



KENTUCKY

# General News



September 2012

## More than 5,300 Kentuckians Eligible for \$10.7 Million under Mortgage Foreclosure Settlement



Thousands of Kentuckians who lost their homes as a result of the mortgage foreclosure crisis have been notified that they are now eligible for payments totaling \$10.7 million under the national mortgage settlement. Notices were mailed on September 17, 2012 to approximately 5,395 Kentucky homeowners who lost their homes to foreclosure between January 1, 2008 and December 31, 2011.

“In communities across Kentucky and the nation, homeowners affected by the mortgage foreclosure crisis are getting much needed relief as a result of this historic settlement,” General Conway said. “This settlement is about providing second chances for those who have lost their homes or owe more than their homes are worth. If you believe you are eligible for relief under this settlement, please watch for important communications from my office.”

Depending upon the number of eligible participants, the amount payable to these borrowers will be up to \$2,000 per eligible household. To be eligible, homeowners must have had loans serviced by Ally/GMAC, Bank of America, Citi Bank, JP Morgan Chase or Wells Fargo and lost their homes through foreclosure between January 1, 2008 and December 31, 2011.

A follow-up letter with paperwork to complete will be sent directly to consumers from the Attorney General in October. Homeowners should receive a letter and claim form from the Attorney General by October 19, 2012.

General Conway was among 49 attorneys general to participate in the historic \$25 billion settlement with the nation’s five largest mortgage servicers in February of 2012. Kentucky received a total of \$58 million under the settlement.

### Mortgage Settlement History

Details about the settlement eligibility requirements and other benefits can be found at <http://nationalmortgagesettlement.com>. Banks will also be directly contacting consumers who qualify for payments or assistance. If consumers have questions, they may call.

- ▶ Bank of America — 877-488-7814
- ▶ JP Morgan Chase — 866-372-6901
- ▶ Wells Fargo — 800-288-3212
- ▶ Citi — 866-272-4749
- ▶ Ally/GMAC — 800-766-4622

For additional information and a list of frequently asked questions, visit the Attorney General’s mortgage foreclosure settlement page at <http://ag.ky.gov/mortgagesettlement>.

### Don’t Get Scammed!

General Conway warns homeowners to beware of potential scams that may surface related to this settlement. To avoid being scammed, please consider the following information:

- There is no cost to eligible borrowers to participate in the foreclosure settlement.
- If anyone solicits you by telephone, Internet or by mail offering to assist you in obtaining a payment under the foreclosure settlement for a fee, it is a scam.
- If you receive any solicitation related to the foreclosure settlement that is not addressed from the Office of the Attorney General, do not respond to it.
- If you are a victim of a scam, report it to the Attorney General’s Consumer Protection Hotline at 888-432-9257, option 3.

## Attorney General Conway Accepts Leadership Posts with NAAG, DAGA

The National Association of Attorneys General (NAAG) and Democratic Attorneys General Association (DAGA) have tapped Attorney General Conway for leadership posts within their organizations. DAGA announced at its Fall Policy Forum on September 27, 2012 that General Conway would serve as its Co-Chair, along with California Attorney general Kamala Harris and Delaware Attorney General Beau Biden.

“It is an honor to serve as Co-Chair of an organization that is dedicated to assisting attorneys general across the country in the important work they do,” General Conway said. “DAGA provides a forum by which attorneys general can interact and share information with each other, as well as corporate, civic and individual members, so that we can better address the most pressing issues facing the country.”

General Conway has also assumed several leadership roles with NAAG. NAAG President, Maryland Attorney General Doug Gansler, appointed General Conway to the Association’s Executive Committee, which formulates policies and strategies to help attorneys general respond effectively, individually and collectively, to emerging state and federal issues.

Additionally, General Conway is serving as Co-Chair of NAAG’s Consumer Protection Committee and Co-Chair of the Substance Abuse Committee, with Florida’s Attorney General Pam Bondi, a Republican.

## Have You Taken the Pledge?

One person dies every 19 minutes in the United States from a prescription drug overdose. In Kentucky, approximately three people die every day from accidental overdoses. A new national action campaign called The Medicine Abuse Project seeks to raise awareness about the epidemic of prescription drug abuse and to prevent teens from abusing prescription pills. As co-chair of NAAG’s Substance Abuse Committee, General Conway joined with The Partnership at Drugfree.org as it launched the multi-year initiative the week of September 23-29, 2012. The project’s goal is to prevent half a million teens from abusing prescription medications within five years.

“Non-medical use or abuse of prescription painkillers is the fastest-growing drug problem in the United States and it is killing our kids,” General Conway said. “This is an epidemic that is beginning in homes across Kentucky and the nation. I look forward to working with The Partnership at Drugfree.org to ensure that we don’t lose another generation to this scourge.”



As part of The Medicine Abuse Project, General Conway encourages individuals to sign the Pledge at [MedicineAbuseProject.org](http://MedicineAbuseProject.org) and commit to learn about teen medicine abuse, talk to teens about the issue and safeguard prescription drugs in the home.

## General Conway Launches Fall Keep Kentucky Kids Safe Programs



General Conway and his Keep Kentucky Kids Safe partners kicked off their fall 2012 prescription drug abuse awareness programs in September. General Conway hosted programs at Benton Middle School in Marshall County and Dixie Heights High School in Kenton County, warning students about the devastating consequences of prescription drug abuse.

“One of two things is going to happen if you abuse prescription drugs,” General Conway said. “You are either going to jail or the grave. It is never okay to take a prescription pill that is not prescribed to you by a doctor.”

Prescription drug overdoses have doubled over the past decade and now kill more Kentuckians each year than traffic accidents. According to an analysis by Forbes Magazine, Kentucky is the fourth most-medicated state in the country.

“One of our biggest problems in deterring drug abuse is the use of prescription medications by students who were not prescribed the drug,” said Rutheta Buchanan, Interim Superintendent of Marshall County Schools. “Prescription meds are readily available in home medicine cabinets and are often difficult to detect.”

Since launching the Keep Kentucky Kids Safe program in 2010 with state and law enforcement partners, General Conway has alerted nearly 15,000 students across Kentucky to the dangers of prescription pill abuse.

For more information on General Conway’s drug diversion efforts or the Keep Kentucky Kids Safe program, please visit <http://ag.ky.gov/rxabuse>.

## Parents, Students and Educators Urged to Help Fight Bullying

With school back in session, Attorney General Conway, the Kentucky Center for School Safety and the Kentucky Suicide Prevention Group are urging Kentucky students, parents and educators to help fight bullying and harassment at school and online.

“Each day, 160,000 students across the country will miss school for fear of being bullied,” General Conway said. “With the growth of online social networking, cyberbullying has become one of the most prevalent types of bullying that occurs between teens. By recognizing the signs of bullying and taking action, we can stop a problem that is fueling youth violence and suicides across the Commonwealth and the country.”

More than 50 percent of all American teens have been a victim of cyberbullying, according to the National Crime Prevention Association. Most never report the bullying.

According to the Kentucky Department of Education, there were 6,076 incidents of bullying, felony stalking, harassment or verbal abuse during the 2011-12 school year that resulted in an expulsion, out-of-school suspension or corporal punishment.

Karen McCuiston, Director of the Resource Center at the Kentucky Center for School Safety, says the anonymity and immediacy of computers and mobile devices make cyberbullying easy. She says it has become a matter of life and death.

“Approximately 25 students a year take their own lives because they are harassed, because they are cyberbullied so much that they can’t take another day so they take their lives. This is curable; it’s not cancer. It’s just words, but they are killing our kids,” said McCuiston.

Attorney General Conway, the Kentucky Center for School Safety and State Suicide Prevention Group have the following tips to prevent cyberbullying and cyberharassment.



### **For Students**

- ▶ Tell a trusted adult if you have been bullied, cyberbullied or harassed.
- ▶ Don’t open messages from people you don’t know.
- ▶ Don’t react to the bully or respond to harassing e-mails or posts.
- ▶ Block the bully from sending you e-mail or posting to your social networking account.
- ▶ If you are threatened, inform the police.
- ▶ Don’t email when you are angry and never post “questionable” pictures of others.

### **For Parents**

- ▶ Strongly encourage your child not to respond to cyberbullying.
- ▶ Try to identify the individual doing the cyberbullying and do not erase messages and pictures.
- ▶ Contact your child’s school if the cyberbullying is occurring through school.
- ▶ Contact police if cyberbullying involves threats of violence, extortion, obscene or harassing phone calls, harassment, stalking or hate crimes.
- ▶ Monitor your child’s online activities and discuss what is appropriate to post online.

For more information, visit the Attorney General’s cyberbullying page at <http://ag.ky.gov/cybersafety> or the Kentucky Center for School Safety’s website at <https://www.kycss.org/cyberbullying.php> . “Bullying: Be Part of the Cure” is the theme for Kentucky Safe Schools Week Oct. 21-27, 2012. To learn more, visit <http://www.kycss.org/ssw.php> .

To report cyber abuse, call the CyberTipline at 1-800-843-5678.

## Former Wayne County Clerk Faces Forgery Charges

Former Wayne County Clerk Melissa Turpin of Monticello, Ky. is charged with one count of forgery, 2nd degree, following an investigation by the Attorney General’s Department of Criminal Investigations (DCI).

Turpin, the office manager and title clerk for Somerset Auto Auction in Somerset, Ky., is accused of forging the signature of Pulaski County Clerk Ralph Troxtell on a title for a 2006 Toyota Highlander sold on Craigslist to a Maryland resident. Turpin is also currently on probation in Franklin Circuit Court for filing false tax returns and failure to pay tax and in Wayne Circuit Court for abuse of public trust over \$10,000.

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



## **Panel Formed to Review Child Fatality, Near Fatality Cases**

Governor Steve Beshear has announced the 17 members of a panel that will help ensure that state agencies meet the policies and standards expected in cases of child abuse and neglect. The external review panel will conduct comprehensive reviews of child fatalities and near fatalities that are determined to be the result of child abuse or neglect.

“In those instances when a child dies or is critically injured because of abuse or neglect, we must carefully examine the practices of the government entities whose job it is to prevent such tragedies,” Gov. Beshear said. “What we learn will help us implement new policies if needed. This panel will play a critical role in our efforts to protect Kentucky’s children.”

The panel’s members include a wide range of disciplines and stakeholders, including those of law enforcement and social services, and representatives of all three branches of state government. The members who are not serving by virtue of their office are nominated by external peer committees and selected for service by the Attorney General.

“The child fatality and near fatality review panel’s work will help guide state leaders in improving the critical social safety net for our most vulnerable children,” Attorney General Jack Conway said. “I am confident each of the appointees I have selected to serve will endeavor to add his or her professional perspective to this important effort.”

Members will meet quarterly to review official records, case files, or information relating to child fatalities or near fatalities and analyze the medical, psychosocial and legal circumstances of the child to identify conditions that contributed to the death or serious injury.

More information — <http://migration.kentucky.gov/Newsroom/ag/abusepanel.htm>

## **State DUI Instructor Pleads Guilty to Falsifying DUI Program Completion Forms**

A certified instructor in Kentucky’s Alcohol Related Offenders Program (AROP) pled guilty on September 28, 2012 to charges he falsified public records. Under a plea agreement, 40-year-old Timothy Monhollen of Lexington pled guilty to three counts of tampering with public records, a Class D felony.

The charges follow an investigation by Attorney General Conway’s Department of Criminal Investigations. The case was referred to the Attorney General’s Office by the Cabinet for Health and Family Services in August 2010.



A Franklin County grand jury indicted Monhollen, a certified DUI instructor in Boyle, Fayette, Jessamine, Lincoln and Mercer counties, in October 2011 on three counts of tampering with public records for falsifying entries in DUI Program Completion Forms.

The plea agreement calls for a two year sentence on each of the three counts to run consecutively for an aggregate six-year sentence. Monhollen will be placed in a pre-trial diversion program for a period of five years, during which time he will be supervised by a probation officer, undergo a mental health, drug and alcohol assessment and comply with any treatment indicated. Additionally, he will not be allowed to work in Kentucky in any capacity related to DUI or domestic violence offenders and will be prohibited from reapplying for any DUI or domestic violence certification in Kentucky.

Franklin Circuit Judge Phillip Shepherd will formally sentence Monhollen at 9:00 a.m. on November 16, 2012.

## **Two Somerset Residents Convicted in Scheme to Bribe Pulaski County Commonwealth’s Attorney**

Forty-six-year-old Dormus “Bubby” Dalton and 45-year-old Virginia “Carol” Hampton both entered guilty pleas on September 26, 2012 in Pulaski Circuit Court in connection with a scheme to bribe Pulaski County Commonwealth’s Attorney Eddie Montgomery. Prosecution of this case was handled by General Conway’s Office of Special Prosecutions following an investigation by Somerset Police.

Dalton pled guilty to one count of complicity to bribery of a public servant, a Class C felony, and a charge of being a persistent felony offender. Hampton entered an “Alford Plea” to one count of facilitation to bribery of a public servant, a misdemeanor. Under an Alford Plea, Hampton maintains her innocence, but admits there is enough evidence for a conviction in the event of a jury trial.

Dalton was sentenced to 10 years in prison, while Hampton received 12 months to serve, probated for a period of two years. Dalton and Hampton are among five Somerset residents charged in connection with the bribery scheme.

“This type of illegal and unscrupulous behavior is not tolerated in the Commonwealth of Kentucky,” General Conway said. “I appreciate the hard work of my Office of Special Prosecutions and the Somerset Police Department in bringing this case to a successful close.”

A Pulaski County grand jury indicted Dalton, Hampton, Nobel Hampton, Walter Creekmore and Everett Hyden in July 2010 for their involvement in the scheme. The five defendants were accused of acting together between May 18 and June 10, 2010 to collect and deliver \$20,000 to the Commonwealth’s Attorney as a bribe to secure the release of Carol Hampton’s son, Brandon Compton, a twice-convicted narcotics trafficker.

More information — <http://migration.kentucky.gov/Newsroom/ag/abusepanel.htm>

## Attorney General’s Office Debuts Mobile-Ready Website

With the launch of a mobile-ready website, it has never been easier to access the important information available through the Office of the Attorney General.

“Important information on cybersafety, fighting prescription drug abuse and protecting consumers and our vulnerable citizens is now at Kentuckians’ fingertips,” General Conway said. “I am also pleased to say that we have streamlined our online complaint process, making it easier and faster for citizens to file complaints related to consumer protection and rate intervention issues.”

Consumers now have the ability to file general consumer complaints, student complaints and rate intervention complaints online through their home computers or mobile devices.

“As Attorney General, I have made it a priority to bring our laws up to date with current technology and provide prosecutors and police with the tools they need to handle today’s law enforcement challenges,” General Conway said. “I’m pleased to do the same for the public. I encourage consumers to take advantage of all of the new tools that make our website more intuitive and user-friendly.”

General Conway’s monthly column, newsletter, podcasts, press releases and links to his Facebook, Twitter, YouTube and Flickr social media pages are also available through the new mobile-ready website at <http://ag.ky.gov>.

The screenshot displays the mobile-optimized website for the Office of the Attorney General, Jack Conway. The header features the office name and a navigation menu with links for Home, Multimedia, Contact Us, Civil Division, Criminal Division, Espionage, F.A.Q., and Publications. A 'Welcome' section includes a message from the Attorney General and a 'Contact' sidebar with address and social media links. A 'What's new?' section highlights a 'Peer Shred Event' on October 8, 2012, with a graphic titled 'Identity Theft'. Below this is a 'KY Kids Alert' section with a 'Child Product Safety Recalls' list, including items like 'Pink Angel Environmental Gender Device' and 'Captain Calves Power Toy'. A 'CPSC Recall Mailing List' and 'Featured Links' are also visible at the bottom.



# CYBERCRIMES

## **Kenton County Man Arrested For Possession and Distribution of Child Pornography**

An investigation by Attorney General Conway's Cybercrimes Unit has resulted in the arrest of a Kenton County man for possession and distribution of child pornography. The Kenton County Sheriff's Department arrested 24-year-old Ryan Mathew Hoff on one count of possession of matter portraying a sexual performance by a minor and one count of distribution of matter portraying a sexual performance by a minor. Both are Class D felonies.

The charges stem from an undercover investigation by General Conway's Cybercrimes Unit that began on August 13, 2012. General Conway's Cybercrimes investigators executed a search warrant at Hoff's Independence, Ky. residence on September 6, 2012, with the assistance of Kentucky State Police. A forensic exam of computers seized from the residence identified more than 30,000 images and videos of suspected child sexual abuse.



Hoff entered a not guilty plea at his arraignment in Kenton District Court.

## **Marshall County Man Sentenced to 190 Months in Prison for Violating Federal Child Exploitation Laws**



A Marshall County man is facing a 190-month prison term for violating federal child exploitation laws. U.S. Senior Judge Thomas B. Russell sentenced 44-year-old James Todd Hill on September 10, 2012. Hill also faces a 10-year term of supervised release and must pay \$5,000 in restitution to a victim.

Hill's sentencing follows an undercover investigation by General Conway's Cybercrimes Unit that began on March 21, 2011.

"I am pleased that my cybercrimes investigators, working with the U.S. Attorney's Office, have taken another child pornographer off of the Internet," General Conway said. "Our work is making the Internet a safer place for Kentucky kids."

A federal grand jury in Paducah, Ky. returned a five-count indictment against Hill on September 13, 2011, charging him with distribution, receipt and possession of child pornography. The indictment was unsealed on September 19, 2011 following the arrest and first appearance of Hill before U.S. Magistrate Judge W. David King.

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

Since its creation in June of 2008, General Conway's Cybercrimes Unit has launched nearly 300 child pornography investigations and seized approximately 350,000 child pornographic images and videos from the Internet. The unit is also a member of the Internet Crimes Against Children (ICAC) Task Force.

For additional information on cybersafety in Kentucky, visit General Conway's Cybersafety Page at <http://ag.ky.gov/cybersafety/>. To report cyber abuse, visit the CyberTipline or call 1-800-843-5678.