

ON YOUR SIDE

Volume 11

An informative presentation from your Pre-Paid Legal District of Columbia/Maryland Provider

April 2007

CONSUMER CORNER, By Jeffrey M. Lippman, Esquire



WATCHING OUT FOR COUNTERFEIT DRUGS



In today's tight economic climate, with medical costs, spiraling temptation is all around with regard to finding cheaper medications. Anyone who has an active email address

likely receives unsolicited emails from purported pharmaceutical vendors offering cheaper prescription medication. The old saying goes "Let the buyers beware." One needs to be very careful when shopping for prescription medications. There is a lot of fraud out there and fake drugs can have dangerous affects well beyond wasted money.

1. Counterfeits might not have the same ingredients as the actual prescription drug. The formulas and ratios could be different and who knows in what condition the production facility is maintained. In short, counterfeit drugs could make you sick or your symptoms worse.

2. Prescription drugs can only be safely purchased from reputable sources. The good news is there are resources out there to cross reference these purported sellers and to determine if they are legitimate. Every state has a Board of Pharmacy and there is the National Association of Boards of Pharmacy. You can visit their website at www.nabp.net and click on the "Who We Are" choice, then "Boards of Pharmacy" and you can see if your vendor appears on the list as legitimate. You can also call the Board at (847)391-4406, for those who are not internet surfers yet.

3. If you purchase pharmaceuticals online, look for web sites that display the NABP's seal. This is called a VIPPS seal and it indicates that the pharmacy/vendor meets state and federal requirements.

4. If you purchase a prescription through an unfamiliar source, check the packaging closely. Be familiar with the size, shape, color, taste and

the side-affects of the drugs you take. If something doesn't look right or feel right, contact your pharmacist and physician immediately.

5. If you believe that you are the victim of a fraud, the federal government usually has jurisdiction. You can report any believed violations to the U.S. Food and Drug Administration and if you purchase the drugs by mail, telephone or in person, there is something known as the FDA Medwatch program (800)332-1088 or www.fda.gov/medwatch.

6. If you learn your purchase is counterfeit, the FDA has a form that can be obtained by contacting the Medwatch number noted above or by going to www.fda.gov/oc/byonline/byonlineform.htm.

7. Other information can be found through the National Consumers League. There is a special site dealing with counterfeit drugs that can be found at www.fraud.org/fakedrugs.

A WORD FROM THE AMBASSADOR* Edward J. Friedman, Esquire

COLLECTION BLUES



Weinstock, Friedman & Friedman, P.A., is the "tonic" needed to solve your collection ills!

Most everyone, and those particularly in business, no matter how careful in extending credit, will have collection issues from time to time. The question then becomes, how do I go about getting my justly due money owed? The answer is as simple as a phone call to your Provider Firm under your Pre-Paid Legal Services membership.

Weinstock's collection department has been concentrating and assisting clients with their collection needs since 1921. In fact, Weinstock's birth as a firm was in the creditor rights area of collection. Over the last 85 years we have handled an endless variety of collection cases both small and large, simple and complex. Our attorney's are well skilled in

the areas of negotiation and litigation associated with collecting your money as quickly as possible.

Weinstock is recognized within the collection community as a major player, and a firm not to be taken lightly. Weinstock handles claims in-house throughout the state of Maryland, and in Washington, D.C., and has a national referral list of competent lawyers to call on, should an outside referral become necessary.

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* Ambassador award winner 2006, Pre-Paid Legal Services, Inc. National Award to the recipient for spreading the goodwill of Pre-Paid Legal Services, Inc. to the public.

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DOMESTIC DOCKET—ON THE HOME FRONT

PROTECTING YOURSELF IN SEPARATION AND DIVORCE By William H. Thrush, Jr., Esquire,** Head of the Family Law Department

It seems that every one of us has dealt with either a divorce, custody or support issue, or knows someone close to us who has. You see it practically everywhere you look. So what do you do when it happens to you?

The answer to that question is simple. You have to protect yourself. The harder questions are (1) what does it mean to protect yourself and (2) how do you go about doing that? Protecting yourself means not only preserving your assets. It also means preserving your dignity, your self esteem, and your mental and emotional health and welfare. In order to do all of that, there are several things to keep in mind:

1. **Know your rights and obligations.** Knowledge is power. Nowhere is that statement more true than in the area of family law. If you are informed about what relief the law is able to provide to you, as well as your legal obligations, you will be better able to know what you and your spouse can, and must do, thereby removing a great deal of the uncertainty in your situation. Removing this uncertainty can only have a positive impact on your health and mental welfare by eliminating worry and, consequently, stress. In addition, it will give you the added bonus of placing you in a better position to reach a fast and reasonable resolution, and allow you to move on with your life.

2. **Try to cooperate with each other.** This can be very hard to do. Quite frankly, when couples are contemplating a separation or divorce, it is usually the result of a problem communicating. That communication problem can make it extremely difficult for couples to cooperate with each other after they have sepa-



rated. But you have to keep your perspective on the situation. There are usually other people involved who have an interest in the outcome of your divorce, such as children and family members. Try to remember that everything you do affects their lives as well.

3. **Step back from the emotion of the situation.** This item goes hand in hand with trying to cooperate. Very often a person who is contemplating divorce holds a lot of anger, resentment and hostility toward his or her spouse. Those feelings are only natural. However, in many cases, those feelings will only serve to make matters worse, not better. Divorce is not about exacting punishment or getting retribution for the wrongs that were committed. Holding on to those emotions will only complicate the situation and impede the ability of spouses to resolve their differences in a way that everyone can accept.

4. **Be open to negotiation and try to reach an amicable solution.** Divorce is not about revenge. Also, it is not always about winning. More often it is about resolution of problems.

Too many times people see settlement as weakness. They think it is like giving up. Nothing could be further from the truth. It should be viewed as a true victory because you decide what happens to your own future. And frankly, wouldn't you rather decide your own future than have it decided for you by a judge who has only known you for a few hours?

5. **Get an attorney early.** So many times people call their attorney well after they have separated. At that point, there may be things that have happened that have an effect on your rights and responsibilities, not all of which are good. Many times the bad effects could have been avoided, or at least minimized if the person had proper legal counsel before it happened. Obtaining legal counsel at the onset can help you avoid those bad effects and help you preserve your assets, and your mental health and welfare. And if your spouse is just not willing to work with you, you will be prepared for litigation and your attorney will be much more able to effectively advocate on your behalf.

Of course, every situation is unique, so this article is by no means a complete list of how to protect yourself. But the question of how to protect yourself, under your specific circumstances, does not need to be a mystery for you. With your Pre-Paid Legal Services membership, you are entitled to telephone consultations at no extra charge to you. Simply give our office a call and consult with one of our experienced and caring family law attorneys. We can listen to your concerns and advise you how to best protect yourself and your family if you find yourself in the unfortunate circumstance of separation or divorce.

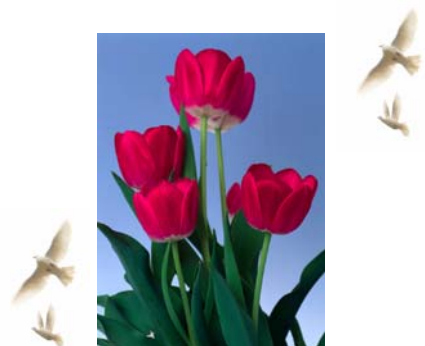
A WORD FROM THE AMBASSADOR COLLECTION BLUES

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On a professional level Weinstock is an active member of The Commercial Law League of America (CLLA). We are also participating members of the National Association of Retail Collection Attorneys (NARCA), and

The Lease Enforcement Network (LEAN). Sidney S. Friedman, is the current national President of the CLLA, and Edward J. Friedman is the current Chair of the Eastern District of the CLLA. Both Edward and Sidney Friedman have been certified as creditor rights specialists by the National Academy of Certification, a national legal certification organization.

Don't let your well deserved money go uncollected, call us. Weinstock appreciates the opportunity to represent you, and assist you in collecting your money that is justly due.



** William H. Thrush, Jr., is also Managing Attorney and Co-Chair of the Civil Litigation Department

BUSINESS BRIEF, BY JEFFREY M. LIPPMAN, ESQUIRE AND JC AMOS, ESQUIRE

IMMIGRATION ISSUES AND HOME BASED BUSINESS

It is common knowledge there are many people living in the United States who are not United States citizens. For those non-United States citizens who reside in the United States, there are different classifications of residence. It is also common knowledge that many of these residents are illegal. Conversely, many are lawful residents of the United States, but not all lawful residents are entitled to earn income. These immigration classifications do not allow non citizens to earn income through employment efforts. It is sometimes confusing for these residents and their friends and family members to decipher what is permitted and what is not. This is often called inadvertent unauthorized employment.

The overwhelming number of people who come to this country lawfully have every intention of honoring the terms of their Visa and may seek to get their status lawfully adjusted. However, as time goes on and the process lingers, there is a temptation to earn extra money, and in many cases, a necessity to earn extra income. Many such individuals are attracted toward home based businesses and multi-level marketing. Because there is no direct employer-employee relationship, it is often believed that this is authorized employment. They are sometimes advised by those seeking to recruit the alien into the business opportunity that it is not employment, since the alien will not be receiving an IRS W-2 form. This is incorrect information and it can lead to a series of problems.

It is not necessary to be an employee to be engaged in unauthorized employment. If one establishes his own business, even on a part time basis or works from home, that person is considered to be employed and working in the



United States. Thus, if one's status does not allow employment or only permits employment with a specific sponsor or employer, a person with his own business is engaging in unauthorized self-employment. This remains true even if the involvement is passive, such as some internet-based businesses and certain multi-level marketing operations. Despite the temptation or need to earn extra money to contribute to the household, these income earning ventures are not permitted and could jeopardize one's immigration status.

Many believe that if their business is not incorporated or formalized, they are not impacted. This, too, is incorrect. A legal business entity is not required for there to be an employment situation.

In any instance where tax returns are necessary, a person can be discovered to have been inadvertently engaged in unauthorized unemployment. When earnings are over a certain amount, an individual must receive an IRS form 1099 for non employee compensation. These 1099s are often issued in internet businesses and multi-level marketing ventures. When an applicant's tax returns show income from unauthorized employment, the US Consulate

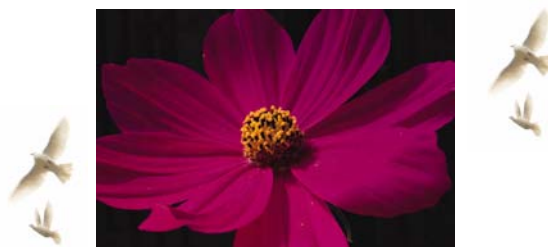
could deny the Non-Immigrant Visa and the U.S. Citizenship and Immigration Services could deny the form I-485 adjustment application. In order to obtain a Visa at a Consulate, the consular officer must be convinced that the applicant will comply with the terms of the requested Visa. If the consular officer sees a history of past violations in the form of unauthorized employment, the Visa may be denied.

While problems are generally detected as a result of tax forms, it is not the only means of detection. Failure to declare money and pay taxes on any money earned in order to avoid detection is not the solution. Rather, those failures are additional legal violations that can compound the problem. Sometimes there are solutions and exceptions available. Timing is often important because when the income is limited, there can be a one hundred eighty (180) day period of violation that can be lawfully disregarded. Talking to an experienced attorney in employment related immigration matters is essential.

Unauthorized employment is not to be confused with purely passive investments. A non-United States citizen resident can make financial investments that generate financial gain as long as those investments are entirely passive in nature. The most frequent example is investments in the Stock Market.

In conclusion, immigration laws are complex. Even innocent violations can carry harsh consequences for individuals and their families. Do not rely solely on the advice of lay people or those recruiting one into a business opportunity. When in doubt regarding an immigration matter, it is important to obtain proper legal advice.

"Our next "Business Basics" seminar is scheduled for Saturday, June 2nd, 2007. Be on the lookout for an e-invitation with further details in the coming weeks. If you are interested, save the date and plan to r.s.v.p. swiftly because space will be limited."



FEEDBACK FORUM by Jeffrey M. Lippman, Managing Partner

As a result of reviewing intakes and exit surveys after our two Small Business Seminars, it is clear that a large number of our clients are interested in becoming landlords. Whether this is your primary source of income or part of your investment strategy, it is imperative to comply with the basics to avoid larger problems relating to this confusing area of the law. If you are considering becoming a landlord or you are already a landlord and have any legal questions, please do not hesitate to utilize Title I of your Pre-Paid Legal Services plan and call our firm.

Here are the basics:

1. **Landlords must be licensed.** Counties or local governments will typically perform inspections of the property to make sure they are habitable. They will provide an Occupancy Permit or require certain improvements be made to the premises. Generally speaking, there are two types of rental licenses.
 - A. **Single Family license** - is required for a detached single family home, or a town-house.

B. **Multi-Family license** - is required for an individually owned and rented unit located in a condominium or cooperative building, an accessory apartment (an independent living facility within or added to a single family home with separate cooking, sleeping and eating facilities), or a mobile home development.

While certain properties do not require licensing, it is better to assume that your rental property will require such a license and act accordingly. Examples of some common rental situations, which do not require a rental license, include but are not limited to:

1. A room in a private home;
2. Commercial rental properties; and
3. Housing for exclusively religious or charitable purposes.

As of October 1, 2004, all property owners, who own property constructed prior to 1950, must also be in full compliance with the state Lead Poisoning Prevention Program.

It is extremely surprising how many land-

lords are not licensed and/or do not have Occupancy Permits for their premises. It is even more surprising how few have even attempted to have a Lease Agreement drafted. As a landlord, you need a Lease Agreement to establish your rights and obligations between yourself and the tenant. A Lease Agreement needs to be executed by both landlord and tenant(s) to become a binding contract.

Lastly, every landlord must comply with rules and regulations which range from local laws and ordinances (cities and counties), to the Annotated Code of Maryland and federal statutes such as the Fair Housing Act.

This firm is happy to assist you in complying with these acts and providing you with necessary information. Also, many jurisdictions in Maryland have Landlord Tenant Commissions or offices which would be happy to assist an eager landlord in complying with the law.

As with most things, it is better to invest time, effort, and perhaps money, into a situation at the front-end to avoid expensive problems later.

BUSINESS EXTRA—TECH BEAT

If You Want to Protect Your Invention, Here Are Six Tips



1. A federal patent is necessary: There is no such thing as a common law patent. A patent application must be made through the Patent and Trademark Office, which is an arm of the federal government. A trade secret works only if the invention is kept absolutely secret and this is not an option for most inventions. Further, a trade secret is usually suited for formulas or recipes. Unless you are a chemist who knows the precise quantities and percentages of the ingredients, it is almost impossible to protect this with absolute certainty because the possibility always exists that this formula or recipe already exists in the market.
2. Keep it secret: If you put your invention before the public, you jeopardize the ability to get a patent. A patent application must be filed within one year of public disclosure in order to obtain potential patent protection. Aside from the market advantages, the risk of disclosure before filing the patent application can be irreparable. There are narrow exceptions for immediate family, which is defined as spouse and children, and certain inventions that are being developed.
3. A specialist is required: The only people who can represent inventor clients before the Patent and Trademark Office are registered with the Patent and Trademark Office. These people are usually licensed "registered patent attorneys." However, scientists and engineers who have passed a patent exam can also represent clients before the Patent and Trademark Office and they are known as "registered patent agents." It is extremely unwise to attempt to prosecute one of these claims without professional representation.
4. This type of work is expensive. Many people have great ideas but have not budgeted properly for this type of endeavor. Save the funds and keep the idea completely secret. You should estimate somewhere in the neighborhood of \$10,000.00 between government fees and the cost of the professional. Every patent application is different and the specifics can alter the costs.
5. Make sure your idea is worth it. Obtaining a patent is worth it only if it provides a valuable product or service. Remember, the invention must be something new and useful. However, new and useful does not guaranty value. So, an inventor should objectively evaluate, whether or not their invention carries the potential for value meriting the significant investment discussed above.
6. Be smart, it is generally a good idea to avoid invention promotion services. They typically provide services which may sound good, but have little actual value. Talk to a professional, join an inventor's club, and visit the Patent and Trademark Office website at www.uspto.gov. These are all better ideas than enrolling with an invention promotion organization.

CONGRATULATIONS CORNER

Dear Customer Service:

On March 13, 2007 my wife and I were privileged to visit the provider law firm for Maryland, Weinstock, Friedman and Friedman for "Will Night". Like many of my friends and family we never seemed to have the time to take care of these special documents. This was a very special visit because it gave us an opportunity to tour the law firm and meet several of the many attorneys on staff. They were very warm and friendly which made our visit very enjoyable. We arrived on time and within a few minutes were introduced to Mr. Jeff Ziegler, who interviewed us individually and jointly to prepare our standard wills and living wills. He was very cordial, patient and informative through the process of gathering the important details and answering our questions. We felt very good about the way the attorney simplified what appeared to be complex issues as he guided us through the process. This was particularly important as he explained the living will. We left the office with peace of mind and a sense of accomplishment of having performed a duty to our children and family.

The real story about this visit to Weinstock, Friedman and Friedman did not unfold until about an hour later. My wife and I had left the law office that evening at about 8:30 and during the drive home and approximately 30 minutes later, she realized that she did not have her purse. There was panic in our hearts because her checkbook and other important identification documents were all in her purse. She attempted to call the law office, but by now it was past 9:00 pm and there was no answer. She was not sure, but believed she had left her purse in the office lobby where all the clients congregated. The fear of identity theft was so strong, however, that I decided we had better try to go back with the hope that someone was still there. As we got closer I remembered that attorney Jeff Ziegler had given me his card. When I dialed a recording came on but it gave me an option to dial his extension. For some reason at that late hour he answered. He located my wife's purse in his office behind the chair in which she was seated. Mr. Ziegler volunteered to wait for us until we arrived about 30 minutes later, in spite of traffic congestion.

We are truly blessed to have an attorney with the integrity and character of Mr. Jeff Ziegler. We truly appreciate Pre-Paid Legal Services, Weinstock, Friedman and Friedman and most of all, Mr. Ziegler for going above and beyond and making a difference in our lives.

Sincerely,



Dear Sir:

Often things in life don't always go smooth or the way we expect them. I was faced with a stressful situation with a home improvement contractor. I feel the need to express my appreciation about the high caliber of service I received from an attorney on your staff, Mr. Victor A. Lembo.

January 9, 2007, I signed a contract for the construction of a sunroom for my residence. Upon signing the contract, I paid a \$15,180 deposit, which represented approximately one third of the total cost of the project (\$45,000), after numerous attempts in communicating with the contractor; I could not get a definite answer on the status of the drawings nor the projected start date. More than 60 days had passed since signing the contract. I made a deposit in good faith but the contractor, I felt, wasn't acting in good faith about keeping me current on the status of the drawings or the project start date.

March 12, 2007, I contacted Prepaid Legal and spoke with Mr. Lembo. His customer service and professionalism were superb!!! We discussed what had transpired, the contract, my options and he satisfactorily answered all of my questions. I must add he was very patient with me!!! After our conversation, I felt comfortable working with him and confident my situation would be resolved. Mr. Lembo sent a letter to the contractor within three days as promised. The contractor contacted me by phone Monday morning, March 19 and by letter Tuesday, March 20. Monday, March 26, I am scheduled to meet with the contractor and review the drawings for my sunroom.

Weinstock, Friedman & Friedman, PA is very fortunate to have Mr. Lembo as an attorney on staff and he has proven to be a valuable asset to your organization. Feel free to contact me if you have any questions.

Very sincerely yours