



KENTUCKY

General News

May 2010

Attorney General Conway Leads Coalition Urging Topix to Improve Consumer Protections

The attorneys general of 22 states and territories have joined Attorney General Jack Conway in urging Internet message board host Topix to stop charging a \$19.99 fee for “priority review” of abusive or inappropriate posts. In a letter to Topix CEO Chris Tolles, the attorneys general expressed their “significant concerns” with the “Forums and Polls” pages as well as the charge for expedited review to remove inappropriate or abusive posts.

“I find it deplorable that a website would deliberately create an environment where these types of comments, many of them directed at children, are permitted and then allowed to remain on the website,” General Conway said.

An initial investigation by General Conway’s office found that the “Forums and Polls” section of Topix is routinely used to post abusive, vulgar and obscene information in blatant violation of the website’s terms of service. General Conway first contacted Topix about his concerns in February 2010. The changes offered by Topix, however, did not fully address the attorney general’s concerns, as well as the concerns of consumers across the country. General Conway has now been joined by Nebraska Attorney General Jon Bruning, President of the National Association of Attorneys General, in leading the coalition.

The attorneys general from the following states and territories have signed the Topix letter: Arizona, Arkansas, Connecticut, Guam, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Mississippi, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Northern Mariana Islands, Ohio, Rhode Island, South Dakota, Tennessee, Virginia and Washington.

More information — <http://tinyurl.com/2bzvd6n>

Keeping Kentucky Kids Safe this Swim Season



Nationally, nearly 400 children ages 14 and under die each year in pools or spas. With the 2010 swim season underway, Attorney General Conway reminds parents and caregivers of the important role they play in ensuring a safe swim season for their kids.

“The most important precaution for parents or caregivers is active supervision,” said General Conway. “Make sure to stay where you can hear, see and reach kids in the water and avoid distractions, such as talking on the phone.”

General Conway and the Kentucky Department of Public Health officials are also working to ensure that public pools are in compliance with the Virginia Graeme Baker (VGB) Pool and Spa Safety Act.

“Public Health and the Attorney General’s office have worked diligently over the past 12 months to ensure statewide implementation of the VGB Act,” said Guy Delius, director of the Division of Public Health Protection and safety in the Kentucky Department for Public Health.

Signed by President Bush in 2007, the VGB Pool and Spa Safety Act makes it illegal to manufacture, distribute or sell drain covers that do not adhere to the standards for anti-entrapment safety set by the U.S. Consumer Product Safety Commission (CPSC). The Act also requires public pools and spas to be equipped with these anti-entrapment drain covers, as well as a device to disable the drain in the event of entrapment.

Swim Season Safety Tips

Always actively supervise children in and around water.

Equip your pool or spa with an anti-entrapment drain cover and safety vacuum release system

Clear the pool or deck of toys as they could attract unsupervised kids.

If your child can’t swim, don’t rely on inflatable swimming toys such as “water wings” and noodles.

Learn infant and child CPR.

Keep rescue equipment, a phone and emergency numbers by the pool.

Kentucky Voters Call Attorney General's Election Fraud Hotline

The Office of the Attorney General's Election Fraud Hotline received a total of 228 calls resulting in 241 inquiries related to the May 18 Primary Election. Between 6 a.m. and 7 p.m. on Election Day, the hotline received 116 calls from 43 counties. There were a total of 121 issues raised in the calls.



"I appreciate all of the voters who helped serve as our eyes and ears on the ground during the Primary Election," General Conway said. "We are reviewing all of the complaints we received and will take the appropriate action, in collaboration with our law enforcement and election oversight partners, if we find violations of Kentucky's election laws."

Of the 241 inquiries from voters, 68 involve allegations of vote buying/selling and 26 involve general election fraud. The Election Fraud Hotline also received 69 calls that involved procedural or legal questions.

In addition to the Election Fraud Hotline, investigators with the Office of the Attorney General conducted on-site surveys of polling places across Kentucky. Agents were able to provide timely response to allegations of voting irregularities.

The Attorney General's Election Fraud Hotline received 63 calls in the 2008 Primary Election, 24 in the 2007 Primary and 350 in the 2006 Primary Election.

Attorney General Conway Issues Warning on Drop Side Cribs

Attorney General Jack Conway and his KY Kids Alert partners issued another warning to Kentucky parents and child care providers about the deadly hazards of drop-side cribs. The warning followed a comprehensive review by the Consumer Product Safety Commission (CPSC) that found 32 deaths and hundreds of injuries were linked to drop-side detachments in cribs.



"As Kentucky's Attorney General and as a father, I want to ensure that Kentucky parents and caregivers are aware of the deadly hazards associated with these cribs," said General Conway. "I strongly encourage parents to check their child's crib regularly and to make sure the crib has not been recalled due to a potential hazard."

In April, the CPSC announced the recall of more than 200,000 Graco-branded drop-side cribs due to entrapment and suffocation hazards. After multiple warnings and recalls from the CPSC, Congress is now considering a ban on drop-side cribs.

More information — <http://bit.ly/9Y8mYA>

General Conway Unveils KY Kids Alert PSA on Web

Attorney General Conway has unveiled a new web public service announcement about the KY Kids Alert initiative he launched earlier this year in coordination with the Kentucky Cabinet for Health and Family Services (CHFS) and the CPSC. In the PSA, General Conway talks about the importance of signing-up to receive potentially lifesaving child product recall alerts from the CPSC.

As a result of the KY Kids Alert initiative, nearly 3,000 Kentucky child care centers and certified family child care homes are now receiving child product recall alerts. The partners, which also include the Office of Inspector General and Department for Community Based Services, both agencies within CHFS, have distributed 15,000 KY Kids Alert bookmarks to local health departments, child care trainers, child care facility inspectors, school resource centers and local public libraries across Kentucky.

Consumers can sign up to receive child product recall alerts through the Attorney General's website at ag.ky.gov or <http://cpsc.gov/CPSCList.aspx>. You can also call the CPSC's Recall Hotline at 1-800-638-2772.

General Conway's KY Kids Alert PSA — <http://bit.ly/dwjE8z>





CYBERCRIMES

Attorney General Conway Announces Maximum Sentence for Convicted Child Pornographer

Attorney General Jack Conway and his Office of Special Prosecutions have announced the sentencing of a Marshall County man convicted of possessing and distributing child pornography. Marshall Circuit Judge Dennis Foust sentenced 53-year-old Michael Dumas, of Benton, to the maximum of 20 years in prison.

A Marshall County jury convicted Dumas on April 30, 2010 on four counts of distribution of matter portraying a sexual performance by a minor and three counts of possession of matter portraying a sexual performance by a minor. The jury recommended a 35-year prison sentence; however, under Kentucky law, Class D felonies are capped at a maximum of 20 years.

Dumas, who admitted downloading more than 250,000 child pornographic images during March of 2007, will be required to register as a sex offender for 20 years following his release from prison and must submit DNA samples to the Department of Corrections.

General Conway's Office of Special Prosecutions handled the prosecution of this case.

Bowling Green Man Indicted on Child Pornography Charges

A Bowling Green man has been indicted on charges of distribution and possession of child pornography. A Warren County grand jury indicted 48-year-old Terry Wayne Henderson on May 5, 2010 on 32 counts of possession of matter portraying a sexual performance by a minor and three counts of distribution of matter portraying a sexual performance by a minor. All are Class D felony charges.

Henderson was arrested on April 7, 2010 following a joint investigation between Attorney General Conway's Cybercrimes Unit and the Bowling Green Police Department. The investigation of Henderson began on February 8, 2010 after an investigator in the Attorney General's Cybercrimes Unit identified an Internet address in Bowling Green suspected of distributing child pornographic images. The case was then referred to Bowling Green Police. Both agencies are members of the Internet Crimes Against Children Task Force (ICAC).

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

General Conway's Statewide Prescription Drug Diversion Task Force Expands

Attorney General Conway has two new partners in his fight against prescription drug abuse in Kentucky. On Tuesday, May 4, officers from the Floyd County Sheriff's Department and Prestonsburg Police Department were sworn in as members of General Conway's Prescription Drug Diversion Task Force.

"I appreciate the work these officers have done to combat prescription drug abuse in their local communities and I look forward to working with them as we fight the scourge of prescription pain pill abuse across Kentucky," said General Conway.

General Conway's Prescription Drug Diversion Task Force is Kentucky's first statewide task force devoted solely to investigating prescription drug trafficking, overprescribing physicians, doctor shopping and illegal out of state pharmacies.

"The resources of the Attorney General's office and its experience in handling doctor shopping cases will be a great asset to us, particularly in Eastern Kentucky," said Floyd County Sheriff John Blackburn.

Prestonsburg Police Chief Michael Ormerod is also pleased with the new partnership.

"Prescription pill addiction has touched just about every family around here. With the Attorney General's help, we'll be able to hammer down on this problem even more."

Prestonsburg Mayor Jerry Fannin also praises the task force and the ability of local and state law enforcement agencies to pool resources. "Working together, we can do more to combat prescription pill abuse and to help Kentucky families."