

**Testimony before the Senate Judiciary Committee
In Support of HB 4128
On behalf of the Oregon State bar**

February 19, 2016

Chair Prozanski, members of the committee:

My name is Amber Hollister and I am the General Counsel for the Oregon State Bar. I am here today on behalf of the Oregon State Bar Board of Governors to express the bar's support for HB 4128.

This legislation is the product the Immigration Consultant Task Force, which was created by HB 3525 (2015) and co-chaired by Senator Gelser and Rep. Jessica Vega Pederson. The bar had the opportunity to participate in the Task Force.

HB 4128 helps address what we at the bar believe is a very serious problem – the prevalence of unlicensed non-lawyer “immigration consultants” – often referred to as “notarios” – who prey on unsuspecting members of the public, especially in our immigrant communities. Notarios charge their victims thousands of dollars for immigration assistance they do not have the license, expertise or training to provide. The Task Force Report notes that notarios regularly re-victimize those that they have already taken advantage of by threatening them with harm if they seek help.

Preventing notario fraud is a major goal of the bar's Unlawful Practice of Law Committee, and under current law, it is already unlawful for a person to act as an immigration consultant for compensation if that person is not a member of the Oregon State Bar or authorized to do so by federal law. The Unlawful Practice of Law Committee regularly receives complaints about notarios. Though the Legislature has prohibited the use of the terms “notario” or “notario público” by anyone but an immigration attorney, notarios continue to be active across Oregon.

This bill seeks to reduce the harm caused by immigration consultant fraud by implementing new requirements to obtain and retain notary commissions. The bill would amend existing Oregon law to provide that persons who engage in the unlawful practice of law are not qualified to obtain notary commissions. The bill would also give the Secretary of State additional authority to revoke a notario commission when a notary public has admitted to or has been found to have engaged in the unlawful practice of law.

The bill also seeks to provide law enforcement with new tools to combat notario fraud. The Task Force Report notes that notarios often use threats of violence or other wrongful conduct to keep members of the public from reporting the notario to law enforcement. This bill would amend Oregon's existing extortion statute to make such conduct extortion under Oregon law. The bill would also amend Oregon's existing obstruction of governmental or judicial administration statute to provide that notarios

who intend to defraud another person by engaging in the unlawful practice of law engage in the crime of obstructing governmental or judicial administration.

The bar is committed to continue to work with stakeholders to reduce the prevalence of immigration consultant fraud in Oregon communities.

The bar believes that this bill, in combination with continued public outreach and education, is a needed response to this serious problem and we encourage the committee to give it its full support.

Respectfully submitted,

Amber Hollister
OSB General Counsel