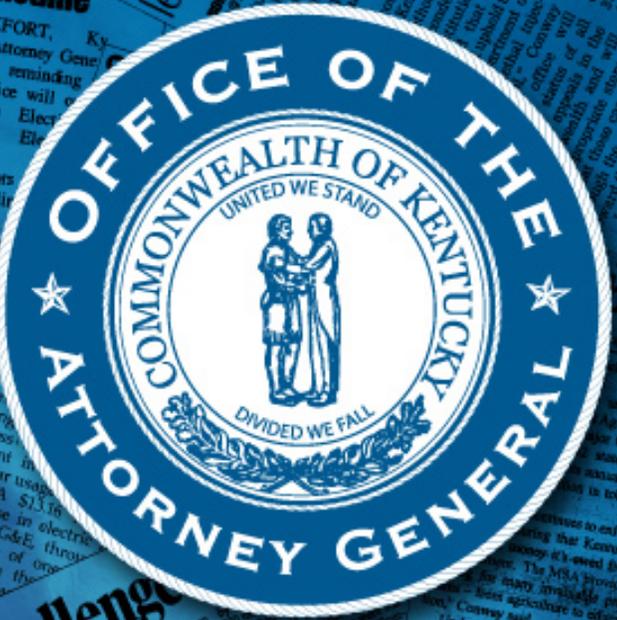


# targets Internet crime

New division fulfill promise, he said

By Stephenie Steitzer  
ssteitzer@courier-journal.com  
The Courier-Journal



# Attorney General Announces Fraud Hotline

Attorney General Jack Conway announced recently that his Fraud Hotline received 28 calls from 28 counties between 7 a.m. and 7 p.m. during the majority of calls from county officials or procedural questions.

# Spreading the word about DUI

Attorney General Jack Conway talks to Franklin County High School students about the dangers of drinking and driving Wednesday. Conway said according to Kentucky State Police 3,200 drivers were arrested in 2004.

# Alleged abuse captured on video in nursing home

Attorney General Jack Conway

# Attorney General Conway Announces \$116.9 Million in Tobacco Settlement Money

FRANKFORT, Ky. (April 20, 2009) - Attorney General Jack Conway announced today that Kentucky, as required under the Master Settlement Agreement (MSA) between the major tobacco manufacturers and 52 states and territories, received its share of \$116.9 million in tobacco settlement money last week. "My office continues to enforce the MSA, ensuring that Kentucky receives the money it's owed from the program - from tobacco companies that are required to fund the MSA, the MSA provides funding for many invaluable programs - from healthcare to education," Conway said. Under the MSA, tobacco companies agreed to make annual payments in perpetuity to the settling states, to fund a national foundation dedicated to significantly reducing the use of tobacco products by youth and to provide by certain restrictions on promotional and lobbying activity. Kentucky's share of the settlement will be approximately \$3.45 billion over the first 25 years. Payments are determined according to the number of cigarettes sold in the state. The total amount of money that is calculated, in part, by the number of cigarettes sold in the state.

# Suit challenges Conway contends action is illegal

Conway contends action is illegal

# AG lobbied to increase funding for prosecutors

At issue | April 25 Herald-Leader article by Ryan Alessi and Brandon Ortiz, "Bud Conway lobbies for more funding for prosecutors."

# Conway launches gas price inquiry

Expert: Situation is 'extraordinary'

# Internet enforcement

MySpace.com, attorneys general make attempts to stop online predators

# Kentucky reaches multi-million settlement with pharmaceutical

FRANKFORT — On March 11 Kentucky Attorney General Jack Conway announced a multi-million dollar settlement with Amgen, Inc., a California-based biotechnology company with a subsidiary in Louisville. The settlement, filed by the Office of the Attorney General, is the largest of its kind in the state's history. It involves 47 other pharmaceutical companies that defrauded the Kentucky consumer protection laws by publishing significantly inflated prices for prescription drugs — knowing that the Kentucky Medicaid program would pay the inflated prices. The settlement also alleges that Amgen marketed the "spread" between the inflated prices and the actual market rate. The settlement also alleges that Amgen marketed the "spread" between the inflated prices and the actual market rate. The settlement also alleges that Amgen marketed the "spread" between the inflated prices and the actual market rate.

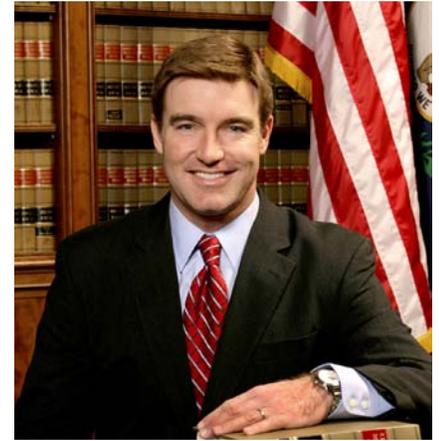
# 9 indicted in group home abuse probe



2009 Biennial Report  
Kentucky Office of the Attorney General



# Letter from Attorney General Conway



Dear Governor Beshear,

I am pleased to present to you, and my fellow Kentuckians, the following report of the Office of the Attorney General's accomplishments for the biennium July 1, 2007 to June 30, 2009.

It is truly an honor to serve as the 49th Attorney General for the Commonwealth of Kentucky. My service as the state's chief legal officer has been the most rewarding and challenging of my professional life. I am proud of all that we have accomplished for Kentucky families, despite an unprecedented state budget crisis.

My staff and I have worked day-in and day-out to protect the mission critical functions of this office — protecting consumers, investigating Medicaid Fraud, combating elder abuse, giving a voice to Kentucky's crime victims, serving as a watchdog for Kentucky utility customers and upholding the laws of this great Commonwealth.

By streamlining operations and forging new partnerships, we have achieved many of our goals. My newly created Cybercrimes Unit has put a dent in child pornography and solicitation of minors on the Internet. Passage of my comprehensive Cybercrimes legislation was particularly rewarding, as it gives police and prosecutors new tools to arrest and prosecute Internet predators who target Kentucky children.

I am especially proud of the creation of Kentucky's first statewide prescription drug diversion task force to combat the scourge of addiction that has taken a toll on families in every corner of the Commonwealth.

Of course, I could not have achieved these and our many other initiatives without the unwavering dedication of my staff. I would also like to thank Kentucky parents and local law enforcement whose input helped shape my agenda as Attorney General, as well as the members of the General Assembly who have been steadfast partners in our effort to make Kentucky a safer place to live, work and raise a family.

A handwritten signature in black ink, reading "Eric S. Conway". The signature is written in a cursive style with a large, looping initial "E".

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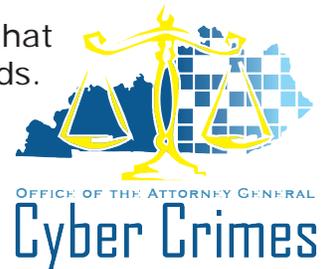


# Biennial Accomplishments at a Glance

Even facing 20% budget cuts, Attorney General Jack Conway and the Office of the Attorney General have worked diligently to make Kentucky a safer place to live, work and raise a family.

## Cybercrimes & Cybersafety

- ▲ Created a Cybercrimes Unit devoted solely to investigating crimes that occur online, particularly Internet predators who target Kentucky kids. The unit seized more than 34,000 child porn images and videos, opened 80 cases and made 9 arrests.
- ▲ Wrote comprehensive Cybercrimes legislation to bring Kentucky laws up-to-date with technology.
- ▲ Presented 100 cybersafety programs reaching 24,000 Kentuckians, primarily children and their parents.



## Drug Diversion

- ▲ Created Kentucky's first statewide prescription drug abuse task force to focus on investigations into doctor shopping, drug trafficking, overprescribing physicians and illegal out-of-state pharmacies.
- ▲ 277 drug investigation cases opened
- ▲ 9,810 pills seized (street value of \$20,250)
- ▲ 100 arrests on 219 counts



## Gas Prices

- ▲ Fined retailers more than \$100,000 for price-gouging in the wake of Hurricane Ike.
- ▲ Requested Federal Trade Commission review of merger of Marathon and Ashland Oil and its impact on Kentucky petroleum market. Request followed an investigation by General Conway and Gov. Beshear into the wholesale price of gasoline in Louisville.



## Consumer Protection

- ▲ Obtained relief of more than \$4.5 million in loans for 2,200 students of now-defunct Decker College.
- ▲ Settlement with Countrywide to restructure \$262 million in mortgage loans and obtained \$1.64 million in restitution for Kentucky victims.



## Medicaid Fraud & Abuse

- ▲ Tripled the number of elder abuse investigations.
- ▲ Recovered or was awarded more than \$63 million in state and federal dollars.

## Rate Intervention

- ▲ Saved Kentucky consumers more than \$91 million in proposed utility rate increases.

## Other Accomplishments

- ▲ General Conway launched Kentucky's first Badges for Baseball program to benefit at-risk youth.
- ▲ Applied for and received a grant to provide funding to complete implementation of the statewide Electronic Warrant Management (eWarrants) system. This was one of seven stimulus grants General Conway applied for to benefit law enforcement initiatives and Kentucky's Unified Prosecutorial System.
- ▲ General Conway's Office of Victim Advocacy provided seven grants totaling \$200,000 in 2008 to victim advocates across Kentucky.



*Justice Cabinet Secretary J. Michael Brown with Attorney General Conway*



*Attorney General Conway discusses cybersafety with children at Frankfort's Collins Lane Elementary School*



*Attorney General Conway speaks to Hopkins County residents and officials after January 2009 ice storm*

# Senior-Level Staff

Attorney General Jack Conway has assembled a distinguished list of senior-level staff. All are well-respected in their fields and committed to serving the people of Kentucky.

## **Dana Bynum Mayton, Deputy Attorney General**

General Conway's first appointment was to name Dana Bynum Mayton to serve as Deputy Attorney General, the top appointed position in his office. Mayton oversees the day-to-day operations of the Office of the Attorney General, and advises General Conway on matters of policy, legislation and the budget. Mayton previously served as Associate Vice-President for Governmental Relations and Special Assistant to the President at the University of Louisville. Prior to joining U of L, Mayton was the Secretary of the Revenue Cabinet. A native of Arkansas, Mayton is a graduate of Arkansas State University and the University of Arkansas at Little Rock School of Law.



*Attorney General Conway with Deputy Attorney General Dana Mayton*

## **Janet M. Graham, Assistant Deputy Attorney General, Executive Director Office of Prosecutors Advisory Council**

Janet Graham has served as Assistant Deputy Attorney General and or Executive Director of the Office of Prosecutors Advisory Council since 2002. She has been an employee of the Office of the Attorney General (OAG) since 1996 and has previously served as an Assistant Attorney General and Special Attorney. Graham currently oversees numerous divisions within the office including Criminal Appeals, Special Prosecutions, Victims Advocacy and the Department of Criminal Investigations and serves as a liaison to the state's 177 elected prosecutors. Graham is a native of Bowling Green and a graduate of the University of Kentucky College of Law.

## **Tad Thomas, Assistant Deputy Attorney General, Acting Director of Civil & Environmental Law**

Tad Thomas serves as Assistant Deputy Attorney General and Acting Executive Director of the OAG's Office of Civil and Environmental Law- overseeing the operations of four divisions within the OAG. These divisions include Consumer Protection, Rate Intervention, Civil and Environmental Law and Medicaid Fraud and consist of more than 110 attorneys, staff and investigators. Thomas also handles major litigation on behalf of the Attorney General appearing in trial courts across the Commonwealth, the Kentucky Court of Appeals and the Kentucky Supreme Court. Thomas is a former private attorney who focused primarily on civil litigation. He is a cum laude graduate of Northern Kentucky University's Salmon P. Chase College of Law.

## **Allison Gardner Martin, Communications Director**

Allison Gardner Martin oversees General Conway's Communications Office. She previously served as Deputy Communications Director for Louisville Metro Mayor Jerry Abramson. Prior to her position in the Abramson administration, Martin, a native of Barren County, worked as a television reporter and anchor for WBKO-TV in Bowling Green and WLKY-TV in Louisville. She received her journalism degree from Northwestern University in Evanston, IL.

# Office of Consumer Protection

The Office of Consumer Protection enforces the Kentucky Consumer Protection Act to safeguard the state's consumers and combat unethical business practices. The office counsels consumers regarding inquiries and complaints, issues consumer alerts and delivers consumer education presentations across the Commonwealth on issues such as Cybersafety, preventing identity theft and how seniors can avoid becoming victims of scams.

During this biennium, the Consumer Protection Division handled more than 52,000 consumer complaints and inquiries on everything from possible price-gouging at the pumps to scams that target Kentucky consumers. Attorney General Conway is pleased to report that his Consumer Protection Division recovered more than \$13.3 million for the state's consumers and taxpayers through dispute resolution services and litigation.

## Cybersafety Legislation Among Top Consumer Protection Initiatives

The 2009 General Assembly passed HB 315 (Cybercrimes legislation), drafted by Attorney General Conway and sponsored by State Representative Johnny Bell (D-Glasgow). The comprehensive cybercrimes legislation garnered bipartisan support and sought to modernize several statutes in Kentucky's penal code related to crimes that occur online. At the heart of General Conway's Cybercrimes legislation were the concerns of both law enforcement and Kentucky parents, like Mark Neblett, whose daughter, Rachel, committed suicide after being stalked and harassed on the Internet.



Gov. Beshear signs HB315 into law

### General Conway's cybercrimes legislation:

- ▲ Prohibits sex offenders from logging onto social-networking sites that can be accessed by children under the age of 18.
- ▲ Requires sex offenders to update their email addresses and online identifiers with the Kentucky Sex Offender Registry.
- ▲ Amends Kentucky's stalking statute to include the crime of cyberstalking.
- ▲ Allows police to seize personal property, such as a car or computer, which was used in the commission of sexual offenses against children.
- ▲ Grants administrative subpoena power to the Office of the Attorney General when investigating online crimes involving the sexual exploitation of children.

### Social-networking site investigations

Working with other state attorneys general, agreements were reached with social-networking giants MySpace and Facebook to improve safety features on the sites to protect minors from predators, inappropriate content, harassment and abuse. MySpace has removed more than 90,000 sex offenders from its site since May of 2007. Both sites now have parent safety tools and emergency contact information on their websites.



## Multiple Gas Price Investigations

Protecting Kentucky consumers at the gas pumps has been a top priority of General Conway's Consumer Protection office. In July 2008, he and Gov. Beshear launched an investigation into the gasoline prices in the Commonwealth's largest city after receiving complaints that gas prices were 20 to 30 cents higher per gallon in the Louisville area.

The initial data from the investigation showed that Louisville retailers are paying about 10 cents more per gallon for wholesale gas, when compared to prices reported in other parts of the state and region. General Conway formally requested that the Federal Trade Commission (FTC) review the 1997 merger of Marathon and Ashland Oil and its impact on the entire Kentucky petroleum market. General Conway has turned over evidence requested by the FTC and he has expressed his concerns directly to FTC Chairman Jon Leibowitz.



## Protecting Consumers Against Price-Gouging

General Conway launched a price-gouging investigation following Hurricane Ike and the subsequent wind storm that swept across Kentucky. OAG investigators followed up on more than 2,000 emails and calls from across the Commonwealth on possible price-gouging complaints related to the storm. The price-gouging investigation resulted in recoveries of more than \$100,000 against eight retail stations in seven different Kentucky communities.

The Office of the Attorney General continues to pursue an \$89 million lawsuit against Marathon and Speedway SuperAmerica for alleged price-gouging in the wake of Hurricanes Katrina and Rita. No trial date has been set.



*Attorney General Conway, Gov. Beshear, Congressman John Yarmuth, and Louisville Mayor Jerry Abramson at a press conference on wholesale gas prices in Kentucky*

## Keeping Kentuckians Informed

The Consumer Protection Office conducts extensive education programs across Kentucky designed to help consumers protect themselves in the marketplace and avoid falling victim to con artists. More than 32,000 Kentuckians have benefited from these programs, which include the Senior Crime Colleges, designed to help seniors protect themselves against scams, Cybersafety programs and identity theft prevention.

General Conway and his Office of Consumer Protection presented more than 100 cybersafety programs, reaching 24,000 people in Kentucky. He also forged a partnership with the Kentucky Department of Education and non-profit organizations like ConnectKentucky, to expand cybersafety initiatives across the Commonwealth.

In October 2008, the Office partnered with the Kentucky Department of Education and non-profit Kentucky Child Now to host a daylong Internet Safety Conference in Lexington. More than 250 education, technology and law enforcement professionals attended the conference which included keynote presentations by National Center for Missing and Exploited Children Director, and Kentucky native, Ernie Allen.

## Charitable Solicitations Enforcement

The Office of the Attorney General was among the lead participants in Operation False Charity Sweep, a nationwide effort led by the Federal Trade Commission (FTC) to crack down on fraudulent charitable solicitors claiming to help police, firefighters and veterans. A settlement reached between the United States Deputy Sheriff's Association and its paid solicitor in Kentucky, Courtesy Call Inc., over allegedly deceptive fundraising practices resulted in the purchase \$71,500 in much-needed equipment for Kentucky sheriffs and their deputies.

General Conway's Office of Consumer Protection also obtained a settlement with the American Veterans Coalition, resulting in restitution for Kentuckians who had donated to the sham charity. The charity was also banned from soliciting in Kentucky for a period of 10 years.

Additionally, the Attorney General unveiled an upgraded website to allow consumers to see what percentage of their charitable donation actually goes toward the charity in comparison to how much is paid to professional solicitors and for other fundraising expenses.

### Preventing Identity Theft

In late 2007, the Office of the Attorney General launched an investigation into compliance with a new state law requiring businesses to shred or destroy records when disposing of records containing customers' personal information. The probe resulted in assurance of voluntary compliance (AVC) documents being entered into with 10 businesses in Louisville, Lexington, Frankfort and Florence that improperly discarded sensitive information, such as Social Security numbers and bank account or credit card numbers. The violations were discovered by investigators reviewing the businesses' garbage placed in publicly accessible dumpsters. A press conference was held to highlight the new law and the importance of proper disposal and enforcement.

Follow up investigations were conducted in 2009 and found the businesses to be in substantial compliance with the new law and settlement agreements.

General Conway has also partnered with the Better Business Bureau and the City of Louisville in sponsoring free, community shredding events to allow consumers to properly dispose of documents containing personal information. More than 60,000 pounds of documents were shredded and recycled at free shredding events in Louisville and Lexington in 2008.



## Other Biennial Accomplishments

**Decker College** — The Office of the Attorney General obtained loan forgiveness of more than \$4.5 million to approximately 2,200 former students of the now defunct trade school.

**Countrywide Mortgage Company** — The division obtained a settlement providing for the restructuring of more than \$262 million in mortgage loans to Kentucky borrowers and obtained more than \$1.64 million in restitution for Kentucky victims.

**Bextra** — Multistate settlement with Pfizer resulted in recovery of \$850,000 and injunctive relief relating to off-label marketing of Bextra. Settlement also required full disclosure of research results, drug safety and effectiveness.

**Mattel** — Obtained settlement of \$475,000 and injunctions against a leading toy manufacturer for its failure to prevent the sale of toys containing excessive lead levels.

# Office of Civil & Environmental Law

The Office of Civil & Environmental Law oversees a number of branches, including Administrative Hearings, Uninsured Employers' Fund, Opinions, Boards & Agencies, Environmental and Litigation. These branches have a wide scope of duties from enforcement of the Tobacco Master Settlement Agreement (MSA) to providing general counsel services to state boards.

## Litigation Branch, Boards & Agencies

The Office of the Attorney General's Litigation Branch provides legal representation to state agencies, boards, officers and employees in administrative hearings, trial courts and appellate courts, at both the state and federal level. The branch frequently represents state agencies in the Personnel Board, the Board of Claims and in administrative appeals of agency actions. It also provides representation to state officers and employees who are sued for work-related conduct in either their official or individual capacities for civil damages or declaratory or injunctive relief. The branch also files civil suits on behalf of state agencies seeking monetary or equitable relief against private parties.

During the time period of July 1, 2007, through June 30, 2009, the litigation branch received 777 new cases from 12 agencies. The total number of active civil litigation cases at the end of the biennium was 1,112.

In addition to providing representation to state agencies, officers and employees, the Attorney General, at his discretion, intervenes in civil actions when challenges to the constitutionality of statutes and regulations are raised by parties who are required to notify the Attorney General when they raise such challenges. The office also initiates ouster actions against state and municipal officers who are not eligible to serve in the offices they hold.

The Boards and Agencies Branch currently represents 43 independent licensure boards and provides general counsel services, as well as prosecution of administrative actions, before the boards.



## Environmental Branch

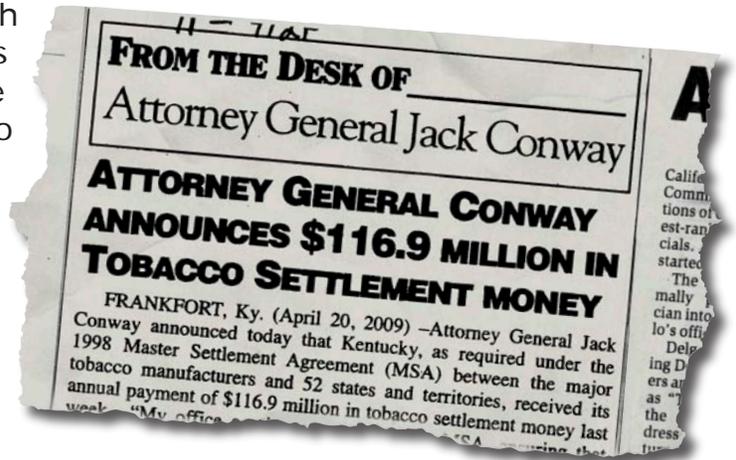
The Attorney General has authority under KRS Chapters 15 & 224 to prosecute environmental crimes and carry out civil enforcement of air and water quality statutes. This branch represents the Attorney General on the Environmental Crimes Workgroup, which consists of other state agencies, the U.S. Environmental Protection Agency (EPA), and the U.S. Attorney's Office to review, discuss and make recommendations concerning environmentally related cases. The branch also serves as the Department of Fish & Wildlife representative on the Association of Fish and Wildlife Agencies national and regional Legal and Endangered Species Committees.



## Enforcing the Tobacco Master Settlement Agreement

The Master Settlement Agreement (MSA) passed the 10-year mark in November 2008. This historic agreement between 52 states and territories and the major cigarette companies has resulted in payments of more than \$1 billion to the Commonwealth since 1999. In addition to the payments, the MSA has also helped to reduce underage smoking through marketing restrictions and creation of the American Legacy Foundation, an organization dedicated to developing programs that address the health effects of tobacco use, especially among youth.

Kentucky's participation in the MSA, which results in more than \$105 million in payments by the participating tobacco companies to the Commonwealth each year, has required the OAG to devote substantial resources and effort. Not only must the MSA itself be continually monitored and enforced, in terms of both payments and injunctive relief, but the Non-Participating Manufacturer (NPM) escrow statute, which was passed in 2000 and added to in 2003, 2004 and 2009, must be diligently enforced. This prevents Kentucky from losing a percentage of its MSA payments each year under the NPM adjustment.



The OAG has the responsibility of defending actions brought to challenge the MSA in both state and federal courts throughout the country. This complex litigation has included claims that the MSA violates the Kentucky and United States constitutions and various antitrust statutes. The OAG works closely with other states and the National Association of Attorneys General on these cases, as well as on enforcement of the MSA terms.

Under Phase I of the MSA, Kentucky has received more than \$1.1 billion since the initial payment in December 1999. These payments are scheduled to continue annually in perpetuity and it is believed that, for the near future, more than \$105 million each year will be paid to the Commonwealth. Furthermore, in civil actions against non-participating companies, the OAG has obtained \$1.4 million in fines and costs for violations of the escrow statute.



# Medicaid Fraud & Abuse Control

The Office of Medicaid Fraud and Abuse Control investigates and prosecutes fraud perpetrated on Kentucky's Medicaid Program by Medicaid providers. The office also investigates, prosecutes, and refers for prosecution allegations of abuse, neglect, or exploitation of vulnerable citizens in Medicaid-funded facilities.

Attorney General Conway is pleased to report that his Medicaid Fraud Division has tripled the number of elder abuse investigations and increased six-fold the amount of Medicaid Fraud recovery for Kentucky taxpayers. During this biennium, his Medicaid Fraud Division recovered or was awarded more than \$63 million in state and federal dollars.

## Investigating Drug Companies that Defraud Medicaid & Consumers

The Attorney General's Medicaid Fraud Unit has recovered tens of millions of dollars for the Medicaid Program and for Kentucky consumers. The office has filed suit against 47 of the nation's biggest pharmaceutical manufacturers, alleging they defrauded the Medicaid Program and consumers by publishing inflated Average Wholesale Prices (AWPs), which did not bear any relationship to the drug prices the companies actually charged customers.

- ▲ Collected more than \$25 million dollars from AWP lawsuits in restitution and additional recoveries for Kentucky's Medicaid Program.
- ▲ Tried and won a jury verdict against for \$16 million dollars against Sandoz Pharmaceutical Company.
- ▲ Investigated and successfully prosecuted two Letcher County therapists who defrauded the Medicaid-funded First Steps Program and bribed witnesses in relation to that case.
- ▲ Investigated and successfully prosecuted the owner and operator of several rural health clinics who defrauded the Medicaid Program by billing for office visits that never occurred.
- ▲ Investigated and successfully prosecuted a former Glasgow counselor who defrauded the Medicaid Program by failing to disclose that he was a convicted felon.



## Fighting Neglect & Abuse

The office has embarked on a public awareness campaign to educate and train members of the public and local law enforcement agencies in detecting, reporting, and investigating abuse and neglect of vulnerable adults. The effort has sent a clear message across the Commonwealth that abusive behavior against senior citizens, or any patient at a Kentucky nursing home, will not be tolerated.

The office also operated the elder abuse tip line, which citizens can call at **877-ABUSE-TIP (877-228-7384)**.



- ▲ Medicaid Fraud investigated and prosecuted two Carter County men in connection with the death of a physically handicapped man at a Carter County care home. The case resulted in guilty pleas, convictions and prison sentences for both men.
- ▲ The ongoing probe into allegations of abuse at a Richmond nursing home resulted in two indictments and a guilty plea from a former nurse's aide on a charge of reckless abuse of an adult.

### Biennial Accomplishments

- ▲ 59 indictments/charges
- ▲ 25 convictions
- ▲ 14 total settlements
- ▲ Recovered or awarded a total of \$63,796,525.13 in state and federal dollars



# Office of Rate Intervention

The Office of Rate Intervention (ORI) serves as a watchdog for consumers in matters relating to health insurance, natural gas, water, sewer, electric and telephone rates. The majority of the unit's activity is through participation in filings before the Public Service Commission (PSC).

Since January 2008, ORI has saved consumers more than \$91 million in proposed utility rate increases. This does not include a myriad of customer complaints where ORI was able to help citizens on miscellaneous issues including, but not limited to, propane matters. The office is also involved in the price-gouging lawsuit filed by the Office of the Attorney General against Marathon Petroleum, Marathon Oil, and Speedway SuperAmerica in the wake of Hurricanes Katrina and Rita.

Additionally, since 1996, ORI has been very involved with cases relating to health insurance rates before the Kentucky Department of Insurance.



## Proposed LG&E and KU Rate Increases

On July 29, 2008, LG&E, an E.ON US company, filed an application with the PSC requesting an increase in electric rates by \$15.1 million and gas by \$29.8 million. KU filed notice at the same time and requested an increase of \$22.9 million. Both cases were ultimately settled, with LG&E agreeing to a decrease in electric rates by approximately \$13.2 million and an increase in its gas rates of \$22 million.

KU, also an E.ON company, likewise settled its electric case and agreed to a decrease by \$8.9 million. On a combined basis for both the sister companies, ORI saved the consumers approximately \$67.2 million.



## ORI Scrutinizes Plans To Address Central Ky. Water Supply Deficit

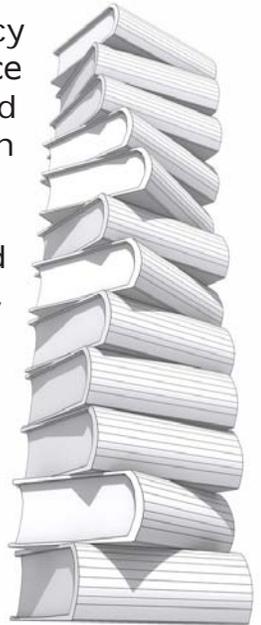
In March of 2007, Kentucky-American Water Company filed a detailed petition with the PSC requesting authorization to build a pipeline and associated treatment facilities from Pool 3 on the Kentucky River in order to address its water supply deficit. ORI, having been involved with the issue since the early 1990's, intervened in the matter.

After closely scrutinizing the case and attending three public comment hearings and two evidentiary hearings, ORI ultimately supported the company's request, but was disappointed Kentucky-American did not agree to price cap provisions to protect Kentucky consumers.

## Open Records and Open Meetings Dispute Resolution

Attorney General Conway has promoted both public awareness and public agency compliance of the Kentucky Open Records and Open Meetings Acts. His office has participated in continuing education programs, revised and distributed publications dealing with these topics and maintained a website on which open records and open meetings decisions are posted and regularly accessed.

As a result of the amendment of the Open Meetings Law to permit emailed notification of special meetings to public agency members and the media, the Attorney General discharged his duties under KRS 15.257 by distributing written information on open records and open meetings to all county judge executives, mayors, county attorneys, city attorneys, superintendents of public school districts, school district attorneys, presidents of public universities, and university counsel. The Attorney General distributed the referenced materials to more than 1,000 public offices and instructed the officials on their statutory obligation to ensure further distribution to elected and appointed officials within their jurisdictions and to obtain signatory proof of distribution and receipt.



### Attorney General Conway Announces Distribution Of Updated Open Records And Meetings Material To Local Officials

Attorney General Conway announced the distribution of updated open records and meetings material to local officials when either the open records or meetings law is amended. The Attorney General also distributed the agency indicating a copy of the material to several thousand state and local officials and

## Biennial Accomplishments

The Attorney General issued 506 open records and open meetings decisions in this biennium and facilitated the resolution of an additional 159 disputes. Noteworthy decisions issued by the Attorney General under the provisions of KRS 61.880 included decisions:

- ▲ Declaring a closed session discussion of a school superintendent's performance evaluation a violation of the Open Meetings Act.
- ▲ Requiring a public agency to disclose the "work detail" supporting its contract attorney's billing records.
- ▲ Requiring a public agency to disclose the identity of an anonymous donor of \$100,000 to the agency.

In each of these decisions, Attorney General Conway demonstrated his commitment to open government by upholding the intent of Kentucky's Open Records Act (KRS 61.870-61.884).

# Administrative Hearings Branch

## Areas of Responsibility

per KRS 15.111:

1. To maintain a pool of hearing officers, with the necessary support staff, for conducting administrative hearings for government boards and agencies.
2. To provide training in administrative hearing procedures for hearing officers, either by developing and offering the training; by contracting with appropriate organizations for the provision of training; or by approving training that has been developed and submitted by the agencies.

The Office of the Attorney General has provided hearing officer services to various boards and agencies of the Commonwealth since the 1980s. This work was expanded and centralized with the creation of the Division of Administrative Hearings by the General Assembly in 1994. The action coincided with the legislature's enactment of the Administrative Hearings Act, KRS Chapter 13B, which took effect in July 1996. The Office of the Attorney General is charged with implementing KRS Chapter 13B.

When Attorney General Conway reorganized and streamlined operations in his office, the Division of Administrative Hearings became a branch of General Conway's civil division.

The branch currently provides hearing officer services for more than 60 government agencies and boards. These services include conducting prehearing conferences, ruling on motions, conducting hearings and writing findings of fact, conclusions of law, and recommended or final orders.

The Administrative Hearings Branch also provides mediation services to government boards and agencies, recognizing that some cases can be more effectively resolved through mediation. The branch's mediators are hearing officers who have received specialized training in mediation.

Each year, the branch conducts an annual hearing officer and administrative law training seminar. The 2008 seminar drew 153 participants and the 2009 seminar drew 140 participants. For the biennium of 2007-2009, the branch had a total of 293 participants. The annual branch seminar is recognized as one of the best seminars on administrative law and hearing officer training.



The branch, which consists of two hearing officers, an administrative specialist and legal secretary, also approves agency training programs for hearing officer training. Hearing officer and mediator services are provided to government boards and agencies upon request.

Government boards or agencies interested in obtaining Administrative Branch services can contact Peggy Riddle, the branch's docket clerk, at 502-696-5436. If you are a private citizen and believe that you are entitled to an administrative hearing, you should contact the government agency or board involved — only that government agency or board can respond to your request for a hearing.

## Biennial Accomplishments

From July 1, 2007 through June 30, 2009:

**Agency Hearing Requests ..... 853      Mediation Requests..... 46**

# Uninsured Employers Fund

A division of the Office of Civil & Environmental Law, the Uninsured Employers Fund (UEF) investigates, reviews and litigates on a statewide basis those Kentucky workers' compensation cases in which the employer has failed to obtain required insurance coverage. When the UEF determines the injured worker is eligible for workers' compensation benefits, it makes every effort to locate insurance coverage with a related employer ("up the ladder" liability). If there is no other coverage, the UEF takes the place of an insurance company and oversees the distribution of income and medical benefits to the injured worker.

In cases where the Uninsured Employers Fund pays out benefits to an injured worker, it makes every effort to recoup those funds from the responsible party. Not every injured worker is entitled to workers' compensation benefits. The Uninsured Employers Fund vigorously defends against those claims, as well as the claims of workers seeking more benefits than those to which they are entitled.

## Biennial Accomplishments

### Fiscal Year 2008

Opened .....	210
Closed .....	174
Active (in litigation) .....	202

In Fiscal Year 2008, UEF paid out \$1,264,946.71 in income benefits and \$2,365,991.38 in medical benefits to injured workers in Kentucky. In total, UEF paid out \$3,630,938.09 in Fiscal Year 2008. UEF was able to recoup \$387,881.40 of that total.

### Fiscal Year 2009

Opened .....	149
Closed .....	130
Active (in litigation) .....	229

In Fiscal Year 2009, UEF paid out \$1,236,361.10 in income benefits and \$2,143,893.79 in medical benefits to injured workers in Kentucky. The total UEF distribution for Fiscal Year 2009 was \$3,380,254.89.

\$167,318.52 was recouped by UEF.

# Department of Criminal Investigations



The Department of Criminal Investigations (DCI), formerly the Kentucky Bureau of Investigations (KBI), is the investigative arm of the Office of the Attorney General. In June 2008 facing unprecedented budget cuts, Attorney General Conway streamlined priority operations in his office to better address today's many modern law enforcement challenges. In this effort, General Conway created the DCI, following through on a commitment he made to Kentuckians to create a Cybercrimes Unit and dedicate more resources to combating the scourge of prescription drug abuse in Kentucky.

The DCI provides expert criminal investigative services in the areas of Cybercrimes, Drug Investigations and Public Integrity/Special Investigations. DCI investigators are sworn law-enforcement officers and are certified by Kentucky Peace Officer Professional Standards. Currently, the Office of the Attorney General has 33 sworn investigators.

The DCI has also handled 2,719 constituent calls received via phone, U.S. mail or email.



*DCI Investigator Bill Baker conducts cybercrimes training for other investigators and agencies*

## Cybercrimes Unit

The concerns of parents and police in every corner of the Commonwealth helped shape Attorney General Conway's agenda and fueled the creation of a branch of the DCI devoted solely to investigating crimes that occur online, particularly Internet predators who target Kentucky kids. Created in June 2008, the Cybercrimes Unit is now a member of the Internet Crimes Against Children Task Force, making it eligible for federal funding and allowing it to coordinate investigations with other state and federal agencies.

Responding to concerns from police, General Conway opened a digital forensics lab in his office to assist law enforcement agencies in processing the backlog of digital evidence. Eighty-percent of crimes today involve some type of digital evidence, like cell phones and cameras. The Office of the Attorney General was one of only nine agencies in the country selected by Microsoft to host cybersafety training. The office has trained 400 law enforcement officers and prosecutors on the latest techniques in fighting cybercrimes and data collection.

The Cybercrimes Unit has also worked with the National Center for Missing and Exploited Children (NCMEC) to match the 34,315 contraband images and videos that the OAG has seized with known victims identified by NCMEC.

### Cybercrimes accomplishments since its creation in June 2008

Child porn images seized ....	30,890
Child porn videos seized .....	3,425
Cases opened .....	80
Cases closed .....	62
Search warrants executed.....	35
Arrests.....	9
Forensic examinations completed...	61 on 148 hard drives
Requests for assistance .....	31 (including FBI and Immigration & Customs Enforcement)

## Cases of Interest

**Sungook Kim** — Successfully identified, investigated and convicted in federal court a student at the University of the Cumberlands for computer intrusion, extortion, identity theft and possession of child pornography.

**Joshua Slone** — Successfully identified, investigated and prosecuted in federal court, this defendant was charged with the possession and distribution of child pornography via peer-to-peer file sharing. This case was one of the first high-volume child pornography possession cases investigated by the Cybercrimes Unit.

DCI is also responsible for investigating crimes as defined under Kentucky's new cybercrimes law drafted by General Conway. Please see an outline of the legislation in our report under the Consumer Protection Division.



## Drug Investigations Branch

### Drug Investigations Branch Biennial Accomplishments

Investigations opened ..... 277

Investigations closed ..... 239

Indictments ..... 47 on 233 counts

Arrests ..... 100 on 219 counts

Participated in drug round-ups ... 12

Prescription drugs seized ..... 9,810 pills (street value of \$20,250) since July 1, 2007

Drugs seized ..... Methadone, Oxycodone, Hydrocodone & Alprazolam (Xanax), Diazepam (Valium), Tramadol and Soma

Prescription drug diversion training ..... Trained 150 local law enforcement, prosecutors & healthcare professionals

The DCI Drug Investigations Branch is tasked with helping combat illegal drug abuse in Kentucky communities. A primary focus of this branch is on the illegal diversion of prescription drugs. This includes the illegal distribution, abuse, or unintended use of prescription drugs.

Even facing 20% budget cuts, General Conway devoted additional resources to fight prescription drug abuse in Eastern Kentucky, once considered the prescription pain-pill capital of the United States. Shortly after taking office, General Conway met with 5th District Congressman Hal Rogers (R-Somerset) to discuss drug diversion efforts and a possible partnership between the Office of the Attorney General and Rogers' Operation Unlawful Narcotics Investigations, Treatment and Education (UNITE), a drug diversion task force in Eastern Kentucky. Investigators from the Attorney General's office are now assigned to Operation UNITE and have also worked closely with the Appalachian High Intensity Drug Traffic Area (HIDTA) task force, U.S. Drug Enforcement Agency (DEA) and the Kentucky All Schedule Prescription Electronic Reporting (KASPER) system, administered by the Cabinet for Health and Family Services, to track controlled substance prescriptions dispensed within the state.

## Creation of Kentucky's First Statewide Drug Diversion Task Force

General Conway's comprehensive drug diversion plan also included creation of Kentucky's first statewide prescription drug abuse task force. The OAG Drug Diversion Task Force was formed in May 2009. The task force focuses on investigations into doctor shopping, drug trafficking, overprescribing physicians and illegal out-of-state pharmacies.

## Ryan Haight Online Pharmacy Act

In 2008, General Conway lobbied lawmakers and attorneys general to support the Ryan Haight Online Pharmacy Consumer Protection Act. Now law, the Ryan Haight Act makes it illegal to distribute prescription controlled substances over the Internet without a prescription provided by a doctor after an in-person evaluation. The federal law is similar to Kentucky's groundbreaking Internet Pharmacy Law passed in 2005.



## Public Integrity/Special Investigations Branch



The Public Integrity/Special Investigations Branch conducts investigations regarding allegations of corruption by state and local public officials. The duty of this branch is to ensure that leaders and government employees across the Commonwealth execute their duties in both an ethical and honest manner. The branch investigates numerous areas of corruption including executive, judicial, legislative, vendor contract, law enforcement and regulatory corruption. The branch is also instrumental in investigating allegations of voter fraud. When federal violations are identified, the unit works jointly with the appropriate agency and the U.S. Attorney's office in addressing those violations. The branch also conducts investigations for other state agencies as requested.

### Special Investigations Accomplishments

Investigations opened .....	137
Cases closed .....	156
Search warrants executed.....	30
Indictments obtained .....	27 (on 96 counts)

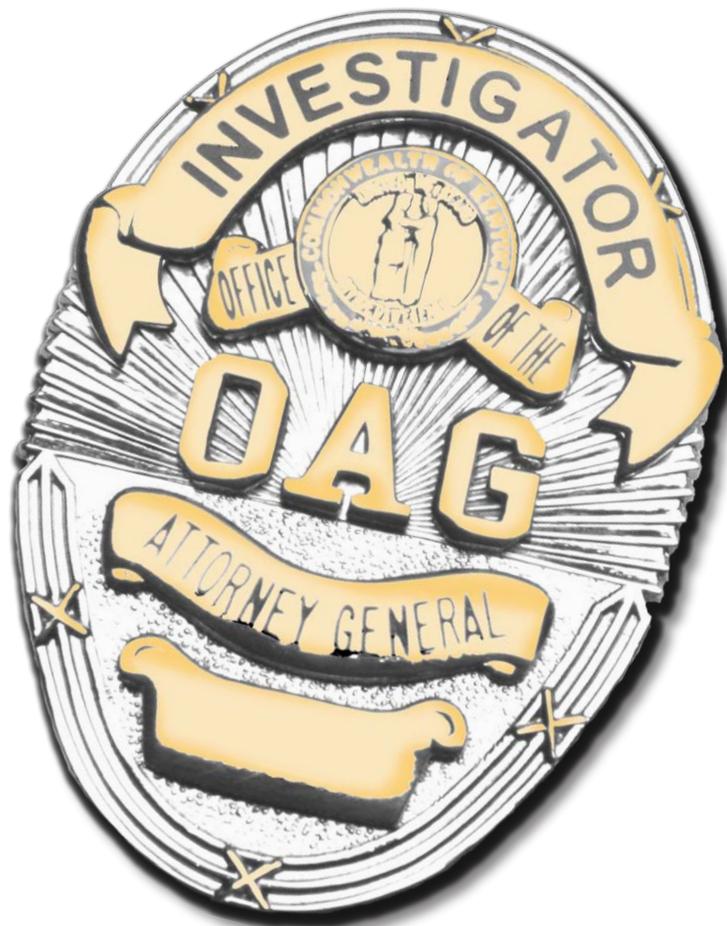
## Cases of Interest

**Currin Investigation** — In December of 2005, the Kentucky Bureau of Investigations, now DCI, assisted the Kentucky State Police in a joint effort of conducting criminal interviews in the ongoing murder investigation of 18-year-old Jessica Currin in Mayfield, Ky. in July of 2000. Currin's burned body was discovered behind the Mayfield Middle School in August 2000.

After nearly three years of investigations and conducting interviews, a key eyewitness was located. Information provided by this witness eventually lead to the indictments and convictions of six individuals, including Quincy Omar Cross, on murder, kidnapping, first degree sodomy, first degree rape, abuse of corpse and tampering with physical evidence. He is serving a sentence of life without parole. In addition to investigating the case, the OAG prosecuted the six defendants.

**Elliott County Clerk, Reeda Ison** — The Auditor of Public Accounts requested the assistance of the DCI regarding the audit examinations of the Elliott County Clerk from 2001 thru 2003. Information revealed that since Mrs. Ison had been the clerk, she has never published a quarterly report or annual report of her excess fees and had not paid her special district taxes.

In June of 2008, an indictment was returned against Ison for theft by failure to make required disposition. The Attorney General's Office of Special Prosecutions was assigned as special prosecutor and on May 8, 2009, Ison pled guilty to nine counts of abuse of public trust and 10 counts of theft by failure to make required disposition of property.



# Office of Special Prosecutions

The Office of Special Prosecutions (OSP) prosecutes criminal cases pursuant to KRS 15.190 to KRS 15.715. This includes assisting local prosecutors in complex or sensitive areas, handling cases in which the local prosecutor disqualifies himself, and prosecuting thefts affecting the treasury of the Commonwealth. The office also investigates and prosecutes election law violations, environmental crimes and ethics law violations as referred by the Executive Branch Ethics Commission.

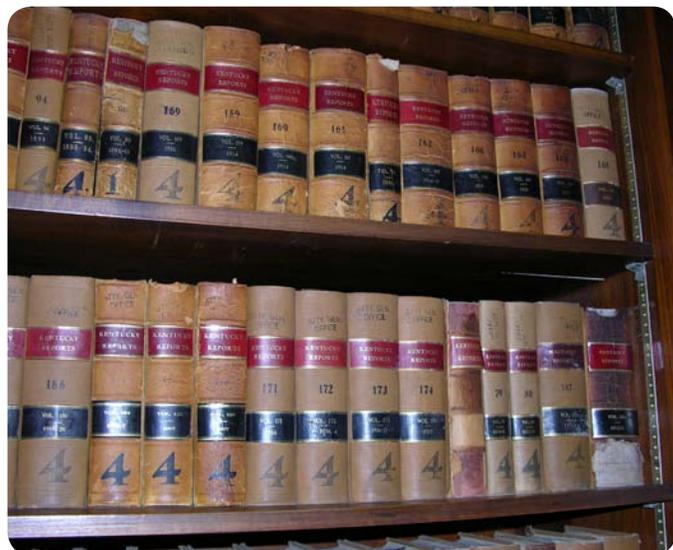
## OSP Biennial Accomplishments

- ▲ Four OSP prosecutors made 344 court appearances in various venues throughout Kentucky.
- ▲ Opened 87 new court cases.
- ▲ Closed 112 cases.
- ▲ OSP staff handled 898 general complaints and/or questions about the criminal justice and prosecutorial system statewide. Calls range from requests for assistance by local prosecutors, to complaints by members of the public.

## Combating Election Fraud and Public Corruption

Special Prosecutions also coordinates election monitoring with the Board of Elections, FBI and Kentucky State Police. From various sources, including the Attorney General's Election Fraud Hotline (800-328-VOTE), 547 complaints and other matters related to elections were handled during FY08 and FY09. Of these, 65%, or 354, related to the 2008 general election.

Since at least August 2008, the Office of Special Prosecutions has been part of a task force with the Kentucky Auditor of Public Accounts and other law enforcement agencies addressing financial public corruption by state and local officials.



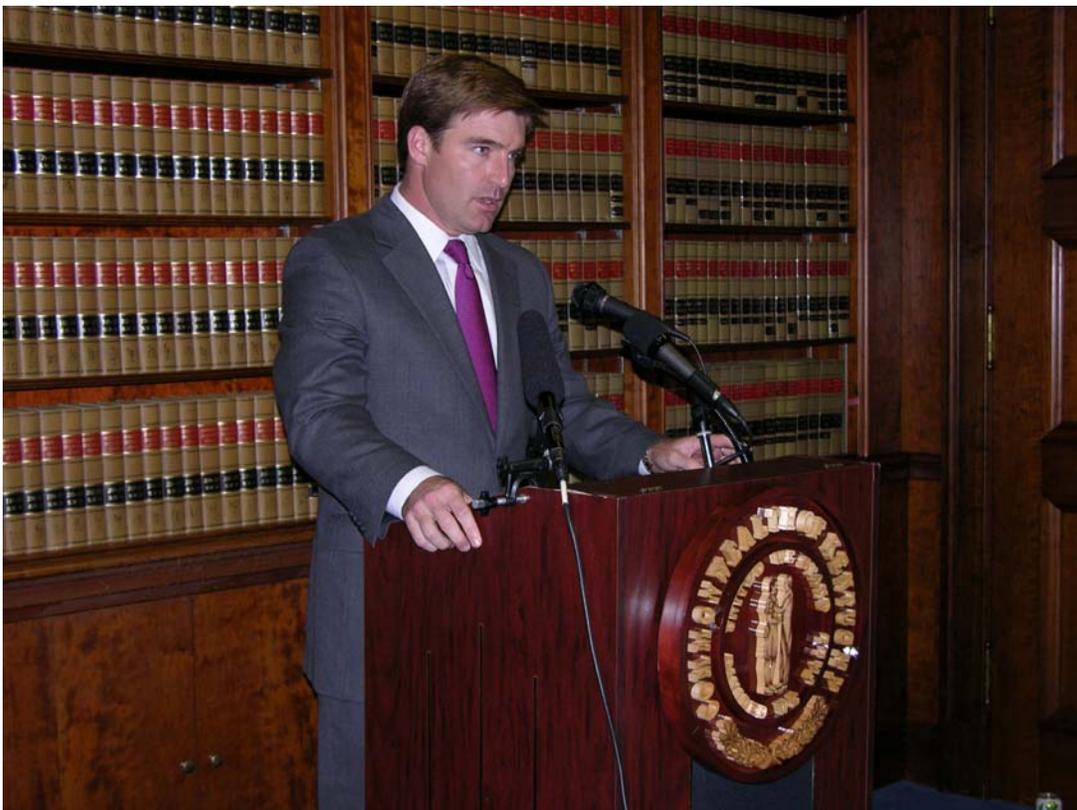
## Notable Cases

**Commonwealth v. Steven Megerle, et al (Kenton District Court)** — The defendant, a sitting Covington city commissioner, and two others were charged with election finance law violations for conspiring with a candidate to finance and distribute a mailer during the 2008 General Election advocating the defeat of another candidate who opposed the third co-defendant. The grand jury returned indictments against all three for conspiracy, and they entered guilty pleas in Kenton District Court on April 29, 2009. As part of their plea agreements, they all paid fines, had jail time conditionally discharged, and agreed to refrain from seeking public office.

**Commonwealth v. Kevin Cain (Logan Circuit Court)** — In April, 2009, Cain was sentenced to three years, suspended, on use of electronic device to procure a minor for sexual purposes and possession of material portraying a sexual performance by a minor. Cain was convicted in connection with his unlawful online sexual “chats” with a 13-year-old and was charged just prior to his attempt to meet with the victim in person. As a result of his conviction, Cain is denoted a sex offender subject to registration and other restrictions and barred from the use of the Internet.

**Commonwealth v. Larry Brent Childress (Bullitt Circuit Court)** — Childress, a former coach with the Bullitt County Board of Education, was sentenced to eight years in prison on rape 3rd degree and sex abuse 3d degree in connection with his repeated sexual contact in the late 90s with a 13-year-old student in the school system. The crime was uncovered after the victim, now an adult, decided to contact the Kentucky State Police.

**Commonwealth v. James and Jordan Tackett (Letcher Circuit Court)** — The defendants, grandfather James and grandson Jordan, were indicted for knowing abuse of an adult in connection with the beating of a mentally handicapped adult who was a resident of Golden Years Rest Home, a personal care home operated by James Tackett. The defendants pled guilty in May 2009 to reckless abuse of an adult. James Tackett was sentenced to 12 months in jail, probated on the condition that he resign from and have no contact of any kind with the personal care home or any subsequent owner. Jordan Tackett was sentenced to 12 months in jail, 30 days to serve, and the remainder probated on the condition that he have no further contact with the personal care home.



*Attorney General Conway at a press conference to discuss election fraud*

# Office of Victims Advocacy

The Office of Victims Advocacy (OVA) works to ensure justice and healing for Kentucky's crime victims and to implement strategies to reduce the number of crime victims in the future.

Pursuant to KRS 421.500, also known as the Crime Victims Bill of Rights of 1986, the Office of Victims Advocacy works to ensure that the Commonwealth's crime victims are treated with respect and dignity as their cases proceed through an often complicated criminal justice system. The OVA provides advocates to serve victims in cases that have been referred to the Office of the Attorney General for prosecution, administers the Appellate Notification Program and provides technical assistance to victim advocates and prosecutors across the Commonwealth.



The OVA also staffs the Crime Victim Information Line, a toll-free telephone line (**800-372-2551**) available to crime victims statewide.

## Biennial Accomplishments

In 2008, the Office of Victim Advocacy (OVA) served more than 1,755 victims. The OVA also provided seven grants totaling \$200,000 to victim advocates across Kentucky.

In 2009, the office received a two-year \$110,000 Children's Justice Act Grant, administered by the Department for Community Based Services in the Cabinet for Health and Family Services. The grant provides for six, two-day advanced training sessions for law enforcement, cabinet social workers and prosecutors on the interviewing, investigation and prosecution of child sexual abuse cases.

Child Interview Approaches Programs were held in Bowling Green and Lexington with remaining sessions to be held in Louisville, northern, eastern and far western Kentucky.

The OVA also provides staff and support to the Kentucky Multidisciplinary Commission on Child Sexual Abuse as well as the Child Sexual Abuse and Exploitation Prevention Board (CSAEP). General Conway serves as chairman of the CSAEP Board, which helps defray the costs of child sexual abuse medical exams.

Additionally, the Office of the Attorney General oversees the Child Victims' Trust Fund that funds child sexual abuse prevention programs in the state. Funding comes from the sale of the "I Care About Kids" special license plates and through donations on tax income tax returns.

## Free Training Provided to Kentucky's Victim Service Professionals

Each year, the Office of Victims Advocacy, in conjunction with the Grants Management Branch of the Justice Cabinet, provides free training and continuing education to victim service professionals during the "Victim Assistance Conference." The conference was attended by approximately 325-350 individuals each year in 2008 and 2009.



The OVA also honors victims of crime and their families by hosting the annual Kentucky Crime Victims' Rights Day Rally and Reception in the Capitol Rotunda. In 2008, Attorney General Conway, Mark Neblett, whose daughter was a victim of online cyberstalking and cyberbullying, and Christina Gooch, a survivor of the Heath High School Shooting in Paducah, were chosen as the featured speakers.



*Christina Gooch speaks at the 2008 Victims' Rights Day Rally*



*Attorney General Conway with Mark Neblett at the 2008 Victims' Rights Day Rally*

The guest speaker at the 2009 rally was domestic violence survivor, activist and author Margaret Muhammad, the ex-wife of John Muhammad (the D.C. Sniper). Attendance at the Crime Victims Rights Day rallies averages between 200-225 attendees each year.



*Margaret Muhammad speaks at the 2009 Victims' Rights Day Rally*

# Office of Criminal Appeals

The Office of Criminal Appeals fulfills the legislative mandate (KRS 15.020) that the Attorney General appear for the Commonwealth in all criminal appeals in which the Commonwealth has an interest in both state and federal courts. The office advises local prosecutors on legal and trial issues, assists in prosecutor training, assists in trials and post-conviction hearings at the request of the local prosecutor or the Special Prosecution Unit. Criminal Appeals also reviews the merits of appeals, requests certification by prosecutors and participates in amicus curia efforts by other states.



## Biennial Accomplishments

In 2008, the Office of Criminal Appeals received 1,248 new cases and wrote 819 briefs, which included 3,009 issues in all courts. Included were seven separate briefs with 29 issues before the United States Supreme Court. Attorneys for the office appeared in 68 oral arguments in cases involving 251 issues before both the Kentucky Supreme Court and the Kentucky Court of Appeals.

The office also responded to 332 requests for assistance from prosecutors in both trial work and post-conviction matters. Criminal Appeals made presentations and provided training at both the Kentucky Prosecutors Conference and Kentucky Prosecutors Institute.

During 2008, the Kentucky Court of Appeals and Kentucky Supreme Court issued 877 opinions in cases handled by this office. In 675 of those opinions, the Commonwealth prevailed. In 202 opinions, the opposing side prevailed- giving the Commonwealth of Kentucky a 77% success rate.

### Case Highlights

- ▲ Prepared for oral argument in the U.S. Supreme Court in **Padilla v. Kentucky** which will decide, on the national level, whether mis-advice about immigration consequences constitutes ineffective assistance of counsel.
- ▲ **Baze v. Rees** — U.S. Supreme Court held lethal injection is not cruel and unusual punishment.
- ▲ **Wilson v. Parker** — Inmate's capital sentence upheld by Sixth Circuit.
- ▲ **Commonwealth v. Carneal** — denial of inmate's ineffective assistance of counsel as time-barred.
- ▲ **Parrish v. Commonwealth** — upholding denial of death row inmate's post-conviction claim.
- ▲ **Marco Chapman** — case was closed after Chapman waived further appellate review and his execution was carried out.

# 2006 2007 2008

BRIEFS:	FILED	ISSUES	BRIEFS:	FILED	ISSUES	BRIEFS:	FILED	ISSUES
State Circuit Court	29	85	State Circuit Court	32	78	State Circuit Court	62	81
Kentucky Court of Appeals	314	956	Kentucky Court of Appeals	205	631	Kentucky Court of Appeals	281	900
KYCA post-conviction collateral attacks (i.e. RCr 11.42)	171	569	KYCA post-conviction collateral attacks (i.e. RCr 11.42)	139	434	KYCA post-conviction collateral attacks (i.e. RCr 11.42)	205	776
Kentucky Supreme Court	173	789	Kentucky Supreme Court	137	764	Kentucky Supreme Court	165	1018
U.S. District Court	44	143	U.S. District Court	48	94	U.S. District Court	86	168
U.S. Court of Appeals, 6Cir.	16	55	U.S. Court of Appeals, 6Cir.	16	42	U.S. Court of Appeals, 6Cir.	13	37
U.S. Supreme Court	9	20	U.S. Supreme Court	8	17	U.S. Supreme Court	7	29
<b>TOTAL:</b>	<b>822</b>	<b>2,862</b>	<b>TOTAL:</b>	<b>585</b>	<b>2060</b>	<b>TOTAL:</b>	<b>819</b>	<b>3009</b>
<b>**ORAL ARGUMENTS</b>	<b>35</b>	<b>117</b>	<b>**ORAL ARGUMENTS</b>	<b>69</b>	<b>171</b>	<b>**ORAL ARGUMENTS</b>	<b>68</b>	<b>251</b>
<b>**STATE COURT HEARINGS</b>	<b>51</b>		<b>**STATE COURT HEARINGS</b>	<b>14</b>		<b>**STATE COURT HEARINGS</b>	<b>69</b>	
<b>**PROSECUTOR CONTACTS</b>	<b>320</b>		<b>**PROSECUTOR CONTACTS</b>	<b>125</b>		<b>**PROSECUTOR CONTACTS</b>	<b>205</b>	
<b>**PROSECUTOR RESEARCH</b>	<b>197</b>		<b>**PROSECUTOR RESEARCH</b>	<b>77</b>		<b>**PROSECUTOR RESEARCH</b>	<b>127</b>	

<b>NEW CASES 2006</b>	<b>1,325</b>		<b>NEW CASES 2007</b>	<b>1,199</b>		<b>NEW CASES 2008</b>	<b>1,248</b>	
<b>BASED ON AVG. MANPOWER OF: 24 ATTORNEYS AND 9 SUPPORT STAFF</b>			<b>BASED ON AVG. MANPOWER OF: 25 ATTORNEYS AND 9 SUPPORT STAFF</b>			<b>BASED ON AVG. MANPOWER OF: 25 ATTORNEYS AND 7 SUPPORT STAFF</b>		

**\*\*NOTE:** Only denotes number of times in a year this action was performed. Does not in any way reflect the number of hours spent completing these actions.

# Prosecutors Advisory Council

The Prosecutors Advisory Council (PAC) administers the budget of the Unified Prosecutorial System and oversees the training of the Commonwealth's prosecutors. The nine-member council is appointed by the Governor and includes the Attorney General, three Commonwealth's Attorneys, three County Attorneys and two citizen members. Attorney General Conway serves as chairman of the council.

PAC presides over the financial administration of the Unified Prosecutorial System, which consists of 177 Commonwealth's and County Attorneys and their employees. The council also oversees the preparation of the Child Sexual Abuse Prosecution Manual and the Data Collection Report.

PAC and the Office of the Attorney General co-sponsor the annual Kentucky Prosecutors Conference, which is attended by nearly 700 prosecutors and law enforcement officials from across Kentucky. The council provides basic training courses for newly elected Commonwealths and County Attorneys and sponsors the Kentucky Prosecutors Institute, a week-long trial skills course for new prosecutors.

## Biennial Accomplishments

During this biennium, Kentucky's prosecutors faced the worst fiscal crisis in the history of the Unified Prosecutorial System. During fiscal year 2009, the Commonwealth's and County Attorneys were drastically underfunded, resulting in a crisis wherein many offices were forced to place their employees on unpaid furloughs for three full weeks.

Additionally, funds for expert witnesses in criminal cases and funding for victim and witness protection programs were jeopardized. In order to alleviate this crisis, in the short term, the General Assembly provided necessary funding to the prosecutors in the 2009 Extraordinary Session. Specifically, House Bill 4 was passed and signed by Governor Beshear. This legislation provided necessary funding to the state's prosecutors to avoid additional layoffs or furloughs during fiscal year 2010.

## Protecting public safety

PAC and the Office of the Attorney General remain focused on combating drunken driving and protecting the public safety through effective training of prosecutors in DUI and vehicular homicide cases.

During this biennium, the National Highway Traffic Safety Administration continued to fund a Traffic Safety Resource Prosecutor in the Office of the Attorney General. The grant is administered through the Governor's Highway Safety Program and has funded multiple regional trainings across the state.

The Traffic Safety Resource Prosecutor (TSRP) trains County and Commonwealth's Attorneys as well as law enforcement in the effective prosecution and handling of DUI and impaired driving cases.

The Attorney General's TSRP, Bob Stokes, conducted five "Protecting Lives, Saving Futures" regional training sessions this biennium, as well as one vehicular homicide session entitled "Lethal Weapon."



# Office of Administrative Services

The Office of Administrative Services deals with all of the fiscal, personnel and technology related functions of the Attorney General's Office. As Executive Director of OAS, Bonnie Howell oversees these functions, which include budgeting, accounting, grant administration and purchasing. Personnel-related functions include personnel administration, payroll administration, EEO, Title VI and ADA. Howell has worked for the Office of the Attorney General since 2004.

OAS also oversees the Attorney General's Information Technology Branch. This division is responsible for maintaining the OAG's computer network, personal computers and software development. The office is also responsible for records retention and records destruction guidelines for all offices.

## New & Improved Website

During this biennium, Attorney General Conway unveiled a new website that allowed his office to realize additional cost savings and enhance services to both the public and media. General Conway's weekly blogs, Kentucky General News monthly newsletter and audio and video clips from press conferences are all available at [www.ag.ky.gov](http://www.ag.ky.gov). The additional online resources allow General Conway to better communicate with constituents and media across Kentucky, while reducing printing and mailing costs.

General Conway is also utilizing modern social media websites, such as Facebook and Twitter, to alert the public and media to the latest news and information from his office.

Kentucky consumers who wish to file a complaint through the Office of the Attorney General can now do so online. Complaint forms are available on the Attorney General's website and can be submitted electronically.

Open Records and Open Meetings materials are now distributed via email to members of the media and elected county officials. Attorneys and members of the public can also research opinions from the Attorney General and other legal materials more easily with the help of a Legal Research Toolbox available on the OAG website.

Additionally, the Attorney General's Biennial Report will be available online rather than printed — a savings of more than \$2,000.

The screenshot displays the official website of the Kentucky Attorney General, Jack Conway. The header includes the name 'JACK CONWAY OFFICE OF THE ATTORNEY GENERAL' and navigation tabs for Home, Jack Conway, News, Multnomah, Civil, Criminal, Cybersecurity, Frequently Asked Questions, and Publications. A sidebar on the right lists various services: WINTER HEATING INFORMATION, CYBERSAFETY VIDEO, Kentucky General News (monthly newsletter), DCI Department of Criminal Investigations, NO CALLS, Identity Theft, STOP CARPIS, and Legal Research Toolbox (Open Records/Meetings, Kentucky Revised Statutes, Administrative Regulations). The main content area features a 'Recent News' section with a headline about a consumer protection alert, a 'What's new?' section with a tip for giving wisely, and a 'Consumer Protection Alert' section regarding toy safety. A 'Featured links' section lists several recent announcements, including an agreement with Vonage, a court ruling on price-gouging, a lawsuit against a telemarketer, and participation in a drug bust.

# Special Initiatives

After the American Recovery and Reinvestment Act (ARRA) was passed in February of 2009, Attorney General Jack Conway applied for a total of seven stimulus grants to benefit law enforcement initiatives, as well as Kentucky's Unified Prosecutorial System.

Four of the stimulus grant requests would directly benefit crime prevention and law enforcement initiatives, as well as crime victims' services. Attorney General Conway, who serves as Chairman of the Prosecutors Advisory Council (PAC), also requested three grants on behalf of PAC that would enhance prosecutorial support and help fund child sexual abuse and crime prevention programs in the Commonwealth.

The Office of the Attorney General has received approval for one of the seven grant requests.

## Stimulus Applications Submitted by the Office of the Attorney General

### Badges for Baseball

This grant application seeks funding to create a Badges for Baseball program in 12 communities across Kentucky. Badges for Baseball operates through the Cal Ripken, Sr. Foundation and is a crime-prevention program that pairs at-risk youth with law enforcement professionals who serve as coaches and mentors. General Conway led efforts to bring the Badges for Baseball program to Kentucky. He joined representatives from the Ripken Foundation, Louisville Metro Police, Louisville Slugger, Kentucky Alliance of Boys & Girls Clubs and Congressman John Yarmuth's office to launch the pilot program in Louisville in May 2009.



Jane Rodgers of the Cal Ripken, Sr. Foundation, Louisville Metro Police Chief Robert White, Attorney General Conway, Rick Redman of Louisville Slugger, and Carolyn Tandy of Congressman Yarmuth's office

General Conway applied for federal stimulus money to expand Badges for Baseball into other Kentucky communities including Bowling Green (Warren County), Covington (Kenton County), Hopkinsville (Christian County), Lexington (Fayette County), Maysville (Mason County), Owensboro (Daviess County), Paducah (McCracken County), Pikeville/Prestonsburg (Pike County/Floyd County), Ashland (Boyd County), Hazard (Perry County), and Harlan (Harlan County).

The grant application was submitted under the *ARRA - Local Youth Mentoring Initiative Competitive Grants* category.

### Enhanced Victim Service Program

The Office of the Attorney General applied for a grant that would benefit the Commonwealth's crime victims by enhancing the services available to them. The grant application requested funding for the employment of additional victim advocates and the installation of a case management system to provide better tracking and notification regarding criminal cases. This grant application was submitted under the *ARRA - Improving Resources and Services for Victims of Crime* category.

## Cybercrimes Unit

The Office of the Attorney General applied for a grant that would assist in combating cybercrime in Kentucky by providing additional resources to a special unit of the Department of Criminal Investigations devoted to investigating crimes that occur online. General Conway created his Cybercrimes Unit in June 2008 as part of his office reorganization. The Branch also provides assistance to law enforcement and prosecutors in the processing of digital evidence. With 80% of crimes today involving some type of digital evidence, it is crucial for law enforcement and prosecutors to have electronic devices or computers used to commit crimes examined and analyzed in a timely fashion. It is particularly crucial in Internet child exploitation cases.

The grant requested would provide funding for additional equipment, training and personnel for the Cybercrimes Unit. This grant application was submitted under the *ARRA – Enhancing Forensic and Crime Scene Investigations* category.



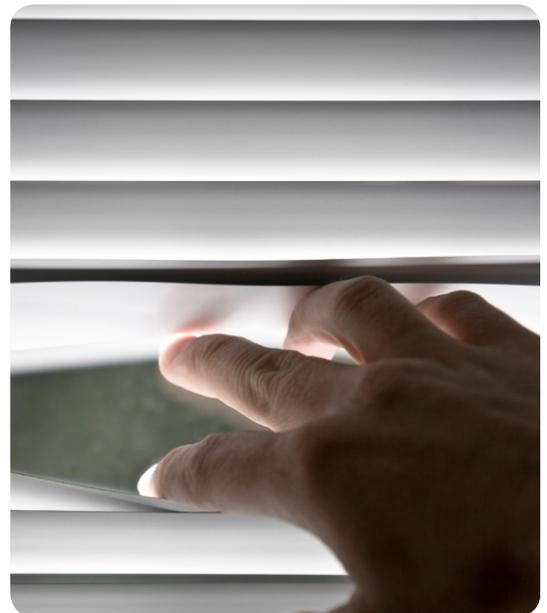
## eWarrants Program

Attorney General Conway applied for and received a grant that would provide funding to complete the implementation of the statewide Electronic Warrant Management (eWarrants) system. The program was initiated several years ago because of a backlog of nearly 300,000 un-served warrants in Kentucky. EWarrants has increased the service rates of warrants by nearly six-fold in less than a year. However, without statewide participation in this important public safety initiative, the full benefits of the system cannot be realized for the public. This grant application was submitted under the *ARRA - Facilitating Rural Justice Information Sharing Program* category. The Office of the Attorney General was granted nearly \$4 million in September 2009 for the eWarrants Program.

## Stimulus Applications Submitted By Attorney General Conway on Behalf of PAC

### Project Safe Neighborhood Program

As Chairman of the Prosecutors Advisory Council (PAC), the Attorney General submitted a grant application to create or enhance the Project Safe Neighborhood programs in the Commonwealth. Working with the U.S. Attorney's Offices in the Eastern and Western Districts of Kentucky, the Attorney General identified areas that would benefit from these programs — i.e., areas that are experiencing high levels of gun violence and gang crime. Project Safe Neighborhood programs attempt to combat gun and gang crime through aggressive prosecution and community outreach. This grant application was submitted under the *ARRA - Comprehensive Community Based Data-Driven Approaches to Preventing and Reducing Violent Crime* category.



## Community Prosecution Ensured (CoPE) Program

The Attorney General submitted a grant application to fund a Community Prosecution Ensured Program (CoPE). This program would provide prosecutorial support for problem solving courts, such as drug courts, family courts, juvenile drug courts, and speedy trial programs like Jefferson County's rocket docket program. The use of both of these programs has benefited communities by decreasing the time periods that defendants spend in county jail systems, thus lessening the financial strain on the counties. Additionally, problem solving courts, such as drug courts, have helped combat drug crime by providing a strong treatment component combined with accountability through frequent alcohol and drug testing. This grant application was submitted under the *ARRA - Supporting Problem Solving Courts* category.

## Child Abuse Response and Resources Team (CARRT) of Christian County, Kentucky

On behalf of PAC, the Attorney General applied for a grant to fund the CARRT program in Christian County. Currently, CARRT, a non-profit corporation in Christian County, attempts to identify and combat child abuse by increased reporting of child abuse and neglect and providing multimedia educational programs. Funding of this program would not only provide a great benefit to Christian County, but it would also provide data as a pilot program that could be expanded to other Kentucky communities. This grant application was submitted under the *ARRA - Local Youth Mentoring Initiative Competitive Grants* category.



Attorney General Conway talks with Kentucky high-school students

# Attorney General Conway Forges New Partnership to Benefit At-Risk Youth

## Kentucky's First Badges For Baseball Program Launched

On May 5, 2009, Attorney General Jack Conway joined representatives from the Cal Ripken, Sr. Foundation, Louisville Metro Police and Kentucky Alliance of Boys & Girls Clubs to launch Kentucky's first Badges for Baseball pilot program.



*Attorney General Conway plays a game of "quickball" at the launch of the Badges for Baseball program in Louisville*

Badges for Baseball is a crime prevention program that pairs at-risk youth with law enforcement professionals who serve as coaches and mentors. The program serves as a positive outlet for youth during out-of-school hours when they are most likely to commit or become victims of crime.

Just months after its launch, the Badges for Baseball program had nearly 100 youth participants. In June, five outstanding program participants were selected to travel to Aberdeen, Md., all expenses paid, to attend the Cal Ripken, Sr. Foundation Summer Camp. Attendees were selected based on their grades, attendance and experience playing baseball.

Attorney General Conway first learned about the program when attending a National Association of Attorneys General meeting. Impressed with the program, General Conway began working with members of the Ripken Foundation, Congressman John Yarmuth, Louisville Mayor Jerry Abramson and representatives from Louisville Metro Police and the Kentucky Alliance of Boys & Girls Clubs to make Badges for Baseball a reality in Kentucky.

"Statistics show that youth participating in effective mentoring programs are 46% less likely to use drugs, 53% less likely to skip school and 27% less likely to begin using alcohol," said General Conway. "Badges for Baseball has the potential to change the lives of at-risk kids across the Commonwealth.

To assist in its launch, Louisville Slugger donated an equipment package valued at more than \$10,000 to the Boys & Girls Clubs of Kentuckiana and the Salvation Army Boys & Girls Clubs.

To support the expansion of the program, General Conway requested federal stimulus grant money to bring Badges for Baseball to 12 other Kentucky counties.



*Attorney General Conway with Andre Teague, Jr., Layron Logan, Jr., and Marquis Nelson, three Badges for Baseball participants who attended the Cal Ripken, Sr. Foundation Summer Camp*

# In Memoriam



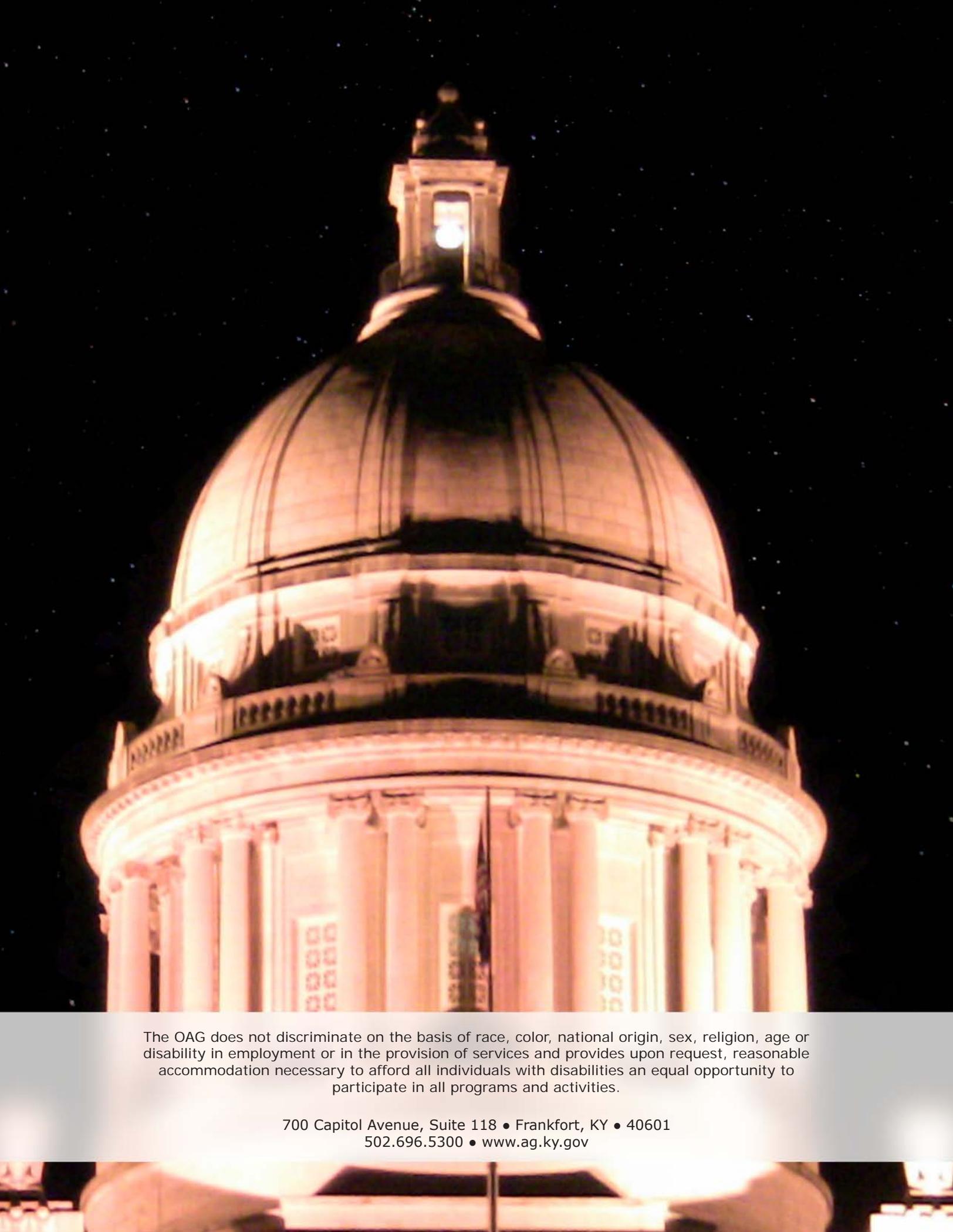
James Gay had a long and distinguished career in law and was a tremendous asset to the Office of the Attorney General as director and chief hearing officer for the Division of Administrative Hearings from 2004 until 2008.

A native of Versailles, Jim received his B.A. from Centre College in 1960 and his LL.B in 1965 from the University of Kentucky. He served as a city judge in Versailles from 1967-68 and became a hearing officer for the Kentucky Workmen's Compensation Board from 1972-81. Jim also worked as a public defender from 1976-77 and served as city attorney in Versailles from 1978-89.

Jim was a member of the Woodford County, Fayette County, Kentucky and the American Bar Associations, as well as the Society of Insurance Receivers. He leaves behind his wife of nearly 50 years, Peggy Craig Gay, four sons and seven grandchildren.

During its history, the Office of the Attorney General has been fortunate to have employed the services of many distinguished attorneys; Jim Gay was among the best, brightest and kindest.





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