

MONTHLY NEWSLETTER: LEGAL UPDATES & NEWS

OCTOBER 1, 2006

INSIDE THIS ISSUE:

SKYE SUH'S NOTE	1
TRAFFIC TICKETS: WHAT SHOULD YOU KNOW?	2
IMPORTANCE OF KEEPING A WILL	2
HIRING ILLEGAL ALIENS: JAIL FOR EMPLOYERS?	2
INSIDE STORY: HONG'S OR-	2
CONTACT US	2

SKYE SUH'S NOTE:

Dear clients and community:

It is my pleasure to announce the first volume of our Legal Newsletter, which I will be publishing on a monthly basis. I was inspired to provide this newsletter as an informative publication to assist the community. It is my hopes that the information contained on this newsletter and future newsletters to come provide you with useful information. I thank all my clients for the trust that they have shown in my firm and I remain committed to serving the Korean American community in the State of Michigan. If there are any topics or questions that you would personally like addressed, please email us at mail@skyesuhplc.com or write us at **SKYE SUH, PLC, 32000 Northwestern Hwy., Suite 260, Farmington Hills, MI 48334.**

Disclosure: *The information contained in this newsletter is to serve as general information and not to be construed as giving specific legal advice. The nature and circumstances surrounding each client's case is specific and requires individual attention. Therefore, this newsletter is being distributed with the understanding that neither the authors or SKYE SUH, PLC is giving legal, accounting, or other professional advice or services through this newsletter. This firm and the authors disclaim any responsibility for errors, omissions, or changes in the material presented. This newsletter is of a general education are of a general nature exclusively. **If you have a matter that you would like to discuss in confidence, please contact our office at (248)932-8844.***

TRAFFIC TICKETS: WHAT YOU SHOULD KNOW

Traffic Tickets: Just Paying Can Cost More Than You Think.

The normal reaction of most people after receiving a traffic ticket is to pay it. Its quick, done by mail, no hassle of court, and it doesn't cost all that much.

However, automatically paying a ticket is the last thing you should do. A single speeding ticket, driving 46mph in a 35mph zone, puts three points on your license and can increase annual insurance costs by over \$300. These points remain on your license for two years, and your insurance company can keep them there even longer costing you up to \$1,000 in increased insurance.

If within those two years you should you get a second ticket, 71mph in a 55mph zone, you have now come

under the Driver Responsibility Act, which requires you to pay an extra \$100 fee to the Michigan Secretary of State, on top of increased insurance rates. Quite simply, those two tickets can easily cost you over \$2,000, not including the fines.

You should hire an attorney for your formal hearing. Often, if your have a previously clean record, your attorney can have the charges amended so that no points, or fewer points appear on your record. This not only saves money for insurance, but puts you in a better position should you be unfortunate enough to get a second ticket, as you may still show a clean record.

Scott S. Schafer, Esq., sschafer@skyesuhplc.com

NEXT MONTH'S TOPICS:

- **The illegal practice of law: The harm to clients**
- **Illegal Aliens leaving the U.S.: What can happen at the border**
- **Drunk Driving: A deportable Offense**
- **Power of Attorney: Protecting your children**

INSIDE STORY HEADLINE

Why you should have a will. Regardless of how much or how little money you have, a will ensures that whatever personal belongings and assets you do have will go to family or beneficiaries you designate. Without a will, the court makes these decisions. This could result in cousins or parents receiving part of your estate rather than the persons you have designated. Further, a will is a tool to protect your children, should your spouse remarry.

If you have children, a will is a must, to ensure that you get to choose your children's guardian. Few people plan to die in the near future, but if you die suddenly without a will, you'll be subject-

ing your family and loved ones to confusion and anxiety at what is already a difficult time. This could mean that your children could temporarily be placed in foster care unless you have a close relative nearby.

At a minimum, a will should do the following: appoint a guardian if you have minor children, appoint an executor to administer your will when you die, and spell out specifically how you want your property distributed. Without designating a guardian your children could end up placed in foster care or a relative that you do not approve of.

Edward Walters, Esq., ewalters@skyesuhplc.com

Hiring Illegal Aliens: Jail for Employers?

The Immigration and Reform Control Act ("IRCA") requires that employers verify employment authorization, and investigate an employee, if the employer has reason to believe an employee is unauthorized to work in the United States. Employees are required to present documents verifying their work authorization within three days of hire.

However, if an employee can document (*within three days*) that employment authorized has been applied for, the employee has 90 days from the date of hire to provide documentation. If it is determined that the employee is unable to provide documentation within the time specified above, IRCA requires the employer to terminate employment.

IRCA imposes penalties on employers for knowingly hiring or continuing employment of an employee who is (or has become) unauthorized to work. These penalties include: a) For failure to inspect documents and maintain Form I-9's for all employees hired after November 6, 1986, fines maybe imposed of \$100 to \$1,000 per violation; b) For knowingly hiring or continuing to employ an unauthorized employee fines may be imposed of \$250 to \$10,000 for each authorized employee (*depending on whether the violation is the employer's first, second, or third violation*); c) If the employer is found to have engaged in a practice or pattern of knowingly hiring or employing authorized employees, the employer may be jailed for up to six months and fined \$3,000 per unauthorized employee. In this instance a separate \$10,000 fine may be also be imposed for each authorized worker.

In order to avoid these sanctions, employers and companies should develop policies on Form I-9 compliance. These policies should be easy to understand and implemented for management or employees responsible for maintaining Form I-9's. Employers must complete Form I-9 for each employee and maintain records of each Form I-9.

Further, employers must request and examine documents from the employee to determine work authorization. The documents must appear genuine and the employer must be able to determine that the documents relate to the employee.

Employers are required to keep the completed Form I-9 for *three years* after the date of hire. In the event the employment relationship ends, the employer must keep the Form I-9 for one year after termination. If an employee's work authorization expires *during* the term of employment, the employer is required to *re-verify* the work authorization of the employee using *Section 3* of Form I-9. Employers are required to terminate employment if an employee's work authorization expires, unless a renewal is being applied for.

It should also be noted that USCIS can conduct investigations at employers' locations. IRCA requires that employers be given three days notice before an investigation is conducted. However, if USCIS has evidence of employment of authorized workers, probable cause, or a warrant, no notice is required.

Qualified immigration legal counsel should be consulted if employers have questions regarding Form I-9 compliance.

Elissa F. McDaniels, emcdaniels@skyesuhplc.com