

[VERITAS VINCIT]



CLEARING YOUR CRIMINAL RECORD

by Jon Carlos Senour, Esq., Director

Students with past criminal convictions may be interested in clearing their records in anticipation of seeking employment or applying to graduate school. This article will briefly discuss clearing one's criminal record, also known as "expungement."

Under California law, with some exceptions, individuals convicted of a crime may be able to initiate a court action to have the associated case "expunged", *i.e.*, dismissed (See California Penal Code Sections 1203.4-1203.4a.) The process of expunging a criminal record involves the filing of a court petition requesting that the case be re-opened and the plea or verdict of guilt be set aside.

To qualify for an expungement, an individual must have satisfied all sentencing requirements related to the crime, including completion of probation and payment of all fines and restitution. Certain crimes may not be expunged, and expungement is not available to individuals who served a sentence in state prison for the offense or who are currently being charged with or who are on probation for a

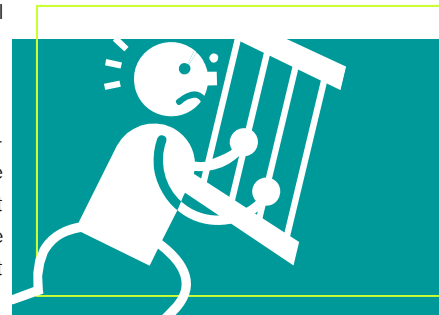
separate crime. If the above requirements are satisfied, a court may in its discretion grant the petition for expungement if it determines that it is in the interest of justice to do so.

It is important to be aware that successfully expunging a criminal record will not erase it completely. Nevertheless, a successful expungement will change an individual's plea or verdict of guilt to a dismissal. As a result, the individual can honestly and legally respond to a subsequent inquiry about his or her criminal history by stating that he or she has not been convicted of the expunged crime. [Nonetheless, the conviction must be disclosed by the individual in response to an inquiry regarding licensure by any state or local agency, and may be brought up in any subsequent prosecution of the individual for any type of offense.]

All currently registered students are welcome to make an appointment with Student Legal Services or attend one of our workshops to find out more about expungement!

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IDENTITY THEFT QUIZ!

by Jessica St. Clair, Esq., Legal Education Coordinator

Are you as savvy as you think you are when it comes to protecting your identity and sensitive information? Take this quiz to find out! Answers on page 4.

For more tips on how to protect your identity, check out the brochures and handouts available in the foyer of Student Legal Services. We are located in Original Student Center B Room 109.

1. Banks will...
 - a. often call customers and request their ATM PINs as part of necessary and routine security checks.
 - b. only call and ask a customer for his or her ATM PIN if the bank suspects the account has been compromised.
 - c. NEVER call customers and request ATM PINs under any circumstances.
2. Which one of the following pieces of personal information does a prospective landlord have a valid reason to request of a prospective tenant?
 - a. Social Security Number
 - b. Bank account number and routing information
 - c. Credit card number
3. True or False? Only documents with a Social Security Number on them really need to be shredded.
4. True or False? If I store financial information on my laptop, my laptop should be password protected, even if I am the only one that uses it.
5. Which of the following are steps you can take if your identity has been stolen?
 - a. Notify the three credit bureaus and request that an alert be placed on your Social Security Number.
 - b. Notify bank and credit card companies immediately to close accounts and set up new ones.
 - c. Carefully monitor your credit report and bank statements for 6 months to a year.
 - d. All of the above.

RENTERS' CORNER: WHAT IS A LEASE ANYWAY?

by Jessica St. Clair, Esq., Legal Education Coordinator

With summer fast approaching, so is the need to find housing for the Fall Quarter. Many students will find off-campus housing, some for the first time. Renting an apartment, condo or house typically involves signing a lease agreement.

A lease is a contract between a landlord and one or more tenants who are renting the residence. It is important to remember that a lease is a *legally binding agreement*.

New renters sometimes talk about signing their lease in terms of "signing up" for an apartment. Thinking about a lease agreement in these terms minimizes the importance of the legal relationship between landlord and tenant. By signing a lease, you are not simply "signing up" to live in a particular place. You are agreeing to be committed to follow the terms in the lease. The terms of the lease should include how much rent

you must pay, when you must pay, to whom you must pay and for how long you must pay.

The terms of a lease go beyond guidelines about paying rent. Some leases are very specific about the rules and responsibilities that the tenant must follow. In the event of a dispute, small claims court can determine who is responsible for what.

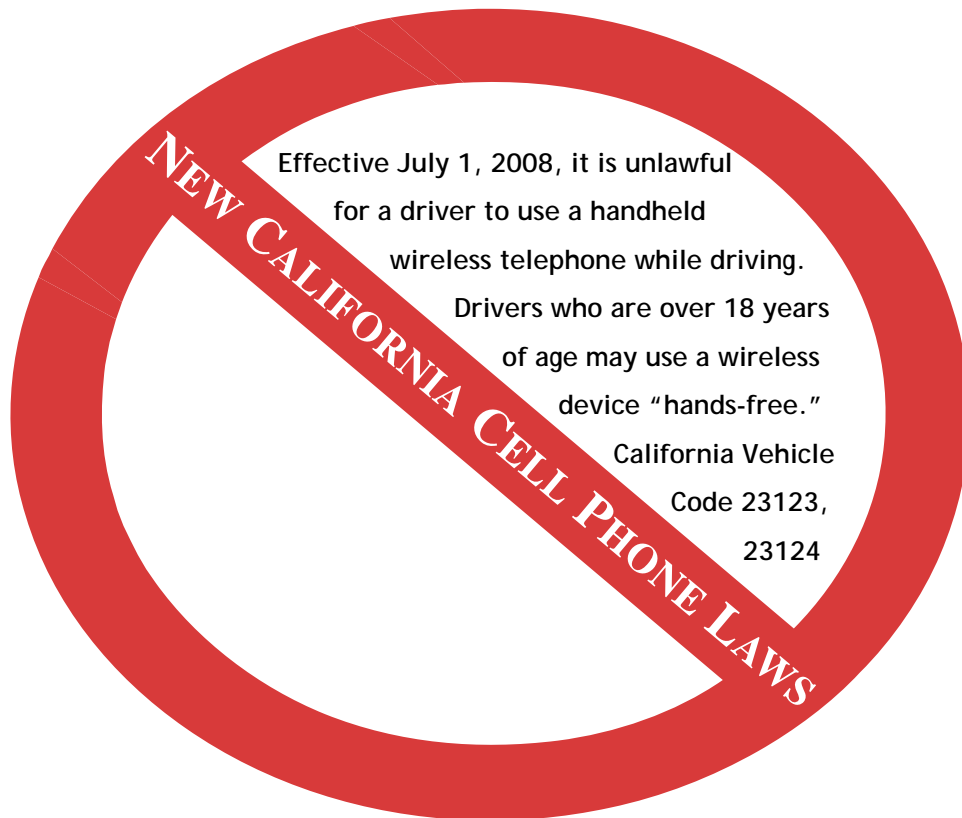
Roommates are considered "jointly and severally" responsible under the terms of a lease. This means that each roommate is responsible for the total amount of the rent, as well as the condition of the apartment. In other words, if a landlord wishes to sue tenants for unpaid rent, the landlord can sue just one roommate for the entire amount of the unpaid rent, even if that particular roommate paid his or her "share" of the rent in a timely manner. Likewise, if one roommate spills grape juice on the carpet

and the carpet must be replaced, all of the roommates would be equally liable for the damage to the carpet.

California permits oral agreements to rent residential property, as long as the agreement is less than a year. An oral agreement to rent an apartment, condo or house will be construed as a month-to-month agreement if the intended duration of the agreement cannot be proven or was never discussed.

For more information about lease agreements, contact Student Legal Services by phone (858.534.4374) or email (sls@ucsd.edu).





For more information, visit the California Department of Motor Vehicles website at <http://www.dmv.ca.gov/cellularphonelaws/index.htm>

ANSWERS

1. c

Banks will NEVER call and request your ATM PIN. Your ATM PIN is like the key to your account. Don't ever give it out. Ever. If someone calls requesting this information, hang up and call your bank immediately.

Number is an important, proactive step to protecting your identity, it is important to shred any document with sensitive financial or personal information, such as account numbers, credit card numbers, travel plans or medical/health information. Thieves are not above dumpster diving!

2. c

Landlords have two valid reasons to request Social Security Numbers. (1) Social Security Numbers are needed to perform a credit check. Your name might be Mary Smith and you might have fabulous credit, but there is a good chance there is at least one Mary Smith in the world who does not. Credit checks are a frequent component of a rental application because landlords have a valid interest in determining whether you are likely to pay your bills on time or whether you have been evicted from a previous residence. (2) Social Security Numbers may be used as part of a criminal records check.

Landlords do not need to request bank account numbers, routing numbers, or credit card information. For information on safer ways to demonstrate proof of financial stability in your situation, make an appointment with Student Legal Services.

3. False!

While shredding documents containing your Social Security

4. True!

If you store financial or other sensitive information on your laptop, you should password protect your laptop even if you are the only one using it. Laptops get stolen from time to time and thieves know that many people keep financial information on their laptops, such as account statements, tax returns or passwords for online banking programs. Never leave your laptop unattended in a public place, such as a library, café or airport. Also, make sure that email and online banking programs are set to require that a password be entered every time you access your account and are not set to fill in automatically.

5. d

All of these are important steps to take if you suspect that your identity has been stolen or your personal or financial information has been compromised.



**School's out, but the staff of
Student Legal Services is IN!**

Student Legal Services is open all summer. If you need individual counseling during the summer, give us a call at
(858) 534-4374.

Have a fun and safe summer!

