



KENTUCKY

General News



August 2015

Attorney General Conway Names Outstanding Kentucky Prosecutors for 2015



Earlier this month at the Lexington Convention Center, Attorney General Conway attended his final Kentucky Prosecutors Conference as Kentucky's Attorney General. Nearly 700 prosecutors, staff members, and law enforcement officials from across Kentucky attended the three-day conference sponsored by the Office of the Attorney General and the Prosecutors Advisory Council. In his final convention, he was honored to deliver awards to four accomplished attorneys for their service in the past year.

The recipients of the 2015 Outstanding Commonwealth's Attorney Awards were Courtney Baxter serving Henry, Trimble and Oldham counties, and Shane Young serving Hardin County. The Outstanding County Attorney Awards were presented to Clay M. Bishop, Jr., of Clay County and Steve Gold of Henderson County.

By working closely with and providing training and assistance to Kentucky prosecutors since 2008, the Office of the Attorney General been able to accomplish a tremendous amount. This joint effort has promoted the cracking down on cybercrimes, curbing the prescription pill epidemic, and taking the eWarrants system statewide. Attorney General Conway wishes to thank all prosecutors for their efforts these last seven years in helping to keep our communities safe.

Read Attorney General Conway's words about the winners: <http://goo.gl/V9hU5m>. For video of the awards presentation please visit: <https://goo.gl/sjJvKK>

Attorney General Conway Alerts Consumers of Fraudulent IRS Phone Scams

In early August, Attorney General Conway alerted Kentuckians of Internal Revenue Service (IRS) phone scams being reported across Kentucky. Citizens of the Commonwealth need to protect themselves from fraud and be vigilant of phone scams claiming to be associated with the IRS. Attorney General Conway's Office of Consumer Protection has been receiving calls from consumers who report that they have been contacted by scammers identifying themselves as IRS representatives or "officers." The scammers are reportedly telling victims they owe money to the IRS. The scammers are also leaving voice messages stating that the victim must take care of a "time-sensitive matter" and return the call, or the IRS will take legal action against the victim.

If you receive a call from someone claiming to be a representative from the IRS who is threatening to take legal action against you, that is a strong indicator that it's not really the IRS. Additionally, when the IRS first contacts a taxpayer, they do so via postal mail, not by phone. Oftentimes, scammers participating in this type of scheme use common names and fake IRS badges numbers. They may also demand payment via a prepaid debit card or wire transfer; however, the IRS doesn't ask for either of these payment methods, nor will they ask for credit card numbers. Consumers are also encouraged to be vigilant of fake emails that look like legitimate IRS correspondence.

Additionally, General Conway and his Office of Consumer Protection recommend the following tips for consumers:

- ▶ Don't provide any account or other personal information. Hang up the phone.
- ▶ Never wire money to a person you don't know. Once you wire money, particularly to a destination out of state or out of country, it is very difficult or impossible to recover the funds.
- ▶ If you owe - or think you owe - federal taxes, call the IRS at **800-829-1040**. IRS workers can help you with your payment questions.
- ▶ Forward fake emails from the IRS to phishing@irs.gov.
- ▶ Report IRS impersonator calls to the Treasury Inspector General for Tax Administration (TIGTA) at www.tigta.gov or by calling **800-366-4484**.



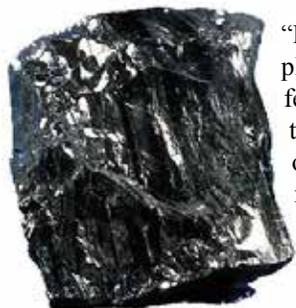
Victims and consumers wishing to report phone scams can contact our Office of Consumer Protection at: **888-432-9257** or visit ag.ky.gov.

Consumers can also report scams to the Federal Trade Commission (FTC): **877-382-4357** or ftc.gov/complaint.

Attorney General Conway Joins Further Legal Action against the EPA over Burdensome Regulations

On August 11, Attorney General Jack Conway joined Florida Attorney General Pam Bondi and 15 other states in a legal action against the United States Environmental Protection Agency (EPA) for illegally invalidating the individual air quality protection plans in each of those states. In May, the EPA issued a final rule requiring 36 states, including Kentucky, to revise their individual State Implementation Plans (SIP) governing emissions during Startup, Shutdown or Malfunction (SSM) of power plants and manufacturers.

The EPA's final rule illegally requiring the states to change their previously approved SIPs, came after they agreed to settle a lawsuit brought by the Sierra Club. The EPA's rush to settle that matter has led to the adoption of an illegal final rule that is in conflict with the Clean Air Act and imposes on Kentucky's right to determine the most effective strategy for achieving air quality standards. A petition for review was filed in the United States Court of Appeals for the District of Columbia Circuit asking the court to review the EPA's final rule. Besides the clear violation of state's authority enumerated in the Clean Air Act, the final rule also stands to stall or reverse progress Kentucky has made in improving the quality of the air in the Commonwealth.



"For decades Kentucky has self-regulated air quality standards during startup, shutdown and the malfunction of power plants and manufacturers in our state," said Attorney General Conway. "Now the EPA is once again using heavy-handed federal overreach that threatens our ability to implement a plan that works best for Kentucky. The EPA is demanding that Kentucky scrap its system that has improved our state's air quality and once again substituted its judgment for ours. This is very likely to result in higher utility bills for Kentucky consumers. I am confident the courts will again rule that the EPA has overstepped its authority."

To view the petition, please visit: <http://goo.gl/sCm3hh>. To read a copy of the press release: <http://goo.gl/KoIVYk>

Attorney General Conway Helps Secure \$71 Million Settlement after Allegations of Illegal Marketing of Biological Medications from Amgen



On August 19, Attorney General Jack Conway joined 48 other states in reaching a \$71 million settlement with Amgen Inc. to resolve allegations that Amgen unlawfully promoted the biologic medications Aranesp and Enbrel. Aranesp is used to treat certain types of anemia by stimulating bone marrow to produce red blood cells. Enbrel is used to treat a number of conditions, including plaque psoriasis. The settlement alleges that Amgen violated state consumer protection laws by illegally promoting these medications.

The settlement also requires Amgen to reform its marketing and promotional practices by not making any false or misleading claims; including representing that Enbrel or any drug in the same class as Aranesp has any sponsorship, approval, characteristics, ingredients, uses, benefits, quantities, or qualities that it does not have.

“Reckless promotion of drugs for uses for which they are not approved and may in fact be harmful is unacceptable,” said Attorney General Jack Conway. “Drug companies that profit by risking Kentucky consumers’ health through improper and deceptive marketing practices will face the consequences.”

Read more here: <http://migration.kentucky.gov/Newsroom/ag/amgen.htm>

Attorney General Conway Asks U.S. Department of Education to Forgive Federal Student Loans of Students Victimized by For-Profit Colleges

Since 2008, Attorney General Jack Conway has led a national charge to hold for-profit colleges accountable for illegal activities. On August 18, Attorney General Conway joined 11 state attorneys general in an effort to bring state-level voices to a national debate on how best to help students victimized by Corinthian Colleges and other predatory for-profit schools. The attorneys general called on the U.S. Department of Education to cancel federal student loans in cases where schools have broken state law and provide clear processes for students seeking relief. Attorney General Conway joined the multistate effort making several recommendations to the U.S. Department of Education on the structure of its newly-formed debt relief program.

“The Department of Education must recognize the serious threat some for-profit colleges pose to students and work toward protecting students against future harm,” said Attorney General Conway.

This letter followed a letter previously sent U.S. Secretary of Education Arne Duncan in April 2015. In April, Attorney General Conway and eight other attorneys general sent a letter to Secretary Duncan expressing the importance of defense to repayment for student borrowers at for-profit schools that have broken state law. That letter prompted the Department to develop a new debt-relief process for Corinthian students and the appointment of Joseph Smith as Special Master.

The follow-up August letter was recently sent to U.S. Secretary of Education Arne Duncan and the Special Master Joseph Smith, who is charged with reviewing the debts of students who attended Corinthian schools and establishing state law discharge procedures. The letter requests that the state attorneys general be included in the planning process. The letter raises a number of concerns about the Department of Education’s state law discharge process and offered a number of recommendations including easing the burden on students to achieve relief, allowing attorneys general to make showings of state law violations, discharging loans for groups vs. individual students and ensuring relief regardless of loan status.

To view a copy of the August letter, please visit: <http://goo.gl/MYgnkO>.

To read the press release for this topic please visit: <http://goo.gl/E2qyrZ>

For more information about students’ rights under the closed school discharge (forgiveness) of their student loans please see: <https://goo.gl/106aOg>



Attorney General Conway Announces Indictments of Carroll County Chief of Police and Officer

On August 10, Attorney General Conway's Office of Special Prosecutions presented allegations to a Carroll County grand jury that two members of the Carrollton Police Department violated the law by arranging for the transport of a mentally disabled inmate to Louisville and placing him on a bus to Florida. 50-year-old Ronald W. Dickow and 48-year-old Michael S. Willhoite, both of Carrollton, Ky were indicted on charges of complicity to commit kidnapping, complicity to commit custodial interference and official misconduct.

Willhoite is the chief of police and Dickow is an officer with the Carrollton Police Department. According to the grand jury indictments, on or about April 23, 2015, they unlawfully restrained Adam Horine, an inmate at the Carroll County Detention Center, with the intent to interfere with the performance of a governmental or political function. The indictments also state Willhoite and Dickow knowingly took Horine, a mentally disabled person, out of custody and kept him from the lawful custody of Eastern State Hospital, a mental institution. Further, the indictments state they committed an unauthorized exercise of official functions and/or they refrained from performing an official duty when they violated a Court order to transport Horine to Eastern State Hospital.

These charges were investigated by Attorney General Conway's Department of Criminal Investigations. They will be prosecuted by Attorney General Conway's Special Prosecutions Unit. A jury trial is scheduled for December 1 in Carroll Circuit Court. A charge is merely an accusation. A defendant is presumed innocent until and unless proven guilty.



Attorney General Conway's Department of Criminal Investigations

Since 2008, investigations by General Conway's Department of Criminal Investigations have led to public corruption related charges against more than 120 individuals. Anyone aware of such illegal activity on the part of an elected or appointed official is encouraged to contact the DCI toll-free hotline at 866-524-3672 or email information to DCIFORCE@ky.gov

Attorney General Conway Attends Kentucky State Fair Activities and Operates Cybersafety Awareness Booth



The Kentucky State Fair in Louisville is an August tradition of uniting farmers and families to celebrate Kentucky's culture. This year, Attorney General Conway attended multiple events to support Kentucky farmers. On August 20, General Conway helped kick off the fair festivities by serving ribeye steaks provided by the Kentucky Cattlemen's Association at the annual Commodities Breakfast. It was a chance for Attorney General Conway to serve the farmers who serve our Commonwealth by putting food on our tables. On August 27, he attended the 52nd annual Kentucky Farm Bureau Ham Breakfast, which raises money for charity by auctioning off a prized Kentucky Ham. At this year's breakfast, the winning ham sold for \$400,000, with proceeds going to the charity of the buyer's choice.

Attorney General Conway has always been a strong advocate for farm families. He settled the disputed tobacco MSA payments and ensured Kentucky and its farmers would receive those payments going forward. When farmers in South Central Kentucky were swindled by Eastern Livestock, he stepped in to secure \$1 million in restitution.

The Office of the Attorney General also raised awareness about cybersafety, prescription drug abuse awareness, and consumer protection education by operating a booth located in the South Wing at the Kentucky Fair and Exposition Center. The booth also had great giveaways and information to raise awareness about efforts coordinated by the Office of the Attorney General.

For pictures of Attorney General Conway and other fair events, you can follow Attorney General Conway on Twitter [@kyoag](https://twitter.com/kyoag), or visit the Attorney General's Facebook page.

Attorney General Conway's Office of Special Prosecutions Obtains Jury Trial Murder Conviction and Life Sentence of Muhlenberg County Woman



On August 18, Attorney General Conway's Office of Special Prosecutions secured a guilty verdict and a recommended life sentence for 62-year-old Brenda Hardin of Muhlenberg County. Hardin was charged and convicted of murdering her ex-husband, and the jury recommended she serve the maximum sentence of life in prison. Her former husband, 64-year-old Ronnie Hardin, was found on July 7, 2014, in an outbuilding of his former home and pronounced dead at the scene by the Muhlenberg County Coroner's Office. Brenda Hardin killed her former husband by shooting him in the chest.

This case was investigated by the Kentucky State Police Post Two in Madisonville, Ky. Attorney General Conway's Office of Special Prosecutions handled the trial of this case at the request of Commonwealth's Attorney Ralph Vick. Final sentencing is scheduled for Brenda Hardin on September 18 at 10 a.m. CDT, in Muhlenberg Circuit Court.

"I want to commend my Office of Special Prosecutions for its handling of this case, and I appreciate the jury's careful consideration on the matter," General Conway said. "Our thoughts, as always, are with the victim's family in this case."

Attorney General Conway's Special Prosecutions Division

Attorney General Conway's Special Prosecutions Division prosecutes criminal cases pursuant to KRS 15.190 to 15.240 and KRS 15.715. Special prosecutors are responsible for assisting local prosecutors in complex or sensitive cases, as well as handling cases in which the local prosecutor disqualifies himself and prosecutes thefts from the Commonwealth by employees or elected officials.

Attorney General Conway's Cybercrimes Unit Arrests New Albany, IN man in Predator Sting

Dale Thomas Hammond, 60, was arrested on August 6 by Attorney General Conway's Cybercrime investigators. Hammond was arraigned in Jefferson District Court and charged with prohibited use of an electronic communication system to procure a minor in a sex offense. This charge is the result of a Cybercrimes Unit investigation that began in July of 2015. It is alleged that Hammond sent electronic messages to an undercover officer, posing as a minor, for the purposes of engaging in illegal sexual acts. He was arrested in Jefferson County while allegedly driving to meet and bring the minor back to Indiana to engage in sexual contact. This charge is a Class D felony and is punishable by one to five years in prison.

This case is currently being prosecuted by the Office of the Jefferson County Commonwealth Attorney, Thomas B. Wine. Hammond remains in custody at the Louisville Metro Department of Corrections with a \$10,000 cash bond awaiting a presentation to the grand jury. He has been ordered to have no contact with minor children. Hammond's arrest was assisted by officers from the Louisville Metro Police Department's Eighth Division.



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

General Conway's Cybercrimes Unit

Since its creation in June 2008, Attorney General Conway's Cybercrimes Unit has launched more than 450 child pornography investigations and seized over 750,000 child pornographic images and videos from the Internet. The unit is also a member of the U.S. Dept. of Justice's Internet Crimes Against Children Task Force.

For additional information on General Conway's efforts to protect Kentuckians from Internet predators, visit the Office of the Attorney General's "Cybersafety in Kentucky" page at <http://ag.ky.gov/cybersafety/>. To report cyber abuse, visit the CyberTipline or call **800-843-5678**.