

KENTUCKY

General News

April 2011

Attorney General Conway Fights to Protect Western Kentucky Residents From Potentially Catastrophic Flooding

Residents in Western Kentucky threatened by rising flood waters waited anxiously as a lawsuit over a longstanding flood plan along the Mississippi River became the center of a federal lawsuit. Attorney General Conway intervened in the suit filed by Missouri Attorney General Chris Koster. Koster's suit sought to block the Army Corps of Engineers from implementing the flood plan designed to protect against potentially catastrophic flooding in portions of Kentucky, Illinois and Tennessee.

"This was a matter of life and death for Kentucky residents living along the river," General Conway said.

On May 2, 2011 the Corps of Engineers detonated the Birds Point Levee to ease historic flooding along the Mississippi River.

"Although there is no perfect solution in the face of disaster such as this, I believe the decision to breach this levee, permitted by the U.S. Supreme Court, saved lives and prevented significant property damage in Kentucky. My thoughts and prayers are with the families in Kentucky, Missouri and Illinois whose homes and livelihoods have been threatened by rising flood waters."

Attorney General Conway and his staff worked closely with Fulton County Attorney Rick Major to quickly and diligently address this matter.



Kentuckians Warned to Beware of Storm-related Scams, Price Gouging

Attorney General Conway urged Kentuckians affected by severe storms and torrential downpours to be aware of scam artists who prey on people during times of disaster. He also put businesses on notice that Gov. Beshear, as part of his April 25 emergency declaration, triggered the price gouging provision that empowers the Attorney General to investigate and prosecute, where appropriate, allegations of price gouging.

To report suspected price-gouging, email pricecomplaints@ag.ky.gov

Tips for protecting yourself against disaster-related scams:

- ▶ Never pay in advance for repair work or materials.
- ▶ Use local, reputable contractors for repairs, if possible.
- ▶ Ask of the contractor is licensed, bonded and insured.
- ▶ Demand a written contract
- ▶ Check unknown companies out with the BBB or call the AG's Consumer Protection Hotline at 1-888-432-9257.
- ▶ Be suspicious of unfamiliar, out-of-state vehicles and those who offer repair work at unreasonably low prices.

Attorney General Conway Hosts Prescription Drug Abuse Prevention Programs in East, West Kentucky

Joined by House Speaker Greg Stumbo in Floyd County and Rep. John Tilley, Chairman of the House Judiciary Committee, in Christian County, Attorney General Conway has alerted thousands of Kentucky students to the dangers of prescription drug abuse in recent weeks. General Conway is carrying this urgent message into middle and high schools across the state as part of his Keep Kentucky Kids Safe initiative.



Kentucky Attorney General
Jack Conway



“Kids need to know that it is never okay to take prescription pills that are not prescribed to them,” General Conway said. “These pills can take your mind, take your appetite and eventually take your life.”

In speaking to students at Prestonsburg High School, House Speaker Stumbo said as the state’s former Attorney General he witnessed firsthand the prevalence of prescription drug abuse in the state and he praised General Conway’s efforts to combat the growing problem.

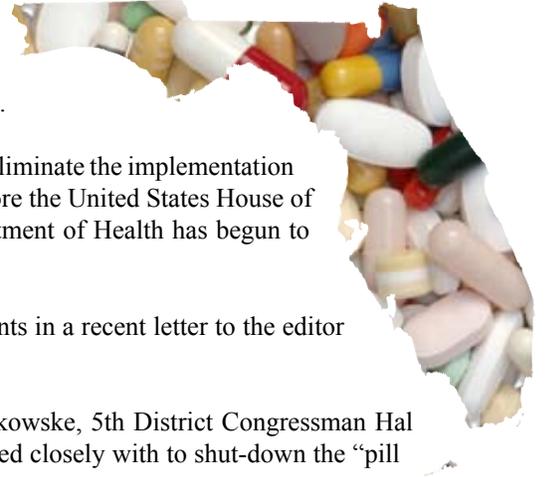
“Programs like General Conway’s Keep Kentucky Kids Safe initiative play an important role in keeping our children from traveling down what is a dead-end road,” said Speaker Stumbo.

Since March, Attorney General Conway and his partners have hosted school programs in Boyd, Bell, Christian, Hopkins and Floyd counties. Joining Attorney General Conway were representatives from Operation UNITE, the Kentucky Pharmacists Association, Van Ingram from the Kentucky Office of Drug Control Policy, local law enforcement and concerned parents Mike Donta, Lynn Kissick and Dr. Karen Shay.

Attorney General Conway will speak to students in Daviess and Warren counties on May 10 and 11. For more information on General Conway’s efforts to combat prescription drug abuse, please visit <http://ag.ky.gov/rxabuse>.

Florida to Implement Prescription Drug Monitoring Program

With mounting pressure from Attorney General Conway and other state and federal officials, Florida Gov. Rick Scott announced on April 14 that he had reconsidered his plan to eliminate a prescription database monitoring program (PDMP) in Florida. Attorney General Conway issued the following statement in response to Gov. Scott’s announcement.



“I was very pleased to learn today that Florida Gov. Rick Scott has reconsidered his plan to eliminate the implementation of a prescription database monitoring program (PDMP) in Florida. In testimony today before the United States House of Representatives, Gov. Scott confirmed that despite his privacy concerns, Florida’s Department of Health has begun to implement the database, similar to Kentucky’s KASPER system.

I am heartened that the concerns I have communicated to Gov. Scott and to Florida residents in a recent letter to the editor have been heard loud and clear.

I have been joined in this fight by numerous others, including U.S. Drug Czar Gil Kerlikowske, 5th District Congressman Hal Rogers, Gov. Steve Beshear and Florida Attorney General Pam Bondi, whom I have worked closely with to shut-down the “pill pipeline” between Florida and Kentucky.

Be assured, I will continue to work closely with local, state and federal authorities, as well as my fellow attorneys general, to ensure that prescription drug monitoring programs are implemented in all 50 states.”

Attorney General Conway Announces Indictment in Scheme to Mail Prescription Pills from Florida to Kentucky

A Christian County grand jury has returned an indictment against three people in connection with a scheme to mail large quantities of prescription pain pills from Florida to Kentucky. Indicted were 27-year-old Peter Nibert of Pasco County, Fla, 36-year-old Scotty Dewayne Highsmith and 24-year-old Cary Adler, both of Hopkinsville.

Nibert is charged with conspiracy to traffic in Schedule II controlled substances, first degree. He was also indicted for being a persistent felony offender, second degree. Nibert has two previous felony convictions in the state of Florida and is currently incarcerated in Pasco County, Fla on drug trafficking charges. Highsmith and Alder are charged with conspiracy to traffic in controlled substances, first degree.

The indictments are the result of an ongoing investigation conducted by the United States Postal Inspection Service and the Christian County Sheriff’s Office, in cooperation with the Pasco County Sheriff’s office. Prosecutors in General Conway’s Office of Special Prosecutions are handling the prosecution of this case at the request of, and in cooperation with, Christian County Commonwealth’s Attorney Lynn Pryor.

Attorney General Conway is increasing investigations into the illegal trafficking of prescription pills in Kentucky through his statewide Prescription Drug Diversion Task Force. The task force, a key participant in the largest prescription drug bust in Kentucky history, is also cracking down on overprescribing physicians, doctor shopping and illegal out-of-state pharmacies.

A charge is merely an accusation, and a defendant is presumed innocent until and unless proven guilty.



Attorney General Conway joined law enforcement and pharmacy students in Louisville for the second annual national prescription drug “Take Back” day on April 30. Nearly 4,000 pounds of unneeded or expired prescription medications were dropped off at collection sites across Kentucky. The annual event is designed to prevent increased prescription drug abuse and theft.



Attorney General’s Office Reaches Milestone with eWarrant System

With the successful implementation of an electronic warrant management system in 11 more rural Kentucky counties in April, the Attorney General’s office has reached a milestone; more than half of Kentucky’s counties now have eWarrants.

“This is an important milestone for the eWarrant program and for communities across the Commonwealth,” General Conway said. “We now have approximately 2.5 million Kentuckians, or 58 percent of the state’s population, living in counties covered by eWarrants.”



The Attorney General’s office is funding implementation of eWarrants in rural counties under a \$3.9 million American Recovery and Reinvestment Act (ARRA) grant awarded to General Conway’s office in 2009.

The eWarrant system facilitates the sharing of information among all law enforcement concerning active warrants in jurisdictions throughout the Commonwealth. It replaces the manual protocols for processing warrant information with an electronic method.

Service rates for warrants rise from as low as 10 percent under the old system to roughly 50 percent immediately after implementation of eWarrants, and as high as 80 percent in the long term.

The Attorney General’s office, in partnership with the Administrative Office of the Courts (AOC), Kentucky State Police, Kentucky Office of Homeland Security and Open Portal Solutions, successfully launched eWarrants during the month of April in Henry, Trimble, Livingston, Lyon, Caldwell, Trigg, McLean, Muhlenberg, Crittenden, Union and Webster counties.

The eWarrant program is being offered to Kentucky’s rural counties at no cost to local communities. In addition to modernizing law enforcement infrastructure, the ARRA grant has created 16 jobs for citizens of the Commonwealth. Individuals may obtain more information about eWarrants by filling out the eWarrant contact form on the Attorney’s General’s website, at <http://ag.ky.gov/ewarrants>.

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Attorney General Conway Calls on Pabst Brewing Company to Reduce Alcohol, Alter Marketing of Blast by Colt 45

Attorney General Jack Conway, joined by 17 other state attorneys general, is calling on Pabst Brewing Company to stop selling its new Blast by Colt 45 beverage as currently marketed and packaged as a “binge-in-a-can” targeted at youth.

Pabst introduced its Blast by Colt 45 in April as a flavored malt beverage in fruit flavors of grape, strawberry lemonade, strawberry watermelon and blueberry pomegranate, with an alcohol concentration of 12 percent in brightly colored 23.5 ounce single-serving cans. This means that each single-serving can actually contains the equivalent of nearly five servings of alcohol.



“I believe Blast by Colt 45 poses a serious health and safety risk for America’s youth,” General Conway said. “At a time when we’re fighting to prevent underage drinking and binge drinking, it is irresponsible of Pabst to introduce a ‘binge-in-a-can’ style drink targeted at youth and promoted by a popular hip-hop star.”

The attorneys general have expressed their “serious concerns” about the alcohol content and youth-friendly flavors of Blast in a letter to Charles Dean Metropoulos, Chairman and Chief Executive Officer of Pabst Brewing Company.

“I urge Pabst to take swift and responsible action to address the concerns expressed by attorneys general across the country,” said General Conway.

In 2008, Attorney General Conway was among 24 other state attorneys general who successfully urged MillerCoors, LLC to abandon its plan to introduce a new alcoholic energy drink, Sparks Red, which contained a significantly elevated alcohol content.

Link to the letter — <http://goo.gl/4T4Ci>

Kentucky Receives \$99.8 Million in Tobacco Settlement Money

Attorney General Jack Conway announced that Kentucky, as required under the 1998 Master Settlement Agreement (MSA) between the major tobacco manufacturers and 52 states and territories, received its annual payment of nearly \$100 million in tobacco settlement money.

“The money Kentucky receives each year from the MSA provides funding for many invaluable programs –from agriculture to education,” General Conway said. “My office continues to closely monitor and enforce the agreement and stands ready to defend actions brought to challenge it in both state and federal courts.”

Under the MSA, the 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 abide by certain restrictions on promotional and lobbying activity. Kentucky’s share of the settlement is approximately \$3.45 billion over the first 25 years. Payments are determined according to a formula that is calculated, in part, by the number of cigarettes sold by companies that have agreed to join the settlement. This year’s payment for Kentucky totals \$99.8 million.

The total received by Kentucky since the initial MSA payment in 1999 is \$1.3 billion for “Phase I.” An additional \$600 million was received by Kentucky tobacco growers under “Phase II,” the Tobacco Growers Trust Agreement, which was created as a result of an MSA provision to address affected tobacco-growing communities in 14 states.

Although a portion of the payment was disputed, participating manufacturers still paid the states that are signatories to the agreement more than \$6 billion this week, bringing the total payments made under the MSA thus far to all settling states to more than \$66 billion.

New ‘I Care About Kids’ License Plate Unveiled

Attorney General Jack Conway unveiled a newly designed ‘I Care About Kids’ license plate in Kentucky. Proceeds from the sale of the license plate will go to the Child Victims’ Trust Fund (CVTF) to assist in funding child sexual abuse prevention programs and to help offset the portion of child sexual abuse medical exam expenses not covered by private insurance or Medicaid.

“When it’s time to renew your car tags, please consider purchasing our redesigned ‘I Care About Kids’ license plate,” said General Conway, chairman of the Child Sexual Abuse and Exploitation Prevention Board, which oversees the CVTF. “The proceeds from these license plates help fund programs that are truly making a difference for Kentucky’s most vulnerable children. With your assistance, we can help keep Kentucky families safe.”

Nationally, rates regarding child victims of rape or sexual assault range from 1.2 to 1.9 children per 1,000. Approximately one-third of all sexual assaults reported to law enforcement involved a victim under the age of 12, and it’s estimated that only one in 10 victims of sexual abuse ever discloses the abuse.



The new “I Care About Kids” license plate is expected to be available this summer and can be purchased through local county clerk’s offices.



CYBERCRIMES

Henderson Man Arrested on Child Pornography Charges

Investigators from Attorney General Conway's Cybercrimes Unit arrested a Henderson man for allegedly distributing child pornography. The arrest of 28-year-old Jeffrey Ray Skaggs on April 11 followed an investigation by General Conway's Cybercrimes Unit. Skaggs, a registered sex offender, is charged with three counts of distribution of matter portraying a sexual performance by a minor, a Class D felony.

On March 18, a Cybercrimes investigator working undercover downloaded three video files depicting a sexual performance by a minor from an IP address that was traced to Skaggs' Henderson, Ky. residence.

With the assistance of Kentucky State Police in Henderson, Cybercrimes investigators executed a search warrant at Skaggs' home on April 11, at which time Skaggs was taken into custody. Skaggs, who has previously used the alias Jeffrey Allen Duckworth, was lodged in the Henderson County Detention Center on a \$10,000 full cash bond.



Marshall County Man Arrested on Child Pornography Charges

Attorney General Conway's Cybercrimes Unit has also arrested a Marshall County man for possession of child pornography. Cybercrimes investigators charged 42-year-old James Todd Hill with four counts of possession of matter portraying a sexual performance by a minor.



The charges against Hill are the result of an investigation conducted by General Conway's Cybercrimes Unit that began on March 21. A search warrant was executed at Hill's Gilbertsville, Ky. residence on March 30, at which time investigators discovered evidence of child pornography. Hill was arrested and taken to the Marshall County jail.

Since its creation in June 2008, General Conway's Cybercrimes Unit, a member of the Internet Crimes against Children Task Force, has launched approximately 200 investigations and seized more than 200,000 child pornographic images and videos from the Internet.

A charge is merely an accusation and a defendant is presumed innocent until and unless proven guilty.

Since its creation in June 2008, General Conway's Cybercrimes Unit, a member of the Internet Crimes Against Children Task Force, has launched 190 investigations and seized more than 200,000 child pornographic images and videos from the Internet.