



KENTUCKY

# General News

August 2010

## Topix Ends 'Pay-to-Police' Policy

A nationwide effort led by Attorney General Jack Conway has resulted in an agreement with Topix.com to improve consumer protections on the website and eliminate the \$19.99 fee to expedite review of abusive or inappropriate posts. General Conway's initiative was supported by the attorneys general of 34 other states and territories.

"On behalf of the numerous parents, public officials and concerned citizens who have contacted me about Topix, I am pleased that we've been able to reach agreement with the company to put a stop to the 'pay-to-police' policy and to expedite removal of abusive posts," General Conway said.



As part of the settlement, all reports of abuse on Topix will be reviewed free of charge. The company will also seek to review and remove inappropriate posts within three working days.

More information — <http://tinyurl.com/2bxfnu9>

## Attorney General Conway's Cybercrimes Unit a National Model

Two years after its creation, Attorney General Conway's Cybercrimes Unit has launched more than 164 child pornography investigations, made 32 arrests and seized more than 77,000 child pornographic images and videos from the Internet. The unit is not only providing an important service for Kentucky families, it has become a national model in the fight against crimes that occur online.

Despite seeing his budget cut by nearly 30%, General Conway followed through on his commitment to Kentuckians to create a unit dedicated to investigating crimes that occur on the Internet, particularly against children. In June 2008, he streamlined priority operations within his office and launched a Cybercrimes Unit. The unit, now a member of the U.S. Department of Justice Internet Crimes Against Children Task Force, has also helped law enforcement across the Commonwealth address the backlog in processing digital evidence involved in 80% of crimes today.

"To date, we have processed more than 2,300 hard drives and removable devices. What previously would take up to a year to process; my lab is turning around in about a week," said General Conway.

Additionally, General Conway's Cybercrimes Unit has trained more than 2,100 law enforcement officers and prosecutors on the latest technologies in fighting cybercrimes and data collection.

General Conway also travels across the Commonwealth educating parents, students and teachers about the dangers that exist online. Since taking office, he has presented his Internet safety message to more than 40,000 Kentuckians, mostly children.



Kentucky Attorney General Jack Conway

Please see the Cybercrimes Unit accomplishments on page 2.

**CHILD PORNOGRAPHY ARRESTS**  
2008-2010

Attorney General Conway's Cybercrimes Unit has seized more than 77,000 child porn images and videos from the Internet.

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



# CYBERCRIMES

## Jessamine County Man Pleads Guilty to Child Pornography Charges

Attorney General Jack Conway, the Federal Bureau of Investigation, the Fayette County Commonwealth's Attorney's Office and the United States Attorney's Office have jointly announce the guilty plea in federal court of 38-year-old Eric Bradley, of Jessamine County, to one count of receipt of child pornography. Bradley, a former Lexington firefighter, admitted in court that between December of 2007 and December of 2009 he downloaded child pornography.

The charges against Bradley are the result of an investigation by General Conway's Cybercrimes Unit, as well as the FBI. The U.S. Attorney's Office and Fayette County Commonwealth's Attorney's Office handled the prosecution of the case.

"I appreciate the cooperation of the U.S. Attorney's Office and our other partners in bringing this case to a close," General Conway said. "Working together, we are putting a dent in child pornography and the solicitation of minors on the Internet."

An undercover investigation by the Cybercrimes Unit identified a computer in June of 2009 that contained files of child pornography located at a Lexington fire station. A forensic examination of the computer revealed approximately 200 photographs and 50 videos of minors, younger than age 12, engaged in sexually explicit conduct with adults.

Bradley's sentencing is set for November 18, 2010. He faces a minimum of five years in prison and a maximum of 20 years.

## Berea Man Faces 95-Count Indictment in Child Pornography Case

A Madison County grand jury has indicted 42-year-old Ricky L. Fansler on 95 counts of possession of matter portraying a sexual performance by a minor, a Class D felony.

The Madison County Sheriff's Department arrested Fansler, of Berea, on Wednesday, August 25, 2010. He was lodged in the Madison County jail on a \$50,000 full cash bond.

Fansler's arrest and indictment follow an investigation by General Conway's Cybercrimes Unit that began in December of 2009. A search warrant was executed at Fansler's residence in March of 2010, with the assistance of the Madison County Sheriff's Department. The office of David Smith, Commonwealth's Attorney for the 25th Judicial Circuit, will handle the prosecution of the case.

### **The following are the Attorney General's Cybercrimes Accomplishments from 2008-2010:**

- Launched 164 child pornography investigations
- Made 32 arrests
- Executed 76 search warrants
- Seized 77,439 child pornographic images and videos
- Opened a digital forensic lab in our office that has processed 2,370 hard drives and removable devices
- Assisted 68 law enforcement agencies process digital evidence
- One of nine agencies in the country selected by Microsoft to host cybersafety training for investigators
- Trained 2,162 law enforcement officers and prosecutors on the latest technologies in fighting cybercrimes and data collection

## Bell County Man Arrested on Child Pornography Charges

A 22-year-old Bell County man was jailed on August 24, 2010 for possession of child pornography. Investigators from General Conway's Cybercrimes Unit arrested Jeremiah North, of Middlesboro, on four counts of possession of matter portraying a sexual performance by a minor.

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

## Attorney General Conway Secures \$10 Million Settlement with Drug Company

Attorney General Conway announced a \$10 million settlement with drug manufacturer Teva Pharmaceuticals USA, Inc. and several affiliated corporations on August 13, 2010. Teva is the largest manufacturer of generic pharmaceutical drugs in the world.

This is the latest in a number of settlements and jury awards in the so-called Average Wholesale Price (AWP) lawsuits filed by the Office of the Attorney General against 46 pharmaceutical manufacturers. The Kentucky Medicaid program relies on these published AWP's to calculate Medicaid drug reimbursement rates.

"During these tough economic times, it is gratifying to be able to recover money for the Medicaid program and for Kentucky taxpayers," General Conway said. "Taxpayers should not be footing the bill for these inflated drug prices, and my office will continue to hold these large pharmaceutical companies accountable."

The lawsuits allege that the defendant drug companies published bogus and inflated AWP's for their drugs, which did not bear any relationship to any prices that these companies actually charged their customers. The artificial "spread" between the bogus published prices and the real prices caused the Kentucky Medicaid program to pay millions of dollars more in drug reimbursements than it should have.

Since Attorney General Conway took office in January 2008, his Office of Medicaid Fraud and Abuse Control has recovered or been awarded more than \$135 million for the state and federal Medicaid programs. These cases range from lawsuits and settlements against pharmaceutical companies to cases against individual providers.

### **Additional settlements:**

On August 30, Attorney General announced a \$3.75 million settlement with drug manufacturer GlaxoSmithKline (GSK) for deceptive or false marketing of the anti-nausea drugs Kytril and Zofran, among others. The settlement follows a January 27, 2010 decision by Franklin Circuit Judge Roger Crittenden to award the Commonwealth more than \$5.8 million in civil penalties against GSK for violating Kentucky's Consumer Protection Act.

"I believe this case sent a clear message to drug companies that Kentucky's Consumer Protection law will be strictly enforced," General Conway said. "This settlement gives the Commonwealth an instant influx of much needed funds and avoids the uncertainty of a long and drawn-out appellate process."

A settlement is not an admission of liability in a civil case.

## Attorney General Conway Names 2010 Outstanding Commonwealth's and County Attorneys

Attorney General Jack Conway was pleased to present the awards for the 2010 Outstanding Commonwealth's and County Attorneys at the Kentucky Prosecutor's Conference on August 26. Nearly 800 prosecutors, Commonwealth's Attorneys, County Attorneys and staff from across the state attended the three-day conference sponsored by the Office of the Attorney General.

The recipients of the 2010 Outstanding Commonwealth's Attorney Awards are Linda Tally Smith, Commonwealth's Attorney for the 54th Judicial Circuit representing Boone and Gallatin Counties since 2000; Jim Crawford, Commonwealth's Attorney for the 15th Judicial Circuit representing Carroll, Grant and Owen Counties since 1989; and G.L. Ovey, who serves as Commonwealth's Attorney for the 56th Judicial Circuit representing Caldwell, Livingston, Lyon and Trigg Counties since 1988.

The recipients of the 2010 Outstanding County Attorney Awards are Jeff Edwards, Marshall County Attorney since 1997, and Tom Weddle, Casey County Attorney since 1986.





## MEDICAID FRAUD & ABUSE

### **Two Somerset Caregivers Charged with Failure to Report Suspected Abuse**

Attorney General Jack Conway and his Office of Medicaid Fraud and Abuse Control announced that Sean Brennan, 41, and Kacie Carlson, 25, both caregivers at Community Alternatives of Kentucky (CAKY) in Somerset, have been charged with one count each of Failure to Report Suspected Abuse under KRS 209.030 in Pulaski County District Court. Both Brennan and Carlson reside in Somerset.

The charges are the result of an investigation conducted by Attorney General Conway's Office of Medicaid Fraud in conjunction with the Department of Community Based Services. The complaint charges that on or about August 10, 2010, Carlson and Brennan became aware of numerous scratches and marks of an unknown origin on the back of a male resident at CAKY. However, they failed to immediately notify the Cabinet of Health and Family Services of the suspected abuse as required by KRS 209.030.

### **Former Madison Manor Nurse's Aide Sentenced in Patient Abuse Case**

A former nurse's aide at Richmond Health and Rehabilitation Complex (Madison Manor) nursing home was sentenced August 20, 2010 for neglecting to feed a patient in her care in August of 2008. Amanda Sallee, of Richmond, Ky. plead guilty in March 2010 to charges of wanton abuse and neglect of an adult under KRS 209.990.

Sallee was sentenced to one year in the Kentucky Department of Corrections. The sentence will be diverted for a period of five years on the condition that the defendant remains on good behavior, not work with vulnerable adults or children and not work in the health care industry or for a Medicaid or Medicare provider. She must also perform 100 hours of community service and cooperate fully in further investigations involving Madison Manor Nursing Home.

"I appreciate the hard work of my Medicaid Fraud and Abuse Control investigators who, like me, are committed to protecting Kentucky's elderly and vulnerable citizens," General Conway said. "I am pleased that the defendant will no longer be working in the healthcare industry or with vulnerable adults."

Investigators from Attorney General Conway's Medicaid Fraud and Abuse Control Unit investigated these cases and prosecutors from the same office handled the prosecution of this case.

Sallee is the third nurse's aide to be convicted in connection with abuse and neglect at Madison Manor.

### **Former Jefferson County Caregiver Charged with Wanton Endangerment**

A former caregiver at Community Alternatives of Kentucky (CAKY) in Louisville is facing wanton endangerment charges for her treatment of two physically handicapped residents.

Sherray Medious, 48, of Louisville, was charged with two counts of Wanton Endangerment in the First Degree under KRS 508.060 in Bullitt County District Court.

The charges are a result of two separate incidents from June of this year when Medious was a van driver for CAKY. It is alleged that on June 14, 2010, Medious did not strap the wheelchair of a physically handicapped resident to the floor of the van. During the transport, the resident's wheelchair rolled causing her to sustain a broken left foot. It is also alleged that on June 16, 2010, Medious pushed another physically handicapped resident in a wheelchair against a seat causing the resident's left toenail to be ripped off.

This case was referred to the Office of the Attorney General from the Kentucky Department of Community Based Services.

**The Office of Medicaid Fraud and Abuse Control has initiated 42 criminal charges involving abuse and neglect in Medicaid funded facilities in Kentucky since Attorney General Conway took office in January 2008. Additionally, his office has conducted 116 elder abuse and fraud prevention training sessions for senior citizens, prosecutors and investigators across Kentucky.**

## Hazard Nursing Home and Administrator Charged with Failure to Report Abuse

The Hazard Nursing Home Inc. and its administrator, 61-year-old Sheila Noe of Hazard, were charged with failure to report suspected abuse pursuant to KRS 209.030.

It is alleged that Noe, acting as the administrator and on behalf of the corporation, was made aware of the suspected sexual abuse of a patient by another patient on August 8, 2009, and failed to report the suspected abuse to the Cabinet for Health and Family Services as required by KRS 209.030. Failure to report is a Class B Misdemeanor.

“It is my hope that these charges send a message to nursing home operators and administrators that they have an obligation to notify authorities if a resident is abused while in their care,” Attorney General Conway said.

The Cabinet for Health and Family Services conducted an inspection in May of 2010 after becoming aware of the allegations, which led to the facility receiving a regulatory Type A citation. Investigators from the Attorney General’s Medicaid Fraud and Abuse Control Unit received the citation and initiated a criminal investigation.

## Johnson County Constable Pleads Guilty to Charges of “Doctor Shopping”

Attorney General Jack Conway and his Drug Investigations Branch announce the guilty plea and sentencing of Johnson County Constable Terry Ward on charges he unlawfully obtained a prescription for a controlled substance by fraud, also known as “doctor shopping.”

The 46-year-old Ward pled guilty on August 6, 2010 in Johnson Circuit Court to four counts of unauthorized procurement of a controlled substance 1st offense, a Class D felony. Ward has been sentenced to three years, withheld on supervised probation for a period of five years. As a condition of his probation, Ward must also serve 90 days in the county jail or enroll and complete an in-house rehabilitation program.

A Johnson County grand jury indicted Ward on April 15, 2010 on charges he attempted to obtain hydrocodone, a Schedule III controlled substance, from multiple doctors in Johnson County. Paintsville City Police and Operation Unlawful Narcotics Investigation Treatment and Enforcement (UNITE) arrested Ward without incident the following day.

Ward’s indictment and arrest were the result of a six-month investigation by General Conway’s Drug Investigations Branch, with assistance from Operation UNITE. The office of Johnson County Commonwealth’s Attorney Anna Melvin prosecuted the case. Melvin serves the 24th Judicial Circuit representing Johnson, Lawrence and Martin counties.

