



KENTUCKY

General News



April 2012

Landmark Prescription Drug Legislation Signed into Law

Kentucky Attorney General Jack Conway is applauding state lawmakers for passing meaningful legislation to address the epidemic of prescription drug abuse in the Commonwealth. House Bill 1, sponsored by Speaker Stumbo, passed on the final day of a Special Session of the General Assembly. The legislation, signed into law by Gov. Beshear on April 24, requires pain clinics to be owned by a physician holding an active medical license. The law also requires doctors who prescribe Schedule II and III controlled substances to use the state's prescription drug monitoring system (KASPER), with a few exceptions.



“This legislation makes important strides in our efforts to combat prescription painkiller abuse. It helps keep entrepreneurs out of the pill mill business and requires doctors, with reasonable exceptions, to use the KASPER system,” said Attorney General Conway. “I have made combating prescription drug abuse a top priority since my first days as Attorney General, and I will work with the Beshear Administration and the legislature to ensure the law is implemented effectively and efficiently.”

General Conway also addressed those in the medical community who fought efforts to grant law enforcement greater access to KASPER data.

“I encourage those who are fearful of increased oversight to end the hyperbole and begin a constructive process with the legislature and Executive Branch to implement this bill. Too many people have died. Too many people have lost loved ones. Too many families have been shattered.”

Statement from the Attorney General — <http://goo.gl/jW9F1> | Text of HB 1 — <http://goo.gl/EriJh>

Attorney General Takes Keep Kentucky Kids Safe Program to McCracken, Calloway Counties

Attorney General Conway continues to warn kids across Kentucky about the dangers of abusing prescription pills. On April 26, General Conway and his Keep Kentucky Kids Safe partners spoke to nearly 1,500 students at Paducah's McCracken County Middle School and Calloway County Middle in Murray.

“Public awareness plays an important role in our fight against prescription drug abuse,” General Conway said. “I am traveling the state to make sure Kentucky kids know that when they take a pill that wasn't prescribed to them they are jeopardizing their lives and their futures.”

Non-medical use or abuse of prescription drugs is the fastest growing drug problem in the United States. It accounts for more than 1,000 deaths each year in Kentucky from prescription drug overdoses.



“Having Attorney General Conway visit the students of Calloway County Middle School will help reinforce the danger of prescription drug abuse,” said David Dowdy, Public Relations Coordinator for Calloway County Schools. “Often, a warning message delivered in person by an elected official and other experts has more impact than the same information delivered by teachers and parents. We certainly appreciate Jack Conway taking an interest in the well-being of our community.”

Attorney General Conway launched Keep Kentucky Kids Safe in 2010 with the Kentucky Justice Cabinet and its Office of Drug Control Policy, Kentucky Pharmacists Association, National Association of Drug Diversion Investigators (NADDI), Operation UNITE and Dr. Karen Shay and Lynn Kissick, two mothers from Morehead, Ky. who lost their daughters to prescription drug overdoses.

Guilty Verdict Returned in Scheme to Mail Prescription Pills from Florida to Kentucky



Attorney General Conway and his Office of Special Prosecutions announced the conviction on April 3, 2012 of a Florida man and sentencing of two Hopkinsville, Ky. residents in connection with a scheme to mail large quantities of Oxycodone from Florida to Kentucky.

A Christian County jury found 27-year-old Peter Nibert of Pasco County, Fla. guilty on a charge of conspiracy to traffic in a controlled substance, first degree; Oxycodone. The jury deliberated for about 45 minutes following a two-day trial in Christian Circuit Court, before delivering the guilty verdict.

Meanwhile, co-defendants, 24-year-old Cary Alder and 26-year-old Scotty Highsmith were sentenced to ten and 15 years in prison, respectively, for their roles in the pill trafficking scheme.

Formal sentencing before the court is set in Christian Circuit Court for August 1, 2012.

Two Breathitt Vote Buying Cases Come to a Close Following Probe by Attorney General, FBI

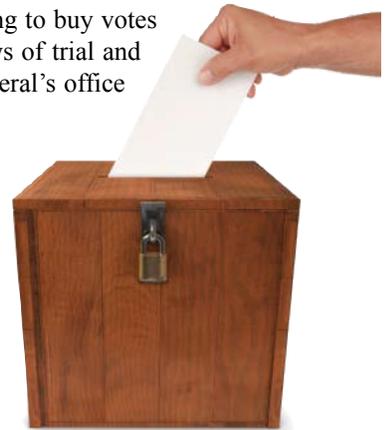
Attorney General Jack Conway, United States Attorney of the Eastern District, Kerry B. Harvey, Special Agent in Charge of the FBI, Perrye Turner, and Jack Smith, Chief of the Public Integrity Division at the Department of Justice jointly announce the conviction of two Eastern Kentuckians for buying votes in the May 2010 primary election in Breathitt County.

A federal jury in Lexington convicted 61-year-old Naomi Johnson and 44-year-old Earl Young of conspiring to buy votes and one count each of vote buying. The verdict was returned on April 11, 2012 following nearly three days of trial and more than three hours of deliberation. The charges were the result of an investigation by the Attorney General's office and the FBI.

Evidence at the trial proved that the three defendants conspired to buy votes for Michael Salyers, a candidate for county Magistrate. Another co-defendant, 61-year-old Jackie Jennings pled guilty to two vote buying counts and a conspiracy charge during the first day of the trial. The U.S. Attorney's Office was represented by Assistant U.S. Attorney Ken Taylor and Richard B. Evans with the Public Integrity Division.

In a separate case, three more Breathitt County men pled guilty to conspiring to buy votes during the May 2010 primary election in Breathitt County. Fifty-one-year-old Joseph Strong, 53-year-old George Daniel Strong and 54-year-old Richard L. Turner each pled guilty to a conspiracy charge on April 12, 2012.

Seven people have now either pled guilty or been convicted by a jury for taking part in vote buying conspiracies in the 2010 primary election in Breathitt County. The charges are the result of an investigation by the Office of the Attorney General and the FBI.



Beware of Phony Invoice Scam

Attorney General Conway issued a cease and desist order on April 18, 2012 to UST Development, Inc. alleging violations of Kentucky's Consumer Protection Act. The order follows a phony invoice scheme targeting Kentucky consumers, businesses and government offices. A state agency and two private businesses first alerted the Attorney General's Office to the scam involving UST.

The mailings originated from LaVerne, California and include an invoice of \$425 for a "warranty for preventative maintenance" for telecommunication services. The document states: "Thank you for your business" and "Net 30 Days" above the amount allegedly owed. The description of services is "Telecom Maintenance Agreement." The businesses and agencies contacting the Attorney General's Office deny that they have entered into any such agreement.

"The phony invoice scheme is an old favorite of scam artists preying on unsuspecting consumers and businesses," General Conway said. "Scammers send out mass mailings like this because a certain percentage of businesses will pay without researching the bill. The best defense is to carefully review all demands for money. My office is committed to protecting Kentucky businesses and consumers from these types of scams."

If you become aware of such a scheme after payment has been made, immediately contact the Consumer Protection Division of the Attorney General's Office, Better Business Bureau, and local postal authorities.

Copy of the phony invoice — <http://goo.gl/9DCvo>

Two Hardin County Women Sentenced in Elder Exploitation Scheme

Attorney General Conway and his Office of Special Prosecutions announced on April 3, 2012 the sentencing of two Hardin County women in connection with the financial exploitation of an elderly Clinton County resident. Full restitution of \$118,000 was also collected from 74-year-old Hazel F. Martin and 63-year-old Iris Hodge, both of Radcliff, Ky., as per their guilty pleas.

“Financial exploitation of the elderly can be just as devastating as physical abuse,” General Conway said. “I am pleased we were able to collect full restitution for the victim’s family. This case should serve as a reminder that the abuse and exploitation of elderly or vulnerable citizens is not tolerated in Kentucky.”

With full restitution paid, Hardin Circuit Court Judge Kelly Mark Easton sentenced Martin and Hodge to weekend jail terms in the Hardin County jail over the next 12 months.

The Commonwealth recommended a five-year sentence for Martin, with no objection to probation due to the restitution being paid in full before sentencing, and two-year sentence for Hodge, withheld on pretrial diversion, also due to the payment of restitution. Prosecution of this case was handled by General Conway’s Office of Special Prosecutions at the request of the Hardin County Commonwealth’s Attorney. The charges against Martin and Hodge were the result of an investigation by the Attorney General’s Department of Criminal Investigations.

More information — <http://goo.gl/HeSGn>

Four Arrested Following Investigation by Attorney General’s CDI Unit

Attorney General Conway announced the April 13, 2012 arrests of four people following an investigation by his new Cooperative Disability Investigations (CDI) Unit. The unit was created in September of 2011 through a joint partnership between the Attorney General’s Office, Social Security Administration (SSA) and the Cabinet for Health and Family Services to combat and detect fraud in federal disability benefit programs.

Investigators from the Attorney General’s office and SSA’s Office of Inspector General arrested 44-year-old Barbara Sands, 47-year-old Versie Partain, and their two daughters, 24-year-old Amy Partain and 21-year-old Melinda Partain on one count each of possession of a forged instrument, identity theft and theft of a U.S. Treasury check over \$500.

The defendants, all of London, Ky., were arrested following the execution of a search warrant on April 12 at their Laurel County residence. All four entered not guilty pleas at their arraignment in Laurel District Court.

The charges are the result of an investigation that began on January 12, 2012 based on information provided by the Corbin, Ky. SSA office. SSA reported suspected fraud during a continuing disability review of Barbara Sands. During the course of the investigation, Eric Partain, son of Sands and Versie Partain, died on March 29, 2012. On March 30, 2012, Sands, Amy Partain and Melinda Partain allegedly forged and cashed a Supplemental Security Income check issued to Eric Partain, which he was not entitled to receive after his death.

Prosecution of this case is being handled by the office of Jackie Steele, Commonwealth’s Attorney for the 27th Judicial Circuit representing Laurel and Knox counties.

Kentucky Receives \$101.7 Million in Tobacco Settlement Money

Attorney General Conway announced on April 19, 2012 that Kentucky, as required under the 1998 Master Settlement Agreement (MSA) between the major tobacco manufacturers and 52 states and territories, had received its annual payment of more than \$101.7 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 totals \$101.7 million.

More information — <http://goo.gl/2BOvg>

Attorney General's Office, Kentucky's Children's Advocacy Centers Mark National Child Abuse Awareness Month in April

The Office of Attorney General Jack Conway and the Kentucky Association of Children's Advocacy Centers (KACAC) marked National Child Abuse Awareness Month with a celebration of hope and healing at the Capitol. More than 5,000 pinwheels lined the front lawn to honor the child sexual abuse victims served by the state's 15 regional Children's Advocacy Centers (CACs) in 2011. Pinwheels are used as the symbol for child abuse prevention.

"Each pinwheel signifies a child that has suffered as a result of this heinous crime," said Deputy Attorney General Patrick Hughes. "The Attorney General's Office is committed to working hand-in-hand with Children's Advocacy Centers, social workers, prosecutors and law enforcement to protect Kentucky kids from child sexual abuse."

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. It is also estimated that only one in 10 victims of sexual abuse ever discloses the abuse.

"The Children's Advocacy Centers of Kentucky saw a staggering number of children for services in the last fiscal year. Our hope is that these numbers indicate an increased awareness about the work of Multi-disciplinary teams and the services offered by CACs," said Meghan Wright, KACAC State Coordinator.

Kentucky's regional CACs provide services for the investigation, treatment and prosecution of child sexual abuse cases.

More information — <http://goo.gl/X5o4W>



Attorney General Hosts Victims' Assistance Conference

More than 200 victim service providers, advocates, social workers, prosecutors and law enforcement from across Kentucky attended the annual Victims' Assistance Conference hosted by the Attorney General's Office April 25-27 in Louisville.

"According to the annual crime report from Kentucky State Police, an aggravated assault occurred every hour and a half and someone was raped approximately every five hours in Kentucky in 2010," General Conway said. "I want Kentuckians to know that my investigators, prosecutors and victims' advocates work every day to make our communities safer and to ensure justice and healing for victims of crime."

Last year, General Conway's Office of Victims Advocacy received more than 8,700 requests for assistance or referral from victims, victims' advocates, or other advocacy personnel. The office assisted 1,475 victims or their families through the Appellate Notification Program in 2011, which helps victims through the appeals process.

Logan County Man Sentenced after Pleading Guilty in Child Porn Case

A Logan Circuit Court judge sentenced 49-year-old Roger Dale Cropper to seven years in prison after he pled guilty to one count of distribution of matter portraying a sexual performance by a minor and one count of possession of matter portraying a sexual performance by a minor. Cropper will also be required to register as a lifetime sex offender.



The charges against Cropper are the result of an undercover investigation that began on March 26, 2011 by General Conway's Cybercrimes Unit. A search warrant was executed on May 16, 2011 at Cropper's Russellville residence, with the assistance of Russellville Police. A Logan Circuit Court grand jury issued an indictment against Cropper on July 29, 2011.

Prosecution of the case is being handled by the office of Gail Guling, Commonwealth's Attorney for the 7th Judicial Circuit representing Logan and Todd counties.

Since its creation in June of 2008, General Conway's Cybercrimes Unit has launched nearly 270 child pornography investigations and seized more than 300,000 child pornographic images and videos from the Internet. The unit is also a member of the Internet Crimes Against Children (ICAC) Task Force.