



KENTUCKY

General News

January 2010

Kentucky Court Slaps Drug Companies with Stiff Penalties for Consumer Protection Violations

Three months after a \$14.7 million verdict against pharmaceutical giant AstraZeneca, Franklin Circuit Court Judge Roger Crittenden has slapped the drug company with \$5.3 million in civil penalties for violating Kentucky's Consumer Protection Act. A day later, Judge Crittenden awarded the Commonwealth more than \$5.8 million in civil penalties in its case against GlaxoSmithKline (GSK) for deceptive and false marketing of the anti-nausea drugs Kytril and Zofran, among others.

"These civil penalties send a clear message to drug companies that Kentucky's Consumer Protection law will be strictly enforced," said Attorney General Jack Conway.

The Office of the Attorney General has filed suit against 47 of the nation's pharmaceutical manufacturers, alleging that the drug companies violated Kentucky's Medicaid Fraud and Consumer Protection statutes and engaged in false and deceptive advertising.

Since General Conway took office in January 2008, his Office of Medicaid Fraud and Abuse Control has recovered or obtained verdicts totaling nearly \$100 million for the Kentucky Medicaid Program.

More information — <http://tinyurl.com/yh5sguw>

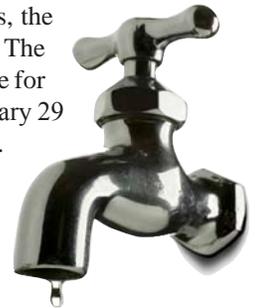
AG Conway & BBB Caution Consumers about Water Line Service Solicitation

A mail solicitation from Florida-based Home Service USA has generated hundreds of calls to local water companies, the Attorney General's Consumer Protection Hotline and the Better Business Bureau of Central & Eastern Kentucky. The mailer, which appeared to come from a water company, suggested that the recipient was required to pay an additional fee for the maintenance and repair of their water lines. Attorney General Conway and the BBB cautioned consumers in a January 29 alert that the notice was actually a solicitation from a private business offering what appears to be a warranty service.

"By filling out these forms, consumers will incur charges that are not required by their local utilities," General Conway said.

Consumers' responsibility for water line repair and replacement varies depending on the water provider and consumers should contact their local water company if they have questions about the merits of any warranty service.

General Conway's Office of Consumer Protection is currently addressing its concerns about the mailer with Home Service USA. The company has issued a clarification and apology on its website to consumers who may have misinterpreted the direct mail offer.



OAG Regional DUI Training Held in Lexington

Instructor Terry Mosser demonstrated a walk-and-turn field sobriety test as part of the OAG Regional DUI Training Jan. 20-22 in Lexington. More than 50 police officers and prosecutors from across Kentucky attended the training which focuses on the effective prosecution of DUI cases. It also helps foster a team building approach in the detection, apprehension and prosecution of impaired drivers. See full story pg. 2.



Kentucky Attorney
General
Jack Conway



Choose Wisely When Donating to Haiti Disaster Relief Efforts



In the wake of Haiti's devastating earthquake, Attorney General Conway urged Kentuckians to support disaster relief efforts but to choose carefully when considering appeals for assistance.

"A donation to an established organization like the Red Cross, The Clinton Bush Haiti Fund or the Center for International Disaster Information ensures that the money you have given goes to those who need it most," said General Conway.

Before making a donation, General Conway recommends following these tips:

- Donate to recognized charities that you have given to before.
- Avoid responding to unsolicited incoming emails including clicking links contained within those messages as they could contain viruses.
- Be skeptical of individuals representing themselves as surviving victims.
- Remember that charitable solicitors take a portion of the proceeds to cover their costs, which leaves less for victim assistance.
- Utilize online resources to research charities before making a donation.
- Avoid giving or sending cash. For security and tax record purposes, contribute by check or credit card and write the official name of the charity on your check.
- Never give your personal or financial information to anyone who solicits contributions.

OAG Regional DUI Training Held in Lexington

More than 50 police officers and prosecutors from across Kentucky attended the Office of the Attorney General's (OAG) Regional Dui Training in Lexington January 20-22 in Lexington. The training focuses on the effective prosecution of DUI cases and helps foster a team building approach in the detection, apprehension and prosecution of impaired drivers.

"It is imperative that we continue to take a team approach to dealing with drunk driving and the tragic consequences it has on families and communities across Kentucky," said General Conway. "By giving police and prosecutors the tools they need to effectively enforce Kentucky's DUI laws, we can better protect the citizens of the Commonwealth."

The OAG Regional DUI training is funded through the Kentucky Office of Highway Safety with grant funds provided by the National Highway Traffic Safety Administration (NHTSA). Assistance for the training is provided by the Kentucky Office of Highway Safety and the Kentucky State Police. Another DUI training is planned in May. The date and location have not yet been announced.

More information — <http://bit.ly/9RBVub>



General Conway Says Verdict in Deadly DUI Case Sends Important Message

The January 14 conviction of Daniel Gabbard in connection with the fatal drunk driving accident that claimed the life of Commonwealth's Attorney Doug Wright "sends a clear message about the terrible consequences of drinking and driving," said Attorney General Conway.

Wright, Commonwealth's Attorney for the 18th judicial circuit representing Harrison, Nicholas, Pendleton and Robertson Counties, was killed in June 2009. The jury recommended a 20-year sentence for Gabbard after finding him guilty of wanton murder.

"On behalf of the entire prosecutorial system, I would like to thank Linda Tally Smith and Jim Crawford for serving as special prosecutors in this tragic case. I also appreciate the jury's careful consideration of this matter," said General Conway.



Hon. Douglas R. Wright
May 5, 1961 - June 8, 2009

Two Community Presence Caregivers Sentenced for Abusing A Patient

Two Carter County men have been sentenced in connection with the abuse of a patient at Community Presence, Inc. Todd Gribbin, of Flatwoods, and Earl Pelfrey, of Grayson, were sentenced in Carter Circuit Court to one year for wantonly abusing an adult, wanton endangerment first degree and unlawful imprisonment first degree, all class D felonies. The sentences will be diverted for a period of five years.

Gribbin and Pelfrey were indicted in Carter Circuit Court in connection with the abuse of Michael Price, a mentally handicapped adult who was under the care of and resided at Community Presence, Inc. Gribbin and Pelfrey worked at Community Presence's Adult Day Treatment facility. As part of their sentence, Gribbin and Pelfrey also were ordered to never again be employed as caregivers of vulnerable adults or children. The charges against Gribbin and Pelfrey are the result of an investigation by General Conway's Office of Medicaid Fraud and Abuse Control.

Former Madison Manor Nurse's Aide Pleads Guilty to Abuse of a Patient

Attorney General Conway has and his Office of Medicaid Fraud and Abuse Control have announced the guilty plea of Valerie Lamb, a former nurse's aide at Richmond Health and Rehabilitation Complex (Madison Manor) nursing home. Lamb, of Berea, in Madison County, pled guilty to reckless abuse and neglect of an adult under KRS 209.990. She was indicted in April 2009 in connection with the abuse and neglect of a former resident of Madison Manor in August 2008.

Under the terms of the plea agreement, Lamb was sentenced to 12 months in the Madison County Jail to be diverted for a period of two years on the condition that the defendant will remain on good behavior and cooperate fully in the pending cases against other former Madison Manor employees.

This is the second nurse's aide to plead guilty in connection with abuse and neglect at Madison Manor. Jaclyn VanWinkle pled guilty last year and was sentenced to 12 months in the Madison County Jail for reckless abuse and neglect of an adult.

The investigation into abuse and neglect at Madison Manor is ongoing.



Two Christian County Men Indicted for Possession of Child Pornography

A Christian County grand jury has indicted two men for possession of child pornography following separate investigations by General Conway's Cybercrimes Unit.

Mathew Simpson, of Oak Grove, was indicted on 15 counts of possession of matter portraying a sexual performance by a minor for allegedly possessing both video files and still images depicting child pornography.

Michael Myers, also of Oak Grove, was indicted on 27 counts of possession of matter portraying a sexual performance by a minor. Search warrants were executed in each case with the assistance of the Oak Grove Police Department.

Bourbon County Man Sentenced for Possession of Child Pornography

A Bourbon County man was sentenced to 20 years in prison after pleading guilty to five counts of possession of child pornography. Paris police arrested Larry S. Maitland, of Paris, on June 29, 2009 following an investigation by General Conway's Cybercrimes Unit, a member of the Internet Crimes Against Children Task Force (ICAC).

"I appreciate the hard work of the investigators in my Cybercrimes Unit and the other agencies that assisted us in the handling and prosecution of this case," said General Conway. "Since its creation in June 2008, my Cybercrimes Unit has seized more than 41,800 child pornographic images and has 85 active cases. We are truly putting a dent in child pornography and making the Internet a safer place for Kentucky kids."

Prosecution of this case was handled by Commonwealth's Attorney Gordie Shaw, representing Bourbon, Woodford and Scott Counties.

General Conway Announces Availability of Child Victims' Trust Fund's Annual Regional Prevention Grant

Attorney General Jack Conway and his Office of Victim Advocacy have announced the availability of the Child Victims' Trust Fund's (CVTF) Annual Regional Prevention Grant. Revenue for the grant comes from proceeds of the "I Care About Kids" special license plate, the Kentucky Income Tax Refund Check-Off and private donations. The CVTF Annual Regional Prevention Grant provides funding for regional sexual abuse prevention programs and projects to educate Kentucky citizens about this horrendous crime.



"The consequences of sexual abuse, particularly on a child, are significant and can last a lifetime," said General Conway, who chairs the Child Sexual Abuse and Exploitation Prevention Board (CSAEP), which administers the regional prevention grant. "The CVTF regional prevention grant helps ensure that citizens across the Commonwealth know how to protect their children and that those children are armed with knowledge to combat sexual abuse."

This fiscal year, the CSAEP Board awarded nearly \$170,000 to sexual abuse prevention programs and to defray the costs of child sexual abuse medical exams. The registration deadline for the Annual Regional Prevention Grant is February 26, 2010. For additional information or a grant application form go to <http://ag.ky.gov/criminal/victims/> or call (800) 372-2551 or (502) 696-5312.

More information — <http://bit.ly/6t9zZx>