

KENTUCKY

# General News

November 2011

## Attorney General Conway to Continue Fighting for Kentucky Families in Second Term

Attorney General Jack Conway reaffirmed his commitment to focus on issues that are important to Kentucky families following his election to a second term on November 8, 2011. Combating the scourge of prescription drug abuse, going after Internet predators and child pornographers, protecting Kentucky's elderly and vulnerable citizens, continuing to increase Medicaid fraud collections, and fighting for Kentucky consumers all remain top priorities for the Attorney General.

"I am honored and humbled to once again serve the citizens of this great Commonwealth," General Conway said. "My staff and I look forward to building on the many outstanding initiatives we've already implemented and we will continue to work every day to make Kentucky a safer place to live, work and raise a family. The big oil and pharmaceutical companies have plenty of lawyers. I'm proud to be fighting for Kentucky families."



General Conway said he is proud of his record over the past four years. Since taking office in January of 2008, he has created a Cybercrimes Unit that has launched more than 230 child pornography investigations and seized more than 300,000 child pornographic images and videos from the Internet. Medicaid fraud collections are up 600 percent having recovered or been awarded more than \$210 million for the state and federal Medicaid programs.

Additionally, General Conway created Kentucky's first and only statewide Prescription Drug Diversion Task Force to increase investigations into overprescribing physicians, doctor shopping and illicit prescription pill trafficking. Working closely with concerned parents and other state and law enforcement partners, Attorney General Conway began traveling the state to alert middle and high school students to the dangers of prescription drug abuse. In one year, the Keep Kentucky Kids Safe partners have reached more than 7,000 students in 14 Kentucky counties.

### Tips for Safe Online Shopping

- Only do business with companies you know and trust and that offer secure payment processing.
- Never do business with someone who insists that you wire money.
- Decide how to pay- credit cards can offer extra precautions.
- Keep records like e-mails and online receipts
- Beware of purchasing gift cards from auction sites or classified ads as the card can be bogus.
- Keep personal information private.
  - Beware of bogus charitable pleas. Donate to charities you know and trust.
  - Do not respond to unsolicited (spam) email
  - Beware of seasonal phishing scams that can include online shopping advertisements, credit card applications and electronic greeting cards.



If you have been a victim of a scam or identity theft, help is available by calling our Consumer Protection Hotline at 1-888-432-9257 or by visiting <http://ag.ky.gov/consumer>.



Kentucky Attorney General Jack Conway

## Six Counties Selected for Post-Election Audit

Post-election audits are underway in six Kentucky counties following the November general election. Attorney General Conway announced on November 15 that Casey, Breathitt, Todd, Daviess, Livingston and Garrard counties had been selected in a random drawing. Each county will undergo independent inquiries for any potential irregularities that may have occurred during the election on Tuesday, November 8.



“These audits supplement the work our investigators and prosecutors did on the ground leading up to the general election, and the process, as defined by Kentucky law, will ensure that voters in every corner of our Commonwealth encounter procedures at polling places that are fair and equitable,” General Conway said.

In each county, these routine inquiries will include checking election forms and interviewing county officials. The selection of these counties does not imply that irregularities are suspected. The post-election audits, which are required by law (KRS 15.243), will be conducted by the Office of the Attorney General.

In addition to the post-election audit investigation, follow-up investigations are continuing regarding complaints to the Election Fraud Hotline, which received 22 calls generating 25 complaints from 16 counties between 6 a.m. and 7 p.m. during the general election. Specifics of those calls cannot be released until review is complete. There was one allegation of vote-buying from Magoffin County that came in before election day.

## Nine Indicted for Buying Votes in Breathitt County Following Attorney General’s Probe

An investigation by General Conway’s Department of Criminal Investigations and the FBI resulted in the indictment of nine people on charges of conspiracy to buy votes in the May 2010 primary election in Breathitt County. In addition to the conspiracy allegation, all nine defendants allegedly paid for their votes.

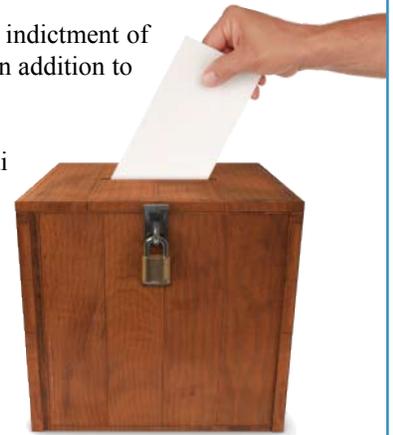
One indictment charges 47-year-old Michael Salyers with seven counts of vote buying, while Naomi Johnson, 61, and Jackie Jennings, 61, are charged with two vote-buying counts; Earl Young, 44, was charged with one vote-buying count. The other indictment charges Paula Jean Noble, 43, with five counts of vote buying; Joseph Strong, 50, with three vote-buying counts; Richard L. Turner, 53, with two vote-buying counts. George Daniel Strong, 53, and 37-year-old Woodrow Glenn Burton were each charged with one count of vote buying.

According to the indictment, Noble also committed perjury in March of this year when she provided false statements to the grand jury about her knowledge of the vote-buying activity. The defendants are all from Breathitt County except Richard Turner, who is from Owsley County.

The Attorney General began its investigation due to a high number of absentee ballots in the May 2010 primary election in Breathitt County.

The cases were subject to federal prosecution because the election was held, in part, to select a candidate for the U.S. Senate. If convicted, each defendant faces a maximum prison sentence of five years. However, any sentence following conviction would be imposed by the court after consideration of the United States Sentencing Guidelines and the federal statute governing the imposition of sentences.

An indictment is an accusation only. All defendants are presumed innocent, unless and until proven guilty.



## Jefferson County Man Sentenced to 78 Months in Prison for Possession of Child Pornography

A Louisville man faces 78 months in prison and a lifetime term of supervised release after pleading guilty to possession of child pornography. The sentencing of 28-year-old Jeremiah Oldham in U.S. District Court on November 4, 2011 follows an investigation by General Conway’s Cybercrimes Unit.

“Because of the hard work of my Cybercrimes investigators, another child pornographer is behind bars,” General Conway said. “I would also like to thank the U.S. Attorney’s Office for its hard work and dedication in bringing this case to a successful close.”

The prosecution of this case was handled by Assistant United States Attorney A. Spencer McKiness.

According to his plea agreement, Oldham acknowledged that from September 23, 2009 to November 24, 2009, he knowingly possessed images and videos depicting child pornography. Investigators from General Conway's Cybercrimes Unit executed a search warrant at Oldham's Louisville residence in November of 2009. A forensic examination of his computer and external hard-drive revealed numerous images and videos of child pornography. According to court records, Oldham told investigators that the images of child pornography located on his computer belonged solely to him.

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.

## Former Administrator of Golden Years Rest Home Pleads Guilty



Attorney General Conway and his Office of Special Prosecutions announced the guilty plea of the former administrator of Golden Years Rest Home, a non-profit (501C-3) personal care home in Jenkins, Ky., to charges of theft, exploitation of a vulnerable adult and income tax fraud. Sixty-nine year old James F. Tackett of Jenkins entered the guilty plea in Letcher Circuit Court, where he was scheduled to stand trial.

As part of his guilty plea, Tackett admitted he stole more than \$300,000 in funds that were to be used for the care of the residents at Golden Years, with more than \$60,000 stolen from one resident. He also acknowledged that some of the stolen money had been used to buy personal vehicles for himself, including a GMC Hummer, a Chevrolet Silverado, a Ford F-150, and a Suzuki XL-7. Tackett admitted that he failed to report any of the stolen income on his state income tax returns for a five-year period.

"While Mr. Tackett was living a lavish lifestyle, the residents at Golden Years were suffering and his personal care home was falling into disrepair and financial ruin," General Conway said. "I appreciate the hard work of my investigators and prosecutors who worked tirelessly to protect the health and safety of Golden Year's residents and see that justice was served in this tragic case."

The Attorney General's Department of Criminal Investigations launched an investigation at Golden Years after receiving a complaint in 2009 that several residents of the personal care home had not received the \$250 stimulus check that was sent to most Social Security recipients as part of the American Economic Recovery Act. The Social Security Administration and Department of Revenue also assisted with the investigation. Prosecution of this case is being handled by General Conway's Office of Special Prosecutions.

Tackett faces a penalty of up to 10 years in prison on the state charges. Special Judge Ron Johnson set sentencing for February 23, 2012 at 10 a.m. in Letcher Circuit Court.

Golden Years is now closed and its residents have all been moved to alternate facilities.

## Former Lexington Medicaid Provider Pleads Guilty to Medicaid Fraud, Forgery Charges

A former Lexington Medicaid provider pled guilty to Medicaid fraud and forgery charges. Irvin Smith, Jr. entered guilty pleas in Fayette Circuit Court to one count of Medicaid fraud and three counts of second degree forgery. All are Class D felonies. The charges were the result of an investigation by the Attorney General's Office of Medicaid Fraud and Abuse Control following an investigation by the Office of the Inspector General into allegations that Smith falsified documentation related to tuberculosis testing and First Aid and CPR training.

Smith, a behavior supports specialist, was the former owner, principal member/executive director and only employee of Irvco, LLC, a former provider in the Kentucky Medicaid SCL program. An SCL is a home through the Medicaid community-based waiver program that serves as an alternative to institutional care for mentally challenged or developmentally disabled individuals.

Pursuant to the plea agreement, the court placed Smith in the felony pretrial diversion program for five years and he will face imprisonment for a recommended period of three years if he violates the terms and conditions of his felony pretrial diversion. Smith must also register 150 hours of community service per year for five years. Additionally, Smith cannot seek expungement of the charges or the record in the case.

Irvco, LLC, the company that Smith owned, also entered a guilty plea to the charge of Medicaid Fraud, a Class D felony. As part of the guilty plea, Irvco, LLC must pay a \$5,000 felony fine. Like Smith, Irvco, LLC cannot seek expungement of the charge or the record in the case.



## Attorney General's Office Nears Milestone in Implementation of eWarrants

The Attorney General's office has successfully implemented an electronic warrant management system (eWarrants) in nearly 100 of Kentucky's rural counties under a \$3.9 million American Recovery and Reinvestment Act (ARRA) grant awarded to the office in 2009. In November, General Conway's office funded implementation of eWarrants in McCreary, Whitley, Bell and Clark counties. The Office of Homeland Security launched eWarrants in Madison County, an urban area that is not covered by the ARRA grant.

This brings to 113 the number of Kentucky counties utilizing eWarrants. Ninety-eight of the counties received eWarrants under the Attorney General's ARRA grant.

"Nearly four million Kentuckians, or more than 90 percent of the state's population, now benefit from the eWarrant system," General Conway said. "Our success in implementing eWarrants in Kentucky's rural communities is a testament to the hard work of my staff and the support we received from local officials."

The Office of the Attorney General, in partnership with the Administrative Office of the Courts (AOC), the Kentucky State Police, the Kentucky Office of Homeland Security and Open Portal Solutions, Inc., provided training and support for the new electronic warrant management system.

The eWarrant system facilitates the sharing of information among all law enforcement concerning active warrants in jurisdictions throughout the Commonwealth. It replaces the manual protocols for processing warrant information with an electronic method for making warrants available via the Law Enforcement Information Network of Kentucky (LINK), the system administered by Kentucky State Police and used by law enforcement to transmit and retrieve information on active warrants.

Service rates for warrants rise from as low as 10 percent under the old system to roughly 50 percent immediately after implementation of eWarrants, and as high as 80 percent in the long-term. More than 600,000 warrants/summons have been entered into the eWarrant system.

"The instantaneous nature and accuracy is going to be a wonderful tool for us," said Madison County Attorney Marc Robbins. "The information is more reliable and personnel will not have to second guess themselves when releasing someone from custody. E-warrants is a great program."

Kentucky's eWarrant system began as a pilot project in 2005 to address a backlog of nearly 300,000 un-served warrants in the state. A backlog in the service of warrants, or a misplaced or lost warrant, could allow a person charged with a violent crime to evade arrest and continue to victimize Kentucky citizens.

The ARRA grant, which provided funding for implementation and training in the 34th, 44th and 25th judicial circuits, was awarded from the U.S. Department of Justice, Bureau of Justice Assistance under the category of Facilitating Rural Justice Information Sharing. Under this category, the Bureau of Justice Assistance makes awards to help law enforcement in rural areas to improve the criminal justice system by aiding communities in combating crime and drugs.

