

YOU & the LAW



GREGORY P. DILEO
Law Offices of Gregory P. DiLeo, APLC
300 Lafayette St., Suite 101
New Orleans, LA 70130
Phone: 504-522-3456 Fax: 504-522-3888
Toll free: 866-522-3456
Email: contact@gregdileo.com
www.gregdileo.com

Anti-cyberbullying laws designed to protect children

Newspaper headlines across the nation tell many sad stories of what can happen when a young person becomes a victim of cyberbullying. Some cyberbullying instances have even developed into legal issues that led to arrests and prosecutions.

While there is little evidence that cyberbullying is an out-of-control problem, a steady flow of news stories about unfortunate consequences of the practice brought the issue to the forefront. Among the most sensational cyberbullying news articles are ones involving teenagers who committed suicide after their peers bullied them. Others involve video or photo postings on social media sites of teens physically or sexually abusing a peer — often one who consumed too much alcohol. Some of these incidents resulted in the arrest of those responsible.

Part of the reason cyberbullying has been so prominent in the news is that it is relatively new — as is teens' widespread use of smartphones and other portable electronic devices — and that some law enforcement officials and prosecutors are taking tough stands in hopes of curtailing such activity.

Cyberbullying has led to the creation of numerous organizations with missions of stopping it from occurring. The U.S. Department of Health



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and Human Services sponsors one such effort through its website stopbullying.gov.

Stopbullying.gov defines cyberbullying as “bullying that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat and websites.” The stopbullying.gov website points out that children who are bullied over the Internet are often bullied in person as well. The website points out that:

- ▶ Cyberbullying can happen 24 hours a day, seven days a week, and reach a child even when he or she is alone.
- ▶ Cyberbullying messages and images can be posted anonymously and distributed quickly to a wide audience. It can often be impossible to trace the source.
- ▶ Deleting inappropriate or harassing messages, texts and pictures after they are posted is usually extremely difficult.

Experts advise that parents, school staff and others can play an important role in curtailing bullying of all types. These individuals should make it clear to teenagers that bullying is unacceptable and that anyone who feels he or she is being bullied should immediately report it to a parent, teacher, school counselor or other responsible adult.

Some states have passed laws dealing with cyberbullying, and many schools have established policies that provide penalties for those who do it. In some cases, the parent of a child who cyberbullied a schoolmate or acquaintance was charged with a crime because that parent was aware of what was happening.

Visit stopbullying.gov for more information regarding cyberbullying.



Whistle-blowers play big role in bringing justice to wrongdoers

A whistle-blower is a person who reveals misconduct by a government, business or other organization. Examples of whistle-blowing in the United States go back hundreds of years, and these individuals continue to help expose and correct abuses by government and corporate officials.

The federal and state governments have numerous laws designed to protect whistle-blowers against retaliation. Some laws even provide monetary rewards for whistle-blowers whose revelations have positive results. Some private corporations have their own policies designed to encourage employees to report wrongdoing within the company.

Each year, public agencies and corporations receive thousands of tips of wrongdoing from whistle-blowers, most of which are investigated and resolved without much public fanfare. However, there have been other instances of high-profile whistle-blowing, such as the Karen Silkwood case. Millions of people learned of Silkwood's whistle-blowing because her story of unsafe practices at a nuclear fuel manufacturing facility was made into the popular movie, *Silkwood*.

Many whistle-blower laws are designed to protect from retaliation individuals who properly report wrongdoing. For example, some state laws prohibit an employer from firing or otherwise retaliating against an employee who qualifies as a legitimate whistle-blower.

Since laws vary widely between states and the federal government, it would be prudent for a prospective whistle-blower to carefully examine and understand laws that apply to his or her specific situation and state. For example, the simple



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Many whistle-blower laws are designed to protect from retaliation individuals who properly report wrongdoing.

error of reporting misdeeds to the wrong entity could remove the legal protections provided by law to a whistle-blower. If you are not sure about the law or your employer's whistle-blower policy, it would be advisable to consult your attorney before filing a complaint or tip.

The whistle-blower program maintained by Occupational Safety and Health Administration (OSHA), the federal agency charged with workplace safety, is accessible to millions of rank-and-file employees in the private and public sectors. The program resolves scores of whistle-blower complaints every year, some of them involving millions of dollars and others that are less dramatic.

For example, a recent year's cases ranged from ordering a railroad to pay \$1.1 million for terminating three workers who reported injuries, to legal action against a nursing home that fired an employee for reporting a bed-bug infestation.

You can learn more about filing a whistle-blower complaint about workplace safety by visiting OSHA's whistle-blower website, whistleblowers.gov.

The U.S. Securities Exchange Commission's whistle-blower program is a newer project that is receiving an increasing number of tips. Since its creation in 2011 in a reaction to widespread financial manipulations that led to the 2009 Great Recession, this SEC program has received more than 6,000 tips and complaints from whistle-blowers. The program, which concentrates on cases involving securities fraud, encourages whistle-blowers to report improper activities by offering rewards for valid information. In the 2013 fiscal year, the SEC program paid more than \$14 million to whistle-blowers.

You can find more information on the SEC whistle-blower program at sec.gov/whistleblower.

Avoid becoming a health-care fraud victim

So-called “magic” potions claiming to cure everything from hair loss to toenail fungus have been around for centuries, but authorities warn that the Internet has boosted to even higher levels the number and sophistication of con artists who peddle false promises to often-desperate consumers.

The U.S. Food and Drug Administration describes a health product as fraudulent if it is deceptively promoted as being effective against a disease or health condition but has not been scientifically proven safe and effective for that purpose. While prescription medicines advertised on television, radio and newspapers are usually FDA approved for use under a doctor’s care, the marketplace is crowded with hundreds of other “miracle” or “magic” cures that won’t do much for you other than relieve you of your hard-earned money.

The FDA warns that health product scams can do more than waste your money; they can result in serious injury or even death. The agency explains that using unproven treatments can delay getting a potentially life-saving diagnosis and medication that actually works.

To help consumers recognize health frauds, the FDA established its Health Fraud Scams website at fda.gov/health_fraud. The website is filled with printable materials and videos designed to help consumers recognize and avoid fraudulent health products and services.



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FDA: Be cautious of these product claims

One product does it all. Be suspicious of products that claim to cure a wide range of diseases. For example, the FDA seized one firm’s products that were marketed as dietary supplements that could treat or cure senile dementia, brain atrophy, atherosclerosis, kidney dysfunction, gangrene, depression, osteoarthritis, dysuria, and lung, cervical and prostate cancer.

Personal testimonials. Success stories, such as “It cured my diabetes” or “My tumors are gone,” are easy to make up and are not a substitute for scientific evidence.

Quick fixes. Few diseases or conditions are quickly resolved, even with legitimate products. Beware of language such as “Lose 30 pounds in 30 days” or “eliminates skin cancer in days.”

“All natural.” Some plants found in nature (such as poisonous mushrooms) can kill when consumed. Moreover, FDA found numerous products promoted as “all natural” that actually contain hidden and dangerously high doses of prescription drug ingredients or even untested active artificial ingredients.

“Miracle cure.” Alarms should go off when you see this claim or such others as “new discovery,” “scientific breakthrough” or “secret ingredient.” If researchers discovered a real cure for a serious disease, the media would widely report it and health professionals would prescribe it. It would not be sold through advertisements.

Conspiracy theories. Claims that “the pharmaceutical industry and the government are working together to hide information about a miracle cure” are always untrue and unfounded. Scammers use these statements to distract consumers from obvious, common-sense questions about the so-called miracle cure.



Warm weather increases danger of leaving children in cars

As outside temperatures rise, so does the danger of leaving children alone for even a few minutes in closed vehicles.

About 40 children die in the United States each year as the result of heat-related illness they contracted when left in an unattended vehicle. Often the adults left the vehicle, forgetting that a small child was in the rear seat. Some children also died after they entered a parked vehicle through an unlocked door or open trunk and were unable to get out.

Heat-stroke danger is particularly high in southern states, where temperatures routinely rise to the 90s in late spring and summer. Vehicles become hotter the longer they're left in the sun.

A child's core body temperature can rise up to three to five times faster than that of an adult, which adds to the risk of heat stroke in a closed and unattended



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vehicle. The inside temperature of a closed vehicle left in the sun can rise almost 20 degrees within the first 10 minutes.

Child safety advocates recommend that drivers place something they'll need at their final destination, such as a cell phone, purse or briefcase, next to a child to avoid forgetting he or she is in the rear seat. This is especially important when the adult is not following his or her normal routine.

Many states have laws that prohibit leaving a child unattended in a vehicle.

You can find additional information on keeping kids safe in vehicles at SaferCar.gov/heatstroke.

'Do Not Call Registry' ranks among favorite government programs

In 2013, the Federal Trade Commission's Do Not Call Registry marked its 10th anniversary with an announcement that consumers tired of receiving unsolicited telemarketing calls placed more than 221 million phone numbers on the list. After you register your

phone number with the Do Not Call Registry, telemarketers are supposed to stop contacting you.

Companies found in violation are subject to stiff fines, and the FTC has already collected \$41 million in civil penalties.

Consumers can register online for Do Not Call at donotcall.gov. Most telemarketers should not call your number once it has been on the registry for 31 days. The donotcall.gov website also allows consumers to file complaints against violators.

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Law Offices of Gregory P. Dileo, APLC
300 Lafayette St., Suite 101
New Orleans, LA 70130
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