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Attorney General Jon Bruning

# NEWS RELEASE

FOR IMMEDIATE RELEASE  
September 28, 2007, Noon CDT

Contact: Holley Hatt  
402.471.2067

## **Bruning Announces Agreement North Platte Gas Station to Change Advertising Practices**

(Lincoln, NE) Attorney General Jon Bruning today announced Wilkinson Development Inc. will change its advertising practices and pay \$15,000 to resolve allegations that it deceptively advertised gasoline to consumers at its Conoco gas stations, particularly in North Platte. Wilkinson Development Inc. is owned by Mark Wilkinson of North Platte.

The Attorney General's office received complaints that consumers, confused by the advertising, had pumped higher-priced gas into their vehicles when they were expecting the electronically advertised price.

"When consumers see an advertised price they have a reasonable expectation to easily find the pump with that price," Bruning said. "We appreciate Mr. Wilkinson's cooperation. Now, his stations will have straightforward signs that identify the price and location of gasoline. This should eliminate consumer confusion at the pump."

Under the agreement, Wilkinson Development and its owner agreed to change potentially deceptive advertising at its gas stations in Nebraska. When its cheapest gas can only be made available on a limited number of pumps, the company will advertise the price and location of its cheapest gas simultaneously on its electronic sign. Both price and location will be displayed for equal time and in equal size, font and wattage. The pumps dispensing the cheapest fuel will be conspicuously marked. Clear signage at each pump will also direct consumers to the pumps offering the lowest-priced gasoline.

Wilkinson Development will also pay \$5,000 each to the North Platte Area Children's Museum, the North Platte Community Playhouse and the North Platte United Way.

Assistant Attorneys General Leslie Levy and Tom Stine handled the agreement. Negotiations continue with North Platte BP owner Roy Wagner.

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*An audio clip about the agreement is posted on the Attorney General's web site at [www.ago.state.ne.us](http://www.ago.state.ne.us).*



Attorney General Jon Bruning

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# MEDIA ADVISORY

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FOR IMMEDIATE RELEASE  
September 28, 2007, Noon CDT

Contact: Holley Hatt  
402.471.2067

**\*\*\*MEDIA ADVISORY\*\*\***

**Attorney General Bruning to Hold Media  
Availability on North Platte Gas Prices by  
Conference Call at 12:30 p.m. CDT  
*TV Interviews Immediately to Follow*  
TODAY, FRIDAY, SEPT. 28**

(Lincoln, Neb.) Attorney General Jon Bruning will be available to answer questions regarding the developments in the North Platte gas pricing via conference call at **12:30 p.m. CDT today**, Friday, Sept. 28. TV interviews will immediately follow the conference call in room 2115 of the State Capitol.

To join the news conference, please dial **(866) 247-0709** and code **(402) 471-2682** at the prompt.

*Please remember to mute your phones when you are not asking a question by pressing \*6, and please avoid placing the call on hold. To ask a question, you must unmute your phone by pressing #6.*

**TV reporters** can confirm their attendance by calling **(402) 416-7539**.

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Attorney General Jon Bruning

# NEWS RELEASE

FOR IMMEDIATE RELEASE  
September 24, 2007, 5:30pm CDT

Contact: Holley Hatt  
402.471.2067

## **Bruning Applauds Passage of Water Resources Development Act**

(Lincoln, NE) Attorney General Jon Bruning today praised the U.S. Congress for passing the Water Resources Development Act of 2007 (WRDA). The bill now awaits a presidential signature.

Sen. John Thune, R-S.D., Sen. Tim Johnson, D-S.D., and Sen. Max Baucus, D-Mont., worked closely with the Attorney General's office to draft these provisions, include them in the WRDA, and build a coalition of support among all eight states in the Missouri River basin. Baucus chairs the Transportation and Infrastructure Subcommittee of the Senate Environment and Public Works Committee.

"This bill is worth \$500 million annually in economic benefit to Nebraska," Bruning said. "We proved that states don't have to spend all their time and money arguing in court to find a solution to river flow disputes. We're grateful to Sen. Thune, Sen. Johnson and Sen. Baucus who provided the cooperative leadership we needed to steer this bill through Congress."

The WRDA establishes the Missouri River Recovery Implementation Committee (MR. RIC) which expands state involvement in Army Corps of Engineers plans for river operations and recovery efforts.

The provisions of the bill also make it easier for the Corps to conserve water in Lake Oahe and other system reservoirs in South Dakota while providing certainty to municipal water suppliers and power production facilities in Nebraska and the other lower basin states.

The Attorney General's office in 2006 won a lengthy court battle to secure approval of the Army Corps of Engineers' new plan for river management. That plan includes Nebraska's proposal for balanced river operations.

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Attorney General Jon Bruning

# NEWS RELEASE

FOR IMMEDIATE RELEASE  
September 19, 2007, 5:30 pm CDT

Contact: Holley Bolen  
402.471.3888

## Franklin County Police Officer Pleads No Contest

(Lincoln, NE) Attorney General Jon Bruning announced today Franklin County Police Officer Matthew Bower **entered a plea of no contest** yesterday to one count of second degree sexual abuse of an inmate and to one count of official misconduct.

“When those who are supposed to protect the public abuse their power, it erodes public confidence in law enforcement,” Bruning said. “Mr. Bower is now going to have to pay for his crimes.”

According to the Nebraska State Patrol investigation, Bower removed Callie L. Shearer, a Franklin County jail inmate, from custody on approximately seventeen different occasions. Sexual contact between the two occurred on at least one occasion while she was in his custody.

Second degree sexual abuse of an inmate is a class IV felony, punishable by up to five years in prison, a \$10,000 fine, or both. Official misconduct is a class II misdemeanor, punishable by up to six months in jail, a \$1,000 fine, or both.

The sentencing hearing has been scheduled for Nov. 15 at 1:00 p.m. in the Franklin County Court. Assistant Attorney General Corey O'Brien is handling the case.

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Attorney General Jon Bruning

# NEWS RELEASE

FOR IMMEDIATE RELEASE  
September 18, 2007 2:30pm CDT

Contact: Holley Hatt  
402.471.2067

## **Bruning Presents \$9, 046.70 Check to Shelton Public Schools for Music Programs**

(Lincoln, NE) Attorney General Jon Bruning today presented \$9, 046.70 in consumer settlement funds to Shelton Public Schools for development of music education programs. The money will be used to purchase risers, instruments and music for Shelton elementary, middle school and high schools students.

“The best way to enrich the culture of music is to support music education in our schools,” Bruning said. “Our future composers and artists deserve the best education we can provide.”

The funding stems from a 2004 anti-trust settlement involving major companies in the music industry. The defendants were distributors Bertelsmann Music Group, Inc, EMI Music Distribution, Warner-Elektra-Atlantic Corporation, Sony Music Entertainment, Inc., and Universal Music Group, as well as retailers Transworld Entertainment Corporation, Tower Records and Musicland Stores Corp., which owns Sam Goody. The complaint alleged these companies entered into illegal conspiracies to raise the price of pre-recorded music in the late 1990's. The lawsuit was filed privately on behalf of Nebraska consumers in 2000, along with actions by 30 other states.

Under the settlement, the music distributors and retailers agreed to pay \$143 million in restitution to consumers nationwide and provide music CDs free of charge to states involved in the action. In 2004, Bruning distributed over 28,500 CDs to every library and public school across the state and 5,000 CD's to Nebraska National Guard Troops serving in the Middle East.

The music companies were unable to return over \$3.7 million in restitution to consumers. That amount was distributed among the participating states on a pro rata basis. Nebraska's share is approximately \$28,000.

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*An audio clip about the presentation is posted on the Attorney General's Web site at [www.ago.state.ne.us](http://www.ago.state.ne.us).*



Attorney General Jon Bruning

# NEWS RELEASE

FOR IMMEDIATE RELEASE  
September 17, 2007, 4:40 pm CDT

Contact: Holley Bolen  
402.471.3888

## **Bruning Comments on Nebraska Brand Committee**

(Lincoln, NE) Attorney General Jon Bruning today commented on the Nebraska Brand Committee opinion.

“The Brand Committee has two choices here, they can either ensure these inspectors work a full 40-hour week as required by state law or they can go to the legislature and ask that these inspectors be exempted. But those are really the only two options.”

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*An audio clip is posted on the Attorney General's Web site at [www.ago.state.ne.us](http://www.ago.state.ne.us).*



Attorney General Jon Bruning

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# MEDIA ADVISORY

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FOR IMMEDIATE RELEASE  
September 14, 2007, 4:45pm CDT

Contact: Holley Hatt  
402.471.2067

**\*\*\*MEDIA ADVISORY\*\*\***

**Bruning to Speak to the Fremont Rotary Club  
at Noon, at the Fremont Country Club,  
2710 N. Somers St., in Fremont  
FRIDAY, SEPTEMBER 21**

(Lincoln, NE) Attorney General Jon Bruning will speak to the Fremont Rotary Club, at noon, on Friday, Sept. 21, at the Fremont Country Club, 2710 N. Somers St., in Fremont, Neb.

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Attorney General Jon Bruning

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# MEDIA ADVISORY

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FOR IMMEDIATE RELEASE  
September 14, 2007, 4:30pm CDT

Contact: Holley Hatt  
402.471.2067

**\*\*\*MEDIA ADVISORY\*\*\***

**Bruning to Speak at the 2007 Annual Conference of  
the League of Nebraska Municipalities at 8:50 a.m.,  
at the Gering Civic Center, 1050 M St.  
THURSDAY, SEPT. 20**

(Lincoln, NE) Attorney General Jon Bruning will speak at the 2007 Annual Conference of the League of Nebraska Municipalities at 8:50 a.m. on Thursday, Sept. 20. The conference will be held at the Civic Center, 1050 M St., in Gering, Neb.

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Attorney General Jon Bruning

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# MEDIA ADVISORY

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FOR IMMEDIATE RELEASE  
September 14, 2007, 4:30pm CDT

Contact: Holley Hatt  
402.471.2067

**\*\*\*MEDIA ADVISORY\*\*\***

**Bruning to Present Settlement Funds  
to Shelton Public Schools at Shelton High  
School, 210 9<sup>th</sup> St., at 2 p.m.  
TUESDAY, SEPT. 18**

(Lincoln, Neb.) Attorney General Jon Bruning will present settlement funds to the Shelton Public Schools at 2 p.m., Tuesday, Sept. 18, at Shelton High School, 210 9<sup>th</sup> St., in Shelton, Neb.

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The State further alleges that Advantage Mortgage knowingly and illegally employed an individual convicted of felony financial crimes as one of its loan officers. The State claims that Advantage Mortgage authorized the loan officer to arrange over \$11 million in mortgage loans between January 2004 and January 2006 and unjustly profited from the loan officer's fraudulent behavior. The Department's investigation discovered that, on at least one occasion, the suspect loan officer is believed to have forged a customer's signature on a check and deposited the funds into his own personal account.

Advantage Mortgage is headquartered in Omaha, with branch offices located in Lincoln and Council Bluffs, Iowa. The civil complaint, filed in Lancaster County District Court yesterday, alleges that Advantage Mortgage and its owners and operators violated Nebraska's Mortgage Bankers Registration and Licensing Act, Consumer Protection Act and Uniform Deceptive Trade Practices Act. The corporation was served with the lawsuit today. Advantage Mortgage is subject to fines in the amount of \$2,000 per violation under Nebraska's consumer protection laws, not including damages and injunctive orders.

Assistant Attorneys General Jeff Gaertig and Abigail Stempson are handling the case, along with Nebraska Department of Banking and Finance attorney Mike Cameron.

###

*The complaint document filed against the company can be found at the NDBF Website at [www.ndbf.org](http://www.ndbf.org). An audio clip about the complaint is posted on the Attorney General's Web site at [www.ago.state.ne.us](http://www.ago.state.ne.us).*



Attorney General Jon Bruning

# NEWS RELEASE

FOR IMMEDIATE RELEASE  
September 14, 2007, 11:00am CDT

Contacts: Holley Hatt, 402.471.2067  
Patricia Saldana, NBDF, 402.471.3222

## **Bruning, Munn File Action Against Alleged Predatory Lender**

(Lincoln, NE) Attorney General Jon Bruning and John Munn, Director of the Nebraska Department of Banking and Finance (NDBF), today announced the State is suing Omaha-based Advantage Mortgage Service, Inc., a mortgage brokerage firm, and its principal owners and operators for predatory lending practices. The NDBF is also instituting license revocation proceedings.

“Advantage Mortgage preyed on Nebraskans who dreamed of providing better lives for their families,” Bruning said. “Instead, those families face a very real threat of losing their homes. We will not tolerate predatory lending in this state.”

Munn stated that this investigation and the ensuing legal action should alert Nebraskans to the importance of dealing with reputable lenders. “Loan applicants must feel comfortable shopping for a loan and seeking assistance so that they know what they are signing and understand the terms of their proposed loan,” Munn said.

Advantage Mortgage originates and refinances loans for private individuals, often targeting those with adjustable rate mortgages whose interest rates are rising dramatically. After the company originates the loans, a third-party lender actually secures them. Advantage Mortgage collects fees from both the consumer and the third-party lender for originating the loans.

NDBF investigation found Advantage Mortgage engaged in unfair and deceptive business practices in the origination and refinancing of home mortgage loans on behalf of its customers. Based on the Department’s investigation, the complaint alleges that Advantage Mortgage employed tactics such as falsifying closing documents, forging borrowers’ signatures on loan documents, and charging hidden and excessive brokerage fees to borrowers. The complaint also alleges that Advantage Mortgage loan officers made false representations to consumers concerning the length, duration and cost of refinancing their mortgages and that Advantage Mortgage failed to disclose material facts to its customers before it refinanced their loans. Bruning and Munn allege that the company presented a deceptive promotional spreadsheet to borrowers to demonstrate the “savings” consumers would see upon enrollment in Advantage’s programs. Instead, consumers were subjected to higher interest rates and paid as much or more per month to reduce their debt.

- MORE -

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September 13, 2007

## Vigilance at the Gas Pump Pays Off

Dear Consumer,

About two weeks ago, my office opened an investigation into alleged deceptive advertising at gas stations on Interstate 80 at North Platte. Our Consumer Mediation Center had been receiving a growing number of complaints about these gas stations throughout the month of July, including some complaints from out-of-state travelers.

I decided to drop by these gas stations on one of my visits to North Platte. I was surprised at what I saw. The stations were advertising their cheapest gas (E-10) on their marquees and electronic signs, but were only offering that type of gas at one or two pumps. I talked to many "red faced" Nebraskans when they realized the gas they were pumping into their cars was fifty cents more expensive than they thought.

We sent the station owners civil investigative demands and asked them to account for their advertising practices over the past three years. The good news is both stations changed their advertising practices since we approached them. One gas station has gone as far as to mark each pump with a sign pointing consumers to the cheapest fuel.

Under Nebraska's Deceptive Trade Practices Act, the Attorney General has authority to look into businesses whose advertising practices may be considered deceptive. Once we receive more information in response to our civil investigative demands, we will determine how best to proceed.

**In the meantime, here are a few helpful tips to avoid being taken advantage of at the pump:**

- Always check the price of the fuel on the pump before you begin pumping, no matter how certain you are that it is the correct type of gas.
- If you have concerns about a gas station, research its reputation by visiting the Better Business Bureau Web site at [www.bbb.org](http://www.bbb.org), or call them in Omaha at (402) 391-7535.
- If you think you are the victim of deceptive advertising, contact our Consumer Protection Division toll-free at (800) 727-6432 or file a complaint online at [www.ago.ne.gov](http://www.ago.ne.gov).

If you have any questions, don't hesitate to contact our Consumer Protection Division.

Best wishes,



Jon Bruning  
Attorney General of Nebraska

**For more information, contact:**  
Consumer Protection Division  
Nebraska Attorney General's Office  
Toll Free: 1.800.727.6432  
Email: [nedoj@ago.ne.gov](mailto:nedoj@ago.ne.gov)

**En Espanol:**  
1.888.850.7555  
Llamada gratuita en Nebraska  
**Senior Outreach Hotline:**  
1.888.287.0778  
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Attorney General Jon Bruning

# NEWS RELEASE

FOR IMMEDIATE RELEASE  
September 12, 2007, 3:45pm CDT

Contact: Holley Hatt  
402.471.2067

## **Attorney General Bruning Awards Husker Tickets to Bancroft Elementary Student**

(Lincoln, NE) Attorney General Jon Bruning awarded two Husker football tickets to a Bancroft Elementary student today at an all-school assembly. The ticket presentation highlights the importance of education.

The tickets are for the Sept. 15 Nebraska – University of Southern California game at Memorial Stadium in Lincoln.

“A good education is the foundation of future success, and hard work has its rewards,” Bruning said. “I remember when my father took me to my first Husker game, and I’m honored to be able to provide another child that opportunity.”

Since 2001, Bruning has presented two Husker football tickets each season to students at schools across the state.

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Attorney General Jon Bruning

# NEWS RELEASE

FOR IMMEDIATE RELEASE  
September 12, 2007, 11:00am MDT

Contact: Holley Hatt  
402.471.2067

## Attorney General Bruning Speaks at Domestic Violence Conference

(Sidney, NE) Attorney General Jon Bruning today welcomed participants to a Sidney conference for *Improving Community Response to Domestic Violence in Nebraska*.

“Domestic violence does not discriminate between rural and urban areas. It’s everywhere, and we have to do all we can to strengthen our fight against it,” Bruning said.

The conference is part of a series of two-day conferences held across the state by the Nebraska State Patrol, the Nebraska Domestic Violence/Sexual Assault Coalition and the Nebraska Attorney General’s Office. The conferences focus on police protocol, victim assistance, prosecution methods in rural communities and offender accountability.

Participants included county attorneys, law enforcement officers, first responders, and victim advocates from Scotts Bluff, Banner, Morrill, Kimball, Cheyenne, Keith, Arthur, Grant, Deuel, Garden, Perkins, Box Butte, Sheridan, Dawes and Sioux counties.

The Sidney Police Department, Cheyenne County Sheriff’s Office, Sidney Western Nebraska Community College and Domestic Violence Emergency Services (DOVES) served as event hosts.

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Attorney General Jon Bruning

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# MEDIA ADVISORY

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FOR IMMEDIATE RELEASE  
September 10, 2007, 1:00pm CDT

Contact: Holley Hatt  
402.471.2067

## **\*\*\*MEDIA ADVISORY\*\*\***

### **Bruning to Speak at the Domestic Violence Conference at the Holiday Inn, 664 Chase Blvd., in Sidney, at 9:00 a.m. WEDNESDAY, SEPT. 12**

(Lincoln) Attorney General Jon Bruning will welcome participants to a conference for *Improving Community Response to Domestic Violence in Nebraska* at 9 a.m., Wednesday, Sept. 12, in Sidney, Neb. The conference will be held in the Chimney Rock room at the Holiday Inn, 664 Chase Blvd.

The conference will focus on police protocol, victim assistance, prosecution methods in rural communities and offender accountability. The event is organized by the Nebraska Department of Justice. Participants will include county attorneys, law enforcement officers, first responders, and victim advocates from Scotts Bluff, Banner, Morrill, Kimball, Cheyenne, Keith, Arthur, Grant, Deuel, Garden, Perkins, Box Butte, Sheridan, Dawes and Sioux counties.

The conference is being held by the Nebraska State Patrol, the Nebraska Domestic Violence/Sexual Assault Coalition and the Nebraska Attorney General's Office. The Sidney Police Department, Cheyenne County Sheriff's Office, Sidney Western Nebraska Community College and Domestic Violence Emergency Services (DOVES) are serving as event hosts.

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Attorney General Jon Bruning

# NEWS RELEASE

FOR IMMEDIATE RELEASE  
September 4, 2007, 11:30am CDT

Contact: Holley Hatt  
402.471.2067

## Bruning Comments on Death Penalty Case

(Lincoln, NE) Attorney General Jon Bruning today commented on the death penalty case of child killer Raymond Mata of Scottsbluff. Oral arguments were presented to the Nebraska Supreme Court today.

“Today the State argued that electrocution does not violate the cruel and unusual punishment clause of the 8<sup>th</sup> Amendment,” said Bruning. “We asked the court to uphold the Nebraska Legislature's chosen method of execution and allow justice to move forward.”

The State argued that the U.S. Supreme Court has never found that any method of execution violates the 8th Amendment. The state district court found Mata offered no convincing evidence that electrocution causes a death-sentenced prisoner "unnecessary pain".

The State also argued that the fact that Nebraska is the only state that authorizes electrocution as its sole method of execution is not relevant. Currently 12 state legislatures have approved electrocution as a method of enforcing death sentences. That number has remained stable over the last decade.

“The problem with the death penalty is the length of time it takes to impose a sentence,” Bruning said. “Victims sometimes wait 20 to 30 years until justice is served.”

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*An audio clip about the argument is posted on the Attorney General's web site at [www.ago.state.ne.us](http://www.ago.state.ne.us).*