



KENTUCKY

General News



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Attorney General Conway Secures \$12.4 Million Settlement from Daymar College after Allegations of Kentucky Consumer Protection Act Violations



On September 10, Attorney General Jack Conway announced a landmark \$12.4 million settlement with Daymar College of Owensboro, Ky. The settlement resolves three years of litigation and the consumer protection lawsuit filed by Attorney General Conway. The settlement, filed in Daviess Circuit Court, provides debt relief and/or cash payments and strong injunctive terms governing Daymar's future operations. It's estimated that 12,294 former Daymar students are eligible for settlement relief.

The Consent Decree requires Daymar to pay \$1.2 million to the Office of the Attorney General, which will be distributed to qualified participating students who attended Daymar between July 27, 2006, and July 27, 2011. It will be prorated according to the number of terms the students completed and the number of claims that are received.

"This settlement with Daymar will provide much-needed relief for past Daymar students and protection for students considering enrolling in Daymar in the future," said Attorney General Conway. "This settlement ensures that future prospective students are provided with accurate and factual information about Daymar's degree programs and a risk-free trial period that we hope will become a model for other schools."

The court appointed Class Action Administrators, Inc. to serve as claims administrator and coordinate distribution of the funds. The administrators will send claim notice packets to all qualifying students beginning on October 26, 2015. Any qualifying student that wishes to participate in the distribution must provide the information requested on the claims form and return it no later than December 9, 2015. Any qualifying student that does not receive a notice should contact Class Action Administrators at **844-814-8813**. For more information about the claims process, visit www.daymarcollegesettlement.com.

The lawsuit, filed in July of 2011, alleged that Daymar College violated the Kentucky Consumer Protection Act by:

- ▶ Denying students access to financial aid to buy their textbooks from vendors other than Daymar's bookstore, which allegedly charged significantly higher prices than other vendors.
- ▶ Misrepresenting students' ability to transfer credits earned at Daymar to other institutions.
- ▶ Admitting students who failed Daymar's admissions assessment in violation of the school's own admissions policy.
- ▶ Hiring unqualified faculty who lacked the required credentials.

Daymar denied it violated the Kentucky Consumer Protection Act and in agreeing to settle the lawsuit continues to deny any wrongdoing.

"I appreciate Daymar coming to the table to resolve this lawsuit and working with our office to make important changes to their operation to ensure that students are provided accurate and factual information about Daymar's programs," Attorney General Conway said.

Attorney General Conway leads a working group of 37 states investigating certain for-profit schools. This settlement is one of the largest involving a school the size of Daymar and provides important protections for Daymar students in the future. To view a copy of the Daymar College press release: <http://goo.gl/q5od4K>

Attorney General Conway's Office of Victim Advocacy Conducts Regional Domestic Violence Fatality Review Trainings

Earlier this month, Attorney General Jack Conway's Office of Victims Advocacy conducted two regional training sessions for law enforcement on the current statistics and issues involving fatalities in domestic violence and sexual assault cases. The training sessions were held in Bowling Green and Lexington. The trainings are designed to provide assistance for the reviewing of domestic violence related deaths, with the underlying objectives of preventing them in the future, preserving the safety of battered women, and holding accountable both the perpetrators of domestic violence and the multiple agencies and organizations that come into contact with the parties.

"I am pleased that my office provides the best trial training possible for our state's domestic violence law enforcement partners," said Attorney General Conway. "Learning from nationally renowned experts, we can provide victims of domestic violence with knowledge and support that will prevent future abuse."

According to the Kentucky Coalition Against Domestic Violence, one in three women will be the victim of domestic violence in her lifetime and more than three women are killed every day in the United States at the hands of their boyfriends or husbands. Additionally, statistics show that five percent of men across the country have experienced rape, physical violence and/or stalking by a current or former partner or spouse.

Keynote speakers included Director of the National Domestic Violence Fatality Review, Dr. Neil Websdale of Arizona; senior consultant for the National Domestic Violence Fatality Review, Matthew Dale of Montana; and Prescott City Police Chief Jerald Monahan of Arizona.

Services offered by the Office of Victim's Advocacy: ag.ky.gov/criminal/victims

Read an Article from the Bowling Green Daily News: <http://goo.gl/IH7nYr>

View the press release here: <http://goo.gl/sBMB0G>

Attorney General Conway Asks Congress to Pass the Comprehensive Addiction and Recovery Act



On September 29, Attorney General Jack Conway joined 36 other state attorneys general and the District of Columbia in sending a letter to the leadership of the Committee on the Judiciary for the U.S. Senate and House of Representatives urging passage of the Comprehensive Addiction and Recovery Act of 2015 (S. 524/HR 953). The letter comes as states across the country are dealing with the epidemic of heroin and opioid-based painkiller abuse and the devastating effects of addiction on public health and safety in communities.

"We cannot arrest our way out of this problem," Attorney General Conway said. "There aren't enough jail cells and courtrooms. We know that addiction is a treatable disease, but we also know that only about 10 percent of those who need treatment are receiving it. We must move beyond simple responses to drug trends and emerging threats, and concentrate on improving addiction treatment and recovery nationwide."

The poster is titled "Kentucky Office of the Attorney General DOMESTIC VIOLENCE FATALITY REVIEW TRAINING". It lists two training sessions: Monday, September 14, 2015 (8:30 am - 4:00 pm) at the National Corvette Museum, 350 Corvette Drive, Bowling Green KY 42101; and Wednesday, September 16, 2015 (8:30 am - 4:00 pm) at the Fayette County Courthouse, 120 N Limestone, Lexington KY 40507. A photograph shows Attorney General Conway at a podium with other officials. The poster lists guest speakers: Dr. Neil Websdale, Matthew Dale, and Chief Jerald Monahan. It also lists core objectives: identify systemic gaps, enhance safety, implement coordinated response, and influence public policy. Registration information is provided for both dates, with a deadline of Friday, September 4th. Logos for the National Corvette Museum and Fayette County Courthouse are at the bottom. A small disclaimer at the bottom states: "Funding provided through VMFA-2014-040-00402. The OAG does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or in the provision of services and provides open request, reasonable accommodations necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities. Please notify Conny Bellamy, the OAG EEO Coordinator, Capitol Building, Suite 34, Frankfort KY 40601, (502) 496-5200, by August 16th if an accommodation is necessary for participation in this meeting." The poster is credited to "Revised by Dr. Janna Lamb."

According to the Centers for Disease Control and Prevention, drug overdoses now surpass automobile accidents as the leading cause of injury-related death for Americans between the ages of 25 and 64. More than 100 Americans die as a result of overdose in this country every day – more than half of them caused by prescription drugs or heroin. The Comprehensive Addiction and Recovery Act would provide states with the necessary tools to more effectively confront the growing challenge of heroin and opioid abuse and addiction.

The Comprehensive Addiction and Recovery Act of 2015 will:

- ▶ Expand prevention and educational efforts – particularly aimed at teens, parents or guardians, and aging populations – to prevent the abuse of opioids and heroin and to promote treatment and recovery.
- ▶ Expand the availability of naloxone to law enforcement agencies and other first responders to help in the reversal of overdoses to save lives.
- ▶ Expand resources to identify and treat incarcerated individuals suffering from addiction disorders promptly by collaborating with criminal justice stakeholders and by providing evidence-based treatment;
- ▶ Expand disposal sites for unwanted prescription medications to keep them out of the hands of children and adolescents.
- ▶ Launch and evidence-based treatment and intervention programs to assist in treatment and recovery.
- ▶ Strengthen prescription drug monitoring programs to help states monitor and track prescription drug diversion and to help at-risk individuals access services.

A copy of the letter sent to the Senate and House Committees can be downloaded at: <http://goo.gl/w906U8>

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

Attorney General Conway's 2015 Keep Kentucky Kids Safe PSA Contest

In September, Attorney General Conway once again joined Keep Kentucky Kids Safe partners and announced the start of his annual prescription drug abuse prevention public service announcement contest for Kentucky high school students. The competition is part of a statewide public awareness initiative to warn Kentucky kids about the dangers of misusing prescription drugs. This video PSA competition is held in partnership with the Kentucky Office of Drug Control Policy, the Kentucky Pharmacists Association (KPhA), the National Association of Drug Diversion Investigators (NADDI) and Operation UNITE.

As part of the competition, Kentucky high school students produce a 30-second video that shows the risks of prescription drug abuse. The first-place winners will share a \$500 Amazon.com gift card generously donated by NADDI. The runner-up will receive a \$100 Amazon.com gift card donated by KPhA.

“Education is an integral part of our strategy to combat prescription drug abuse in Kentucky,” Attorney General Conway said. “Our annual PSA competition provides students the opportunity to produce creative and informative public awareness videos, which are used to alert all Kentuckians to the heavy toll that prescription drug abuse is taking on families across the Commonwealth. My hope is that through our Keep Kentucky Kids Safe initiative, we can save future generations from the deadly consequences of prescription pill and heroin abuse.”



The deadline for submitting a video is Friday, November 20, 2015. Winners will be announced on December 2, 2015. Last year's winning video was produced by a group of students from Atherton High School in Jefferson County. Students may find out how to submit a video and view past winning entries by visiting Attorney General Conway's prescription drug abuse prevention page at ag.ky.gov/rxabuse.

Winning videos are posted on the Attorney General's website and distributed to television stations across the Commonwealth by the Kentucky Office of Drug Control Policy.

To read a copy of the press release: <http://goo.gl/Zc1VTV>

To read Attorney General Conway's monthly column on this PSA, visit: <http://goo.gl/PJs1jr>

Attorney General Conway Announces ‘Voice of Hope’ Competition to Prevent Campus Sexual Assault

On September 9, Attorney General Jack Conway and his Office of Victims Advocacy announced a joint public service endeavor with the Kentucky Association of Sexual Assault Programs (KASAP) to help with the prevention of sexual assaults on college campuses across the Commonwealth. The Office of the Attorney General and KASAP are sponsoring a college campus video competition to promote awareness of the rape crisis hotline, 1-800-656-HOPE. The program is possible because of a grant KASAP received from the National Football League (NFL).



“According to the U.S. Department of Justice, one in five women and one in 16 men is sexually assaulted while in college and more than 90% of victims never report the assault,” Attorney General Conway said. “With this funding and cooperative effort, we can continue to give victims a voice and work to ensure every student is safe on campus.”

The competition, entitled “#VoiceofHope” kicks off this fall semester, from September 1- December 1, 2015. College students are encouraged to submit a 30, 60 or 120-second video promoting the Rape Crisis Hotline and sharing their views on the prevention of on-campus sexual assaults. Radio promotional ads announcing the contest are currently airing across Kentucky starting today. Prizes include \$1000 for first place, \$750 for second and \$500 for third. The winners will be announced at a Red Carpet Event in 2016 at the Grand Theatre in Frankfort.

To listen to the radio ads, visit: <http://goo.gl/P81V4L>

For more information on the competition, visit: www.kasap.org/voiceofhope.html

Read the press release here: <http://migration.kentucky.gov/Newsroom/ag/voiceofhope.htm>

Attorney General Conway’s Office of Special Prosecutions Obtains Jury Trial Murder Conviction of Motorcycle Club Members



Bobby Rigdon

On September 14, Attorney General Jack Conway’s Office of Special Prosecutions secured a guilty verdict for a Taylor County man charged with complicity to murder. Following its guilty verdict, a Warren County Circuit Court jury recommended 30-year-old William Robert “Bobby” Rigdon, a member of the Frankfort chapter of the Iron Horsemen Motorcycle Club, serve 38 years in prison for the murder of Wendell “Gleason” Pyles.

On October 3, 2012, Kentucky State Police arrested Rigdon following an investigation in to the death of Pyles, who was shot and killed in September of 2012 while working at Tarter Gate Company in Dunnville, Ky. Prosecutors argued that Pyles was shot by Rigdon because of an order from Iron Horseman chapter president, David Salyers. Salyers was tried in January of 2014 for the murder of Pyles. A jury convicted and sentenced him to 20 years in prison.

“I want to commend my Office of Special Prosecutions for its handling of these cases, and I appreciate the jury’s careful consideration of these matters,” General Conway said. “Our thoughts, as always, are with the victim’s family in this case.”

In early March, the trial was moved to Warren County by Casey Circuit Judge Judy Vance because of extensive pretrial publicity in Casey County. General Conway’s Office of Special Prosecutions handled the prosecution of both Salyers and Rigdon at the request of the Casey County Commonwealth’s Attorney. Formal sentencing for Rigdon is scheduled for November 6, 2015 in Casey County Circuit Court.

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 prosecuting thefts from the Commonwealth by employees or elected officials.

Attorney General Conway Announces Guilty Plea of Former Marshall County Head Football Coach for Sexual Abuse



On September 15, Attorney General Jack Conway and his Office of Special Prosecutions secured a guilty plea of former Marshall County High School head football coach, 47-year-old Ronald E. Barnard. Barnard pled guilty to promoting a sexual performance by a minor under 18 years old, a class C felony; unlawful use of electronic means to induce a minor to engage in a sexual performance, a class D felony; sexual abuse in the first degree, a class D felony; prohibited use of electronic communications to procure a minor for sexual offense, a class D felony; possession of matter portraying a sexual performance by a minor, a class D felony; and distribution of obscene matter to a minor, a class A misdemeanor.

On June 4, 2014, the Marshall County Sheriff's Department arrested Barnard following a six-month investigation. The charges stemmed from allegations of abuse involving a 15-year-old female student at the school. Attorney General Conway's Cybercrimes Unit examined multiple items of data from personal computer devices belonging to Barnard. Barnard was subsequently indicted in May of 2015 for crimes involving another female Marshall County High School student, who was 17 at the time. The investigation led to the discovery of a fake Twitter account, set up by Barnard, to communicate with students and allow inappropriate pictures to be exchanged.

"I appreciate the hard work of my Office of Special Prosecutions, my Cybercrimes Unit and the Marshall County Sheriff's Office for securing a guilty plea in this case," Attorney General Conway said. "These laws are in place to protect minors from abuse at the hands of adults they trust."

Barnard is scheduled for sentencing on November 5 in Marshall Circuit Court. Barnard agreed to a sentence of seven years. The Commonwealth will argue at sentencing that Barnard is not eligible for probation. Barnard will also have to be on the sex offender registry for the next 20 years.

Attorney General Conway Announces Guilty Plea of Liberty Man to 30 Counts of Child Pornography

On September 21, Attorney General Jack Conway and his Cybercrimes Unit helped to secure the guilty plea of a Casey County man on 30 counts of possessing child pornography. On June 3 Attorney General Conway's Cybercrime investigators arrested Brian K. Evans, 44. The arrest came after investigators executed a search warrant at his residence in Liberty, Ky. Evans pled guilty to 30 counts of possession of matter portraying the sexual performance of a minor in Casey Circuit Court.



The charges are the result of an investigation that began in May of 2015. Investigators with the Cybercrimes Unit executed a search warrant at Evans' home looking for computers and other equipment used to distribute images and videos of exploited children. Evans agreed to accept a 10-year prison sentence and register as a sex offender. Evans will be sentenced on November 9 at 1p.m. in Casey Circuit Court. Casey County Assistant Commonwealth's Attorney Jeff Eastin prosecuted the case.

Attorney General Conway's Cybercrimes Unit Arrests Anderson County Firefighter

On September 21, Attorney General Jack Conway's Cybercrimes Unit arrested an Anderson County volunteer firefighter on one count of using a computer to contact a minor for sex. Investigators charged Bruce Shane Meece, 29, 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 September of 2015. It is alleged that Meece sent electronic messages to an undercover officer, posing as a minor, for the purposes of engaging in illegal sexual acts. Investigators arrested Meece at his home in Lawrenceburg, Ky. 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 Franklin County Commonwealth's Attorney Larry Cleveland. Meece is scheduled to be arraigned in Franklin Circuit Court on October 23 at 10:30 a.m. A charge is merely an accusation. A defendant is presumed innocent until and unless proven guilty.

Attorney General Conway's Cybercrimes Unit Arrests Multiple Defendants in Predator Stings Crossing State Lines

In September, Attorney General Jack Conway's Cybercrimes Unit arrested three men in predator stings across Kentucky.

On September 23, Gregory Mathis, 43, of Louisville, was indicted after a multistate child pornography investigation. Mathis was previously arrested on July 7 by Attorney General Conway's Cybercrimes investigators, after they executed a search warrant at his residences in Louisville. After an extensive investigation and forensic examination of Mathis' electronic devices, new charges were added upon indictment. Mathis was arraigned in Jefferson Circuit Court on the following charges:

1. Four counts of promoting a sexual performance by a minor under 16 years old, Class B felonies with a penalty range of 10-20 years;
2. Three counts of criminal attempt to promote a sexual performance by a minor under 16 years old, Class C felonies with a penalty range of five-10 years;
3. Three counts of prohibited use of an electronic communication system to procure a minor for a sex offense, Class D felonies with a penalty range of one-five years;
4. 26 counts of possession of matter portraying a sexual performance by a minor, Class D felonies with a penalty range of one-five years



These charges were added after an extensive investigation of Mathis' mobile devices and Facebook account by the Cybercrimes Unit of the Kentucky Office of Attorney General. Each of these charges stems from alleged chat conversations Mathis had with young girls whom he met online. Mathis is alleged to have created a fake Facebook account with which he would solicit underage girls for nude photos and videos. Mathis would allegedly direct the girls in producing images and videos. Mathis would also chat with young girls in chat rooms using the Kik Messenger app on his mobile phone. Investigators in the Cybercrimes Unit have identified seven of these young girls who had contact with Mathis. They range in age from 10 to 15. With the assistance of the Stillwater, Okla. police; the Orem, Utah police; the New York State Police; the Rochester, New York police; the White Plains, New York police; the Corning, New York police, and the Virginia State Police, the young victims and their guardians were contacted and were identified in photos and videos. The investigation is ongoing in an attempt to identify additional victims.



On September 24, Timothy S. Gaines, Jr., 41, of Georgetown, was indicted by a Franklin County grand jury and arrested by investigators from Attorney General Conway's Cybercrimes Unit. Gaines is charged with prohibited use of an electronic communication system to procure a minor in a sex offense and being a persistent felony offender in the first degree. This charge is the result of a Cybercrimes Unit investigation that began in July of 2015. It is alleged that Gaines sent electronic messages to an undercover officer, posing as a minor, for the purposes of engaging in illegal sexual acts. This charge is a Class D felony and is punishable by one to five years in prison. The penalty range can be enhanced up to 10-20 years in prison by Gaines being a persistent felony offender in the first degree.

On September 29, Donnie E. Cooper, 25, of Elizabethtown, was arrested by investigators from Attorney General Conway's Cybercrimes Unit with assistance from the Shelbyville Police Department. Cooper is 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 September of 2015. It is alleged that Cooper sent electronic messages to an undercover officer, posing as a minor, for the purposes of engaging in illegal sexual acts and arranged to meet the undercover officer in Shelbyville. He was arrested on Saturday, September 26, in Shelbyville, Ky. This charge is a Class D felony and is punishable by one to five years in prison.



"I appreciate the hard work of my Cybercrimes Unit in protecting our children in the Commonwealth as well as seeking protection for other victims throughout the country," General Conway said. "These laws are in place to protect the citizens of Kentucky and to ensure the innocence of childhood is protected from online predators."

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 740,000 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 ag.ky.gov/cybersafety. To report cyber abuse, visit the CyberTipline or call 1-800-843-5678.