

COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL
2020-2021 BIENNIAL REPORT



Attorney General
DANIEL CAMERON
(502) 696-5300



EQUAL JUSTICE UNDER LAW



OFFICE OF THE ATTORNEY GENERAL

TABLE OF CONTENTS

INTRODUCTION

Message from [the Attorney General](#) 4

PROTECTING OUR MOST VULNERABLE

Protecting the [Unborn](#) 6

Ending [Child Abuse](#) 7

Stopping [Human Trafficking](#) 9

COMBATTING THE DRUG EPIDEMIC

Settlements with [Drug Companies](#) 11

Partnering with [Law Enforcement](#) 12

Casey's [Law](#) 12

SAFEGUARDING KENTUCKIANS

Office of [Senior Protection](#) 13

Office of [Consumer Protection](#) 14

Protecting [Religious Liberty](#) 15

Vaccine [Mandates](#) 16

Defending [Kentucky's Laws](#) 17

FIGHTING FEDERAL OVERREACH

Lawsuits 19

Policy [Letters & Regulatory Comments](#) 20

Amicus [Briefs](#) 20

SUPPORTING VICTIMS & PROSECUTORS

Office of [Special Prosecutions](#) 21

Prosecutors [Advisory Council](#) 22

Criminal [Appeals Division](#) 23

Office of [Victims Advocacy](#) 23

PROTECTING KENTUCKIANS

Department of [Criminal Investigations](#) 25

Office of [Rate Intervention](#) 27

Medicaid [Fraud & Abuse Control](#) 28

Office of [Consumer Protection](#) 29

DEFENDING KY LAW, TRANSPARENCY

Office of the [Solicitor General](#) 31

Office of [Civil & Environmental Law](#) 31

MESSAGE FROM
KENTUCKY
ATTORNEY GENERAL

•
Daniel Cameron



Dear Fellow Kentuckians,

It is an honor to serve the Commonwealth as Attorney General, and I am proud of our team's accomplishments, on behalf of Kentuckians, during this biennium.

This biennial report reflects our unwavering commitment to improve public safety outcomes for all 120 counties and in the individual communities where you live, work, and raise your families.

Over the last two years, our Commonwealth has weathered difficult questions, many pertaining to the rule of law in Kentucky and in this country. There's no doubt that the events of the last two years have tested the core principles of the Commonwealth and the durability of our Constitution.

From COVID-19 to a state's ability to defend its laws and its sovereignty, our office has found itself in the middle of these conversations. In October 2021, our team stood before the United States Supreme Court and advocated for the ability of our office to continue our defense of House Bill 454, a pro-life law that reflects the values of the Commonwealth. And, even more recently, we've challenged the Biden Administration's vaccine mandates for federal contractors, private sector employees, and healthcare workers, arguing that such mandates are unlawful and would place a strain on Kentuckians and Kentucky businesses.

During this same time period, we've continued to tackle the drug epidemic head on by holding companies accountable for their role in the opioid crisis. Men and women all across this Commonwealth

are looking for help, and for the first time in a long time, we stand at the cusp of providing some much needed aid. That help has come in the form of a tentative global settlement with AmeriSource Bergen, Cardinal Health, McKesson, and Johnson & Johnson. Kentucky stands to receive in excess of \$482 million dollars from these companies.


We've also worked to protect our most vulnerable. In January 2021, we launched a statewide human trafficking awareness campaign entitled, "Your Eyes Save Lives." The campaign empowers Kentuckians to recognize the signs of human trafficking and report it. We've ramped up efforts to locate Kentucky's missing children through an online social media campaign, and we've worked with prosecutors and child welfare stakeholders to author and distribute a child abuse prosecution toolkit.

During the biennium, we've re-doubled our efforts to stop scams and fraud, which costs Kentuckians millions of dollars each year. We also continue to represent the interest of Kentucky consumers and ratepayers. During the biennium, our Consumer Protection Division recovered over \$57 million for the Commonwealth and obtained more than \$20 million in restitution for Kentucky consumers. Our Office of Rate Intervention saved Kentuckians approximately \$245 million in proposed utility rate increases.

All of the actions we've taken during the course of the last two years demonstrate the courage of our convictions. To do what is right by our citizens and our Constitution, regardless of the outcome. Each office, department, and unit plays an integral role in this work, and I am proud of the progress we've made.

I am also grateful for the collaboration that has made the accomplishments listed in this report possible. Strong partnerships with local, state, and federal law enforcement as well as community leaders and stakeholders have played a key role in these successes. While we do not yet know what the upcoming year will hold, I can promise you that regardless of the circumstances, my office remains committed to advancing public safety and defending our Constitution.

I am grateful for the opportunity to serve in this role, and I hope that you will reach out to our office if there is anything we can do to serve you. May God bless you in the coming year, and may God bless our Commonwealth.



DANIEL CAMERON
Attorney General

PROTECTING OUR MOST VULNERABLE

The greatest measure of a society is how its most vulnerable members are treated. Attorney General Cameron is committed to using every resource available in his Office to speak for those who cannot speak for themselves and care for our most vulnerable.

PROTECTING THE UNBORN

Attorney General Cameron stands on the frontlines in the fight to protect the unborn. From defending Kentucky's pro-life laws in court to supporting pro-life laws in other states, Attorney General Cameron works tirelessly to protect the sanctity of life.

Kentucky law empowers Attorney General Cameron to defend the laws passed by the General Assembly from challenges in court. Since taking office, Attorney General Cameron has repeatedly defended Kentucky statutes that prohibit discriminatory abortion practices and laws that regulate the health and safety standards of abortion clinics. Despite this clearly stated authority, in the spring of 2020, the Sixth Circuit Court of Appeals prohibited Attorney General Cameron from defending the constitutionality of a Kentucky law that would make it illegal to perform live-dismemberment abortions. This ruling left the Commonwealth's law defenseless in court.

This decision sets a dangerous precedent that could prevent Kentucky and other states from defending pro-life and other laws in court. Given the stakes, Attorney General Cameron sought review by the United States Supreme Court to protect his right to defend Kentucky's law, and the Supreme Court heard oral argument in that case on October 12, 2021.

Although the Supreme Court of the United States grants review in only a very small number of cases from around the country, by agreeing to review this case the Supreme Court underscored the importance of this issue for Kentucky and other states.

Attorney General Cameron is also defending Kentucky's law prohibiting doctors from knowingly performing abortions based on the race, sex, or disability status of an unborn child. And, he intervened in a federal lawsuit to defend Kentucky's law prohibiting doctors from performing abortions after detecting a fetal heartbeat.

To protect the unborn, Attorney General Cameron also:

- Moved to intervene in a lawsuit to defend the Trump Administration's rule prohibiting the use of Title X funds for family planning at facilities that offer abortion services.
- Filed an amicus briefs in support of Indiana's law requiring that parents receive notice when their minor child has an abortion without parental consent.
- Filed an amicus brief on behalf of several states in support of Tennessee's law imposing a modest waiting period before a pregnant woman can obtain an abortion.
- Joined an amicus brief urging the Supreme Court to overturn *Roe v. Wade* in the landmark case of *Dobbs v. Jackson Women's Health Organization*.

ENDING CHILD ABUSE

Attorney General Cameron is committed to ending child abuse in the Commonwealth by investigating and prosecuting child abuse in all its forms.

The Office of Trafficking and Abuse Prevention and Prosecution (“TAPP”) works closely with the Department of Criminal Investigations (“DCI”) and law enforcement agencies across the Commonwealth to stop child trafficking and online predators who target children. Attorney General Cameron also works closely with Kentucky’s community leaders and non-profit organizations to provide child abuse awareness trainings and grant opportunities.

CHILD VICTIMS TRUST FUND

Raising awareness about child abuse is key to prevention. The Child Sexual Abuse and Exploitation Prevention Board administers the Child Victims’ Trust Fund (“Board”). Attorney General Cameron is the chair of the Board, and TAPP provides staff and support.

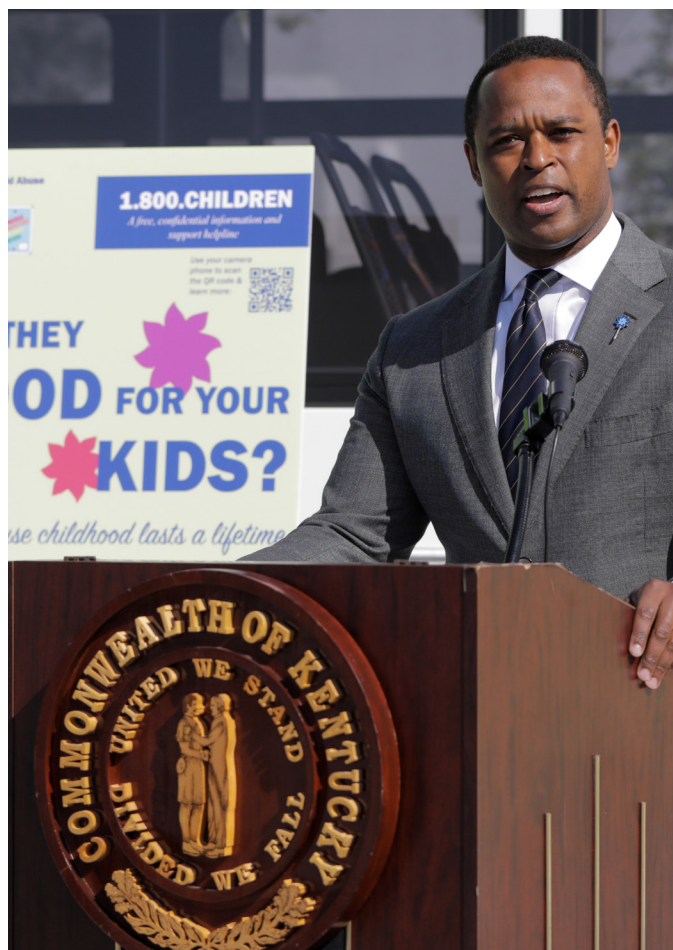
The Board’s mission is to help provide for the safety of Kentucky’s children by preventing child sexual abuse and exploitation through funding innovative programs aimed at educating the public. The Board provides funding to local communities for child sexual abuse prevention programs.

During the biennium, the Board provided over \$250,000 for state and regional prevention and education programs. As one example, the Board provided funding to Prevent Child Abuse Kentucky for the “Are They Good for Your Kids?” awareness campaign. This campaign challenged parents and caregivers to consider the adult influences in the lives of their children and equipped them with resources to prevent their children from being groomed for abuse. The awareness campaign reached an estimated 2.9 million people, including over 550,000 bus riders in the Lexington area and 225,000 social media contacts.

CHILD ABUSE PROSECUTION TOOLKIT

Within weeks of being sworn into office, Attorney General Cameron worked with Kentucky Youth Advocates and Kosair Charities to convene child welfare stakeholders for a roundtable to discuss child abuse. As part of the roundtable, prosecutors indicated a need for a toolkit to aid them in the prosecution of child abuse cases.

The Attorney General's office worked diligently to create a child abuse prosecution toolkit, which is accessible on the Attorney General's website.



CYBER SAFETY

In addition to funding educational programs, TAPP is also dedicated to promoting cyber safety for Kentucky's youth. During the biennium, the Office partnered with Prevent Child Abuse Kentucky to offer statewide trainings for parents and caregivers on how to keep kids safe online. The trainings offered a free Internet Safety Toolkit, which provided helpful information about how to protect children from cyber bullying and online predators.

TAPP also worked with investigators in DCI to create a cyber safety tip sheet to provide internet safety tips for parents. The tip sheet is accessible on the Attorney General's website by visiting <https://ag.ky.gov/Documents/Cyber%20Safe%20Kentucky.pdf>.

During the biennium, Attorney General Cameron also joined 43 other attorneys general in sending a letter to Facebook Chief Executive Officer Mark Zuckerberg, urging Facebook to stop the launch of Instagram Kids.

"We have a responsibility to protect our youngest citizens, and a version of Instagram specifically aimed at children under 13 poses significant health and safety risks for Kentucky children," said Attorney General Cameron. "We already know that child predators regularly use social media platforms to communicate with children, and we cannot give them a new opportunity to target those who are most vulnerable to exploitation." Following the letter, Facebook indicated that it will delay the launch of the app in response to concerns from parents and government officials.

TAPP also sponsored a two-day symposium for members of multi-disciplinary teams on Stopping Technology-Facilitated Abuse of Rural Kids. This symposium, held in partnership with the Zero-Abuse Project, provided free training to social workers, prosecutors, law enforcement, forensic interviewers, victim's advocates, and other team members on digital forensics, child exploitation investigations, admissibility of social media and digital evidence, and other topics specifically designed to address the challenges Kentucky multidisciplinary teams face when they are investigating and prosecuting child abuse crimes.



“

We have a responsibility to protect our youngest citizens, and a version of Instagram specifically aimed at children under 13 poses significant health and safety risks for Kentucky children.

We already know that child predators regularly use social media platforms to communicate with children, and we cannot give them a new opportunity to target those who are most vulnerable to exploitation.

- Attorney General Cameron

STOPPING HUMAN TRAFFICKING

Addressing human trafficking in the Commonwealth is a top priority for Attorney General Cameron. Human traffickers perpetrate this sinister and complex crime by exploiting individuals of all races, genders, ages, and backgrounds for labor or sex.

According to a study from the Human Trafficking Institute, Kentucky ranked 9th in the country for new federal human trafficking cases in 2019.

The Cabinet for Health and Family Services 2021 Human Trafficking Report states that Kentucky received 312 reports of the human trafficking of children, involving 379 child victims, during the 2021 reporting period. This is a 50 percent increase in reports and a nearly 61 percent increase in child victims compared to 2020.

HOUSE BILL 2

Within two months of taking office, Attorney General Cameron and his Office worked with leadership in the House of Representatives to craft legislation that would improve the tools available for prosecutors and law enforcement to combat human trafficking.

On February 27, 2020, Majority Caucus Leader Suzanne Miles and then Judiciary Chairman Representative Jason Petrie co-sponsored House Bill 2, which aligned state human trafficking laws with that of federal law and also closed a loophole that prevented sex offenders who preyed on adult victims from registering with the Sex Offender Registry.

The law also helped raise awareness of human trafficking by requiring airports, truck stops, bus stations, and train stations to post signs displaying the National Human Trafficking Hotline number. This law was unanimously passed by the General Assembly and became effective on July 15, 2020.

Since the law's passage, the Attorney General's Department of Criminal Investigations, Office of Special Prosecutions, and TAPP have worked together to train nearly 4,000 Kentuckians on the new human trafficking law. With the passage of House Bill 2 and these efforts, the Commonwealth has seen a more than 20 percent increase in the number of human trafficking convictions in Kentucky courts.

During the biennium, the Attorney General's Office of Trafficking and Abuse Prevention and Prosecution worked with the Department of Criminal Investigations and the Office of Special Prosecutions to

train nearly 4,000 Kentuckians on the Commonwealth's new human trafficking law.

YOUR EYES SAVE LIVES

In 2020, TAPP was selected to receive a \$100,000 grant from the U.S. Department of Justice's Community Oriented Policing Services Office to develop a multi-media human trafficking awareness campaign.

With the funding, TAPP launched a campaign entitled, "Your Eyes Save Lives." The statewide media campaign, launched on National Human Trafficking Awareness Day in 2021, involved the use of traditional and digital communication platforms like billboards, social media, radio, and print publications to reach individuals in all 120 Kentucky counties, while targeting regions at an increased risk for human trafficking. In all, the campaign placed 39 billboards in 22 counties, ran over 1,800 radio spots in 30 counties and television ads in 36 counties, and created a statewide social media campaign.

As part of the campaign, TAPP also launched a website, www.YourEyesSaveLives.ky.gov, which serves as a one-stop resource page outlining the signs of human trafficking, how to report suspected human trafficking, and how to request human trafficking prevention training.

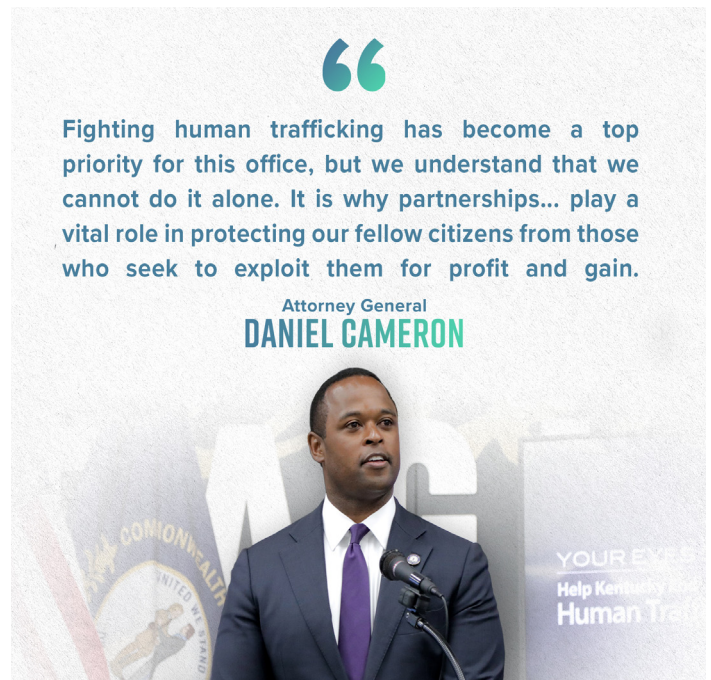
HUMAN TRAFFICKING AWARENESS PARTNERSHIPS

In May 2021, the Attorney General's Office announced a joint effort with the Kentucky Beer Wholesalers Association (KBWA) to provide beer distribution employees with "Your Eyes Save Lives" training and awareness materials. The materials focus on the dangers of human trafficking and provide information on how to recognize and report both sex and labor trafficking in the Commonwealth. The materials focus on the dangers of human trafficking and include information on how to recognize and report both sex and labor trafficking in the Commonwealth. The materials were displayed on the KBWA's member website, social media accounts, and shared with individual distributors. A training video created for the group has been viewed by more than 1,600 KBWA employees.

Attorney General Cameron and Kentucky Venues CEO David S. Beck partnered in August 2021 to raise awareness about human trafficking during large-scale events held at Kentucky Venues' locations. Kentucky Venue's employees interact with millions of guests annually, and the partnership includes awareness training for all employees. As well, the company agreed to display human trafficking awareness posters in employee break rooms.

In the summer of 2021, Attorney General Cameron worked with Ohio Attorney General Dave Yost and the Cincinnati Reds to launch a public service awareness campaign to educate baseball fans about the signs of human trafficking. The public service announcement was played in the pre-game rotation before Reds home baseball games.

In August 2021, Attorney General Cameron and Congressman Brett Guthrie teamed up with community partners to host a roundtable about the interplay between human trafficking and opioids. The roundtable discussion included city officials, educators, representatives of recovery centers, law enforcement officers, and other community members from Boyle, Garrard, Jessamine, and Washington counties.



COMBATTING THE DRUG EPIDEMIC

Recognizing its effect on every family, community, and county in the Commonwealth, Attorney General Cameron often refers to the drug epidemic as the “public safety challenge of our lifetime.”

In 2020, 1,964 Kentuckians died from drug overdoses, a nearly 50 percent increase in overdose deaths from 2019. The urgency of the problem requires immediate action. During the biennium, Attorney General Cameron committed considerable resources to addressing the drug crisis, which included holding companies accountable for their role in the epidemic and partnering with law enforcement agencies in drug interdiction efforts.

SETTLEMENTS WITH DRUG COMPANIES

In July 2021, Attorney General Cameron announced a tentative agreement with Cardinal, McKesson, and AmerisourceBergen – the nation’s three major pharmaceutical distributors – and Johnson & Johnson, which manufactured and marketed opioids, for each companies’ role in creating and fueling the opioid epidemic.

Kentucky stands to receive as much as \$482 million from the settlement, and the agreement requires significant industry changes that will help prevent a crisis, like the opioid epidemic, from ever happening again.

The exact amount of funding from this agreement is determined by the level of buy-in across the state. During the 2021 legislative session, Attorney General Cameron joined forces with the Kentucky Association of Counties and the Kentucky League of Cities to support House Bill 427. Under this new law, the General Assembly unanimously agreed to release all opioid related claims against

AmerisourceBergen, Cardinal Health, McKesson, and Johnson & Johnson, in the event that a final settlement is reached. In exchange, Kentucky will qualify for the largest possible settlement dollars, which will be split 50-50 between the Commonwealth and participating local governments.

The Attorney General’s Office will manage the Commonwealth’s portion of the settlement dollars through the Opioid Abatement Advisory Commission. The Commission will undertake an application process to award funding to eligible opioid abatement programs throughout the state. More information about the settlement is available by visiting ag.ky.gov/OpioidSettlement.

During the biennium, the Attorney General also announced a \$10.8 million settlement with one of the world’s largest consulting firms, McKinsey & Company, for the company’s role in helping drug companies, like Purdue Pharma, promote their drugs and profit from the opioid epidemic. The settlement will be used to address problems related to the opioid epidemic in Kentucky. When the settlement was announced, Attorney General Cameron promised Kentuckians that “we will continue to seek justice for [those] who have been harmed by the opioid epidemic and work to stop the practices that led to this crisis.”

The Attorney General continues in active litigation against pharmacies and other manufacturers that were involved in the opioid crisis.

PARTNERING WITH LAW ENFORCEMENT

Attorney General Cameron maintains strong partnerships with local, state, and federal law enforcement agencies and works closely with those agencies on drug interdiction efforts.

The Attorney General's Department of Criminal Investigations manages and directs the Appalachian High Intensity Drug Area Rx Task Force ("Appalachian HIDTA"). Through involvement with the Appalachian HIDTA program, Kentucky counties benefit from additional federal resources to combat drug trafficking, as well as a greater degree of coordination among local, state, and federal law enforcement groups. This program is a force multiplier when it comes to drug interdiction efforts in the Commonwealth.

In 2020, the Appalachian

HIDTA Task Force undertook an investigation focused on a single Kentucky residence, from which 8,000 oxycodone tablets were distributed every month. This kind of distribution, in one residence, underscores the scope of the problem multiplied across Kentucky's 120 counties.

During the biennium, Attorney General Cameron worked with local law enforcement to promote the Drug Enforcement Administration's (DEA) National Prescription Take Back Day. The Take Back Day aims to provide a safe and convenient means for the disposal of prescription drug medications. To raise awareness for Take Back Day, Attorney General Cameron donated a combined 600 Deterra drug deactivation packets to law enforcement in Madison and Bourbon counties to assist with the safe disposal of prescription drug

medications. In addition to this donation, Attorney General Cameron regularly visits counties across the Commonwealth to meet with local law enforcement about combatting the drug crisis. During the biennium, the Attorney General visited more than 75 counties.

CASEY'S LAW

The Matthew Casey Wethington Act for Substance Abuse Intervention, commonly known as "Casey's Law," allows family members and friends to secure court-ordered drug treatment for a loved one struggling with a substance use disorder. During the biennium, Attorney General Cameron defended Casey's Law in court so that Kentucky families do not lose this important tool for connecting to needed treatment services.



SAFEGUARDING KENTUCKIANS DURING THE COVID-19 PANDEMIC

OFFICE OF SENIOR PROTECTION

The Office of Senior Protection (“OSP”) assists victims of fraud, scams, and identity theft. OSP saw an alarming increase in both the financial losses suffered by victims and the number of senior victims who reported fraud during the pandemic.

The pandemic fueled a number of pandemic-related scams and twists on traditional scams. Fraudsters used stolen social security numbers to further unemployment fraud, Small Business Administration loan fraud, Paycheck Protection Program loan fraud, and more. OSP assisted numerous victims with next steps following identity theft.

As a result of the pandemic, scam reports from Kentucky victims increased from 622 reports in 2019 to over 6,600 reports through mid-October 2021. Likewise, the reported dollar losses by victims surged from \$1.6 million annually to over \$11 million in just ten months.

The impact of the surge in pandemic fraud has been especially harmful for senior citizens. In some months since the pandemic began, as much as ninety-percent of the monthly dollar losses reported to OSP were reported by seniors.

During 2021, over 1,700 of Kentucky’s most vulnerable senior citizens reported losses totaling more than \$5 million. Most of these victims will be unable to recoup the losses to their financial security and independence due to their age.

In response to the rise in pandemic-related scams, the Attorney General’s Office took a number of steps to assist Kentuckians and prevent fraud. OSP made it easier for consumers to report fraud by creating an online scam reporting form for victims, which can be

accessed by visiting ag.ky.gov/scams. The online system allows consumers to quickly and easily report suspected fraud and scams, and it allows OSP to more quickly respond to help minimize financial loss.

OSP also increased outreach to seniors across the state to raise awareness of fraud and scams. The Office engaged in community partnerships with the Federal Trade Commission, Better Business Bureau, AARP-KY, Kentucky Bankers’ Association, Financial Empowerment Commission, local senior citizen centers, and Area Development Districts. OSP also began publishing monthly articles in senior center newsletters across the state, wrote articles for print media, and conducted television news interviews. OSP representatives also spoke at numerous events, webinars, and conferences to raise awareness about the prevalence of scams.

Additionally, in response to the alarming and dramatic increase in COVID-19 fraud, OSP obtained grant funding to hire a sworn law enforcement investigator to conduct investigations of COVID-19 related fraud and scams. This investigator works collaboratively with local, state, and federal law enforcement partners.



OFFICE OF CONSUMER PROTECTION

The Attorney General's Office of Consumer Protection protects Kentuckians from unfair, false, misleading, or deceptive acts or practices in trade or commerce by enforcing the Kentucky Consumer Protection Act ("KCPA"). During the COVID-19 pandemic, the Office of Consumer Protection directed its efforts to assisting Kentuckians with price gouging and deceptive business practices arising from the global health crisis.

As one example, the Office announced a \$766,765 settlement with Voyageurs International, Ltd. ("Voyageurs") to reimburse 391 Kentucky students and chaperones who paid deposits to attend the Voyageurs 2020 Kentucky Ambassadors of Music Tour but were unable to participate after the company cancelled the trip due to the pandemic. The affected Kentucky students and chaperones had paid significant deposits to reserve their places on the trip. When Voyageurs International cancelled the trip, the company retained \$1,900 per participant as a cancellation fee. The company also deemed non-refundable the Greece extension deposit of up to \$775, depending on the amount each participant paid. Each of the 391 Kentucky participants was directly refunded the full amount of the trip deposit they paid to Voyageurs.

PRICE GOUGING

During the unprecedented state of emergency declared by the Governor during the COVID-19 pandemic, Kentucky's price gouging statutes were activated for a period far exceeding any previous invocation of those protections. Attorney General Cameron took immediate action to protect Kentuckians from predatory pricing during this time period by activating the Consumer Protection Hotline for suspected price gouging complaints and launching Kentucky's first online price gouging complaint form ag.ky.gov/pricegouging to make it easier to report suspected price gouging.

In March 2020, Attorney General Cameron issued subpoenas to six third-party sellers in

Kentucky who used Amazon's online platform to engage in suspected price gouging.

Some sellers inflated the price of essential medical and emergency supplies by as much as 1,951 percent when marketing to consumers.

To date, the Consumer Protection Division has received over 5,000 calls and online submissions about price gouging during the COVID-19 pandemic. Many of the submissions did not include enough information to conduct an investigation, were not related to price gouging, or mentioned a consumer good that is not covered by the price gouging statute. Of those that did include the necessary information to move forward, the Office is currently investigating 1,157 claims.

Shortly after the Office of Consumer Protection began investigating complaints of price gouging in March 2020, the Online Merchants Guild filed a lawsuit challenging the constitutionality of Kentucky's price-gouging statute and the KCPA. The Office successfully defended both statutes, and some of the investigations had to be put on hold while the constitutionality of the laws was considered by the court.

The Office continues to work diligently on behalf of Kentuckians to move price gouging investigations forward, including issuing civil investigative demands and subpoenas to obtain necessary information.



PROTECTING RELIGIOUS LIBERTY

Even though the First Amendment has stood as a bulwark to protect religious beliefs from government interference for over two centuries, government officials have tested this freedom during the COVID-19 pandemic. Attorney General Cameron fought to protect the rights of Kentuckians to continue pursuing their sincerely held religious beliefs during pandemic times.

Early in the COVID-19 pandemic, Kentucky's Governor ordered houses of worship to close, while he also allowed big-box stores, shopping malls, laundromats, and offices to remain open. And on Easter Sunday in 2020, uniformed officers were sent to a Kentucky church to record the license plate numbers of believers who were threatened with criminal sanctions.

Attorney General Cameron acted quickly to stop this attack on religious liberty by filing an amicus brief on May 1, 2020, in the Sixth Circuit. In the brief, he argued that the Governor's actions against Kentucky churches discriminated against religion. Just before Sunday worship services, the Sixth Circuit agreed with Attorney General Cameron, and unanimously concluded that the executive orders shuttering houses of worship had "several potential hallmarks of discrimination."

Attorney General Cameron then joined a Kentucky church in filing a lawsuit to enable churches across the Commonwealth to open their doors. Less than one week later, the court ordered that Kentucky churches could hold in-person worship services. The court explained that "it would be easy" to put the Constitution "on the shelf in times like this, to be pulled down and dusted off when more convenient. But that is not our tradition."

Expecting that state officials would soon try to stifle worship in religiously-affiliated schools, the Attorney General expressed his opinion in August 2020 that to shutter religious schools would violate the Constitution. **See OAG 20-13.** In November 2020, the Governor failed to heed that advice and again threatened the religious liberty of Kentuckians by shutting down all of Kentucky's religious K-12 schools while allowing other in-person activities. Attorney General Cameron, together with Danville Christian Academy, went to court to fight for the rights of religious schools in Kentucky to remain open. Over 1,000 Kentucky parents joined this effort and filed an amicus brief supporting Attorney General Cameron's arguments. A federal court agreed with Attorney General Cameron and ordered that religious K-12 schools could remain open.

After the Sixth Circuit stayed the federal court's ruling, Attorney General Cameron sought relief from the United States Supreme Court. In his brief, Attorney General Cameron pointed out that Kentucky's religious schools were closed while Kentuckians could attend movies, visit the mall, and go to a NCAA basketball game. Over 20 religious schools from across Kentucky filed briefs supporting Attorney General Cameron's challenge.

Because the school-closure executive order was about to expire, the Supreme Court, in a divided vote, declined to decide the dispute. But the Supreme Court made clear that Attorney General Cameron could seek relief again "if the Governor issues a new school-closing order in the new year." No further attempt was made to close Kentucky's religious schools. A short time later, the Sixth Circuit adopted Attorney General Cameron's legal position in a decision re-opening religious schools in Ohio.

VACCINE MANDATES

In November 2021, Attorney General Cameron filed lawsuits challenging the constitutionality and legality of COVID-19 vaccine mandates issued by the Biden Administration.

The Attorney General led a lawsuit challenging the vaccine mandate for private sector employees issued by the Biden Administration through the Occupational Safety and Health Administration (“OSHA”).

The mandate requires the vaccination of tens of millions of citizens across the country, and Attorney General Cameron argued that OSHA lacks the constitutional and statutory authority to issue it. As well, the Attorney General’s lawsuit argued that the Biden Administration’s mandate takes away power from the states and prevents policymakers from enacting policies that are beneficial to their respective states.

The Attorney General stated that “the power to make these decisions belongs to the states, and the Biden Administration cannot commandeer it to issue an over-broad and illegal mandate. Many Kentuckians are concerned by the overreach the Biden Administration is displaying in issuing a federal vaccine mandate through OSHA, and our office is taking action on their behalf and on behalf of the Commonwealth.”

Attorney General Cameron also led a lawsuit with Ohio and Tennessee challenging the Biden Administration’s COVID-19 vaccine mandate for federal contractors. In the lawsuit, Attorney General Cameron argued that the vaccine mandate violates state sovereignty by preventing states from exercising their police power to establish laws regarding workforce vaccination policies. In addition, he argued that Congress does not give the President authority to issue such a broad mandate.

In fiscal year 2021, the federal government awarded \$9.3 billion across 32,465 contracts for work done in Kentucky, and Attorney General Cameron argued that the vaccine mandate presents workforce challenges among federal contractors and presents a significant concern for the economy of the Commonwealth.



The power to make these decisions belongs to the states, and the Biden Administration cannot commandeer it to issue an overbroad and illegal mandate.

Many Kentuckians are concerned by the overreach the Biden Administration is displaying in issuing a federal vaccine mandate through OSHA, and our office is taking action on their behalf and on behalf of the Commonwealth.

- Attorney General Cameron

VACCINE MANDATES CONT.

Attorney General Cameron joined a third lawsuit challenging the Centers for Medicare & Medicaid Services' ("CMS") mandatory vaccination requirement for healthcare workers. Approximately one-third of Kentuckians are covered by the Medicaid program. In state fiscal year 2020-2021, the Commonwealth received over \$12 billion in federal funds for Medicaid Services, and Medicaid revenues account for more than 25 percent of the state's total budget.

At the time the lawsuit was filed, Attorney General Cameron stated, "Our healthcare workers have selflessly cared for their fellow Kentuckians during this pandemic, and now they are at risk of losing their jobs because of the Biden Administration's vaccine mandate. We are already seeing worker shortages in the healthcare sector. Losing more because of this mandate would place an additional strain on many of the Commonwealth's healthcare facilities and limit the services they are able to provide to Kentuckians."



The Biden Administration, again, has put their thumbs on all of the states across this country and has taken a role and a responsibility that is normally reserved for states and tried to commandeer it for themselves. That is an unconstitutional move.

**Attorney General
DANIEL CAMERON**
November 5, 2021 | WDRB

DEFENDING KENTUCKY'S LAWS IN PANDEMIC TIMES

Attorney General Cameron successfully defended several laws that the legislature enacted to rein in the Governor's emergency powers during the COVID-19 pandemic.

In *Beshear v. Cameron*, the Governor moved to enjoin several duly enacted laws amending the Governor's executive powers. In response, the Attorney General preserved the rule of law by urging the Supreme Court of Kentucky to recognize and reaffirm the separation of powers and to once again recognize the General Assembly as the Commonwealth's policy-making branch.

In a landmark decision, Kentucky's highest court unanimously rejected the Governor's assertion of unlimited emergency authority and held that "the Governor has no implied or emergency powers beyond those given him by the legislature, who, as elected officials, serve at the behest of the Commonwealth."



FIGHTING FEDERAL OVERREACH

Attorney General Cameron is committed to protecting citizens from government overreach. Whether advancing principles of federalism or protecting the separation of powers within state government, the Attorney General's office is the tip of the spear.





LAWSUITS

As the federal government grows, so does the threat to Kentucky's ability to govern itself, and Attorney General Cameron is taking action in court to protect the Commonwealth from unnecessary government intrusion and to defend the rights of Kentuckians.

When President Biden revoked the permit necessary to build the Keystone XL Pipeline, Attorney General Cameron joined a coalition of states in filing a lawsuit against the Administration's unconstitutional attempt to cancel its construction. Attorney General Cameron noted that the cancellation of the Keystone Pipeline, "violates the rule of law, harms the creation of jobs, threatens U.S. energy independence, and creates negative ripple effects for non-pipeline states, like Kentucky."

In 2021, emboldened by the new presidential administration, Congress passed a third round

of stimulus funding, the American Rescue Plan Act ("ARPA"). Unsurprisingly, these funds came with strings attached. Of the nearly \$2 trillion included in the Act, approximately \$200 billion will assist state governments with COVID relief. But, as a condition of receiving the COVID aid, ARPA requires states to comply with a tax mandate that prevents states from lowering taxes for their citizens for four years. This heavy handed approach, if accepted, would have been tantamount to the federal government taking over state tax policy—hardly the federalism envisioned by the Constitution. To restore the balance of power between states and the federal government, Attorney General Cameron asked a federal judge to stop this unconstitutional intrusion into state sovereignty. A federal district court ruled in favor of Attorney General Cameron, concluding that "the federal government had unduly influenced the States' power to set their own tax policies" and had therefore "overstepped its bounds."



POLICY LETTERS & REGULATORY COMMENTS

Attorney General Cameron pushes back against government overreach by authoring or joining policy letters and regulatory comments on actions taken by federal government agencies.

In regulatory comments to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Attorney General Cameron opposed the Biden Administration's unlawful attempt to regulate firearm parts under a new rule proposed by ATF.

When Congress considered burdensome legislation that would increase fees on energy producers and cause price hikes for American consumers, Attorney General Cameron joined a 19-state effort urging Congress to reject the legislation.

Attorney General Cameron also partnered with 22 attorneys general in a letter urging Congressional leadership to maintain the Hyde Amendment in the 2022 budget, which prohibits the use of federal funds for abortions.

AMICUS BRIEFS

The Civil Appeals Division regularly drafts amicus briefs that are filed in courts across the country and allow Kentucky's voice to be heard on a host of issues. Since Attorney General Cameron took office, the Division has filed more than 30 amicus briefs. Prior Kentucky Attorneys General rarely, if ever, filed amicus briefs to protect the Commonwealth's interests. Amicus briefs filed by the Civil Appeals Division have played a role in several important victories.

The Division filed a 21-state amicus brief to defend Tennessee's statute requiring a waiting period before an abortion. The entire Sixth Circuit ultimately upheld Tennessee's law, which mirrors Kentucky's own waiting-period law in many respects.

The Division also filed a 17-state amicus brief supporting Montana's and Wyoming's ability to ship coal in interstate commerce. To view a list of the amicus briefs filed or joined by Attorney General Cameron, visit <https://ag.ky.gov/about/Office-Divisions/Pages/Amicus-Briefs.aspx>.



SUPPORTING VICTIMS AND PROSECUTORS

Kentucky's criminal justice system exists to ensure Kentucky's laws are followed, that those who violate them are held accountable, and that victims of crimes are provided with support and assistance.

As the chief law officer of the Commonwealth, Attorney General Cameron plays a pivotal role in ensuring the administration of justice in criminal matters, and there are several offices within the Attorney General's Office that are a part of this important goal.

OFFICE OF SPECIAL PROSECUTIONS

The Office of Special Prosecutions ("SPU") leads and assists with prosecutions in criminal cases throughout the Commonwealth. Attorneys within SPU serve as lead prosecutors in cases where the office has primary jurisdiction such as election law violations, environmental crimes, and ethics law violations.

SPU may also assist local prosecutors, when requested, in complex or sensitive cases or when there is a conflict. SPU handles the coordination and appointment of all special prosecutors within Kentucky's Unified Prosecutorial System. During the biennium, SPU processed 941 special prosecutor appointments across the Commonwealth. In an effort to assist Kentucky's prosecutors, SPU handled 122 of those prosecutions, which represents a more than 50 percent increase in cases handled in-house than during the prior biennium.

The Office of Special Prosecutions also provides legal support to other offices within the Attorney General's Office. During this biennium, SPU reviewed, researched, and processed more than 45 requests from the Attorney General's Cybercrimes Unit for subpoenas and other legal services. The Office also coordinated with the Office of Trafficking and Abuse Prevention and Prosecution and the Office of Medicaid Fraud and Abuse Control to address illegal activity and provide training to law enforcement on these topics. SPU also responded to over 400 inquiries from the public pertaining to legal matters during the biennium.

SPU coordinates election monitoring with the State Board of Elections, Kentucky State Police, the U.S. Attorney's Offices for the Western and Eastern Districts of Kentucky, and the Federal Bureau of Investigations and maintains the Attorney General's Election Fraud Hotline (1-800-328-VOTE) year round with an expanded presence on Primary and General Election days.

KRS 15.243 mandates that the Office of the Attorney General independently audit no fewer than five Kentucky counties after each election, to ensure the integrity of the election process.

The counties selected for audit are randomly drawn in a public setting. Following the 2019 General Election, SPU audited Gallatin, Oldham, Powell, Kenton, Henderson, and Boyle Counties.

In 2020, SPU audited the primary elections in Simpson, Daviess, Floyd, Monroe, Cumberland, and Logan Counties; and following the General Election in Fleming, Hickman, Lawrence, Livingston, Anderson, and Boone Counties. SPU works with local prosecutors to present the findings of the audits and to prosecute violations of election law.

During the biennium, the Office of Special Prosecutions prosecuted significant cases in nearly every area of criminal law. The following represents a brief synopsis of some of the cases:

Commonwealth v. Hankison: Jefferson County. A former LMPD officer was indicted for Wanton Endangerment, First Degree, in connection with the attempted service of a search warrant at the apartment of Ms. Breonna Taylor. Scheduled for trial in February 2022.

Commonwealth v. Jones and Horn: Bracken County. The defendants were convicted of sexual crimes against an animal. This is believed to be the first case involving the application of Kentucky's recently-enacted bestiality law.

Commonwealth v. Martin: Christian County. The defendant, a U.S. Army Major based at Fort Campbell, was charged with murdering three people in connection with pending charges against him in a Court Martial proceeding. On September 2, 2021, the defendant was sentenced to life in prison without the possibility of parole.

Commonwealth v. Poole: Kenton County and Boone County. The defendant pleaded guilty in Kenton Circuit Court to five counts of Promoting Human Trafficking – commercial sex activity. The charges in Boone County are pending.

Commonwealth v. Williams: Grayson County. The defendant, a high school teacher, pleaded guilty to Possession of Matter Portraying Sexual Performance by a Minor, Promoting Sexual Performance by a Minor Under the age of 18, and two counts of Sexual Abuse, Third Degree.

PROSECUTORS ADVISORY COUNCIL

The Prosecutors Advisory Council (“PAC”) administers the budget of the Unified Prosecutorial System and oversees the training of the Commonwealth’s prosecutors. The nine-member council is appointed by the Governor and includes the Attorney General, three Commonwealth’s Attorneys, three County Attorneys, and two citizen members. Attorney General Cameron serves as chairman of the Council.

The administrative staff of the Office of the Prosecutors Advisory Council, pursuant to KRS 15.770, and at the direction of PAC, prepares the budget for and administers the Unified Prosecutorial System (UPS), which includes operating budgets for 177 prosecutors’ offices. In addition, the staff develops and coordinates statutorily-mandated training regarding elder abuse, child sexual abuse, human trafficking, and domestic violence. The staff also administers personnel, payroll, and fringe benefit services for over 1,200 UPS employees. The PAC staff administers federal, state, and local grants as well as asset forfeiture accounts for Commonwealth’s and County Attorneys.

The PAC staff also provides legal research and guidance to the state’s elected prosecutors and their staffs on administrative issues and monitors criminal justice legislation that affects UPS.

During the biennium, PAC approved funding for the Kentucky Prosecutors Institute (“KPI”) in both fiscal year 2020 and 2021. KPI is a week-long PAC-hosted trial advocacy training program focused on both new and seasoned prosecutors. PAC also hosted the annual Kentucky Prosecutors Conference in August 2019 and 2020. This conference offered the opportunity for prosecutors to receive the required continuing legal education (“CLE”) units each year, including at least two hours of ethics training focused on the prosecutorial perspective.

CRIMINAL APPEALS DIVISION

The Criminal Appeals Division represents the Commonwealth in appeals of criminal convictions and in post-conviction proceedings. While local prosecutors handle criminal trials, Kentucky law gives the Division jurisdiction over those cases once they are appealed. To this end, the Division works to uphold lawfully-imposed convictions and to ensure that lawfully-imposed sentences are carried out.

During the biennium, the Criminal Appeals Division filed 713 briefs (addressing 2,124 issues) in state and federal courts and presented 30 oral arguments.

In addition to filing briefs and presenting oral arguments, the Division serves as a resource for local prosecutors by researching various legal issues and providing legal advice. The Division received approximately 192 requests for assistance from local prosecutors during the biennium.

The Criminal Appeals Division has been involved in the following notable judicial decisions:

Commonwealth v. Bredhold, 599 S.W.3d 409 (Ky. 2020). The Division successfully convinced the Supreme Court of Kentucky to vacate interlocutory orders of the Fayette Circuit Court declaring Kentucky's death penalty statute unconstitutional because it allows capital punishment for offenders under 21 years of age at the time of their offense. The United States Supreme Court later declined to review that decision.

Commonwealth v. Jennings, 613 S.W.3d 14 (Ky. 2020). The Division persuaded the Supreme Court of Kentucky to reverse a Kentucky Court of Appeals decision that had declared it unconstitutional to prohibit a sex offender, as a condition of probation, from using the internet.

Hiles v. Commonwealth, 595 S.W.3d 482 (Ky. App. 2020). The Division successfully persuaded the Kentucky Court of Appeals to affirm the appellant's convictions for facilitating the incest of her 11-year-old daughter and being a persistent felony offender.

Mulazim v. Commonwealth, 600 S.W.3d 183 (Ky. 2020). The Division successfully defended the robbery and persistent-felony-offender convictions of two co-defendants, as well as their 50- and 60-year sentences. In a subsequent trial, one of the co-defendants was convicted of murder in connection with the death of one of his robbery victims and sentenced to life with the possibility of parole.

Taylor v. Jordan, 10 F.4th 625 (6th Cir. 2021) (en banc). The Division successfully secured an en banc decision from the Sixth Circuit denying a habeas petition in a capital murder case involving the 1984 murders of Trinity High School students.

Wright v. Commonwealth, No. 2019-SC-142-MR, 2019 WL 4688810 (Ky. Sept. 26, 2019). The Division successfully defended the appellant's 30-year sentence for murder and first-degree robbery stemming from the beating death of a 58-year-old man.

OFFICE OF VICTIMS ADVOCACY

The Office of Victims Advocacy ("OVA") delivers services to Kentuckians in two meaningful ways: it provides direct victim services to Kentucky crime victims and survivors and offers training and technical assistance to our Commonwealth's criminal justice system professionals. With both the delivery of direct services and professional training and technical assistance, the Office of Victims Advocacy's goal is the same – to improve the system's response to violent crimes and bring justice to victim-survivors.

During the biennium, OVA was able to make great strides in strengthening the response to victims and the systems that serve them. Victim advocates provided over 2,000 direct services to Kentucky crime victims, including courtroom accompaniment, assistance with victim impact statements and crime victim compensation, and notification of criminal justice system events. Additionally, the Office of Victims Advocacy provided nearly 500 notifications to victims during the criminal appellate process.

Despite the challenges brought on by the global pandemic, OVA provided training to over 1,800 professionals, including law enforcement

officers, prosecutors, victim advocates, forensic nurses, child advocates, and allied professionals. The trainings hosted or provided by the Office of Victims Advocacy had a common theme of strengthening best practices when working with crime victims.

As one example, in October 2020, the Office of Victims Advocacy hosted a three-part virtual training titled “First, Do No Harm: Implementing Trauma-Informed Practices.” Through a partnership with AEquitas, a training and technical assistance resource for prosecutors, Kentucky criminal justice professionals were provided with training on how to investigate and prosecute crimes while using a victim-centered approach. OVA also hosted experts from the Training Institute for Strangulation Prevention for a virtual training called, “Strangulation: The Last Warning Shot.” The training allowed law enforcement officers, prosecutors, and victim advocates to gain valuable information and approaches to investigating and prosecuting strangulation cases.

The Office of Victims Advocacy also hosted a National Crime Victims’ Rights Week Awareness Walk and Resource Fair at the Kentucky State Capitol, which was covered by local television stations and on social media platforms. Despite the fact that the event took place on a snowy day, around 75 survivors, professionals, and members of the public came to support survivors, promote awareness, and listen to the featured speakers. Along with the survivors, 10 victim service provider partners, including federal and state system-based advocates, community-based service providers, and other service providers were able to attend the event and pass out information to the participants.

SEXUAL ASSAULT KIT INITIATIVE

OVA continues to address the issue of previously unsubmitted sexual assault forensic exam kits (“SAFE” kits) and secure justice for victims, regardless of the years that have passed since the assault. During the biennium, the Office of Victims Advocacy instituted a comprehensive approach to the Sexual Assault Kit Initiative (“SAKI”) program focused on

providing training and technical assistance to law enforcement statewide. This new model aims to assist local jurisdictions with developing best practices for investigating sexual assault and sexually-motivated homicide cases.

During the biennium, OVA re-designed kentuckybacklog.com, which is a website dedicated to seeking justice for survivors of sexual assault. The site better equips multi-disciplinary teams with tools to aid in the investigation and prosecution of sexual assault crimes.

To date, 4,597 previously un-submitted SAFE kits have been tested. This work has led to over 1,500 DNA profiles entered into databases to help with solving crimes. Additionally, the Attorney General’s Office has provided funding to assist with advanced DNA testing for cold case sexual assaults and cold case homicides that do not have a known suspect identified. Through partnerships with the Kentucky State Police Forensic Lab and the University of Louisville’s Department of Criminal Justice, OVA continues to address current sexual assault kits while working to prevent a backlog from recurring in the future.



Many have personally experienced tragedy as a result of a violent crime, and somehow you have emerged stronger. You know what it means to face and overcome adversity. Hope is not lost. Hope is never lost.

- Attorney General Cameron, National Crime Victims' Rights Week 2021

PROTECTING KENTUCKIANS

Attorney General Cameron looks out for the interests of Kentuckians and Kentucky families in many ways. Whether it's stopping child predators from communicating with children through online apps, convening statewide stakeholders to address pressing public safety challenges, or ensuring that utility rates are fair, the Attorney General's Office maintains a singular focus on protecting Kentuckians.

DEPARTMENT OF CRIMINAL INVESTIGATIONS

The Department of Criminal Investigations ("DCI") provides advanced criminal investigative services in public corruption, child predator and cyber forensics, drug and prescription drug diversion crimes, human trafficking investigations, and Social Security fraud. This is accomplished through innovative strategies that recognize trending crimes and public vulnerabilities. The Department's work includes leading investigations while also supporting the work of local, state, and federal criminal justice agencies.

The Department's personnel have taken leadership roles in investigation development, the creation of statewide and regional task forces, development of advisory councils, creation of law enforcement and prosecutorial education programs, grant acquisition, and policy and procedure development. Department personnel teach for the Department of Criminal Justice Training, serve on the Board of Directors for the Kentucky Law Enforcement Council (KLEC), provide training at state and national conferences, engage in public awareness campaigns on the issues of sex and labor trafficking, and provide comprehensive training to state and federal criminal investigators.

"I'm incredibly grateful for the collaboration and for the partnerships exhibited throughout this operation, and I extend my sincere thanks to law enforcement across Kentucky who worked tirelessly to carry out Operation United Front."

- Attorney General Cameron

OPERATION UNITED FRONT

In 2021, DCI officers, along with other Kentucky law enforcement agencies, assisted in a 12-state human trafficking operation, called Operation United Front. The operation yielded 102 arrests and led to the rescue of 47 victims. Of the 47 victims, 21 were rescued in Kentucky, including two minors.

DCI's work led to the arrest of a 65-year-old police officer from Maryland Heights, Missouri. The Missouri man was arrested and now faces up to 30 years in prison.

OPERATION GABBI DOOLIN

In November 2020, DCI joined local, state, and federal law enforcement for Operation Gabbi Doolin. The undercover operation was named in honor of seven-year-old Gabbi Doolin who was kidnapped and murdered in Allen County in 2015. The operation led to federal charges for seven individuals.

OTHER INVESTIGATIONS

20-616-0072, Matthew Lyons

In April 2020, the Radcliff Police Department received a call from a grandparent who reported that at least one minor was posting on social media about engaging in sexual activity with an adult in exchange for money.

A Radcliff Police Department Detective interviewed two 14-year-old boys, seized their mobile devices, and was granted consent to search those devices by the minors' legal guardians. DCI worked with Radcliff Police on the investigation, and as a result, two individuals pleaded guilty to multiple offenses.

Lyons pleaded guilty to multiple counts of online enticement of a minor, production of child pornography, sex trafficking of minors, and distribution of child pornography and was sentenced to 25 years in federal prison followed by a life term of supervised release. A second individual pleaded guilty to online enticement of a minor and production of child pornography and was sentenced to 15 years in federal prison, followed by 15 years of supervised release.

19-616-0133, Melvin Dowell

Melvin Dowell, 55, pleaded guilty before United States District Judge David J. Hale for attempted online enticement and transfer of obscene material to a minor. Judge Hale sentenced Dowell to 10 years in prison followed by a 10-year term of Supervised Release, ordered payment of a \$5,000 Special Penalty Assessment under the Justice for Victims of Trafficking Act, and imposed a \$12,000 fine. Dowell had to register as a sex offender.

SEARCH WARRANT TASK FORCE

In January 2021, Attorney General Cameron announced the formation of the Attorney General's Search Warrant Task Force to examine the process for securing, reviewing, and executing search warrants in Kentucky. The creation of the task force fulfills the Attorney General's promise to convene a task force to develop best practices for the effective and safe execution of search warrants in the Commonwealth.

During 2021, the task force held meetings throughout the Commonwealth to consider law enforcement's role in advancing public safety along with the personal protections guaranteed to citizens by the Constitutions of the United States and the Commonwealth.

The task force is comprised of 18 members, including representatives from the law enforcement community, legislators, judges, prosecutors, the Kentucky League of Cities, the Kentucky Association of Counties, the NAACP, the public advocate, and citizen members. The task force is expected to complete its work by December 31, 2021.

OFFICE OF RATE INTERVENTION

The Office of Rate Intervention ("ORI") works to ensure that utility rates are fair and reasonable. The office serves as a watchdog for consumers in matters relating to natural gas, electric, solar, water, sewer, basic landline telephone, and health insurance rates.

The majority of ORI's activity is through participation in filings before the Kentucky Public Service Commission ("PSC").

Since 2008, the Office has helped consumers avoid more than \$3,041,000,000 in proposed utility rate increases. Since January 2020, the Office has helped consumers avoid approximately \$245,000,000 in increased utility rates.

During this biennium, ORI actively intervened in over forty cases. The Office intervened along with Kentucky Industrial Utility Customers in the Certificate of Public Convenience and Necessity case brought by Kentucky Power and secured over \$49,000,000 in savings for Kentuckians. ORI also intervened along with other parties in Kentucky Power's recent rate case and secured nearly \$18,000,000 in savings for consumers. The Attorney General advocated for and was successful in getting the PSC to order Kentucky Power to use funds from the Tax Cuts and Jobs Act passed by Congress in 2017 to offset the rate increase. As a result, more than \$40,000,000 will be returned to ratepayers over the next three years.

In the largest rate case of the biennium, brought by Louisville Gas and Electric Company and Kentucky Utilities Company, the Attorney General played a key role in reaching a settlement that reduced the utilities' proposed rate base revenue increase by 34 percent. This significant reduction saved nearly a million customers more than \$113,000,000 annually. As well, to ensure rate stability for ratepayers, the Attorney General was instrumental in obtaining a stay-out provision that prevents the companies from increasing base rates for four years.

In the Duke Energy Kentucky electric rate case, the Attorney General saved ratepayers over \$15,500,000, which was almost a 38 percent savings to ratepayers from the rates sought in the application. In the Duke Energy gas rate case, the Attorney General reached a settlement with the company saving over \$5,800,000, nearly 40 percent less than the amount that had been sought in the application.

Since January 2020, the Attorney General's Office has helped Kentuckians save **\$245 Million** in utility rate increases.

In addition, the Attorney General secured a pledge from Duke Energy not to seek a base rate increase for at least four years. This settlement is currently pending approval from the PSC.

During the biennium, East Kentucky Power Corporation filed its first rate case since 2010. Through ORI, the Attorney General was able to negotiate a settlement that saved ratepayers over \$17,700,000 while keeping the average monthly bill increase below three percent.

Since the beginning of 2020, ORI has received more than 1,400 constituent complaints related to utilities. The Office vigorously investigated these complaints—and those investigations resulted in more than \$176,000 in improper charges or other costs being returned to individual citizens in the Commonwealth.

During the winter of 2021, hundreds of AmeriGas propane customers were unable to receive timely deliveries of propane gas they used to heat their homes. ORI's efforts helped ensure that customers received the propane they needed and secured more than \$47,000 in utility credits for AmeriGas customers who did not receive propane gas refills.

Also, during the winter of 2021, many Windstream customers lost internet connections, some for weeks at a time. ORI worked to expedite service restoration and secured more than \$13,000 in bill credits for Windstream customers.

OFFICE OF MEDICAID FRAUD & ABUSE

The Office of Medicaid Fraud and Abuse ("OMFA") worked diligently during the biennium to investigate and prosecute allegations of Medicaid provider fraud as well as patient abuse, neglect, and exploitation, both criminally and civilly. OMFA is funded by a federal grant which covers 75 percent of its operational

costs. State general funds cover 25 percent of the office's costs. For every one dollar of state spending on OMFA, over twenty dollars was recovered for taxpayers.

COVID-19 had a substantial impact on Unit operations as well as its ability to investigate the abuse and neglect of the most vulnerable, elderly Kentuckians. Kentucky courts were closed for months and re-opened on a very limited basis beginning in the third quarter of 2020. Docket backlogs resulted in an avalanche of cancelled court activities including grand jury presentations, routine motion practice, and all trials. The resumption of limited court activity allowed for the gradual re-docketing and re-scheduling of grand juries, sentencing hearings, and dispositive motions, but it did not include the resumption of trials.

Despite these unprecedented challenges, the investigative efforts of OMFA contributed to 22 criminal indictments and 30 criminal convictions over the course of the biennium. More specifically, when looking at the data over the Fiscal years, indictments increased by 240 percent between Fiscal Year 2019 and Fiscal Year 2021. Likewise, criminal convictions increased by 300 percent over that same timeframe, despite extended COVID-related court closures.

During the biennium, the Unit executed 21 search warrants and issued over 550 subpoenas and demand letters. During this same time period, OMFA's work contributed to over \$51,287,999 in civil and criminal recoveries for Kentucky taxpayers.

There were 171 calls to the Abuse Tip Line, and OMFA opened 168 new investigations. OMFA currently has 204 open, active cases which are a mixture of provider fraud and credibly alleged adult abuse, neglect, and exploitation.

OFFICE OF CONSUMER PROTECTION

The Office of Consumer Protection enforces the Kentucky Consumer Protection Act by bringing lawsuits in the public interest to obtain civil penalties and consumer redress, including restitution and injunctive relief aimed at changing unscrupulous business practices.

The Office also counsels consumers about inquiries and complaints. The Office fields complaints in a wide variety of cases, ranging from those involving auto dealers, pharmaceutical companies that understate risks or overstate benefits of their drugs, and for-profit colleges that misrepresent the value of their degrees. The Office has also acted to protect Kentucky consumers against unscrupulous telemarketers, home remodelers, and mortgage lenders when they engage in unfair practices.

STOPPING UNFAIR BUSINESS PRACTICES

The Office of Consumer Protection is actively involved in litigating cases against various entities that engage in deceptive practices. As a result of its efforts during the biennium, the Office recovered \$57,416,762.01 for the Commonwealth. These numbers do not reflect the potential settlement recovery available from the agreement with Cardinal, McKesson, AmerisourceBergen, and Johnson & Johnson for the companies' role in the opioid epidemic.

The Office also obtained restitution for Kentucky consumers in the amount of \$20,770,514.19, which includes amounts paid to consumers, estimates of what Kentucky consumers are eligible to be paid as a result of settlements, and student debt relief obtained via settlements.

During the biennium, the Office:

- Sued twelve opioid manufacturers, distributors, and dispensers in eight jurisdictions across Kentucky, from Prestonsburg to Paducah for their role in the opioid epidemic. The Office has alleged that both the manufacturers and distributors bear responsibility for the opioid epidemic and should not only pay damages for past harms and costs, but should also bear the cost of remedying the epidemic.
- Joined the antitrust and consumer protection multistate litigation against Google for its monopolistic practices in the Android digital application, or “app,” distribution market. This case is being pursued by a bipartisan coalition of 39 Attorneys General in the United States District Court for the Northern District of California, and the case seeks both monetary and equitable relief.
- Reached a \$10.8 million settlement with one of the world’s largest consulting firms, McKinsey & Company (McKinsey), for its work with opioid companies. McKinsey helped those companies to promote their drugs and profit from the opioid epidemic. This is the first multistate settlement to result in substantial payment to the states to address the opioid epidemic.
- Joined 52 other states and territories and the U.S. Department of Justice to file a civil antitrust complaint against Google in the U.S. District Court for the District of Columbia. The lawsuit stems from Google’s anticompetitive and exclusionary practices in the search and advertising markets.
- Joined 47 other Attorneys General in suing Facebook for the company’s anticompetitive conduct. It is alleged that Facebook acquired rivals and squashed third-party app developers by inviting them to use Facebook’s platform and then, once Facebook had monopoly power, removed the developer’s access to the site.
- Reached a multi-state settlement with Santander Consumer USA Inc., resulting in no less than \$6.6 million, with the potential of \$12 million in total relief, for Kentucky consumers, who have defaulted on subprime auto loans.
- Reached a \$1.4 Million settlement with American Honda Motor Co., Inc. and Honda of America Mfg., Inc. over allegations Honda concealed safety issues related to defects in the frontal airbag systems installed in certain Honda and Acura vehicles sold in the United States.

- Secured a \$1.9 million settlement with Anthem, Inc. for a data security breach, which compromised the personal information of 2,305,612 Kentuckians.
- Entered into Assurance of Voluntary Compliance with four Kentucky companies that raised gas prices on May 11, 2021, after the shutdown of the Colonial Pipeline, despite suffering no actual harm from the shutdown.
- Filed a lawsuit against the three largest manufacturers of analog insulin, claiming the companies unconscionably and deceptively inflated their WAC prices. The Office alleges their pricing scheme has caused injury to uninsured and underinsured Kentuckians with diabetes.

ROBOCALLS

Illegal robocalls defraud Kentuckians of their hard-earned dollars.

During the biennium, the Consumer Protection Division, as a member of the Robocall Technologies Working Group, partnered with other attorneys general from across the nation to address these illegal calls by working to improve traceback and other enforcement efforts against illegal robocallers.

Office of Consumer Protection

By The Numbers:

RECOVERED

\$57 Million

The Office of Consumer Protection recovered \$57,416,762.01 for the Commonwealth during the biennium. This number reflects settlements with various entities that have engaged in deceptive business practices.

RESTITUTION

\$20 M

The Office of Consumer Protection obtained \$20,770,514.19 in restitution for Kentucky consumers during the biennium.

TENTATIVE SETTLEMENT
WITH OPIOID COMPANIES

\$482 M

The Office announced a tentative \$482 Million settlement with Cardinal, McKesson, AmerisourceBergen, and Johnson & Johnson for each companies' role in creating and fueling the opioid epidemic.

DEFENDING KENTUCKY LAW **PROMOTING TRANSPARENCY**

The Attorney General defends challenges against Kentucky law in federal and state courts and directs the prosecution of all civil actions in which the Commonwealth has an interest. Under Attorney General Cameron's leadership, the Office of the Solicitor General and the Office of Civil and Environmental Law are the primary offices responsible for defending Kentucky's laws.

During this biennium, the General Assembly established the Office of the Solicitor General within the Office of the Attorney General. For the first time in the history of the Commonwealth, the Office now has one central office and an appointed Solicitor General tasked with ensuring that Kentucky's voice is heard in state and federal appellate courts.

OFFICE OF THE SOLICITOR GENERAL, CIVIL APPEALS

The Civil Appeals Division within the Office of the Solicitor General oversees all civil appeals involving the Commonwealth. Since Attorney General Cameron took office, the Civil Appeals Division has been on the front line of defending Kentuckians' constitutional rights. The Division led the Attorney General's efforts to ensure that houses of worship were treated equally during the COVID-19 pandemic, and the Division led the efforts to reopen Kentucky's religious schools after the Governor made in-person classes illegal. These legal efforts are discussed in detail in the COVID section of this report.

The Civil Appeals Division also focuses on defending the laws passed by Kentucky's General Assembly. The Division successfully defended several laws that the legislature enacted to rein in the Governor's emergency powers during the COVID-19 pandemic. In *Cameron v. Beshear*, 628 S.W.3d 61 (Ky. 2021), Kentucky's highest court unanimously rejected the Governor's assertion of unlimited emergency authority and held that "the Governor has no implied or emergency powers beyond those given him by the legislature, who, as elected officials, serve at the behest of the Commonwealth." The Division also achieved important victories defending Kentucky's transfer- and transport-agreement law related to abortion clinics, *EMW Women's Surgical Center, P.S.C. v. Friedlander*, 978 F.3d 418 (6th Cir. 2020), and Kentucky's price-gouging laws during the COVID-19 pandemic, *Online Merchants Guild v. Cameron*, 995 F.3d 540 (6th Cir. 2021).

OFFICE OF CIVIL & ENVIRONMENTAL LAW

The Office of Civil and Environmental Law protects the interests of the Commonwealth and its citizens by initiating or defending civil and administrative actions on behalf of the Commonwealth, its elected officials, and its officers, boards, and employees. The Office defends state agencies, officers, and employees in actions seeking damages or declaratory or injunctive relief, including judges, circuit court clerks, and Commonwealth's and County Attorneys. The Office also has a special role in the defense of the Constitution, and is empowered to bring or defend civil actions that challenge the constitutionality of Kentucky statutes, executive orders, administrative regulations, and agency orders.

During the biennium, the Office has received and reviewed 627 notices of constitutional challenges to statutes in trial and appellate courts. The Office has intervened in 50 of those cases. The Office has also moved to intervene at the trial level in several critical cases where Kentucky's statutes lacked a comprehensive defense.

Among others, the Office is defending the following laws:

- House Bill 518, which created new and amended existing statutes governing the State Fair Board's composition and authority.
- House Bill 563, which created the Educational Opportunity Account Program to allow economically disadvantaged Kentuckians to gain access to educational opportunities.

The Attorney General's office has also gone on the offensive. The Attorney General sued the Kentucky Parole Board after it issued an unlawful directive, which would have given a new parole hearing to more than 40 Kentucky prisoners whom the Board previously ordered to serve out their life sentences for charges including murder, rape, and kidnapping. After the trial court agreed and issued temporary injunctive relief, the Parole Board rescinded its unlawful order.

The Office also litigates and defends civil cases brought against Kentucky judges and prosecutors so that those officials may focus on the pressing needs of their own important service. All told, the Office has an active civil case docket, and is involved in 90 pending civil actions. Since December 2019, the Office has closed files in 110 civil actions.

Under KRS 65.260(2), the Attorney General reviews and approves all interlocal agreements, with some limited exceptions. Since December 2019, the Office has reviewed 78 interlocal agreements, approving 69.

OPEN RECORDS & OPEN MEETINGS

The ability of Kentuckians to access their government is a foundational principle of our democracy, and to ensure transparency in government operations, Attorney General Cameron works diligently to oversee compliance with the Open Records and Open Meetings Acts.

Attorney General Cameron's approach to Open Records and Open Meetings is guided by the rule of law, meaning that when interpreting the Acts and adjudicating disputes, the Office follows both the statutory text as declared by the General Assembly and controlling precedent from Kentucky courts. While this is not always easy, because, for example, portions of the Acts predate the prevalence of electronic communications, the office does its best to give effect to the intent of the legislature through the words it used in codifying both statutes. Since December 2019, the Division has issued 407 Open Records and Open Meetings Decisions.

The Division is also committed to improving its customer service and efficiency. In addition to issuing decisions, the Division's attorneys also provide training to state and local agencies in the Commonwealth to assist them in understanding their duties under the Open Records and Open Meetings Acts.

During the COVID-19 state of emergency, the Division provided critical guidance to agencies on complying with the Open Meetings Act in the pandemic and on the application of 2020 Senate Bill 150, which temporarily altered several important requirements of the Open Records and Open Meetings Acts. Also, under new authority granted in 2021 House Bill 312, the Division created a standardized form that the public may use to request public records. And in June 2021, the Division published an updated guide for the public and public agencies to provide an overview of the Open Records and Open Meetings Acts.

ADMINISTRATIVE HEARINGS

Under KRS Chapter 13B and KRS 15.111, the Administrative Hearings Division provides hearing officers to conduct administrative hearings on behalf of many state agencies. Since December 2019, the Division has opened 583 administrative cases on behalf of 23 state agencies, and closed 476 administrative cases. During the COVID-19 state of emergency, despite an initial drop in the number of administrative cases, the Division nevertheless continued in its mission of providing even-handed, professional, and equitable resolution of disputes in administrative cases.