

Legality - Chapter 9

Nov 17-7:31 AM

DO NOW:

3. Lottie Lawrence promises to pay Bill Upton \$10,000 if Upton destroys evidence in a case against Lawrence. Upton destroys the evidence. When Lawrence refuses to pay, Upton sues. Is Upton entitled to the money? Explain your answer.

4. Hannah Mann places a \$20 bet in a football pool organized by a fellow worker, Steven Hiller. Mann wins, but before she collects her winnings. May Mann sue for breach of contract if Hiller does not pay? Explain your answer.

Jun 20-2:00 PM

Two basic rules:

- The agreement must have legal purpose.
- If a contract is illegal, neither party can enforce the agreement, nor receive aid from the court.



Jun 22-10:36 AM

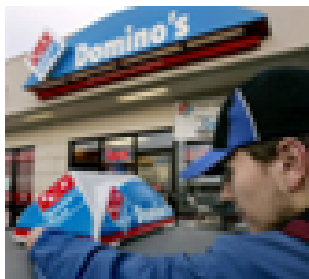
Agreements that Violate Statutes

Civil and Criminal Statutes

- Agreements that require one to commit a tort or a crime are illegal.
- Agreements that protect one party from the consequences of torts or crimes are also illegal.



i.e. "Please allow my employee to disobey local speed limits as he has a job to do"



Nov 17-7:31 AM

Hired hit man fell in love with his victim... then faked her death with tomato ketchup
A hired killer faked the death of his intended victim after falling in love with his target.

Hitman Carlos Roberto de Jesus, from Brazil, was paid \$1,000 to murder Iranildes Aguiar Araujo. He was contracted by housewife Maria Nilza Simoes, who was convinced Iranildes was having an affair with her husband.

But when he showed up to carry out the hit, he couldn't bring himself to do it - and confessed the plot. He then used some tomato ketchup to try and get them both off the hook. The pair then conjured up a plan to fool his employer into believing he had carried out the hit.

The new lovers bought two bottles of ketchup from a local supermarket. De Jesus then got his supposed victim to rip her shirt and grip a machete under her armpit. He then taped her mouth up, tied her hands, smothered her with ketchup and got her to lie still on the floor as if she were dead.

The ex-convict photographed Araujo and sent the picture to the 'cheated' wife saying he had killed her.

But the ruse was discovered three days later when Simoes saw the hired assassin kissing the very woman he was meant to have bumped off.

She then went to the police to complain he had stolen \$1,000 from her. The hitman and his 'victim' faces extortion charges and the woman who hired him charges of making threats to kill.



<http://www.dailymail.co.uk/news/article-2840452/Hired-hit-man-fell-love-victim-faking-death-tomato-ketchup.html>

Nov 17-7:31 AM



Take a moment and write a loan contract with someone next to you.



Lend them \$100



Include the date it is to be loaned
Include when it is to be paid back
Include the interest due, if any.



Nov 15-8:16 AM

Usury Statutes

- **Interest** is the fee the borrower pays to the lender for using their money.
- Charging more than the maximum legal interest rate is **usury**. It is different in every state. (16% for <\$250k, 25% for >\$250k in NY).
- To charge more you must be a licensed lender.

Peoples court DVD video - nonpayment & defamation

HowCast 2min



I lend \$10 to my friend and say "pay me back \$11 at the end of the week" ...Legal?

Nov 17-7:31 AM

Gambling Statutes

- Only regulated types of gambling are legal.
- Illegal gambling could include cards, wagers or bets, or sports pools.
- Gambling can lead to bigger problems.



Raffles (law)



Bingo (law)



Jun 22-10:36 AM

Sunday Statutes

- Passed by certain states making contracts on Sunday illegal.

i.e. New York alcohol sales for consumption off-premises are not permitted between 3 AM and 8 AM on Sundays, while on-premises sales are not permitted between 4 AM and 8 AM on any day. Liquor stores are also required to close one day per week, on a day of the store's choosing.

Facts
"Blue Law" breakdown
"Blue laws" date to the 17th century when Puritans outlawed

THE
BLUE LAWS
OF
NEW HAVEN COLONY,
SWEETLY CALLED
LAWS OF CONNECTICUT;
QUAKER LAWS
OF
PENNSYLVANIA AND MASSACHUSETTS;
BLUE LAWS
OF
MARYLAND, VIRGINIA,
AND SOUTH CAROLINA.
RECORD OF CONNECTICUT;
EXTRACTS FROM CONNECTICUT RECORDS; CASES
OF SHERIFFS; CHARGES AND PUNISHMENT OF
THE WILLIAMS, &c.; AND OTHER INTER-
ESTING AND INSTRUCTIVE ANECDOTES.


Bergen blue laws are back: Paramus mayor says Gov. Christie has reinstated Sunday shopping ban

By S.P. Sullivan
Email the author | Follow on Twitter
on November 13, 2012 at 4:17 PM, updated November 13, 2012 at 9:11 PM

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PARAMUS — Gov. Chris Christie is a temporary suspension of Bergen County's blue laws Tuesday, Mayor Richard LaBarbiera said.

"I thank the Governor for listening to the will of the people of Paramus and all of Bergen County who spoke loudly in favor of the Blue Laws, which are absolutely essential for protecting our quality of life," LaBarbiera said in a statement.




The mayor of Paramus said Tuesday that the Governor's office would be lifting a suspension of Bergen County's Sunday shopping ban.

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Video of the Day



Jun 22-10:36 AM

What trades or professions require a license?



Jun 22-10:42 AM

Licensing Statutes

- A **license** - legal permission from the "state" allowing someone to carry on a certain trade or profession--contract is void if person is not licensed.
- A vendor's license may be required--contract is enforceable, but a seller without a license is subject to penalty.

<http://www1.nyc.gov/site/dca/businesses/licenses-apply.page>



Jun 22-10:36 AM

Price Fixing

- When competitors agree on certain price ranges in order to discourage competition.
- Raises overall prices and contracts cannot be enforced.

The screenshot shows a news article from a website. The main headline is "HV Assemblyman Vows To Fight High Gas Prices In One Area". The article is by Allison Dunne and includes a "Listen" audio player. The text of the article discusses a New York state assemblyman's actions against a local gas station owner and mentions Democratic Assemblyman James Skoufis's letter to the head of Chestnut Petroleum Distributors regarding price gouging in the Town of Highlands.

Nov 17-7:31 AM

Agreements Contrary to Public Policy

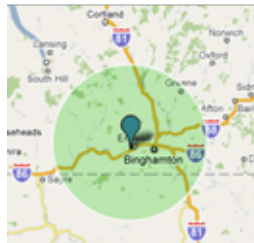
- A **restraint of trade** is a limitation on the full exercise of doing business with others. If unreasonable, the contract is void.
- Could be harmful to the public benefit.



Outright Contracts Not to Compete

- When buying a business you also buy the seller's **goodwill**--continued public approval and patronage of the business.
- May also include a **restrictive covenant**-- promise not to compete in a certain area for a certain time.
- Also found in employment contracts
- Legal if not unreasonable.

<http://video.foxbusiness.com/v/2619366929001/do-non-compete-agreements-stifle-innovation/>



Jun 22-10:42 AM

Agreements to Defeat Competitive Bidding

- A **bid** is an offer to buy or sell goods or services at a stated price.
- In **competitive bidding**, rivals submit bids for a project and the lowest bid wins.
- Competitors getting together to determine bids or fix the high/low is illegal.



Ferguson case: Construction company owner testifying on big-rigging scheme

Detroit— A Howell construction company owner convicted in a \$12 million bid-rigging case against Bobby Ferguson is testifying in federal court Wednesday about how he came to conspire with the contractor in early 2007.

Brian Dodds is testifying against Ferguson as part of a plea agreement reached with federal prosecutors two years ago. Dodds, former owner of D&R Earthmoving, pleaded guilty to a felony and faces up to six months in prison when sentenced in October.

He was part of a scheme to falsely inflate bids so it would appear that an \$11.9 million bid submitted by Ferguson's company, Ferguson Enterprises Inc., was the lowest bidder on the Garden View Estates public housing project, according to prosecutors.

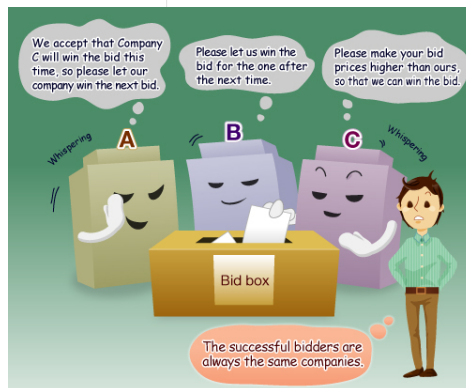
In exchange, Dodds and his company received a subcontract from Ferguson worth more than \$300,000.

A second subcontractor convicted in the scheme is scheduled to follow Dodds to the witness stand.

Northville businessman Rodney Burrell pleaded guilty as part of the bid-rigging scheme and agreed to cooperate against Ferguson.

Burrell's company, R & R Heavy Haulers, received a subcontract worth more than \$180,000.

He also faces up to six months in prison after pleading guilty to providing false information to a grand jury.



ADVERTISEMENT

Events Calendar

Detroit River Days Festival
Friday, Jun 22, 11:00 am
Detroit RiverFront, Detroit

Sunset At The Zoo*
Friday, Jun 22, 7:00 pm



Nov 17-7:31 AM

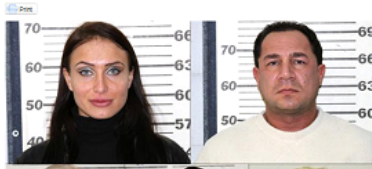
Agreements Interfering with Marriage

- Contracts to pay someone to marry or divorce or to not marry or divorce are unenforceable
- i.e. "I will give you \$10,000 if you never get married", is void.
- i.e. "I will give you \$5,000 if you leave your husband", is void.
- It could be illegal...

Green card marriage fraud can result in deportation or jail

One ring paid New York men to marry Russian strippers so they could dance here legally: feds

BY ERICA PEARSON / NEW YORK DAILY NEWS
PUBLISHED: SUNDAY, MAY 25, 2014, 1:24 AM
UPDATED: SUNDAY, MAY 25, 2014, 1:31 AM



www.nydailynews.com/new-york/green-card-marriage-fraud-result-deportation-jail-article-1.1064424

Faking a green card interview can have worse consequences than a dirty look from your new wife.

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• Immigrant students can come here to study if they attend accredited schools

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When USCIS officers suspect fraud, they send a case to Immigration and Customs Enforcement, which then decides whether to bring criminal charges.

ICE focuses on taking down people and rings who make money by brokering fake pairs.

"We're generally looking at stopping pipelines instead of stopping individuals," said Special Agent in Charge James Hayes Jr., of the New York field office.

To gather enough evidence for federal prosecutors to bring fraud charges, ICE agents sometimes turn to social media sites.

"When they put on their Facebook status that they're in a relationship with someone and getting married to someone else, that's sort of a giveaway," Hayes said. "We're very, very creative when trying to make a case."

In addition to tips from USCIS, the agency relies on information developed during other probes — from visa scams to terrorism.

Agents investigating an alleged Mafia plot to import Russian strippers to the U.S. uncovered a marriage fraud ring.

Last fall, five suspects were charged with recruiting fake husbands to marry the exotic dancers so they could legally work in city strip clubs.

The girls allegedly paid thousands for sham marriages, and the cash was split between the phony grooms and the ringleaders.

Marriage fraud can land schemers in jail for up to three years. Because of a statute of limitation, someone who duped the system is in the clear once they've been a citizen for 10 years.

Nov 17-7:31 AM

Dec 5-10:31 AM

Attachments

Ch9- Stewie_WheresMyMoneyMan.wmv