” must have “Red Flags” programs in place by May 1, 2009. Some examples of creditors set forth on the FTC’s web page are automobile dealers, mortgage brokers, utility companies, telecommunications companies, for-profit and non-profit and government entities that defer payment for goods or services, and finance companies. Please do not hesitate to contact us if you have a question as to whether or not your company is a “creditor” or if you need a “Red Flags” Program.

YOU DON’T REALLY HAVE TO BE A FIRST-TIME HOME BUYER TO USE THE FIRST-TIME HOME BUYER CREDIT FOR 2009 HOME PURCHASES

Although media reports and the moniker given the tax credit would lead one to believe that to qualify for the temporary tax credit for “first-time home buyers” one could not have previously owned a home, such is not the case. Eligibility for use of the credit is limited to those who have not owned a principal residence in the U.S. during the three year period prior to the date of the purchase of a home (principal residence). If a married couple, both spouses must meet this non-ownership test. Non-resident aliens are not eligible.

NEW I-9 FORM AND REGULATIONS

There have been several delays of the implementation of the new I-9 form and the regulations that were published during the final days of the Bush administration. The new effective date for the new I-9 form and the new requirements is April 3, 2009. The new I-9 form cannot be used until April 3, 2009, and must be used after that date. One of the changes in the I-9 requirements is that all documents must be valid at the time they are submitted (under existing regulations, expired driver’s licenses or passports could be used). Mistakes in filling out I-9 forms can be costly. Fines can range from \$500 to \$1,000 per incident. In other words, if there is more than one mistake on a form, each mistake can result in a fine. It is reported that the record fine for one I-9 form is \$16,000.

CEO MAGAZINE’S “TOP LAWYERS” INCLUDES DENNIS PERGRAM AND STEVE MARTIN

The April 2009 edition of CEO Magazine, in a “Top Lawyers” article, lists the lawyers in Franklin County and contiguous counties who have an “AV” rating from Martindale-Hubbell’s Peer Review Ratings.TM The article stated “Attorneys did not pay to be included or profiled.”

A total of ten attorneys with active private law practices in Delaware County, three in the Powell area and seven, including our firm’s Dennis Pergram and Steve Martin, in the City of Delaware, were listed as “Top Lawyers.”