



KENTUCKY

# General News



September 2013

## Attorney General Conway Kicks Off 2013-2014 Prescription Drug Abuse Awareness Programs

Attorney General Jack Conway alerted 1,650 students about the dangers of abusing prescription drugs at his 2013-2014 Keep Kentucky Kids Safe kick-off programs during the month of September.

Joined by Mike Donta, an Ashland, Ky. father who lost his son to prescription drug addiction, and Van Ingram, executive director of the Kentucky Office of Drug Control Policy, General Conway spoke to students at Trinity and Shelby County high schools about an epidemic that is devastating families in every corner of the commonwealth.

“Nationally, prescription painkillers are now the number one cause of accidental death in the United States, and in Kentucky, approximately three people will die today from prescription drug overdoses,” General Conway said. “We’re losing more people to overdoses than traffic accidents.”



Since launching the Keep Kentucky Kids Safe program in 2010 with the Kentucky Office of Drug Control Policy, Kentucky Pharmacists Association, National Association of Drug Diversion Investigators (NADDI), Operation UNITE and concerned parents, General Conway and his partners have alerted more than 25,000 middle and high school students to the dangers of abusing prescription drugs.

Officials at both schools praised the program and efforts to raise awareness among middle and high school students about the dangers of prescription drug abuse.

“We applaud Attorney General Conway’s efforts in this matter,” said Dr. Robert Mullen, president of Trinity High School. “The scourge of prescription drug abuse is harming young and old alike. Education can be a tremendous tool in this fight for all of Kentucky’s children.”

“Our students need to understand the consequences of abusing any drug, especially ones they can access so readily,” said Eddie Oakley, principal at Shelby County High School. “Programs such as this one bring awareness and knowledge, and they go a long way toward combating issues our students face.”

These programs come amid clear signs that Kentucky is making progress in its fight against the epidemic of prescription drug abuse. According to the latest report from the Substance Abuse and Mental Health Services Administration, the non-medical use of prescription pain relievers among all age groups in Kentucky is down and for the first time, the state is below the national average for prescription drug abuse.



## General Conway Announces Scholarships for Students Affected by Prescription Drug Abuse



Two high school seniors affected by prescription drug abuse will now have an opportunity for a second chance. The Office of the Attorney General, along with the National Association of Drug Diversion Investigators, the Prosecutors Advisory Council and the parents of two young overdose victims, unveiled the details of two \$1,500 scholarships for eligible students whose families have been adversely affected by prescription drug abuse.

The scholarships are in memory of 19-year-old Sarah Shay and 24-year-old Michael Donta. Shay, of Morehead, Ky., died of a prescription drug overdose in 2006. Donta, of Ashland, Ky., lost his battle with prescription painkiller abuse in 2010. Sarah and Michael's parents, Dr. Karen Shay and Mike Donta, now travel with General Conway across the state as part of his Keep Kentucky Kids Safe initiative to warn middle and high school students about the dangers of prescription drug abuse.

The Sarah Shay and Michael Donta Memorial Scholarships for Hope and Healing were created this year to help Kentucky students who have excelled in their personal and academic lives despite seeing their families adversely affected by the dangers of prescription drug abuse.

"I am grateful for the work that my investigators, prosecutors and NADDI are doing to prevent and investigate prescription drug diversion, and I am proud in knowing that the money donated will be used to give a child affected by prescription drug abuse a second chance," General Conway said. "I refuse to lose another generation to this addiction. This money will help two young people get a fresh start and a chance at completing their college educations."

Completed scholarship applications must be submitted by January 15, 2014. Recipients will be announced in May of 2014 by the Office of the Attorney General, in conjunction with PAC and NADDI.

Scholarship applications and eligibility requirements are available at <http://ag.ky.gov/rxabuse>.



## Former Ag Commissioner Richie Farmer Pleads Guilty

Former Agriculture Commissioner Richie Farmer pleaded guilty in Franklin Circuit Court on September 13 to violating Kentucky election finance laws. Farmer is charged with causing campaign funds to be expended for improper purpose, a Class D felony.



In April 2012, the Office of the Attorney General received an investigative referral after a completed audit of Farmer's tenure outlined a myriad of disturbing incidents. During a joint investigation, the Office of the Attorney General and the FBI found that Farmer violated election campaign laws when he submitted more than \$10,000 in false receipts for personal reimbursement to his re-election campaign account. Farmer's charge is in addition to federal charges he also faces.

"The actions of Mr. Farmer during his time as agriculture commissioner were disappointing," General Conway said. "This is an issue I take seriously, and these types of crimes where federal and state tax dollars are misspent or wasted will not be tolerated."

Farmer will serve a one-year sentence concurrently with his expected federal prison time. His sentencing hearing is scheduled for January.

The investigation also uncovered that his sister and former employee of the Kentucky Registry of Election Finance, Rhonda Monroe, helped Farmer commit the crime. Monroe pleaded guilty to a similar charge and will receive a one-year sentence to be probated for a period of two years. She is expected to be sentenced in November.

## General Conway Announces Funding for Affordable Housing in Lexington, Louisville

More than \$750,000 is going to Lexington initiatives that help displaced families, prevent foreclosures and create affordable housing,

The Office of the Attorney General provided funds it recovered after settling a lawsuit with Lender Processing Services, Inc. (LPS) and two of its subsidiaries over allocations of “robo-signed” mortgage loan default servicing documents.



“During the height of the nation’s foreclosure crisis, 65,000 Kentuckians lost their homes to foreclosure,” General Conway said. “Our state’s largest cities were hardest hit with abandoned properties, displaced residents, and declining neighborhoods. It’s incredibly fulfilling to know that these settlement funds will be used to create and rehabilitate affordable housing in Lexington, while helping residents who’ve lost their homes or face foreclosure.”

In Louisville, General Conway joined representatives from The Housing Partnership, Inc. (HPI) and the Kentucky Housing Corporation to announce how funds the Office of the Attorney General secured from the historic national mortgage foreclosure settlement will help rehabilitate an apartment complex in Jefferson County.

\$600,000 from the settlement will be used to improve the neighborhood, while creating safe and affordable housing for 65 families.

Forty nine state attorneys general reached the historic \$25 billion settlement with five of the nation’s largest banks in February of 2012. Kentucky received \$58 million under the settlement. Thirty-eight million dollars was allocated by the settlement administrator to consumers who qualified for refinancing, loan write downs, debt restructuring and/or cash payments of up to \$2,000. Kentucky also received \$19. 2 million in settlement money that was allocated to agencies throughout the Commonwealth that create affordable housing, provide relief or legal assistance to homeowners facing foreclosure, redevelop foreclosed properties and reduce blight created by vacant properties.

More information on how the settlement dollars will be spent in Lexington: <http://goo.gl/qGv0OZ>

## Attorney General Conway Applauds FDA for Adding Warnings for Expectant Mothers to Opioid Painkillers

Attorney General Conway applauded the U.S. Food and Drug Administration (FDA) for adding a warning to long-acting or extended release opioid analgesics about the dangers of using these prescriptions during pregnancy.

The FDA made the change after being contacted by Attorney General Conway and 42 of his colleagues. General Conway co-chairs the National Association of Attorneys General Substance Abuse Committee.

“I applaud the FDA for making this change that will better alert physicians and patients about the dangerous consequences of using these powerful prescription painkillers during pregnancy,” General Conway said. “The warning labels on long-acting and extended release opioid analgesics are a good first step, and I hope similar labels will one day be included on all opioid prescriptions.”



General Conway and his colleagues contacted the FDA after states across the country reported seeing an increase in the number of babies born addicted to prescription drugs. In Kentucky alone, instances of Neonatal Abstinence Syndrome (NAS) have risen 2,500 percent over the past decade – from 29 incidents in 2001 to 730 in 2011. It is estimated that in 2009 there were 13,539 newborns nationwide born with NAS.

Now, as part of new safety measures announced by the FDA, the boxed warning labels will warn expectant mothers that “the use of the products during pregnancy can result in neonatal opioid withdrawal syndrome.” It warns the condition may be life-threatening to the baby and require management according to the protocols developed by neonatology experts.

## General Conway Announces Key Rulings in Purdue Pharma Case

The Commonwealth's case against Purdue Pharma will stay in Pike County and be heard by a Pike County jury. The key ruling was one of two handed down in late September from Pike Circuit Court Judge Steven Combs.

The case involves the alleged illegal marketing of Purdue Pharma's opioid pain reliever, Oxycontin. Purdue filed a motion to change the venue of the case from Pike County to Franklin County, a move that General Conway opposed.

Additionally, Purdue asked the court to allow it to withdraw admissions that the company made when Purdue failed to respond to pleadings in the case. The court denied Purdue's motion.

Among the acts admitted to are:

- ▶ Purdue misrepresented and/or concealed the true addictive nature of OxyContin, including the risk of addiction, actual addiction and other adverse health consequences.
- ▶ Purdue knew OxyContin was being abused and diverted from its intended use.
- ▶ Purdue, knowing this, continued to market and promote OxyContin as having less potential for abuse and diversion.
- ▶ Purdue encouraged physicians, who were not trained in pain management, to overprescribe OxyContin.
- ▶ Purdue's actions caused Kentucky to spend excessive amounts of money on OxyContin through state-funded benefits and to combat OxyContin abuse and diversion.

"We appreciate the court's rulings and its careful consideration of this case, and we will continue to aggressively pursue this action," General Conway said. "Purdue used everything in the playbook to keep this case out of Pike County. I look forward to the day when Purdue faces a Pike County jury and answers for its conduct that helped fuel a pill epidemic in this state."

The admissions come in addition to a guilty plea in United States District Court in the Western District of Virginia in 2007 for misbranding OxyContin. In that case, Purdue pleaded guilty along with three of its top executives.

The case was filed against Purdue Pharma and Abbott Laboratories in Pike Circuit Court in 2007 after Purdue pleaded guilty. Since that time, Purdue has employed various legal delay tactics to avoid facing a Pike County jury including removing the case to federal court and having it transferred to New York City.

Various public documents and court filings indicate doctors throughout the nation, but particularly in Appalachia and Kentucky, were told that OxyContin was a wonder drug and was not addictive.

## Owner of Women's Health Facility Pleads Guilty to Misbranding Non-FDA Approved Forms of Birth Control

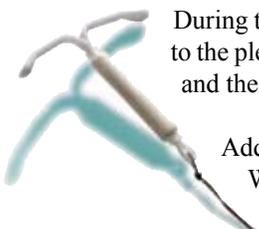
Attorney General Jack Conway, along with David Hale, United States Attorney for the Western District of Kentucky, announced on September 9 that the owner of Bluegrass Women's Healthcare, located in Elizabethtown, Ky., pleaded guilty to misbranding non-FDA approved forms of birth control.

Dr. Canh Jeff Vo, 45, entered the plea in United States District Court. The case was prosecuted by the United States Attorney's Office and investigated by the Attorney General's Office of Medicaid Fraud and Abuse Control, the U.S. Food and Drug Administration's Office of Criminal Investigations and the Federal Bureau of Investigations.

Dr. Vo, of Louisville, was the owner, supervising physician and president at Bluegrass Women's Healthcare between March 2008 and September 2009 when the violations occurred. Dr. Vo offered gynecological and obstetric services to women at Bluegrass Women's Healthcare, including providing forms of birth control.

During that time, Vo purchased and inserted non-FDA approved devices imported from foreign countries into patients, according to the plea agreement. These intrauterine devices, or IUDs, were misbranded in that their labeling was not in the English language and their labeling did not bear adequate directions for use.

Additionally, Dr. Vo's corporation pleaded guilty to smuggling. Between March 2008 and September 2009, Bluegrass Women's Healthcare received, brought and imported IUDs into the United States, knowing they were misbranded and unlawfully introduced into interstate commerce from various countries, including Canada.



## **Former Teacher Pleads Guilty in Child Exploitation Case**



A former teacher facing multiple charges involving child exploitation has pleaded guilty.

Thomas Sellers, 41, pleaded guilty in Boyd Circuit Court to seven counts of possession of matter portraying sexual performance by a minor, Class D felonies.

The charges against Sellers stem from a 2012 undercover operation by the Ohio Attorney General's office that identified a computer possessing images of child sexual exploitation. A subpoena revealed the Internet subscriber, who was identified as Sellers, lived in Catlettsburg, Ky. Agents from the Ohio Attorney General's Computer Crimes Unit referred their findings to General Conway's Cybercrimes Unit for further investigation. Cybercrimes investigators executed a search warrant at Sellers' home, and a forensic examination of his computer found 455 images and 325 videos depicting the sexual exploitation of children.

"The Internet is a safer place for Kentucky kids because of the efforts of my cybercrimes investigators and prosecutors," General Conway said. "I appreciate their hard work to bring this case to a successful close."

Since its creation in June of 2008, the Cybercrimes Unit has launched 341 child pornography investigations, seized more than 403,000 child pornographic images and videos from the Internet and has a 100 percent conviction rate. The unit is also a member of the Internet Crimes Against Children (ICAC) Task Force.

## **Two Arrested Following Patient Neglect Investigation at Oakwood Manor**

Two employees of Oakwood Manor in Somerset were arrested following an investigation into patient neglect.

Coty King, 22, and Cody Burton, 21, were both charged with two counts of knowing neglect of a vulnerable adult. Burton was also charged with failure to report the neglect of a vulnerable adult.

King is accused of enticing one developmentally disabled adult patient at the facility to hit another disabled patient and recording video of the incident on his cell phone. Burton is accused of participating in the incident and failing to report it.

"Our office took swift action immediately after learning of the incident," General Conway said. "I appreciate the work of my investigators who coordinate their efforts with local law enforcement to protect some of our most vulnerable citizens. This type of alleged abuse will not be tolerated."

The Attorney General's tip line for reporting allegations of abuse is 1-877-ABUSE TIP (1-877-228-7384).



## **Breathitt County Man Faces Charges of Sodomy, Sexual Abuse Pleads Guilty**

A Breathitt County man facing charges of sodomy and sexual abuse of a minor has pleaded guilty.

Thomas Reed Stamper, 33, entered the plea in Breathitt Circuit Court. Stamper entered an Alford plea, meaning he did not confess to the crimes, but admitted that due to the amount of evidence against him, a jury would likely find him guilty.

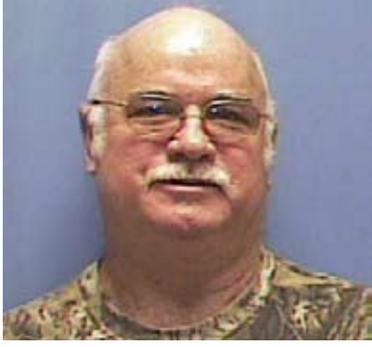
The charges stem from crimes that occurred in 2005. The victim, who was under the age of 12 at the time, is the child of a woman Stamper was dating. The abuse took place at the child's mother's home while the mother was at work. The case was investigated by the Kentucky State Police and was prosecuted by General Conway's Office of Special Prosecutions at the request of the Breathitt County Commonwealth's Attorney because of a potential conflict.

"Crimes against children will not be tolerated," General Conway said. "I appreciate the hard work of the Kentucky State Police and my prosecutors who brought this case to a successful close."

The Commonwealth recommended that Stamper serve seven years in prison on the charge of sodomy in the second degree and six years on the charge of sexual abuse in the first degree.

## **Breathitt County Grand Jury Indicts Man on Sex Abuse Charges**

---



A Breathitt County Grand Jury has indicted a man on six counts of sexual abuse in the first degree for crimes that occurred between 2008 and 2013.

Robert Morris, 67, was charged with three counts of sexual abuse in the first degree involving a child victim under the age of 12, which is a Class C felony carrying a penalty of five to 10 years in prison for each charge. The other three counts against Morris involve a child under the age of 16 and are Class D felonies, which carry a penalty of one to five years in prison for each offense.

The case was investigated by the Kentucky State Police and is being prosecuted by General Conway's Office of Special Prosecutions at the request the Breathitt County Commonwealth's Attorney because of a potential conflict of interest.