

2017 BIENNIAL REPORT

KENTUCKY OFFICE OF THE ATTORNEY GENERAL



Andy Beshear
ATTORNEY GENERAL

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Attorney General Beshear testifies before the House Standing Committee on Judiciary during the 2016 legislative session.

Dear Fellow Kentuckians,

THE ATTORNEY GENERAL is the People's Lawyer. I work for you. That's why the Office of the Attorney General's mission is to ensure every Kentucky family can live in a safe neighborhood and has a real path to prosperity.

We seek to create this safety and prosperity by preventing and prosecuting child abuse, protecting our seniors from scams and abuse, seeking justice for victims of sexual assault and finding workable solutions to our drug epidemic that has ravaged our communities.

Every branch, division, unit and employee in our office plays a critical role in safeguarding Kentuckians. This report will illustrate how our hard work makes a real impact in the lives of Kentucky families.

During this biennium, we protected Kentucky children.

First, we arrested more child predators than ever before. Our Cyber Crimes Unit arrested 58 individuals and charged them with 1,147 criminal counts.

Second, our newly created Office of Child Abuse and Human Trafficking Prevention and

Prosecution led the most comprehensive statewide child abuse prevention training ever offered and established the attorney general's office as the leading agency fighting human trafficking. We trained more than 2,700 individuals, including law enforcement officers, prosecutors, parents, students and child advocates to recognize the signs of abuse and trafficking and to step in and stop it. And we funded over 700 child sexual abuse medical exams.

Our children are safer for all these efforts.

We better protected Kentucky seniors.

We expanded our Elder Abuse Hotline to operate 24/7. Call volume increased nearly 60 percent, allowing us to help more seniors in need.

Our newly created Office of Senior Protection launched Scam Alerts – the state's first direct messaging service that notifies Kentuckians when con artists are on the attack. More than 12,000 individuals and businesses have signed up, and we now better protect through the service.

To ensure justice and healing for Kentucky's crime victims, we provided \$4.5 million in settlement money to fund crime lab upgrades to ensure

Kentucky never has a rape kit backlog again. We then provided statewide trainings and an additional \$1 million from settlement funds to aid law enforcement and prosecutors in the investigation and prosecution of sexual assault cases, including the backlog cases. The first indictment of one of those cases occurred in 2017. It involves a serial rapist who will face justice.

Our Office of Criminal Appeals kept dangerous criminals behind bars with an 85 percent win ratio in the Court of Appeals and an 84 percent win ratio in the Supreme Court. It addressed a combined 3,687 issues in the state circuit, appellate courts and in the Supreme Court. The office also handled 1,351 requests from local prosecutors on researching various legal issues.

Our Office of Special Prosecutions directly prosecuted more cases than ever, with a 236 percent increase in the number of cases opened since the last biennium. Our special prosecutors averaged over 100 court appearances per attorney over the biennium.

Our Office of Victims Advocacy provided direct victim services to 125 victims of various crimes across the Commonwealth. Additionally, it assisted 240 victims with notifications, opinions and court accompaniment in criminal appeal cases; responded to over 3,000 calls from victims and community members on our crisis information line; provided training for 5,300 individuals; and provided technical assistance requests to 1,300 professionals.

To fight back against the pervasive substance abuse epidemic, our office provided \$8 million from a drug settlement to 15 substance abuse treatment centers across Kentucky. We dedicated \$2 million to expand and enhance Rocket Docket programs through the Prosecutors Advisory Council.

At the same time, our Drug Diversion Unit pursued rogue doctors who would continue to flood our communities with addictive pills, while several of our other investigators were instrumental in numerous drug related arrests over the biennium, including working with federal authorities on arresting a fentanyl dealer whose drugs killed several Kentuckians.

Additionally, we secured civil settlements and

obligations of criminal restitution that will return over \$52 million to taxpayers through recoveries of state and federal Medicaid funds.

The office protected Kentucky families from being ripped off, taking action against several national, regional or local companies, including Volkswagen, Johnson & Johnson, Hyundai-Kia, Bryant Heating and Air, and Sunrooms and More for deceptive business practices. So far settlements from these actions have resulted in potential restitution that could exceed \$88 million, representing amounts paid to consumers or amounts Kentuckians are eligible to receive.

Through these efforts, the office returned nearly \$8 million to the Commonwealth's General Fund through civil litigation and settlements.

And we took action through our Mediation Services Branch, which returned nearly \$1.1 million to Kentucky families that represents a pace of roughly \$1,900 returned per day.

Our Office of Rate Intervention fought over the biennium to reduce proposed utility company rate increases and saved Kentucky businesses and families approximately \$300 million.

Our Civil Branch held public agencies accountable, ensuring transparency in their management of tax dollars and securing the public's trust, by issuing a record number of decisions on open meetings and open records appeals. The branch responds to general legal inquiries and drafts formal opinions.

This report reflects that through our partnerships and with a workhorse mentality we have been successful in many areas. We will, however, continue to broaden and build on our four-part mission in the weeks, months and years ahead – for instance our launch of a prescription opioid disposal initiative or our human trafficking training for Kentucky Transportation Cabinet highway incident safety professionals.

By working together and setting an example for generations to come, we are building a better, safer Kentucky.

Sincerely,



“This child abuse prevention project in Kentucky makes it a leader nationwide in terms of child safety, community policing and crime prevention initiatives.”

—Cory Jewell Jensen, M.S.
nationally recognized child advocate and co-director of the Center for Behavioral Intervention

Protecting Children

The Office of the Attorney General has a clear mission to prevent and to prosecute child abuse so that all of Kentucky’s children and families can live in safe neighborhoods.

The office first accomplishes this mission through its Cyber Crimes Unit, which focuses on arresting predators who seek to harm children in our communities and on the internet. The work of our cyber investigators in 2016 led to the arrest of more online child predators than in any year in our history.

Our Special Prosecutions Unit then goes to work, prosecuting many of these cases and ensuring child predators go to jail and are placed on the Sex Offender Registry. Our Office of Criminal Appeals defends these convictions, making sure the dangerous predators stay behind bars.

While we work hard to pursue offenders, we understand the importance of prevention. That is why General Beshear created the Office of Child Abuse and Human Trafficking Prevention and Prosecution in 2016. This office leads our relentless charge to prevent child abuse in every corner of the state and has established our office as the lead agency fighting human trafficking.



During the biennium, the Office of Child Abuse and Human Trafficking Prevention and Prosecution provided the most comprehensive statewide child abuse prevention training ever offered in Kentucky, and its efforts to fight against human trafficking led to national recognition from the Department of Justice. Between these focuses, the office trained more than 2,700 individuals, including law enforcement officers, first responders, county prosecutors, parents, students and child advocates, on recognition, intervention, reporting, awareness and prevention.

Attorney General Andy Beshear visits The Nest in Lexington to read with children.

Arresting Child Predators – The Cyber Crimes Unit

The attorney general's Cyber Crimes Unit protects our most valuable resource – our children. At any given time, there are more than 500,000 predators stalking our children online. That is why our Cyber Crimes Unit is waiting for them, ready to investigate and arrest those seeking to solicit minors online for sex or who distribute child pornography.

These predators come from all walks of life. Over the biennium, the Cyber Crimes Unit has arrested a university researcher, security guard, IT professional and even a minister. Several of these predators traveled hours seeking to abuse a child, even carrying children in their own cars. In the biennium, the Cyber Crimes Unit arrested 58 individuals on 1,147 criminal counts.

Examples of cases handled by the Unit over the biennium include: the 11-year sentence of a Bourbon County man who had more than 2,400 images and videos depicting the sexual abuse of children; the 78-month prison sentence of a LaRue County man who had more than 6,300 images of videos depicting the sexual exploitation of children; and the guilty plea of a Franklin County man using social



“All of us with children or grandchildren should feel somewhat at ease in knowing that someone is watching and looking out for them. The knowledge and professionalism exhibited by the attorney general's Department of Criminal Investigations was impressive.”

—McCracken County Sheriff Jon Hayden

media on a mobile device to seek sex with a child.

The office launched three statewide stings as part of its Operation Shielded Child initiative created in 2016.

- Two men were arrested in a sting in McCracken County with the help of the sheriff's office during a two-day operation.
- Ten individuals were arrested over a 10-day operation and charged with more than 400 felony counts of possessing child pornography or soliciting a minor following a nine-county child predators roundup in

the office in Allen, Boone, Franklin, Garrard, Hardin, Jessamine, Kenton, Scott and Shelby counties.

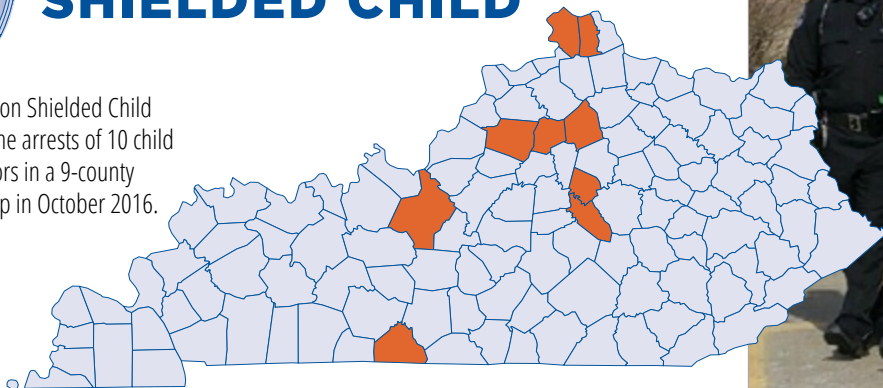
- Five Kentuckiana men were arrested in a sting in and around Jefferson County over seven days.

The Cyber Crimes Unit has some of the best and most modern digital forensic investigation capabilities. These include collecting evidential documentation and files from a variety of devices, including damaged, password protected, erased or hidden information. This evidence collection can be done within our cyber lab, or



OPERATION SHIELDED CHILD

- Operation Shielded Child led to the arrests of 10 child predators in a 9-county roundup in October 2016.



in the field to meet the demands of an extenuating circumstance. Our forensic detectives not only support the office's needs, but support local, state and federal law enforcement agencies who do not have their own cyber investigation and forensic capabilities.

Preventing Child Abuse

As parents and responsible adults, we fight for a world where no child is abused. That is why General Beshear partnered with First Lady Glenna Bevin to provide child abuse training to instruct and present ways communities can prevent child abuse. The trainings focused on recognizing the signs and patterns of offenders, so that Kentuckians can step in and stop child abuse.

"Each of us can play an important role in preventing child abuse," Mrs. Bevin said. "By expanding training in our communities, more people will have the opportunity to learn how to recognize, report and educate others on child abuse. This, in turn, means more Kentucky kids will have the opportunity to grow up in safe, loving homes."

The training was led by Cory Jewell Jensen, M.S, a nationally recognized child advocate and the co-director of the Center for Behavioral Intervention. The training focuses on protecting children from molester selection, engagement and seduction and reveals advice that sex offenders have shared with Jensen over her 30-year career.

"This child abuse prevention project in Kentucky makes it a leader nationwide in terms of child safety, community policing and crime prevention initiatives," Jensen said.

Overall, 1,200 individuals were trained. But this was just the beginning. The attorney general's Child Sexual Abuse and Exploitation Prevention Board helped fund Prevent

The Cyber Crimes Unit makes it a priority to educate parents, children, prosecutors and law enforcement on the dangers lurking behind the internet, and has provided awareness and investigative training to approximately 1,912 students in this biennium.

Child Abuse Kentucky which hosted separate trainings to create "trainers" who could spread these techniques to every Kentucky community. The Protecting our Children: Advice from Child Molesters program allowed trainees to return to their communities to host their own trainings and turn our 1,200 committed Kentuckians into a great many more.

other community organizations, the Women's Crisis Center and Comprehend Inc., to provide two Protecting Our Children trainings in their communities. One training was provided for the staff of a local YMCA and 52 staff members were trained. A second training was open to all community members and was promoted by radio, local newspaper, social media and by emailing community partners. Twelve community members took advantage of that training.

To better protect our children, we must also reach parents and educators. Through the Using Technology to Keep Children Safe from Sexual Abuse and Exploitation program, the office helped educate parents, teachers and caregivers on how predators



Suzanne Parrett, with GC Burkhead Elementary School in Elizabethtown, was one in a group of individuals trained from the Salt River Trail region. Parrett said the group, upon returning to the community, "presented a training to early childhood intervention paraprofessionals who work with vulnerable families/children in Hardin County. We also presented to Family Resource and Youth Service Center coordinators, as well as, a small group of licensed mental health professionals."

The Buffalo Trace Children's Advocacy Center partnered with two

stalk our children over the internet. We also teamed with Prevent Child Abuse Kentucky to promote an Internet Safety Toolkit that provides prevention activities for children and families.

"The internet is becoming an increasingly dangerous place for our children," Beshear said. "Computers, cellphones, tablets and game apps can be the conduit for sexual predators to communicate with and quite possibly harm our children. As parents, we must be vigilant in monitoring and teaching our children about the risk strangers, or even perceived friends, present to



Attorney General Beshear plants pinwheels at the Northern Kentucky Children's Advocacy Center to raise awareness for Child Abuse Prevention Month.

them through technology. With these trainings, we took another critical step in safeguarding our communities.”

The office further partnered with local officials, such as former Frankfort Police Chief Jeff Abrams, to offer parents internet child safety training.

“I would like to thank Attorney General Beshear for his efforts in combating internet crimes against children,” Abrams said.

The Child Sexual Abuse and Exploitation Prevention Board, which the attorney general's office administers, funded more than \$200,000 in programs statewide to prevent child sexual abuse and provided more than \$50,000 in funding for more than 700 child sexual abuse medical exams over the biennium.

Programs funded included Child Watch's Safety Tools and Golden Rules program that provides sexual abuse prevention education to more than 12,000 pre-school and elementary students in Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Marshall and

McCracken counties. The funds also helped the Kentucky Sheriffs' Boys & Girls Ranch in Gilbertsville that reaches more than 300 campers from across the state.

The Office of Child Abuse and Human Trafficking Prevention and Prosecution leads the way in helping develop best practices around the state for those investigating and prosecuting child sexual abuse and trafficking. This office chairs and staffs the Kentucky Multidisciplinary Commission on Child Sexual Abuse (KMCCSA), which is responsible for issuing a model protocol for local multidisciplinary teams regarding the investigation and prosecution of child sexual abuse and human trafficking and for reviewing and approving protocols prepared by local multidisciplinary teams. Multidisciplinary teams include local prosecutors, local and state law enforcement, advocates, medical and educational professionals, and state officials.

KMCCSA adopted an updated model protocol and, since 2016, the Office of Child Abuse and Human Trafficking Prevention and Prosecution has assisted in the review of protocols submitted by 94 of Kentucky's 120 counties.

The office is a resource for abused children and their families on navigating the legal system to seek justice by working with law enforcement, prosecutors and social workers on their cases.

The office testified on and advocated for the successful passage of legislation creating a Continuous Course of Conduct law in Kentucky to close the loophole that was allowing some child sex offenders to escape justice. The office was also successful with legislation expanding the definition of “serious physical injury” for kids under 12 years of age. During the legislative interim, the office led the discussion and drafting of legislation considered by a bipartisan House of Representatives Legislative Taskforce on Child Abuse and Exploitation Prevention and developed policies to keep kids safe from abuse and exploitation wherever they go.

Britainy Beshear was also part of the team, creating an art exhibit in the Office of the Attorney General's lobby called the “Hope Gallery.” The gallery features paintings and drawings from child victims through local programs like the Volunteers of America family. Everyone who walks into our lobby now knows exactly who we serve.

HOPE
Gallery



Preventing Human Trafficking

The Office of the Attorney General has become the “go to” agency for fighting human trafficking in the Commonwealth. We receive every Kentucky call to the National Human Trafficking Hotline, and we respond.

Our Department of Criminal Investigations’ Public Integrity/Special Investigations Unit investigates human trafficking directly and provides technical support and training to law enforcement across our state. The Office of Child Abuse and Human Trafficking Prevention and Prosecution assists in these investigations with legal assistance, warrant drafting, legal research and victim assistance.

Before the start of General Beshear’s administration, no Kentucky agency had truly answered the call on addressing human trafficking. Since taking this responsibility, we have personally opened 14 human trafficking cases and have assisted local law enforcement and prosecutors on 106 additional human trafficking complaints for a total of 120 overall investigations/complaints.

Every part of our office is committed, with our Department of Criminal Investigations investigating, our Office of Child Abuse and Human Trafficking Prevention and our Special Prosecutions Unit prosecuting, and our Office of Criminal Appeals defending each of the convictions.

We have also trained more than 1,500 individuals on human trafficking awareness to help us in our efforts to identify and fight the crime in all communities across Kentucky.

The Office of the Attorney General hosted a series of trainings in 2017 for health care workers, law enforcement officials, first responders and civic leaders to train them in human trafficking awareness.

“Human trafficking represents the worst form of abuse, often to children, and it is increasing all over Kentucky,” Beshear said. “It occurs in every county, city and community in this state. We have an opportunity and obligation to prevent, identify and prosecute human trafficking cases.”

Human trafficking is the fastest growing criminal enterprise in the world. The office seeks to build strong partnerships with law enforcement agencies and community organizations. Partnerships formed in the biennium include service organizations, the faith community, business entities, state agencies and professional associations.

For instance, the Office of Child Abuse and Human Trafficking Prevention and Prosecution developed a training initiative for truck drivers and rest stop and travel plaza employees in partnership with the National Truckers Against Trafficking (TAT) organization, the Kentucky Trucking Association (KTA) and Commercial Vehicle Enforcement (CVE) Interdiction Unit and Commercial Drivers Licensing (CDL) Branch. With these groups, we are pushing legislation to require human trafficking training as part of the CDL process. Partnering trucking companies are also training current

“In the Commonwealth of Kentucky, there is no such thing as a child prostitute. That child is a victim who needs our help.”

Andy Beshear
Attorney General

CDL holders on recognizing human trafficking. CVE is passing out wallet cards with new and renewed licenses and hanging informational posters at weigh stations and points of entry for trucks. Two pieces of legislation were introduced in the 2017 General Assembly to implement this initiative.

Truckers Against Trafficking presented at the National Association of Attorneys General to expand this type of training across the country.

“The energy and passion behind combating human trafficking in the state of Kentucky is strong,” said Kendis Paris, executive director of TAT. “It is critical that industry and law enforcement continue to work together in an effort to close loopholes to traffickers, and TAT is thrilled to see the KTA and the attorney general’s office come together around this cause.”

A training initiative for hotel, hospitality and tourism workers began in the spring of 2016 in partnership with

Beshear to offer training to deal with human trafficking

KENTUCKY PRESS NEWS SERVICE

FRANKFORT, Ky. - Health care workers, law enforcement officials, first responders and civic leaders in Western Kentucky have requested Attorney General Andy Beshear’s office train them in human trafficking awareness. Human trafficking is a modern-day form of slavery in which adults and children are forced into sex or labor services.

“Human trafficking represents the worst form of abuse, often to children, and it is increasing all over Kentucky,” Beshear said in a statement. “It occurs in ev-

entials at the Kentucky Association of Chiefs of Police Conference at the Paducah Convention Center.

Beshear’s office will hold upcoming trainings across the state including ones for Keeneland staff July 17 and 18; Fayette County Public School staff July 28; Jefferson County Public School psychologists Aug. 1; and the Juvenile Justice Advisory Board Conference Aug. 8 in Lexington.

Beshear’s office is currently working 14 human trafficking cases and has assisted local law enforcement with resources in an effort to resolve 96 other human traf-

The Courier-Journal

the Kentucky Baptist Convention, and the state's hotel and tourism associations, Catholic Charities of Louisville and Free 2 Hope. We are working with our partners and WDRB-TV in Louisville to develop a training video for hotel employees to watch during orientation. Those hotels training employees to identify and report human trafficking will sign a pledge, and their commitment will be placed on a website.

The Office of Child Abuse and Human Trafficking Prevention and Prosecution collaborated with the Upper Midwest Community Policing Institute to host an advanced human trafficking investigation course for law enforcement and prosecutors. Over 100 officers and deputies from east to west in Kentucky participated.

The Office of the Attorney General, the Child Sexual Abuse and Exploitation Prevention Board and the University of Louisville funded a screening of "I Am Jane Doe," a worldwide documentary on child sex trafficking. The 2017 film chronicles the battle of several American mothers on behalf of their middle-school daughters, who are victims of sex trafficking, against printed and online adult classifieds. A panel of experts discussed trafficking with the audience afterward to help raise awareness of the crime.

In February 2016, Department of Criminal Investigations personnel started attending the Statewide Human Trafficking Taskforce and all of our

detectives and civilians were trained in recognizing human trafficking indicators and how to respond.

By the spring of 2016, the Public Integrity/Special Investigations Branch started chairing the Statewide Human Trafficking Law Enforcement Subcommittee and grew the committee to over 30 different local, state and federal law enforcement entities.

The outstanding work of the attorney general's office was recognized nationally when we, along with Catholic Charities of Louisville, received a \$1.5 million federal grant in 2016. This is the first United States Department of Justice, Bureau of Justice Administration grant ever awarded to a Kentucky agency for human trafficking. The \$1.5 million, over three years, will help enhance the response of service providers, state agencies, law enforcement and prosecutors to ensure victim centered approaches in the prosecution and investigation of human trafficking cases (labor and sex trafficking) and to provide awareness and training across communities.

Through the grant, in March of 2017, the Department of Criminal Investigations hired the Commonwealth's first full-time and statewide human trafficking detective to focus solely on investigating cases of labor and sex trafficking. Since the spring of 2017, we have provided 19 human trafficking training opportunities to police and prosecutors across Kentucky.

Our Office of Victims Advocacy

(OVA) has become a trauma informed agency, making a commitment to changing the policies, practices and culture of an entire organization. The office works with other human services providers, government agencies and the legislature to model best practices in trauma informed service delivery. In 2017, the OVA assisted the HHS Southern Advisory Committee on drafting best practice guidelines for agencies serving human trafficking victims. It then provided training on these best practices at a March 2017 Central Kentucky Human Trafficking Summit and to the staff of the Grants Management Branch of the Justice and Public Safety Cabinet in June 2017.

Each year the office asks Derby-goers to report any suspected cases of human trafficking at Derby-related events. The Office of the Attorney General makes available to the human trafficking operation the resources of two of its agencies: the Cyber Crimes Unit and the Office of Child Abuse and Human Trafficking Prevention and Prosecution. The office has also provided human trafficking training to workers at Keeneland Racecourse.

The office has collaborated with the Kristy Love Foundation Survivor House, a survivor-led, trauma-informed program that provides comprehensive services to women suffering from addiction, prostitution and human trafficking. The attorney general and founder Angela

Renfro continue to team up to raise awareness of human trafficking.



Kentucky Derby Human Trafficking announcement.

“The successful prosecution of those who victimize our most vulnerable citizens is dependent on cooperative efforts between units like the Medicaid, Fraud and Abuse Unit of the Kentucky Office of the Attorney General and local prosecutors. The office recently cooperated with the MF&A Unit in successfully prosecuting a local ‘Angel of Death’ who was injecting elderly patients with high levels of insulin, causing an early death. As a former director of the unit, I know that complex Medicaid fraud cases, which tax the resources of local offices, are handled thoroughly and professionally.”

—Thomas B. Wine, Commonwealth’s Attorney, 30th Judicial Circuit

Protecting Seniors

Our seniors are under attack. Whether they are the victim of physical abuse or financial exploitation, they have never been more at risk. The attorney general believes every senior should be able to age with dignity, and that it is our job to protect them. Allegations of abuse will be investigated, and abusers will be prosecuted.

Our office protects seniors through two of its branches. The first branch, the Office of Senior Protection, was created by General Beshear to protect seniors from scams and financial abuse. In just over 18 months, it has launched Kentucky’s first scam warning system called Scam Alerts. The office has traveled the state educating over 8,000 seniors and has returned nearly \$1 million to victims of scams or financial abuse.

The second branch, the Office of Medicaid Fraud and Abuse, operates Kentucky’s Elder Abuse hotline and prosecutes those who harm our seniors. Over the biennium, it prosecuted eight.



Attorney General Beshear launched the Scam Alerts program – the first-of-its-kind, direct-notification system to alert seniors about trending scams – with a host of community partners including Kroger, AARP and various law enforcement agencies.

Scam Alerts

In May 2016, we launched Scam Alerts, Kentucky's first direct text/email scam warning system. Now, we can send information on trending scams directly to Kentuckians so they can protect themselves, their families and their neighbors. Scam Alerts provides instruction and information on the newest scams and can be used in "real time" when con artists are targeting a region of Kentucky. The Office of Senior Protection has enrolled over 12,000 Kentuckians in Scam Alerts. Thousands more receive the information through our partners or through specialized news services.

Kentuckians have received Scam Alerts on over 31 new or trending scams, including the Sweetheart Scam, IRS Scam, Seasonal Employment Scam and a scam targeting veterans.

A Kentucky senior citizen was the victim of an IRS scam in which she received phone calls from individuals claiming to be with the IRS. The caller instructed her to purchase iTunes cards and deposit money into a bank account in Elizabethtown, which was owned by Tours Limited, a travel agency in Atlanta. We filed suit against Tours Limited to recover the money. The business settled the suit and agreed to pay the full restitution of \$50,992. Ultimately, the office was able to return all of the money the senior lost.

To date, nearly 170 partners have joined Scam Alerts, including Kroger, AARP of Kentucky, the Kentucky Council of Churches, Lexing-

ton-Fayette Urban County Government, Kentucky Bankers Association (KBA), University of Kentucky Cooperative Extension Service, the Better Business Bureau, the United States Postal Inspection Service, Alzheimer's Association, Greater Kentucky-Southern Indiana Chapter and the Bluegrass Council of the Blind.

"Senior Kentuckians are the bedrock of our communities," said Ballard Cassady, president/CEO of KBA. "We are pleased to work with the Kentucky

strike. Our goal is to help Kentuckians safeguard against identity theft and scams so they can keep their hard-earned money. We look forward to working with Attorney General Beshear and faith groups across the Commonwealth as we fight to end fraud and scams, and keep Kentuckians' money where it belongs – in their pockets," said Charlotte Whittaker, of Hartford, AARP Kentucky State President.

The office created a specific partnership with Kentucky's faith-based community to protect local congregations and the communities they serve. The Interfaith Travel Series Scam Alerts, hosted by the Office of Senior Protection, has held events in dozens of different locations around the state with members of the faith-based community to protect them from scams.

"I am encouraged and excited that our attorney general, Andy Beshear, through his Office of Senior Protection, is taking this initiative to

reach out across the Commonwealth, engaging in dialogue with faith communities around the concerns of older adults," the Rev. Ron Loughry, executive director of Fern Creek/Highview United Ministries in Louisville, said. "My organization, along with all the community ministries that are part of the Association of Community Ministries in the Louisville Metro area, have long been concerned for and provided services for the older adult population."

Beshear: 'We've never seen so many scams'

By JOHN WRIGHT
Murray Ledger & Times

When he became Kentucky's attorney general in 2015, Andy Beshear was focused on four issues primarily.

One drew him to Murray Wednesday: Protecting seniors from scams and abuse.

At the Murray-Calloway County Senior Citizens Center inside the George Weeks Community Center, Beshear spent an hour informing the audience about ways to avoid becoming scam victims, but perhaps most meaningful to Beshear, he also heard stories of how some members of that audience have faced their own struggles with persistent criminals who do not seem to know the word "no."

"We've never seen so many

day that Murray and Calloway County residents have experience in dealing with the people behind these operations, known by names such as the IRS scam, grandparents scam and utility scam, along with a number of instant-big-reward scams telling the intended targets they have won large amounts of money, but need to make a payment to secure the transfer.

Some came dangerously close to falling for the ruse. "I had a friend who got a call from one of these people, and they told her to buy a gift card and send it to them," said Shirley Daquett of Murray. "So she had me take her to a local store) and, upon get-

his office investigated in 2016 involved scammers using the names of actual law enforcement officers in a jury duty scam, where targets were told to pay an amount of money to avoid being taken to jail for missing jury duty.

"Not only do you have the people who might give their money for this, but you also have the good names of the people these criminals are using being poisoned," Beshear said.

Beshear wanted to instill the value of educating oneself on what to look for with potential scams, as well as not engaging in a conversation for a long time because that increases the chances for

Murray Ledger & Times

attorney general to provide Kentuckians with the tools they need to prevent bad actors from taking advantage."

"This partnership will create a flow of information between the Office of the attorney general and Kroger. When potential scams or fraud is reported, we share that information with our associates who are on the front lines helping us ward against scams and fraud for our customers," said Janet Neutz, a spokesperson for Kroger.

"One of AARP's missions is to help people outsmart con artists before they

Advocacy and Outreach

The Office of Senior Protection rapidly expanded its services for senior Kentuckians by relentlessly crisscrossing the Commonwealth presenting various programs and initiatives. Outreach efforts have reached nearly 8,000 senior Kentuckians, agencies and families. We have visited more than 100 locations in 41 counties.

Our programs allow our staff to visit places such as senior centers, nursing homes, the Kentucky State Fair, cooperative extension offices and churches. These programs educate seniors and caregivers regarding the top-trending scams, how they operate and offer prevention tools for attendees. More importantly, programs allow attendees to share their personal experi-

ence about scams. Empowerment is paramount.

The Office of Senior Protection hosts an annual Senior Summit and recognizes World Elder Abuse Awareness Day each year. The Senior Summit is a day-long fall conference for governmental and non-governmental senior service providers to address challenges facing senior Kentuckians. Sessions include senior bullying, cognitive challenges and emergency housing for seniors. World Elder Abuse Awareness Day on June 15 of each year allows the office to introduce new collaborative partners as well as hear personal stories from victim families and advocates.



The Office of Senior Protection and Mediation and Attorney General Beshear talked to Kentuckians across the Commonwealth about how to stay aware of scams and avoid falling victim to con artists.



Mediation

We strengthened the office's ability to help all citizens – especially our seniors – who experience a problem with a business regarding its goods or services. Mediation Services receives written complaints from anyone regarding a business and works to bring the them and the business together to a mutual resolution.

Nearly 5,500 citizens have asked us for assistance. Since January 2016, nearly \$1.1 million has been returned to Kentuckians through our work. This represents a pace roughly of \$1,900 per day returned to Kentuckians.

Notable recoveries include repayment of more than \$7,000 to a Boone County senior who had made upfront payments to a local home improvement contractor who failed to complete the work. Mediation Services aided in locating and organizing consumer transaction data in the Office of Consumer Protection's Western Union settlement to support restitution of more than \$200,000 paid to Kentuckians through the U.S. Department of Justice and Federal Trade Commission.

Mediation Services also assists consumers who have fallen victim to a scam. Since the Scam Alerts launch in May 2016, Kentucky consumers have reported over 900 scams to the office. Scam reports that describe financial loss are given closer examination. For example, staff assists victims by alerting banks to suspicious account activity or assists with other disputes. The office also notifies and refers consumers to local law enforcement officials and other agencies nationwide when appropriate.

Financial loss due to scam solicitations is typically difficult to recover; however, staff have been successful in overcoming these obstacles.

Stopping Elder Abuse

The attorney general's office also seeks justice for seniors who have been physically abused. As part of this mission, we operate the Elder Abuse & Neglect Hotline. Upon taking office, General Beshear transformed this hotline from a weekday/business hours hotline to a true 24/7 hotline. When someone is in trouble, he or she can reach us night or day. After making this commitment, call volume increased nearly 60 percent, allowing us to help more people in need.

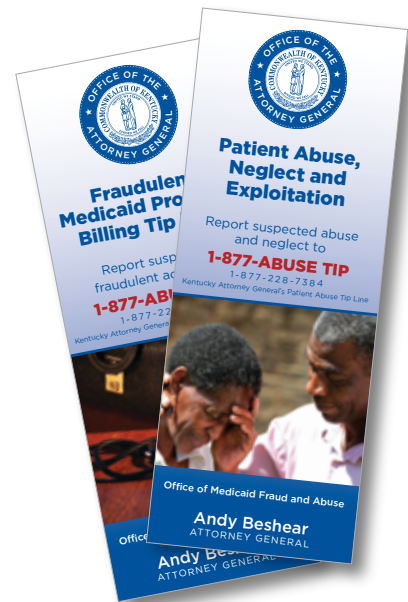
We have joined the Elder Justice Task Force to help establish new programs and partnerships. Kentucky was one of only 10 districts across the nation selected by the U.S. Department of Justice.

Our Office of Medicaid Fraud and Abuse had a 27.8 percent increase in the number of subpoenas or demand letters issued during Medicaid provider fraud or patient abuse, neglect or exploitation investigations.

Our Office of Medicaid Fraud and Abuse prosecutes criminals who harm our vulnerable adults, including the elderly as well as adults with physical or mental disabilities. Our investigations led to the successful prosecutions listed below.

In addition to investigations and prosecutions, the Office of Medicaid Fraud and Abuse has provided education and outreach to communities to help empower individuals to identify and prevent abuse and neglect of

vulnerable adults. The office is working toward its goal of conducting outreach in all 120 Kentucky counties by the end 2019.



Prosecutions by the Office of Medicaid Fraud and Abuse

- A certified medication technician at a Jefferson County nursing home who caused the death of a non-diabetic, elderly resident by intentionally over injecting the resident with insulin. He pleaded guilty to murder and received a 20-year sentence. As part of his plea, he acknowledged harming additional patients.
- A caregiver for adults with intellectual disabilities sexually abused his patients. He pleaded guilty to five counts of third-degree sodomy and four counts of first-degree sexual abuse and was sentenced to 15 years in prison. One of the owners of the company and an employee were also convicted for not reporting the sexual abuse when they learned of it as required by law.
- A guardian of a resident of a Medicaid facility in Clark County cashed the resident's social security income checks, which were to be used for paying the resident's medical and living expenses, and kept the money for her own personal use. She pleaded guilty to wanton or reckless exploitation of an adult over \$300.
- A caregiver of a group home allowed a resident to sustain a fall, which resulted in a head injury. The caregiver failed to follow the resident's crisis plan that required the presence of caregivers at all times.
- A certified nursing assistant fractured a patient's leg by using a mechanical lift to move the patient from his bed to a wheelchair. The patient's care plan did not call for him to be moved using a lift, and the defendant admitted to failing to check the patient care plan before using the lift.
- A caregiver at a nursing home placed a hot pepper into an 82-year-old resident's mouth who had cognitive impairments.
- A caregiver at a nursing and rehabilitation center created visible bruising to both arms of a patient after using excessive force while assisting the non-ambulatory patient out of bed, despite the patient's verbal statement that the caregiver was hurting her.
- A caregiver allegedly sexually abused a vulnerable adult. The caregiver entered an Alford plea to second-degree sexual abuse.
- A caregiver poured nebulizer treatment solution down the sink instead of giving it to a patient with chronic obstructive pulmonary disease.

“I know what it is like to wait for justice, and this money will allow for victims to hopefully receive justice sooner than the 17 years I had to wait for my perpetrator to match my kit and be sentenced to prison. I want to thank all who championed ending the backlog because one kit, one victim, is one too many.”

—Michelle Kuiper, survivor and co-chair of the Survivors Council

Justice for Victims

The Office of the Attorney General embraces its mission to seek justice for victims. Through investigations, prosecutions and direct services to victims, the office seeks to be an advocate for the rights of victims.

Nowhere was this effort more critical than when the office provided \$4.5 million in funding to help end Kentucky’s rape kit backlog. The backlog was discovered in 2015, when Kentucky’s state auditor uncovered more than 3,000 sexual assault forensic exam kits (SAFE kits) languishing in police departments and in the KSP crime lab. Some of the reasons provided for the backlog were lack of funding and shortage of staff at the KSP crime lab.

During the 2016 legislative session, the General Assembly approved using \$4.5 million the office had secured in a drug settlement for testing of SAFE kits. Over the next two fiscal years, an additional \$1 million from the settlement will also go to aid law enforcement and prosecutors in the investigation and prosecution of sexual assault cases.

But the funding was just the beginning. Cultural change was needed in how we investigate and prosecute sexual assault cases. That is why the office created a training team that is a collaborative partnership between our Office of Victims Advocacy, Department of Criminal Investigations, Kentucky Association of Sexual Assault

Programs, Kentucky State Police Forensic Labs and the Department of Criminal Justice Training. This group started traveling in November 2016 across the Commonwealth working to ensure that sex crime victims are being treated with respect and dignity, while also ensuring that officers and prosecutors are familiar with the new



legal changes and best-practice investigation and interview techniques.

As part of this initiative, the Office of Victims Advocacy provided 33 professional training events to over 5,300 individuals, including prosecutors, law enforcement, victim advocates, sexual assault nurse examiners, child advocates, survivor leaders and other allied professionals on topics including ethics for victim advocates, best practice in providing services to human trafficking victims, domestic violence, mandatory reporting

Attorney General Andy Beshear discussing the Survivors Council on WHAS11’s Great Day Live! along with council members Michelle Kuiper and Tonya Lindsey.

and sexual assault.

Our Department of Criminal Investigations also held and participated in numerous trainings for investigators and prosecutors on best-practice procedures for investigating cold case sexual assaults. It also created an online “Sexual Assault Toolkit” to provide officers online training and local resources to help victims during their investigations. We also found a need to bring advocates, prosecutors and law enforcement officials together to educate on the required changes, as well as provide resources and best practice investigative procedures to our local communities.

The office is partnering with the University of Louisville to provide accountability in Kentucky’s efforts to address sexual assault. The Kentucky SAFE Kit Backlog Research Project with the University of Louisville’s Department of Criminal Justice will provide valuable data to ensure a rape kit backlog never happens again. The project will aid Kentucky’s law enforcement and victim advocacy communities when responding to sexual assaults and further transform sexual assault investigations and prosecutions.

Dr. Bradley Campbell with the University of Louisville’s Department of Criminal Justice serves as principal researcher on the project. “I am excited about the opportunity to work with the Commonwealth to study this under-researched area. The project represents an innovative and progressive commitment from Attorney General Beshear and his office to add a research component to statewide testing efforts. Through this funding, the University of Louisville research team will be one of the first to examine the problem of untested SAFE kits at the state level.”



The Attorney General’s Survivors Council.

Survivors

In January 2017, the Office of the Attorney General formed the Survivors Council, including 26 victims and survivors. Victims of homicide, rape, child abuse, domestic violence and other serious offenses have transformed their experiences into a channel for ensuring that victims of similar types of crimes receive a voice in the criminal justice process, meaningful assistance and compassionate treatment.

The Council is the first of its kind in any attorney general’s office and other states are looking to replicate this model.

“The Attorney General’s Survivors Council allows for men and women who have survived all types of victimization to come together and feel like we are able to use our voices and experience to create awareness, spread education, have our voices heard and be a part of a group that can create change in community and legislation currently and for future generations to come,” said Michelle Kuiper, Survivors Council Co-Chair.

“The impact of the Survivors Council in the state of Kentucky is a huge step forward not only for the state of Kentucky, but for the United States in general. As a survivor of domestic violence, trying to wade the waters of the judicial system was quite a difficult and trying process that leaves the victim feeling more helpless and

isolated,” said Survivors Council Member Lisa Murray. “The Survivors Council now gives a voice to the people who need to be heard. By listening directly to survivors, policymakers can now advocate for necessary legislative changes that encourage collaborative efforts to help victims recover.”

Our Office of Victims Advocacy works with survivors directly. From 2016–2017, the Office of Victims Advocacy provided direct victim services to 420 victims involved in special prosecutions or appellate advocacy.

We responded to more than 3,000 calls from victims and community members and provided over 1,300 technical assistance requests to professionals.

“I have had the Office of Victims Advocacy walk beside me now for 26 years. I cannot imagine not having them with me when I walked into the courtroom,” said survivor Melanie Drury. “They were always available to take a question at any hour of the day and most importantly, just to listen. They were always there to explain the legalese and court proceedings, which most of the time were just overwhelming. We cried together and laughed together, too. After 26 years, our victims’ advocates have become a big part of our family’s journey, and I don’t think I have the words to thank them enough for everything they have

provided for my family. To this day, when I think back to all of the trials we have been through together, I see the faces of Terri Jacobs (victim advocate) and Barbara Davis, not Michael Dale St. Clair.”

The office annually joins victim advocates to commemorate National Crime Victims’ Rights Week in Kentucky. In 2016, the office recognized youth poster winners from area development districts across the state.

In our ongoing efforts to help improve responses to victims, the Office of Victims Advocacy created a statewide map of victim advocates that includes local and regional prosecutors and law enforcement agencies.

“We are focused on empowering victims of crime, including advancing victim-centered services, trainings and policy, and raising awareness,” Beshear said. “This map will guide survivors and their families to the appropriate agency in their county or region who can counsel them and advise them of their rights as victims.”

The map provides information on the state’s victim advocates – county attorneys, commonwealth’s attorneys, sheriffs’ offices, police departments and our office.

Campus Sexual Assault Awareness

Prevention and prosecution of campus sexual assault is a critical mission of the office. With the Kentucky Association of Sexual Assault Programs, the office hosted video contests to increase awareness



of campus sexual assault. In 2016, the #VoiceofHope video contest promoted the 24/7 free and confidential rape crisis hotline. The winning campuses were Bellarmine University, South-central Kentucky Community and Technical College and Berea College.

In 2017, the #VoiceofJustice video contest focused on the increase in reporting of campus sexual assault, awareness of the rape crisis hotline and encouraged prevention of campus sexual assault. A panel of survivors and victim advocates selected the video, *Stand with Us*, as the overall \$500 video prizewinner. Students enrolled in Dr. Emily Bonistall Postel’s 400-level sociology course at the University of Kentucky submitted the video and students Trent

“Viral Video” award by receiving the most views on our YouTube channel.

“For more than 30 years, the Commonwealth has funded the statewide network of rape crisis centers so that no matter where or when sexual assault happens, help is available,” Eileen Recktenwald, director of the Kentucky Association of Sexual Assault Programs said. “This contest helps raise awareness about the hotline and lets victims know that help is there when they need it.”

In an effort to better protect students on campus, General Beshear filed lawsuits against three state universities regarding their attempts to avoid transparency and accountability in how they respond to and investigate sexual assault.

“Without transparency, institutions can hide serious issues related to sexual assault, ignore victims and tell parents and families that a given campus may be safer than it is,” Beshear said. “Universities are entrusted to protect students. They must be accountable.”

Patrick and Raenah Hawkins led the production team. The video, *We All Need to Speak Up*, produced by then Western Kentucky University Student Government Association and Student Body President Jay Todd Richey, won the \$500



Children’s Poster Contest commemorating National Crime Victims’ Rights Week

Winners of the #VoiceofJustice video contest



The Hazard Herald

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Breaking news at hazard-herald.com

Wednesday, June 1, 2016 • \$1

AG awards \$400K to fight addiction



Beshear awarded check in Hazard to KVC Kentucky

By Sam Neace
sneace@civitasmedia.com

HAZARD — Kentucky's Attorney General, Andy Beshear, traveled to Hazard Tuesday for a special ceremony at the Hal Rogers Center. Beshear presented KVC Kentucky with \$400,000 to continue treating children in the Commonwealth.

ing agencies throughout the Commonwealth will soon be receiving proceeds from a recent court settlement," Beshear said. "KVC Behavioral HealthCare Kentucky was chosen because of its proven track record of pulling our children out of addiction and putting them back on a path to suc-

recommended by the Attorney General that provide a variety of services throughout the Commonwealth. Kentucky took Purdue Pharma to court, claiming that the company was not honest with the public about the highly addictive potency of Oxycontin. Purdue Pharma agreed to a settlement



Ohio Attorney General Mike DeWine, West Virginia Attorney General Patrick Morrisey, New Life Church Pastor Dr. Darrell Huffman and Attorney General Andy Beshear co-hosted the "Taking Back Our Communities: Combating the opioid epidemic" conference in Huntington, West Virginia.



Attorney General Beshear and advocate Emily Walden discuss Kentucky's opioid epidemic with Fox News's Martha MacCallum at the Kentucky State Fair.

“The collaborative effort between Appalachia HIDTA and the Kentucky Office of the Attorney General, through the Diversion Enforcement Task Force, has been instrumental in investigating and prosecuting numerous unscrupulous health care providers involved in the illegal distribution and improper prescribing of opioids and other pharmaceuticals devastating our communities. Undoubtedly, numerous lives throughout Kentucky have been saved by the dedication and devotion of these elite investigators.”

— Vic Brown, director Appalachia HIDTA

Addressing the Drug Epidemic

Arresting and Prosecuting Drug Dealers or Rogue Providers

The single greatest threat to Kentucky is our drug epidemic. The office’s core mission is to find workable solutions to that epidemic. General Beshear is co-chair on the National Association of Attorneys General Substance Abuse Committee.

The office is currently working with local law enforcement and community leaders to host substance abuse awareness forums across the state. We held drug forums with local law enforcement, local leaders and advocates in Anderson, Floyd, Henderson and Henry counties.

The office has been instrumental in numerous drug related arrests, including working with federal authorities on arresting a fentanyl dealer whose drugs killed several Kentuckians.

The office’s Drug Investigations Branch investigates the illegal distribution and over prescribing of prescription drugs by doctors, nurse practitioners and pharmacies. Our detectives not only seek out illegal practices in Kentucky but all over the country, where there is illegal over prescribing of opioid medications to our Commonwealth citizens.

The branch works closely with multiple local, state and federal agencies and manages the Appa-

lachian HIDTA (High Intensity Drug Trafficking Area) Rx Diversion Task Force based in Southeast Kentucky. This branch also has detectives assigned to the DEA Task Force in Lexington, which focuses on illegal prescribing of medications and the heroin epidemic that have ravaged communities across Kentucky.

We believe it is important for law enforcement to be prepared and to stay ahead of any new illegal drug trend. Our detectives constantly identify these new trends, offer training and suggest legislative changes to protect our citizens. In the early months of 2016, our Appalachia HIDTA Task Force recognized a growing trend in the abuse of buprenorphine medications that were being prescribed to opioid addicted patients and made it a priority for our agency to locate and stop its illegal distribution, and to ensure those who need addiction assistance are being properly treated and counseled.

Another drug trend initiative that began in 2016 involves the illegal manufacturing and sales of synthetic drugs, also known as designer drugs. Our detectives work to educate law enforcement, lawmakers and vendors on the extreme

Rep. Dennis Keene, Nicholasville Police Chief Barry Waldrop, Attorney General Andy Beshear and Rep. Russ Meyer presenting on BR 201 at meeting of the Interim Joint Committee on Judiciary in Ashland.



dangers of these products and to identify the distribution of these products. Our investigators assisted in the case of a Mount Sterling fentanyl drug responsible for drug overdoses across Kentucky in 2016.

During the biennium, our detectives opened 38 criminal cases, had 30 arrests and 29 individual convictions. Our Special Prosecutions Unit prosecutes many of these cases, and our Office of Criminal Appeals defends convictions if appealed.

Cases include:

- **Dr. Ezekiel Akande:** From his office in Pulaski County, Akande is alleged to have illegally prescribed scheduled II and schedule III controlled substances without medical necessity. Detectives indicted Akande on federal drug distribution charges on Feb. 25, 2017. This case has been worked in conjunction with the London DEA office, the Knoxville Tennessee IRS office, the United States Attorney's Office for the Eastern District of Kentucky and the Kentucky attorney general's Office of Medicaid Fraud and Abuse. He is currently serving a five-year prison sentence after a Somerset jury convicted him for Medicaid fraud, a Class D felony, and theft by unlawful taking over \$10,000, a Class C felony.
- **Angel's Medical Clinic:** During the biennium, the Drug Investigations Branch continued a significant drug

investigation on Lawrence Smith. Smith was distributing oxycodone pills in Southeast Kentucky and from his home in Northeast Tennessee. He was indicted in the Eastern District of Kentucky and subsequently pleaded to distribution charges.

- **Dr. Ralph Miniet:** In November 2015, federal search warrants were executed on four separate locations in or near Miami, Florida. Dr. Ralph Miniet, the two clinic owners and the practice's office manager were subsequently indicted on federal charges of conspiracy to distribute oxycodone and are awaiting trial in London.

Efforts by our office resulted in a 15.6 percent increase in the number of criminal convictions obtained.

Our Office of Medicaid Fraud and Abuse has advanced a partnership with the Appalachian HIDTA Task Force and DCI to investigate providers committing health care fraud and drug diversion. The Office of Medicaid Fraud and Abuse was on the planning committee for the National Association of Medicaid Fraud and Abuse Control conference on Combating the Opioid Epidemic and two members of the Office of Medicaid Fraud and Abuse presented.

Along with its work with the Appalachia HIDTA Task Force, the office continues to work in partnership with many other state and federal

law enforcement agencies, including Kentucky State Police, local law enforcement agencies, FBI, HHS/OIG, DEA, other Medicaid Fraud and Abuse Control Units and the United States Attorneys' offices.

Cases investigated and prosecuted as a result of our partnerships include:

- A 100-month sentence of a physician who fraudulently billed Medicaid and other federally funded programs by billing a higher code than the service performed and for billing for services that were not medically necessary.
- A 38-month sentence of a Georgia physician who owned pain management clinics in Kentucky and several clinics in nearby states.

Our Special Prosecutions Unit handled a case in Franklin Circuit Court involving a public employee who pleaded guilty to theft: Karen Coe worked for the Russell County Master Commissioner and was responsible for payroll. After an audit by the Administrative Office of the Courts found a shortage of accounts, Coe was charged with theft by deception for writing checks to herself and cashing them for \$17,500. Coe admitted her guilt and said she needed the money to support an addiction to pain pills. She pleaded guilty to the theft in November 2016 and was given a two-year prison sentence and put on pretrial diversion for two years or as long as it takes her to pay the full restitution.

Drug Treatment

Addiction is affecting every community and many of our family, friends and neighbors are suffering from the disease. Treatment is critical to help rebuild families, and the state must play a critical role in its funding.

The Office of the Attorney General is doing its part, with a \$24 million settlement against Purdue Pharma regarding OxyContin. The office has thus far provided \$8 million, with more to come, from that settlement directly to 15 substance abuse treatment centers across Kentucky. That funding went to:

- Children’s Home of Northern Kentucky in Covington;
- Transitions in Covington;
- Mountain Comprehensive Care Center in Pikeville;
- WestCare Kentucky at the Hal Rogers Appalachian Recovery Center in Ashcamp;
- Independence House in Corbin;
- KVC Kentucky in Hazard;
- NECCO in Bowling Green;
- Kentucky River Community Care in Jackson;
- Hope in the Mountains in Prestonsburg;
- Ramey-Estep in Ashland;
- Recovery Kentucky in Henderson;
- Chrysalis House in Lexington;
- Maryhurst in Louisville;
- Freedom House in Louisville; and
- Pathways in Morehead

“The Independence House is well-deserving of these funds,” said Senate President Robert Stivers, of Manchester. “This organization has done an exceptional job of helping mothers and children rise above substance abuse situations, and I hope this financial support will help them continue and develop that mission.”

“We are indeed grateful to General Beshear for his designation of the respective Recovery Kentucky programs as recipients of a portion of the proceeds from the recent court settlement,” said Dale Sights, president and CEO of Women’s Addiction Recovery Manor. “In view of the increasing social problem of substance abuse, and Women’s Addiction Recovery Manor’s well documented success, there couldn’t be a more responsible allocation of the funds.”

“Hope in the Mountains began as a grassroots effort by concerned citizens,” said Executive Director Renee McCoy. “We opened in 2008 with only enough money to stay open for three months. We are still able to provide much-needed recovery services to this day because of support from the Prestonsburg community. The funding provided by the attorney general will allow us to fill gaps in services and provide specialized programming for women struggling with addiction. We cannot thank the attorney general enough for his support of our efforts.”

Rocket Docket

In 2015, Senate Bill 192 or the Heroin Bill was signed into law after being passed by lawmakers. It embraced the use of Rocket Docket prosecutions in an effort to get drug users – but not dealers – out of the courtroom and into treatment. At that time, funding was provided to 28 commonwealth’s and county attorneys throughout the Commonwealth to implement, expand or enhance Rocket Docket programs. The savings of the newly implemented or expanded Rocket Dockets was estimated at more than \$11 million for the first 11-month period. The 28 programs secured drug treatment for over 1,600 Kentuckians during that time.

During the 2016 legislative session, the funding of these programs was at risk. Knowing the importance of these programs, the attorney general requested and was approved to allocate \$2 million of settlement funds to continue and expand the Rocket Docket program. The Justice Cabinet supplemented these funds with \$1.2 million.

Because of the increased funding in fiscal year 2017, the Prosecutors Advisory Council approved an expansion of two new programs and increased the funding of 17 existing programs. We anticipate a final projection of over \$25 million in savings for the two-year period.



Attorney General Beshear presents funding to Chrysalis House in Lexington to support women and their families in recovery from alcohol and other drugs.

Prescription Drug Industry Lawsuits

Prescription pills are still the largest driver of addiction in Kentucky. Over 80 percent of heroin users become addicted through these pills. While the large pharmaceutical manufacturers and distributors have made billions from these drugs, they have taken little to no responsibility for their negative effects.

On June 28, 2017, we announced our plans to file multiple lawsuits against drug manufacturers, distributors and retailers where there is evidence that they contributed to the

opioid epidemic by illegally marketing and selling opioids to Kentuckians.

To support this litigation, we issued a request for proposal (RFP) for legal services to assist the Commonwealth in multiple lawsuits and to ensure that Kentucky tax dollars are not used for the costs of the litigations. The office awarded a contract to a legal team in September 2017.

The office joined a multistate lawsuit alleging the drugmaker of Suboxone, a drug used for treating opioid addiction, tried to monopolize the market.

Medicaid Fraud and Abuse

Another important goal of the office is to ensure the financial integrity of the Kentucky Medical Assistance Program through the investigation and prosecution of health care providers who fraudulently bill or abuse the Medicaid system.

Our Office of Medicaid Fraud and Abuse, which has state and federal authority to bring both criminal and civil actions, secured civil settlements and obligations of criminal restitution that will return over \$52 million to taxpayers.

Settlements include the following recoveries of state and federal Medicaid funds:

- \$16,186,794 (\$16.2 million) from Wyeth Inc.;
- \$2,675,372 (\$2.7 million) from Millennium Laboratories of California;
- \$1,314,515 (\$1.3 million) from Novartis Pharmaceuticals Corporation;
- \$1,368,034 (\$1.4 million) from Olympus Corporation of the Americas; and
- \$1,956,564 (\$2 million) from Care-Core National LLC.

A significant portion of the funding for the Office of Medicaid Fraud and

Abuse is obtained from a federal grant administered by Health and Human Services, Office of the Inspector General. For every dollar that the state contributed to the office's budget, over \$10 was returned to the state Medicaid budget through the recoveries obtained by the office during this biennium.

The Office of Medicaid Fraud and Abuse has strong federal and state law enforcement partnerships and works with other divisions of the Office of the Attorney General to hold corporations accountable that defraud Medicaid and expose Kentucky citizens to harm.

One of those companies is Purdue Pharma. In December 2015 under Attorney General Jack Conway, the Office of the Attorney General settled a case against the company for \$24 million. Medicaid fraud encompassed \$1.5 million of the settlement.

Additionally the office settled a case against Johnson and Johnson for its drug Risperdal – a consumer protection lawsuit alleging that the company falsely marketed the drug and hid the side effects from consumers. The case was settled in 2015 for \$15.5 million.

Also within this biennium, the



The Lexington Herald-Leader reporting on the Purdue Pharma settlement, the monies from which are being used for addiction prevention and treatment.

Office of Medicaid Fraud and Abuse and the Office of Consumer Protection filed a civil complaint against Fresenius Medical Care Holdings Inc. in Franklin Circuit Court.

Fresenius operates over 2,200 dialysis clinics nationwide including at least 50 in Kentucky. One of the products Fresenius markets is GranuFlo Dry Acid Concentrate, a dialysate product used in screening the blood to remove impurities during the dialysis process. The lawsuit filed against Fresenius alleges violations of the Commonwealth's Medicaid fraud statutes and Consumer Protection Act as well as a number of other common law tort violations by Fresenius.

“*[My dad] gave them everything he had. Everything he could scrape together. Loans. Refinancings. Borrowed from anyone who would still listen to him. Unquestioningly handed it over. For the millions they promised in return. Prize money. Lotteries. One scam after another. Four years’ worth. They alienated him from family desperate to save him. He nearly froze to death living out of his Envoy eating chestnuts in the park. And later, while on morphine at the VA recovering from a double knee replacement, they left only \$4.86 in his bank account.*

I lost count of the Kentucky agencies which should have been able to help him but didn’t. Or how many times I was transferred to someone else somewhere else who had no clue why I was bothering them. There was no help. No guidance. No hope. Then someone transferred me to the Kentucky attorney general’s office. And finally, action!”

—Daughter Terri

Safeguarding Kentuckians

Office of Consumer Protection

Our Office of Consumer Protection safeguards Kentuckians from unfair business practices by enforcing the Kentucky Consumer Protection Act (KCPA). We act in a wide variety of cases, ranging from unscrupulous auto dealers, pharmaceutical companies that understate risks or overstate benefits of their drugs and for-profit colleges that misrepresent the value of their degrees. We have also taken action against telemarketers, home remodelers and mortgage lenders when they engage in unfair practices. This enforcement protects not only citizens, but also the businesses that follow the rules.

Through litigation and related settlements during the biennium, potential restitution could exceed \$88 million, representing amounts paid to consumers and amounts Kentuckians are eligible to receive. The office returned nearly \$8 million to the Commonwealth’s General Fund. The office is actively litigating cases against a variety of entities engaging in deceptive practices.

The Office of Consumer Protection also regu-



lates certain businesses, such as funeral homes, cemeteries, charitable solicitors, debt adjusters and fitness centers. The office works to ensure the more than 10,000 businesses in these fields follow the law by registering with our office. During the first half of 2017, the number of businesses the office oversees has already increased to over 11,500 businesses. The 2017 figure includes over 6,500 nonprofits and over 800 private foundations.

The attorney general is an ex-officio member and serves as chair of the Consumers’ Advisory Council.

AG sues Volkswagen over emissions

Ledger Independent

BRUCE SCHREINER
Associated Press

FRANKFORT — Kentucky Attorney General Andy Beshear sued Volkswagen on Tuesday, claiming the German automaker's diesel emissions cheating scheme violated the state's consumer protection law.

The lawsuit, filed in a state court, seeks civil penalties potentially totaling millions of dollars, plus restitution for the owners of nearly 3,800 vehicles registered in Kentucky, Beshear said.

"We have a very strong law that is meant to prevent companies like this ... from making an

was designed to cheat on required emissions tests.

Beshear said Volkswagen must

be held accountable for false promotion of its vehicles in Kentucky.

"They convinced Kentuckians that wanted to own a 'green' vehicle that they were buying one," the Democratic attorney general said. "All the while their cheat devices were convincing the public that these vehicles were clean when they in fact were not!"

A VW spokeswoman, Jeannine Ginivan, said Tuesday that the

Frankfort.

Four other states — Texas, New Mexico, New Jersey and West Virginia — have filed separate lawsuits against the automaker, according to Beshear's office.

The company potentially faces more than \$20 billion in fines from state and federal regulators, as

well as hundreds of class-action lawsuits filed on behalf of angry vehicle owners.

Volkswagen in September admitted to U.S. regulators that it had used illegal software installed in its so-called "Clean Diesel" engines. "The money flowed cars to

The lawsuit alleged that the defendants deliberately misled Kentucky consumers by installing rigged software on their Turbocharge Direct Injection Diesel-Engine vehicles in order to cheat EPA emissions testing despite advertising and promoting their vehicles as "clean diesel."

Actions Taken and Settlements Obtained

Western Union

Kentucky received more than \$200,400 and affected Kentuckians are eligible to receive an estimated \$6.8 million in restitution from a \$586 million nationwide consumer fund. Western Union allegedly failed to prevent scammers from using its money transfer system and violated anti-money laundering statutes.

Mortgage Electronic Registration Systems

Better protections for Kentucky homeowners were established from our \$3.5 million settlement with Mortgage Electronic Registration Systems Inc. (MERS) and MERSCORP Holdings Inc. for allegations of Kentucky Consumer Protection Act violations, fraud and unjust enrichment. The office is working with county clerks to post information in their offices for Kentuckians who have their mortgage through the company's database. The settlement represents the largest settlement by a state attorney general with MERS.

Hyundai-Kia

The Commonwealth received more than \$781,000 from our settlement with Hyundai-Kia over allegations that the company misrepresented the mileage and fuel economy ratings to consumers on numerous models from 2011 to 2013.

Volkswagen

The office settled litigation with Volkswagen and its subsidiaries, Audi and Porsche, resulting in Volkswagen paying the Commonwealth \$3,471,600. In addition, the settlement included what could reach \$80 million in restitution and ensured that the Commonwealth was eligible to receive more than \$19 million for environmental remediation.

Money Gram

Kentucky received \$20,000 from a settlement against Money Gram, a money transfer company. The settlement required Money Gram to establish a comprehensive and robust anti-fraud program, include warnings labels on its products, and establish a compliance monitor to watch over its practices. The allegations against Money Gram concerned its lack of fraud detection processes and prevention.

Women's Tennis Association

With the cooperation of the Louisville Professional Tennis LLC (LPT) the promoter of a failed Women's Tennis Association (WTA) tournament in Louisville, our office was able to obtain an agreement under which WTA refunded more than \$451,000 to ticket purchasers. One hundred percent restitution was provided to individual ticket purchasers and approximately 70 percent to premium ticket package purchasers.

Bryant Heating & Cooling Co.

Our office settled with Bryant concerning allegations of deceptive sales tactics, instances of non-compliance with the three-day right to cancellation and use of unlicensed employees to perform HVAC services. Bryant agreed to make changes to the way it conducts business and provided a one-year warranty extension to approximately 7,185 eligible Kentucky consumers. In addition, Bryant will pay \$675,000 to the Commonwealth.

HSBC

The office settled with HSBC, a mortgage lender and servicer, to address origination, servicing and foreclosure abuses. The \$59.3 million nationwide settlement provided direct payment to approximately 1,407 eligible Kentucky

borrowers whose loans were serviced by HSBC and lost their homes to foreclosure from 2008 through 2012.

USA Discounters

Approximately 592 Kentucky consumers are eligible to receive \$922,041 in relief from the \$95.9 million nationwide settlement with USA Discounters. The agreement addresses deceptive trade practices used by USA Discounters to prey on service members. The allegations involved the selling of overpriced items at high-interest rates and the use of the military's payroll deduction system to guarantee payment.

Liberty Tax and Student Loan Defense

We worked to ban Florida student loan debt relief company Liberty Tax and Student Loan Defense from operating in Kentucky, soliciting Kentuckians and attempting to collect payment from Kentuckians.

Bristol-Myers Squibb (Abilify)

The \$19.5 million settlement reached with Bristol-Myers Squibb Company placed limitations on the company's future marketing of Abilify and provided \$659,770 in recovery for Kentucky. The settlement related to the drug company's alleged improper marketing, particularly for use by children and seniors, of its atypical antipsychotic drug.

Johnson & Johnson (Over-the-Counter Medicines)

Kentucky will receive a total \$809,900 of the \$33 million national settlement against Johnson & Johnson and its McNeil subsidiary who failed to meet current Good Manufacturing Practices standards. This led to the recall of over 1,800 lots of over the counter medicines, including infant and children's medicines for potential bacterial and particulate contamination.

Generic Drug Pricing

Working with 39 other states, the office filed a lawsuit against six generic drug manufacturers for conspiring to fix prices for generic drugs by dividing markets or by agreeing to join price increases. The drugs at issue include an antibiotic and a drug used to treat diabetes.

Suboxone

We joined 41 other attorneys general in suing the makers of Suboxone for trying to monopolize the market and reduce patients' access to generic versions of the opioid addiction treatment.

Johnson & Johnson (Surgical Mesh)

We filed suit against Johnson & Johnson and its Ethicon

subsidiary, seeking penalties and a court order requiring the company to fully disclose the grave risks of its pelvic mesh products used for stress urinary incontinence and pelvic organ prolapse in women.

Fresenius

In September 2016, the office filed suit against Fresenius, the nation's largest kidney dialysis manufacturer. The lawsuit alleges that Fresenius misled consumers and medical providers about the risks associated with their product Granuflo, which is used in the dialysis process.

Bayer

The office also continues its suit against Bayer for failing to disclose the increase in risks of venal thrombotic events for Yaz, its progesterone/estrogen combination containing drospirinone, compared with other combined oral contraceptives.

National College

We continue to litigate against National College, a for-profit college, for alleged KCPA violations for publishing false and misleading placement information. The case is pending in Fayette Circuit Court and is set for a trial in January 2018.

Spencerian

The office also continues to litigate against Spencerian, a for-profit college, for marketing inflated graduation rates and falsely claiming there was "no recession for Spencerian students." The case is expected to go to trial in 2018.

Daymar

The office oversaw the distribution of more than \$1.2 million in restitution to nearly 3,500 former students of Daymar College as part of a settlement of consumer protection allegations against the for-profit institution. In addition, more than 6,500 students also previously received \$11 million in institutional debt relief. The allegations against Daymar range from denial of students access to financial aid to misrepresenting students' ability to transfer credits to other schools.

Marathon (Price Gouging)

The Office of Consumer Protection continued to press Marathon through its lawsuit in Franklin Circuit Court to disgorge its improper profits from price gouging on the wholesale and retail sale of gasoline and diesel in the Commonwealth during the emergency caused by Hurricanes Katrina and Rita and during a flooding emergency in 2011.

Marathon (Antitrust)

The Office of Consumer Protection continues its push to rein in Marathon's improper practices in furtherance of its monopoly over the supply of reformulated gasoline in Louisville and Northern Kentucky. We are asking the court to require Marathon to cough up damages that are three times its excess prices charged and to require Marathon to reform practices that prevent independent wholesalers and stations from competing fairly with the petroleum giant.

United Propane Gas

The office continues to press its case against United Propane Gas for requiring customers who had already purchased gas at a certain price or contracted for gas at a certain price to pay market price for the fuel during the winter of 2013-2014. UPG refused to allow its customers to purchase propane from other propane marketers. We filed suit and a Motion for Emergency Injunctive Relief. The Franklin Circuit Court granted our motion allowing UPG customers to receive propane from other propane companies.

American Home Designs, d/b/a Sunrooms and More

We filed suit against American Home Designs, d/b/a Sunrooms and More, and Jerod Hagen, the owner/operator of AHD/Sunrooms and More for a variety of bad business practices. Sunrooms and More is a home remodeling, general contracting and sunroom installation company based in Lexington. Our office received more than 80 consumer complaints against Mr. Hagen and Sunrooms and More for not honoring his customers' three-day right of cancellation of their contracts, not returning deposits and down-payments, obtaining credit for consumers without authorization and general workmanship and quality control issues.

Auto Select

We filed suit against Auto Select and its owner, Aaron Hughes, to require the defendants to comply with a Civil Investigative Demand (CID). The lawsuit was filed because Mr. Hughes refused to respond to a CID that was issued to gain information about consumers that had not received title to their vehicles. Prior to issuing the CID, the office was able to secure titles for many consumers who purchased their vehicles from Auto Select but were never provided their titles. The current litigation is aimed at securing titles for remaining Kentuckians impacted by Auto Select's conduct.

Crestlawn Cemetery

We filed suit against Crestlawn Cemetery LLC and Dale

Shackelford, the cemetery's former owner. The lawsuit resulted in a default judgment in which the defendants were required, among other things, to pay \$38,000 in civil penalties and to provide consumers with the goods they paid for or to provide them with a refund. The lawsuit alleged that the defendants violated the Kentucky Consumer Protection Act by failing to maintain the cemetery and by failing to provide consumers with burial markers and other items they paid for.

Go To Traffic School

Our office alleged this traffic school website misled Kentucky consumers into believing that it was approved for Kentucky drivers. We contacted CyberActive, the entity behind the website, and outlined the misrepresentations and requested that it be fixed. CyberActive responded and fixed the website. An Assurance of Voluntary Compliance was entered whereby CyberActive paid \$14,694, consisting of restitution to Kentuckians who used the website, costs and fees and a civil penalty.

Protecting Kentuckians' Information

The office is committed to protecting Kentuckians' personal information by holding companies responsible for data breaches when a company fails to safeguard this sensitive information:

Target

Target agreed to pay Kentucky over \$260,000 to resolve an investigation into the retailer's 2013 data breach. The settlement is the largest one to date by state attorneys general offices. The breach affected over 700,000 Kentuckians whose personal information may have been taken or who used a credit card at Target during the time of the data breach. The settlement requires Target to meet stronger information safeguarding requirements.

Adobe

Kentucky received \$45,900 to settle an investigation with Adobe Systems Inc. from an investigation of the 2013 data breach that affected the personal information of about 534,000 residents of the participating states. The company agreed to strengthen certain existing security measures as a result of this settlement.

Charitable Organizations

Pursuant to Kentucky law, the Office of the Attorney General ensures that charitable organizations, solicitors and consultants are properly registered and abide by the laws of the Commonwealth regarding charitable solicitations in order to ensure Kentuckians' ability to determine whether

their charitable donations are going to legitimate charities and are being put to good use. During this biennium, the office has taken action against a number of charitable solicitors and consultants who have failed to follow the law.

Cancer Fund of America

The office has played a national leadership role in the regulation of sham charities. We served on the executive committee of the largest charitable fraud case ever brought by state charity regulators. The plaintiffs represent the FTC, all 50 states and the District of Columbia. The defendants were four sham nonprofits and the five individuals who ran them. The four charities raised more than \$187.1 million from U.S. donors from 2008 through 2012. The best information available suggests \$3.5 million came from 150,000 Kentucky donors, and, at the time of suit, the charities had eight active promotions in Kentucky. Of the \$187.1 million collected during this period, 80 percent of the money went to fundraisers, 18 percent of the money went to friends and family compensation and perks, and two percent went to arguably charitable activities but which had very little, if anything, to do with cancer. The individual defendants routinely paid themselves double what they spent on

charitable purposes. The case has been settled with defendants being barred from all future charitable solicitations.

DCM Inc.

After failing to file financial reports for two campaigns for a total of 344 days, DCM entered into an Assurance of Voluntary Compliance and paid a total of \$14,448 in penalties, costs and fees.

Telefund

After failing to file timely financial reports for three campaigns for a total of 191 days, Telefund entered into an Assurance of Voluntary Compliance and paid a total of \$3,090 in penalty, costs and fees.

Community Service Appeal

After failing to register with the office, Community Service Appeal entered into an Assurance of Voluntary Compliance and paid a total of \$5,000 in penalties, costs and fees.

America Funding Communities

America Funding Communities solicited funds in Kentucky for care packages for troops without being registered. The organization entered into an Assurance of Voluntary Compliance and paid a total of \$5,000 in penalties, costs and fees.

POLITICS AND GOVERNMENT

Attorney general seeks to limit LG&E, KU rate increase

BY JACK BRAMMER
jbrammer@herald-leader.com

FRANKFORT

Attorney General Andy Beshear wants Louisville Gas & Electric and Kentucky Utilities to get only about one-third of the rate increase the utilities are asking the state Public Service Commission to approve.

Beshear said Thursday in a release that his Office of Rate Intervention is recommending that the PSC reduce the rate request from \$210 million in annual revenues to \$142 million.

Beshear said his office's rate proposal incorporates the testimony of five experts, including an engineer.

Beshear's Office of Rate Intervention serves as a watchdog for consumers in matters relating to health insurance, natural gas, water, sewer, electric and telephone rates. Under Kentucky law, the office is responsible for representing the interests of Kentucky consumers before governmental rate-making agencies, concentrating on utility cases before

the PSC.

Beshear is also recommending the PSC reject the proposed smart meter deployment, which will cost customers more than \$350 million over the life of the meters.

"After careful review of the filings in this case, we find little support that smart meter deployment will benefit the ratepayers in any way," Beshear said.

Other recommendations by Beshear's office include delaying a smart grid project, asking the PSC to reduce proposed transmission spending in an attempt to keep costs for customers down and recommending a much lower authorized return for shareholders than proposed by the company.

A public hearing on the matter is scheduled for May 2 at the PSC in Frankfort.

KU and its parent company, LG&E Energy, are owned by Pennsylvania-based PPL Corp.

Jack Brammer: (502) 227-1198, @BGPolitics

Lexington Herald-Leader

Rate Intervention

The Office of Rate Intervention (ORI) fights to ensure your utility bills are fair. Since 2008, the office has helped Kentucky consumers avoid more than \$1.6 billion in proposed utility rate increases. Over the past two fiscal years, the costs avoided from rate cases in which the office participated totaled approximately \$300 million.

Fighting for Ratepayers

During this biennium, the Office of Rate Intervention actively intervened in numerous cases. We intervened in the LG&E/KU Environmental Cost Recovery case and secured

savings for Kentuckians of \$172 million.

We also took on Kentucky American Water Company, which sought to increase its base rates by over 15 percent. We were able to cut the increase in half, and as a result of the settlement, we eliminated a proposed infrastructure rider, which would have allowed rates to be increased between rate cases as a line item on customer's bills.

In the Atmos Energy rate case, we intervened holding the company to just an average residential customer increase of 5 cents or .1 percent of the company's original request. Because of our involvement on behalf of Kentuckians, we

kept the company's increase to only \$500,000. This greatly reduces the burden on citizens each month.

In the largest rate-case of the biennium, LG&E/KU, the attorney general along with numerous other intervening parties held the company to a base rate electric revenue increase of approximately \$114.3 million, while saving nearly a million customers \$90 million annually. The attorney general was also instrumental in assuring the continuation of a program to assist low-income ratepayers securing a shareholder contribution of \$1.45 million a year to the program.

Rapidly Changing Technology

ORI fights to protect consumers from the harmful and unexpected effects of rapidly changing technology. Whether it is fighting against utility rate designs that harm seniors or ensuring that customers receive the benefits promised from new technology, the attorney general ensures his statutory mandate is carried out. Through a settlement with Duke Energy Kentucky, ORI ensured that savings from a "smart-meter" deployment flowed back to customers, thus guaranteeing that the investment made by the company was cost beneficial to consumers. In a different matter involving LG&E/KU, a settlement was reached whereby the company withdrew its smart-meter proposal and agreed to address the concerns the attorney general and other intervenors had with the proposed deployment, in favor of establishing an Advanced Metering Collaborative. Finally, the attorney general worked with TVA officials and the customers of a municipally owned electric distribution system to provide alternative rate designs to help ensure the elderly and low income populations were protected from unduly harmful rate designs made possible by the installation of "smart-meter" technology.

Department of Criminal Investigations

Our Department of Criminal Investigations (DCI) is the law enforcement branch of the Office of the Attorney General with sworn detectives crosstrained in multiple investigative fields. DCI investigates crimes

that Kentucky law enforcement agencies are not often trained in or equipped to support. These crimes include corruption by government officials, election fraud, human trafficking, illegal prescription sales by doctors, adults seeking sex with children, and the creating or sharing of child pornography. The department also provides training, as well as technical, auditing, forensic and investigative support to our local, state and federal law enforcement partners. Detectives and support staff have a tremendous background in a variety of law enforcement applications and very often were recruited as experts from various distinct law enforcement agencies across our Commonwealth.



DCI Commissioner John Moberly (right) participates in a panel discussion with other law enforcement agencies.

Public Integrity/Special Investigations Branch

You deserve clean, honest government. The Public Integrity/Special Investigations Branch works toward that goal, investigating allegations of criminal misconduct by state and local public officials, as well as misuse and theft of public funds. The branch investigates numerous arenas of corruption including executive, judicial, legislative, vendor contract, regulatory, election fraud, social security fraud and systemic law enforcement corruption.

Our public corruption cases include:

- **Magoffin County Voter Fraud:** In a DCI/FBI joint investigation, three subjects were indicted and convicted in the United States Eastern District Court for conspiring to buy votes in Magoffin County. Gary Risner, Tami Jo Risner and Larry Shepherd were found guilty in August 2016. This investigation was originally opened because of an Election Day complaint.
- **Fulton County Jailor:** In Novem-

ber of 2016, Fulton County Jailor Ricky Parnell and four contractors who performed work on the county jail expansion were indicted for a conspiracy to defraud. Parnell used his official position to solicit gifts in exchange for influencing the county to award contracts. This was a joint DCI/FBI investigation and was opened in June of 2016.

- **Buffalo Fire Department:** The former chief of the Buffalo Volunteer Fire Department was indicted for abuse of public trust over \$10,000. Wendell Perkins was indicted in March of 2017, and pleaded guilty. This DCI investigation was a result of a referral from the Kentucky Auditor of Public Accounts.

DCI's mission allows it to support our Office of Child Abuse and Human Trafficking Prevention and Prosecution on abuse and trafficking cases and our Office of Victims Advocacy on sexual assault cases. We have

Former Buffalo Fire Chief indicted

By DOUG PONDER
Editor

Former Buffalo Fire Chief Wendell Perkins was indicted by the LaRue County Grand Jury on February 20 for abuse of public trust less than \$10,000.

According to the indictment, Perkins committed the offense by using funds belonging to the Buffalo Fire Department to pay for automotive related expenditures for non-department vehicles. The indictment further reads that the allegations happened sometime between January 1, 2012 and December 31, 2015 while Perkins was chief of the Buffalo Fire Department.

The incident started last year when Kentucky Auditor Mike Harmon's Office stated they received a request from the current BFD Chief Troy Wilmoth to investigate the alleged

August 2016 detailing the findings of the special examination after they reviewed certain activities of the fire department between January 1, 2012 and December 31, 2015.

"Our auditors discovered more than \$17,000 of questionable expenditures had been made from fire department funds that were not authorized, were unnecessary to support the department and the people they serve, had no documentation, or all three," Harmon said.

Harmon's office issued a detailed report about what the auditors found during their special examination.

"Overall, weak accounting controls and safeguards resulted in a lack of documentation to support the legitimacy of expenditures," Harmon said. "During the examination

LaRue County Herald News

next phase of education and resources by creating much needed human trafficking investigation policy and procedures.

During this biennium, the Public Integrity / Special Investigations Branch opened a record 342 civil and criminal cases, made numerous arrests, and had 278 civil judgments and criminal convictions. One of the most successful investigative units within the Public Integrity/Special Investigations Branch is the Cooperative Disability Investigations Task Force that focuses on fraudulent social security claims. This biennium, the task force was recognized as one of the most successful in the nation and is credited for aggressively targeting this abuse and creating a savings of \$7.7 million for Kentucky Medicaid, in addition to \$3.1 million in federal Medicare savings.

personally opened 14 human trafficking cases, and have assisted local law enforcement officials and prosecutors on 106 additional human trafficking complaints, for a total of 120 overall investigations/complaints.

Additionally, DCI supports our Office of Consumer Protection on financial forensic investigations. They provide technical assistance to local law enforcement, and when

perpetrators can be identified, every effort is made to recover stolen funds and prosecute the offenders.

The men and women who work these cases spend countless hours each week attempting to locate these abusive exploiters, who all too often prey on vulnerable individuals within our Kentucky communities. As our new biennium begins, we want to continue our momentum and build our

Following AOC audit and AG investigation, former Pike deputy master commissioner indicted

By CHASE ELLIS
STAFF WRITER

A former Pike County deputy master commissioner was indicted by a Pike grand jury on theft and forgery charges this week after, prosecutors said, an audit through the Administration Office of the Courts (AOC) and investigation by the office of the Attorney General determined she stole more than \$126,000 with forged checks.

According to the indictment, Linda Chaney,

aka Linda Anderson, 46, of Georgetown, formerly of Pike County, worked in the office of Pike County Master Commissioner Stephen Hogg where, from Dec. 1, 2014 through March 6, 2016, she wrote 75 checks to herself totaling \$126,515.61. Chaney was indicted on charges of second-degree forgery and theft (over \$10,000).

According to Pike Com-

monwealth's Attorney Rick Bartley, Hogg discovered a discrepancy in his accounts in March 2016 and discharged Chaney from her employment. But, Hogg did not report the thefts, Bartley said.

A routine audit by the AOC discovered the discrepancies six months later. After discovery of the discrepancy, the AOC investigated and determined

the process through which Chaney had been writing checks to herself from the account, forging Hogg's signature and then concealing her actions by altering canceled check documents.

"When the auditors discovered the discrepancies, they went to the bank and got copies of all the checks that had been written

See INDICTED, Page 6A

Office of Special Prosecutions

The Office of Special Prosecutions directly prosecutes criminal cases to keep our communities safe. We serve as lead prosecutor where we have primary jurisdiction or local prosecutors have a conflict, and assist other prosecutors in particularly complex or sensitive cases. Special Prosecutions also investigates and prosecutes election law violations, environmental crimes and ethics law violations as referred by the Executive Branch Ethics Commission.

During the biennial period, Special Prosecutions nearly doubled its workload, but with the same number of employees. Despite this, our Office of Special Prosecutions posted remarkable numbers. For example, Special Prosecutions:

- Had a 236 percent increase in the number of cases opened since the last biennium;
- Coordinated and appointed 945 special prosecutors, representing 100 percent of the special prosecutor appointments in the Commonwealth's Unified Prosecutorial System;
- Had over 315 scheduled court appearances in criminal cases across the Commonwealth, a number averaging over 100 appearances per Special Prosecution staff attorney; and
- Increased the number of administrative subpoenas issued for digital data to assist local law enforcement and the Cyber Crimes Unit investigation of child predators and users of child pornographers by over 20 percent (180).

The following represent a brief synopsis of some of the Office of Special Prosecutions notable cases during the biennium.

Commonwealth v. Michael Dale St. Clair: Hardin Circuit Court. Michael St. Clair and another individual escaped from an Oklahoma jail in September 1991 where St. Clair was awaiting sentencing for two murders. The two men stole a truck and gun nearby, going on a multistate theft and killing spree, eventually making their way to Hardin County. At a rest stop near Sonora, they kidnapped Francis Brady, drove a short distance into Bullitt County where St. Clair shot and killed Brady on an isolated road. After being stopped by a Kentucky State Police trooper, St. Clair exited the truck and shot twice at the cruiser, hitting the hood. St. Clair was tried three times in Bullitt County for capital murder and received three death sentences. The last one was upheld in 2015. He was tried twice in Hardin County for the capital kidnapping of Francis Brady and attempted murder of Trooper Herbert Bennett and received a sentence of death on both. The Supreme Court reversed both, the last one in 2015. After extensive plea negotiations, St. Clair pleaded guilty to kidnapping and attempted murder in April 2017. He agreed to and received a 30-year sentence. He acknowledged his guilt in open court and repeatedly told the judge he was guilty of all counts. When asked if he suffered from any mental disease or defect, he said he did not. After 26 years of denials, the family of Francis Brady was finally able to hear St. Clair admit he was guilty. St. Clair is still on death row for another crime.

Commonwealth v. Brenda Hardin: Muhlenberg Circuit Court. The defendant was charged with murder for killing her former husband Ronnie Hardin. Brenda and Ronnie Hardin were married for 40 years. Ronnie subsequently divorced Brenda. When Ronnie began dating another woman, Brenda began to stalk the couple. She shot Ronnie in the upper chest. He died within minutes. Brenda had left some notes addressed to Ronnie and his girlfriend filled with hateful words, and saying to Ronnie, "Did you really think you would get away with leaving me?" After the shooting, Brenda drove to her sister's home minutes away, sat in her car a few minutes where she took some pills, then went inside and told her, "Ronnie's dead. I've killed him." The jury found 61-year-old Brenda Hardin guilty of murder in August 2015, and she was sentenced to life in prison. The Kentucky Supreme Court affirmed her conviction.

Commonwealth v. Kelly South: Jefferson Circuit Court. Kelly South was indicted for sodomy, incest and sexual abuse of her six-year-old son. South had home schooled her son and his 5-year-old sister. South told her husband one day that she had physically abused her son and wanted to check herself into the psychiatric ward of a hospital. While in the hospital, South disclosed she had sexually abused her son. When interviewed by a Crimes Against Children's Unit detective, South confessed to sodomizing and sexually abusing her son on multiple occasions in their home. Her son was doing well in therapy and remains with his father and sister. South pleaded guilty in January 2017, to sodomy, incest, and sexual abuse, and was sentenced to 16 years in prison. In addition, she cannot have any contact with either of her children until they reach 18 years of age.

Commonwealth v. William "Robbie" Gossett: Pulaski Circuit Court. Robbie Gossett was Science Hill Police Chief, and supervisor in charge of the water department for the city. As such, he was responsible for collecting and depositing all funds paid by residents and businesses for city water. Gossett always

made bank deposits, including a great deal of cash. In April 2016, Gossett pleaded guilty to tampering with public records and received two years in prison on pretrial diversion for two years or as long as it takes him to pay \$30,000 in restitution to the city of Science Hill. He also surrendered his law enforcement credentials.

Commonwealth v. Robert Morris: Breathitt Circuit Court and Pulaski Circuit Court: Robert Morris, 68, was indicted on three counts of Class C felony first-degree sexual abuse and three counts of Class D felony first-degree sexual abuse involving two different child victims – a granddaughter and a great niece in Breathitt County, who visited his home regularly and spent the night. He was subsequently indicted for rape first-degree and sexual abuse first-degree in Pulaski County, involving his granddaughter. Morris pleaded guilty in Breathitt Circuit Court to six counts of sexual abuse first and second-degree, and pleaded guilty in Pulaski Circuit Court to rape second-degree and sexual abuse first-degree. In August 2015, he was sentenced to eight years to serve on all counts to run concurrent.

Commonwealth v. Karen Coe: Franklin Circuit Court. Karen Coe worked for the Russell County Master Commissioner and was responsible for payroll. After an audit by the Administrative Office of the Courts found a shortage of accounts, Coe was charged with theft by deception for writing checks to herself and cashing them for \$17,500. Coe admitted her guilt and said she needed the money to support an addiction to pain pills. She pleaded guilty to the theft in November 2016 and was given a two-year prison sentence and put on pretrial diversion for two years or as long as it takes her to pay the full restitution.

Commonwealth v. Dayton Jones, Colton Cavanaugh, Samuel Miller and Tyler Perry: Christian Circuit Court. The defendants were indicted by a Christian County grand jury Dec. 14, 2014, for the sexual assault of a 15-year-old. The child was assaulted by defendants Jones, Cavanaugh and Perry while attending a party hosted by defendant Miller who filmed a portion of the assault on his cellphone. The Office of Special Prosecutions assumed responsibility of the case July 8, 2016, less than three months before trial. All defendants entered a plea of guilty and were sentenced to prison – Perry: assault one, 10 years; Jones: sodomy one, wanton endangerment one and possession of matter portraying a sexual performance by a minor, 15 years; Miller: complicity to wanton endangerment one, tampering with physical evidence and distribution of matter portraying a sexual performance by a minor, 18 years; and Cavanaugh: sodomy one, wanton endangerment one and tampering with physical evidence, 20 years. Jones, Cavanaugh and Perry were sentenced Dec. 1, 2016. Miller was sentenced March 8, 2017.

Commonwealth v. James Pilotte: Hardin Circuit Court. The defendant was indicted for six counts of theft by failure to make the required disposition of property Aug. 4, 2016, for defrauding six homeowners in a roofing scheme, specifically, representing that he would repair their roof in exchange for their homeowner’s insurance reimbursement. The defendant ultimately agreed to plead guilty to all six counts brought against him and pay his victims back the full sum that was stolen from them. Pilotte entered his plea Feb. 20, 2017.

Man on death row for 1991 murder of Bardstown man pleads guilty to kidnapping

BY THE KENTUCKY PRESS NEWS SERVICE

FRANKFORT —

Attorney General Andy Beshear Thursday announced a guilty plea of an Oklahoma man charged with the kidnapping and murder of Francis Brady, of Bardstown, in 1991.

Under terms of a plea agreement with Beshear’s Office of Special Prosecutions, Michael Dale St. Clair, 60, pleaded guilty to kidnapping and was sentenced by Special Judge John David Seay in Hardin Circuit Court on April 12 to 30 years in prison.

St. Clair has been convicted several times since 1998 for both the murder and kidnapping of Brady. Both cases have been reversed on appeal several times, according to a news release from Beshear’s office.

St. Clair’s most recent sentence of death for the murder of Brady was affirmed by the Kentucky Supreme Court in 2015. He is currently on death row at the Kentucky State Penitentiary in Eddyville.

St. Clair’s kidnapping conviction was reversed in 2015, and was scheduled for a retrial May 8 in Hardin Circuit Court. St. Clair, how

Messenger (Madisonville)

“This program is, in my experience, an essential tool in assuring accountability and integrity in the operation of our prosecutors’ offices all over Kentucky.”

Mark Metcalf
Garrard County Attorney

“They [staff] were able to prepare and negotiate guilty pleas with all four defendants within approximately one month. Without the willingness of these attorneys to jump to my rescue, this particular victim would have been subjected to another significant delay during his senior year in high school.”

Lynn Pryor
Commonwealth’s Attorney
3rd Judicial Circuit

Commonwealth v. Ron Hill: Kenton Circuit Court. The defendant was indicted on June 5, 2015, for three counts of rape and sexual abuse, for sexually assaulting a neighbor he befriended when she was between 13-15 years of age while the defendant was in his late 30s. The Office of the Attorney General took over the prosecution of the case on July 26, 2016. On April 19, 2017, the defendant pleaded guilty to three counts of rape third degree and one count of sexual abuse one. The defendant was sentenced to seven years in prison May 19, 2017.

Commonwealth v. Mathew Tipton: Bourbon Circuit Court. Tipton was indicted on 10 counts of possessing matter portraying a sexual performance after an investigation by our Cyber Crimes Unit. Investigators monitoring the trafficking of known images of child pornography located thousands of images and videos on the defendant’s computer and related storage devices. The defendant was tried before a Bourbon County jury Dec. 12, 2016. The defendant was convicted and sentenced to 11 years in prison. The defendant was formally sentenced March 21, 2017.

Commonwealth v. William Rigdon: Warren Circuit Court. William Rigdon, along with his co-defendant, David Salyers, shot and killed Gleason Pyles while Pyles worked alone at a local sawmill. Salyers was the president of the Iron Horsemen Motorcycle Club. He had helped Pyles, a former Iron Horsemen, get a job at the sawmill and to purchase a motorcycle. However, Salyers believed the way Pyles had quit the Iron Horsemen was disrespectful to him and that Pyles owed him. The night of the murder, Salyers called Pyles’ supervisor and learned where Pyles was working and that Pyles was alone. Salyers had difficulty walking because he had had a stroke. To help him confront Pyles, he took Rigdon, a recent addition to Iron Horsemen, with him. The pair drove in Salyers’ truck to the sawmill and found Pyles. Rigdon chased and gunned down Pyles, as he tried to flee. Afterward, Rigdon took Salyers’ truck. It was found later that night on fire. Salyers and Rigdon were tried separately: Salyers in January 2014 and Rigdon in September 2015. Salyers was convicted of complicity to murder and received a 20-year sentence. His conviction was affirmed the month before Rigdon’s trial. Although the actual murder weapon, a .357 or .38, was never located, a cigarette with Rigdon’s DNA was found at the scene. The jury convicted Rigdon and he received 38 years in prison. Rigdon’s conviction has also been affirmed.

Commonwealth v. Mark Lane Posey: Franklin Circuit Court. Mark Lane Posey, former police chief of Falmouth, was convicted of abuse of public trust, theft by unlawful taking and 14 counts of criminal possession of a forged instrument. He was sentenced to two years on the abuse of public trust and one year on the 15 remaining counts. DCI uncovered Posey stole funds from a drug taskforce account. Part of his plea required payment of restitution in the amount of over \$16,000.

Commonwealth v. Cabell Francis II: Lincoln Circuit Court. Cabell Francis, an attorney, serving as a fiduciary for a disabled man residing in a long-term care facility, used over \$37,000 of the man’s VA benefits. Francis was charged with theft by unlawful taking over \$10,000 and exploitation of an adult. Francis pleaded guilty to reduced felony charges and resigned his law license under terms of permanent disbarment.

Commonwealth v. Emma Adams: Franklin Circuit Court. Emma Adams, a former Lee County Circuit Clerk, was convicted of abuse of the public trust and sentenced to five years probation. Auditors for the Administrative Office of the Courts determined that Adams stole more than \$330,000 in state funds while she was working in her capacity as Circuit Court Clerk. In addition to her five-year sentence, Adams will be required to pay back the total sum of money stolen from the state.

Commonwealth v. Bethany Smith: Franklin Circuit Court. Bethany Smith, a former Pike County Deputy Circuit Court Clerk, was convicted of abuse of the public trust and sentenced to one-year probation. The case was investigated by our Department of Criminal Investigations after auditors from the Administrative Office of the Courts determined that Smith had stolen almost \$6,000 in state funds. In addition to her one-year sentence, Smith is required to pay back all the funds stolen from the state.

Commonwealth v. Jeannie Moore: Franklin Circuit Court. Jeannie Moore, a former Elliott County Clerk, was convicted of complicity to commit abuse of the public trust and received five-years probation. The case was investigated by our Department of Criminal Investigations after auditors from the office of the Auditor of Public Accounts determined that Moore had stolen almost \$9,000 in state funds. In addition to her five-year sentence, Moore is required to pay back all the funds stolen from the state.

During the biennium, the Office of Special Prosecutions continued to coordinate election monitoring with the State Board of Elections, Secretary of State’s Office, Kentucky State Police, U.S. Attorney’s Office and the FBI. This monitoring looks at not only primary and general elections but also special elections held throughout the Commonwealth.

Several employees within the office participated in the Election Integrity Task Force with those agencies to enhance the coordinated efforts of all agencies to combat election fraud.

Special Prosecutions also maintains the attorney general’s Election Fraud Hotline (1-800-328-VOTE). The Election Fraud Hotline is answered on a daily basis throughout the year, though certainly with an expanded presence on Primary and General Election days. In addition to phone calls on the dedicated hotline and the Special Prosecutions’ direct line, election complaints are also received by mail and email. Those complaints are reviewed by staff, and where appropriate, referred for further action.

State law mandates that the Office

ELECTION	COMPLAINTS
2014 General Election	1
2015 Primary Election	1
2015 General Election	79
2015 Special Elections	5
2016 Caucus Elections	5
2016 Primary Election	121
2016 General Election	283
2016 Special Elections	8
2017 Special Elections	5

During the biennial period, the Office of Special Prosecutions processed 508 election complaints.

of the Attorney General independently audit not fewer than five percent of 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. After the audits are conducted by our Department of Criminal Investigations, the Office of Special Prosecutions presents the results to the respective grand juries. Between July 1, 2015, and June 30, 2017, Special Prosecutions presented 24 such audits to various grand juries.

Post-Election AUDITS	2015 Primary Election	Calloway, Greenup, Jefferson, Laurel, Lewis and Taylor counties
	2015 General Election	Bullitt, Clark, Hardin, Harrison, McCreary and Morgan counties
	2016 Primary Election	Anderson, Breathitt, Garrard, Laurel, Shelby and Todd counties
	2016 General Election	Calloway, Carter, Jackson, Leslie, Muhlenberg and Wayne counties

Criminal Appeals

The Office of Criminal Appeals helps safeguard Kentuckians by handling many complex or sensitive cases that impact communities across the Commonwealth. Each of the office's appeals is critical, as a bad result could impact hundreds of other cases.

The office argues nearly all of the Commonwealth's criminal appeals in state and sometimes federal court, and it gets results.

In fiscal year 2016, the office filed 496 briefs addressing 1,517 issues in the state courts. These legal actions resulted in an 83 percent win ratio in the Court of Appeals and an 82 percent win ratio in the Supreme Court. It filed an additional 84 briefs addressing 393 issues in the federal courts, including the Supreme Court of the United States.

In fiscal year 2017, the Office of Criminal Appeals filed 464 briefs addressing 1,457 issues in the state courts. These proceedings resulting in an 86 percent win ratio in the Court of Appeals and an 86 percent win ratio in the Supreme Court. With respect to the federal courts, staff filed 66 briefs addressing 320 issues.

In addition to filing briefs and responsive pleadings in state and federal court, staff in Criminal Appeals also serves as a resource for local prosecutors by researching various legal issues and providing legal advice. In fiscal year 2016, Criminal Appeals received 521 requests for assistance while 830 requests were reported in fiscal year 2017.

Staff also provides presentations at the Kentucky Prosecutors Conference, the Kentucky Prosecutors Institute and other venues upon request.

Calhoun v. Commonwealth, 492 S.W.3d 132 (Ky. 2016): The Office of Criminal Appeals successfully defended our prosecutors' ability to hire personnel who had been previously involved in defense practice, provided that certain protections are undertaken. Further, the Office of Criminal Appeals successfully advocated for the prosecutor's ability to call the truthfulness of a defense witness into question using past hostility toward police or state agents.

Cobb v. Commonwealth, 509 S.W.3d 705 (Ky. 2017): The Office of Criminal Appeals successfully argued that the state constitution provided the same protection as the federal constitution for searches, thus providing law enforcement with clear guidelines for the execution of warrantless searches.

Craft v. Commonwealth, 483 S.W.3d 837 (Ky. 2016): The Office of Criminal Appeals successfully reaffirmed the indispensable role of the attorney general when the constitutionality of statutes is challenged. Failure to comply with the legal notice requirements to the attorney general will result in the failure of such constitutional challenges.

Fugate v. Commonwealth, 2017 WL, 1538168 (Ky. 2017): The Office of Criminal Appeals succeeded in helping to bring finality to the criminal justice system by obtaining judicial affirmance that prior convictions being used as enhancements cannot be attacked in the new prosecution. This victory increases the deterrent and punitive effect of our subsequent offender enhancement laws.

"We could not do our job without the office assistance, and I feel that the Office of Criminal Appeals is a vital and necessary part of the prosecution system in the Commonwealth of Kentucky."

Michael B. Stacy, Commonwealth's Attorney
1st Judicial Circuit

Hammond v. Commonwealth, 504 S.W.3d 44 (Ky. 2016): The Office of Criminal Appeals successfully defended the families and friends of victims limited right to wear remembrance clothing and items to show support for their deceased loved ones while preventing such display to unfairly prejudice the accused. Clear guidelines for analyzing such displays of First Amendment rights are now possessed by the courts.

King v. Commonwealth, 513 S.W.3d 919 (Ky. 2017): The Office of Criminal Appeals helped the Kentucky Supreme Court to clarify the confusing array of mental states surrounding the interplay of our arson statute and the defense of voluntary intoxication helping both the prosecutors and courts better understand this complex area of law.

Lundy v. Commonwealth, 511 S.W.3d 398 (Ky. App. 2017): The Office of Criminal Appeals helped make marijuana cultivation prosecutions easier by successfully arguing that there is no requirement under state law to prove that the plant is "marijuana" and not "hemp" since our drug statutes do not define a distinction. This decision prevented the need to obtain additional costly lab analysis in marijuana cultivation prosecutions.

Owens v. Commonwealth, 512 S.W.3d 1 (Ky. App. 2017): The Office of Criminal Appeals helped to prevent the expenditure of countless dollars of state funds for unfounded DNA tests and expert analysis on behalf of convicted felons by successfully arguing a four part test under KRS 422.285 should be applied.

Pomeroy v. Commonwealth, 509 S.W.3d 721 (Ky. App. 2016): The Office of Criminal Appeals brought predictability and stability to the justice system and prevented expenditure of state funds by successfully arguing that the Good Samaritan provisions of KRS 218A.133(2) were not to be applied retroactively. This victory forecloses pointless litigation that could have reopened long-closed cases and drained scarce resources.

Tapp v. Commonwealth, 497 S.W.3d 239 (Ky. 2016): The Office of Criminal Appeals successfully protected the public from probation violators who fled the jurisdiction, and through a rigid interpretation of statute, could not have been revoked. The Office of Criminal Appeals argued that fleeing from justice should never benefit the convicted, and the Court of Appeals agreed, holding that the period of time when a warrant of arrest is active tolls the running of the probationary period. The decision sends a commonsense message to those on probation that if they run, they will eventually be sentenced when they are caught.

The office also:

- Successfully defended post-conviction challenges of death row inmates Roger Epperson, Samuel Fields, Robert Foley, Benny Hodge, Roger Wheeler and Robert Woodall.
- Successfully defended post-conviction challenges from Stephen Nunn regarding his guilty plea and life sentence.
- Continues to collaborate with the Justice and Public Safety Cabinet’s office of legal services to represent the Commonwealth in *Ralph Baze, Thomas C. Bowling and Brian Keith Moore, et. al v. John D. Rees*, Case No. 06-CI-574, that is currently before the Franklin Circuit Court regarding the sufficiency of Kentucky’s execution protocol. To date, several draft protocols have been reviewed. However, revisions continue to be necessary while the federal courts review the efficacy of drug cocktails selected for execution and establish the standard for determining what constitutes “intellectual disability” for purposes of verifying eligibility for capital punishment.

Notable Achievements

- Served as hosting site for an Appellate Advocacy mobile training seminar presented by NAGTRI (National Attorneys General Training and Research Institute) that serves as the research and training arm of the National Asso-

“Each attorney I have had the privilege to work with is a true professional who understands that a felony conviction at the trial level is the result of hard work and dedication to the case. When an appeal is filed, I have full confidence that the case has been placed in very capable hands of the attorney in the Office of Criminal Appeals and will be handled with the same hard work and dedication that the trial was.”

Carrie Ovey-Wiggins
Commonwealth’s Attorney
56th Judicial Circuit

ciation of Attorneys General. In addition to staff from the Office of Criminal Appeals, interagency staff, prosecutors and Administrative Office of the Courts (AOC) legal staff attended the training. Sixth Circuit Judge John Rodgers, Supreme Court Deputy Chief Justice Lisabeth Hughes and Justice Bill Cunningham and Chief Justice Joy Kramer of the Court of Appeals served as panel members sharing their perspectives on brief writing and effective oral advocacy.

- Participated in trainings and presentations at the Association of Government Attorneys in Capital Litigation Conference, the Kentucky Prosecutors Institute, the Kentucky Prosecutors Conference, the Kentucky Prosecutors Winter Conference, the State Government Bar Association and DUI-related trainings provided by the Traffic Resource Prosecutor Grant funded by the Kentucky Transportation Cabinet.
- Received scholarships for numerous advanced appellate training opportunities offered by NAGTRI.
- Provided interagency assistance by prosecuting cases at the trial court level.
- Assisted in the development of law by participating in the Criminal Rules Committee, the Appellate Rules Committee and the Appellate Section of the Kentucky Bar Association.

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. The attorney general serves as chair.

PAC presides over the financial administration of the Unified Prosecutorial System (UPS), which consists of 177 commonwealth's and county attorneys and their employees.

Biennial Achievements

The eight-member administrative staff of the Office of the Prosecutors Advisory Council, pursuant to Kentucky law, at the direction of the PAC, prepares the budget and administers the UPS operating budgets for 177 locally elected 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 provides personnel, payroll and fringe benefit services (only two employees handle this entire task) for more than 1,100 UPS. PAC staff administers federal, state and local grants as well as asset forfeiture accounts for commonwealth's and county attorneys. The PAC staff provides legal research and guidance to the state's elected prosecutors and their staffs on administrative issues and monitors criminal justice legislation that affects the prosecutorial system.

Biennial achievements related to regular administration of the UPS and support to the PAC include:

- Approximately 1,500 personnel actions (PANs) were completed by the PAC human resources generalist.
- Open enrollment for more than 1,100 employees was processed in each of the two years of the biennium by the PAC benefits coordinator.
- Nearly 20,000 accounting line transactions processed by the PAC accounts payable staff person. These same accounting line transactions were then audited and approved by the PAC executive advisor.
- Eighteen federal grants – Victims of Crime Act (VOCA) and Violence Against Women Act (VAWA) – passed through from the Kentucky Justice Cabinet were administered by the PAC grant and travel administrator and more than 30 local grants were co-administered by the PAC grant and travel administrator and executive director.
- More than 1,300 travel vouchers were processed each year of the biennium by the PAC grant and travel administrator. The same travel vouchers were given a second audit and approval by the PAC executive director.
- Forty-nine lease agreements were administered and six new or revised lease projects processed in conjunction with finance/real properties by the PAC executive advisor.
- More than 1,250 fixed assets were inventoried by the PAC inventory and IT officer.
- The PAC administrative assistant processed nearly 1,300 supply orders and 400 printing orders during the biennium in addition to scanning the division's fiscal and administrative documents in keeping with the records retention schedule.
- There were 17 PAC meetings staffed and supported during this biennium.

Victim Witness Protection Fund Administration

The Victim Witness Protection Program was established to help law enforcement and prosecutors protect victims and witnesses involved in the criminal justice process while a case is being prosecuted. The program was enacted by the 1998 General Assembly. Pursuant to Kentucky law and state regulations, the attorney general delegated the administration of the Victim and Witness Protection Program to the PAC staff. During this biennium, two claims were paid amounting to \$5,530. Though requested in each biennial budget since 2004, the fund has not received additional appropriation and has a current balance of \$13,254. It is anticipated that the fund will be completely exhausted after as few as three more claims.

Information Technology

The Prosecutors Advisory Council adopted recommendations to develop a formal IT disaster recovery plan and implement security and compliance policies. Model policies and procedures were adopted by the offices of commonwealth's and county attorneys to address issues related to data security and how to handle a possible data breach. PAC IT staff continues to develop and implement these plans.

Training

During the biennium, the PAC approved funding for the Kentucky Prosecutors Institute (KPI) in both fiscal year 2016 and fiscal year 2017.

- A week-long intensive trial advocacy training that features small group training with opportunities to partake in practical exercises that allow the student to hone their courtroom and advocacy skills.
- The annual Kentucky Prosecutors Conference (KPC) took place in August of 2015 and 2016. This conference

offers the opportunity for prosecutors (and anyone) to receive the required continuing legal education (CLE) units each year including two hours of ethics training focused on the prosecutorial perspective.

- Several webinars were created by PAC’s training coordinator that focused on subjects like Elder Abuse. Future webinars dealing with subjects such as human trafficking and child sexual abuse data collection are in the planning stages.
- PAC staff worked with the Office of Victims Advocacy to coordinate a cold case, SAFE Kit backlog training specifically geared toward the prosecutorial challenges of the SAFE Kit backlog cases.

Traffic Safety Resource Prosecutor Program

PAC and the Office of the Attorney General remain focused on combating drunken driving and protecting the public safety through effective training of prosecutors in DUI and vehicular homicide cases.

The attorney general’s Traffic Safety Resource Prosecutor (TSRP) trains county and commonwealth’s attorneys as well as law enforcement in the effective prosecution and handling of DUI and impaired driving cases. The attorney general’s TSRP conducted two Protecting Lives, Saving Futures regional DUI training sessions this biennium – two vehicular homicide sessions and two drugged impaired driving trainings entitled Prosecuting the Drugged Driver. The TSRP maintains and updates the Kentucky Traffic Safety website. This webpage assists state prosecutors as to current DUI news and trends. The website also serves as a resource tool by giving prosecutors access to various files



Times Tribune

and documents that relate to DUI prosecution.

Other Special Projects

- Initial or upgraded security systems were implemented for most offices of the commonwealth’s attorneys to make their workplaces more secure for staff and visitors. Additionally, automated electronic defibrillators were purchased and installed in all 57 offices of the commonwealth’s attorneys during this biennium.
- For the first time in decades, the Kentucky Finance and Administration Cabinet increased the small purchase authority for the Unified Prosecutorial System from \$1,000 to \$10,000.

During this biennium several commonwealth’s and county attorneys retired or moved on to other opportunities. Below is a list of the changes:

Judicial Circuit/County	Outgoing Commonwealth’s or County Attorney	Appointed Commonwealth’s or County Attorney	Date
13 th Judicial Circuit	Tom Lockridge	Clinton “Andy” Sims	September 1, 2016
22 nd Judicial Circuit	Ray Larson	Lou Anna Red Corn	October 1, 2016
29 th Judicial Circuit	Gail Williams	R. Brian Wright	April 16, 2017
38 th Judicial Circuit	Tim Coleman	Blake Chambers	May 1, 2017
Allen County	Bill Hagenbuch	Cynthia Hagenbuch	December 1, 2016
Boyle County	Richard Campbell	Lynne Coleman Dean	April 1, 2017
Edmonson County	J.B. Hines	Gregory Vincent	February 27, 2017
Jackson County	George “Tommy” Hays	Ross Murray	January 1, 2016
McLean County	Joshua Searcy	Donna Dant	August 1, 2016
Rockcastle County	William Reynolds	Jeremy Rowe	June 1, 2017
Scott County	Glenn Williams	Rand Marshall	June 1, 2017

Civil Division

The attorney general and his office have a duty to defend the Kentucky Constitution and Kentucky Law when they are threatened. The Civil Division protects our state's interests and its citizens by initiating or defending civil lawsuits on behalf of the Commonwealth. The Division enforces anti-trust laws, regulates charitable institutions and advocates for people and small businesses in utilities matters.

Assistant attorneys general in the Civil Division provide legal representation to most state agencies, boards and commissions, represent the Commonwealth of Kentucky in state and federal court and administrative hearings and serve as hearing officers in administrative hearings. The Division provides opinions on legal issues presented by legislators, prosecutors and heads of state agencies.

Open Records and Open Meetings Decisions

Under Kentucky law, the Office of the Attorney General is responsible for safeguarding the Open Meetings Act and Open Records Act. Under the law, if citizens or journalists are wrongfully denied a request for records to a

public agency, they can appeal directly to our office. This branch decides open meetings and open records appeals.

In reviewing each appeal, we deal with issues that are complicated and nuanced, which require significant research and analysis in the application of the law. One important step we can and do take is to request a confidential review of documents an agency is withholding. That way, we know if their reasons are honest or merely an excuse to hide information.

From July 1, 2015, through June 30, 2017, the office issued 523 Open Records and Open Meetings decisions, an all-time record. These decisions continue to promote transparency in state government.

Decisions released include:

- The Office of the Governor did not violate the Open Records Act in withholding emails pertaining to the governor's schedule as preliminary.
- The Kentucky Retirement Systems Board of Trustees violated the Open Meetings Act at its public meeting May 19, 2016, when a Board member indicated that other Board members faced arrest and/or investigation if they participated in the

meeting or stood for election as board chair.

- Records relating to the University of Kentucky's investigation of sexual harassment allegations leveled by a student against a professor were not shown to be protected by exceptions and privileges relied upon by the university where attorney general was not given records to review under authority of Kentucky law.
- Kentucky State Police did not violate the Open Records Act in its response denying release of 911 dispatch recordings and a CAD report regarding a pending investigation.

Attorney General's Opinions

The attorney general provides legal opinions to public officials to assist them in the performance of their duties. When special circumstances exist, the attorney general may provide opinions to members of the general public on issues of significant public interest.

We received approximately 236 requests for advisory opinions during that period, all of which were responded to by a staff attorney by telephone, correspondence, advisory

AG: Burgin violated Open Records Act, city's response 'troubling'

By BEN KLEPPINGER

ben.kleppinger@amnews.com

BURGIN — The City of Burgin violated Kentucky's Open Records Act by failing to respond within three days to a request from former Police Chief Jim Caldwell, the Kentucky Attorney General's Office has ruled.

"The city's response to Mr. Caldwell's open records request is troubling, as it fails to recognize the city's obligation as a public agency to comply with the requirements of (the Open Records) Act," the ruling reads.

Caldwell, who was terminated from his position as Burgin police chief on Jan. 12, filed a wide-ranging open re-

cords request for at least 15 items on Jan. 13, according to the ruling. Under state law, public agencies must respond to such requests within three business days by either providing access to the records or citing exemptions in the law that allow the records to be withheld.

Burgin didn't respond to Caldwell's request until Jan. 26 — two weeks after the request had been filed, according to the ruling.

Caldwell appealed to Attorney General Andy Beshear, claiming that on five of the items he requested, the city

failed to provide all responsive records.

Beshear's office rejected most of Caldwell's arguments over the five items. On three of the items, the ruling found there was either no violation of the Open Records Act or there wasn't enough evidence to prove a violation. The ruling did find the city "more likely than not" failed to provide two grievance documents; and committed a "procedural violation" by claiming to have provided records that in fact do not exist.

See **BURGIN**, on A6

Messenger (Madisonville)

letter or formal opinion. The Opinions Branch also responds to telephone and e-mail requests from citizens and public officials seeking guidance on issues relating to state and local governance. Opinions and Decisions dating from 1992 to present are available online at <https://ag.ky.gov/>.

From July 1, 2015, through June 30, 2017, the office issued a total of 40 opinions. Opinions we issued include:

- Whether a deputy sheriff must resign the position upon announcing candidacy for sheriff.
- Whether a county must maintain a county road that only serves one or two landowners.
- Whether a county jail may charge for housing city prisoners.
- Effective date of certain legislation passed during the 2016/2017 Regular Session of the Kentucky General Assembly.

Litigation and General Counsel Services

The Litigation Branch provides legal representation to state agencies, boards, officers and employees in administrative hearings, trial courts and appellate courts, at both the state and federal level. The branch frequently represents state agencies in front of the Personnel Board, the Board of Claims and in administrative appeals of agency actions. It also provides representation to state officers and employees who are sued for work-related conduct in either their official or individual capacities for civil damages or declaratory or injunctive relief.

The branch files civil suits on behalf of state agencies seeking monetary or equitable relief against private parties.

During the time period of July 1, 2015, through June 30, 2017, our Litigation Branch represented 18 agen-

AG files complaint to remove Gallatin school board member for lacking requirements

BY THE KENTUCKY PRESS NEWS SERVICE FRANKFORT —

Attorney General Andy Beshear is seeking the removal of a Gallatin County Board of Education member for not meeting the legally required educational standard to serve in his current capacity.

The Attorney General's office filed a complaint in Gallatin Circuit Court Friday against school board member Chad Allen Murray for violating Kentucky law, a news release said.

That law requires that a person serving on a board of education has "completed at least the twelfth grade or has been issued a GED certificate or has received a high school diploma through participation in the external diploma program" if elected after July 13, 1990.

Murray was elected to the Gallatin County Board of Education in November 2012, and re-elected in November 2016. Upon request of the Attorney General's office, Murray failed to submit sufficient documentation to prove that he meets the educational requirements under Kentucky law.

Murray refused to

Messenger (Madisonville)

cies and 45 licensure boards. The total number of active civil litigation cases at the end of the biennium was 305.

For this time period, 285 of those were new civil litigation referrals. Of the 285 new cases, 238 were new civil litigation cases, and 67 were received from the Cabinet for Health and Family Services for child support establishment, enforcement and other legal services associated with the State Child Support Program.

In June 2016, our contract with the Cabinet for Health and Family Services expired. The office returned 1,228 child support case files to the cabinet.

In addition to providing representation to state agencies, officers and employees, the attorney general, at his discretion, intervenes in civil actions when parties who are required to notify the office when they raise such challenges raise challenges to the constitutionality of statutes and regulations.

This group also initiates ouster actions against state and municipal officers who are not eligible to serve in the offices they hold.

This Branch currently provides representation for 28 independent boards. In addition to providing general counsel services for Boards and Agencies, branch attorneys prosecute administrative actions before the Boards and provide limited representation in state and federal courts.

Environmental Law

In conjunction with other states, our office has represented Kentucky in various matters opposing federal regulatory action and interpretations of the Clean Air Act and Clean Water Act that would disproportionately affect Kentuckians.

In one such case, the U.S. Supreme Court will consider the following

specific question: “Whether the Clean Water Act’s judicial review provision that requires that agency actions, ‘in issuing or denying any permit’ under Section 1342, be reviewed by the court of appeals, to decide petitions to review the waters-of-the-United-States rule, even though the rule does not ‘issu[e] or den[y] any permit’ but instead defines the waters that fall within Clean Water Act jurisdiction.”

In another representative case, our office joined a petition to the U.S. Circuit Court of Appeals for the District of Columbia for a re-hearing *en banc* of that Court’s *vacatur* of the EPA’s decision to stay the implementation of the “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Final Rule,” 81 Fed. Reg. 35,824 (June 3, 2016), alternatively known as the “Methane Rule.” We welcome the Supreme Court and D.C. Circuit’s decision to review the EPA’s rulemaking authority regarding the Waters of the United States and Methane.

Uninsured Employers Fund

The Uninsured Employers Fund is part of Kentucky’s worker’s compensation program and Kentucky law directs members of the Office of the Attorney General to represent the Fund in all claims made against it or on its behalf.

All Uninsured Employers Fund cases originate at the Department of Workers’ Claims and are tried before administrative law judges. The fund’s cases, however, routinely end up before the Kentucky Court of Appeals and/or the Kentucky Supreme Court.

During fiscal year 2015-16, the Uninsured Employers Fund was a party to 139 new worker’s compensation claims. During fiscal year 2016-17, the fund was a party to 117 new claims. The fund paid out over \$10 million to injured workers between July 1, 2015, and June 30, 2017.

Administrative Hearings

The Office of the Attorney General has provided hearing officer services to government boards and agencies of the Commonwealth since the 1980s. This coincided with the legislature’s enactment of the Administrative Hearings Act, which took effect in July of 1996. The Administrative Hearings Branch is charged with implementing KRS Chapter 13B.

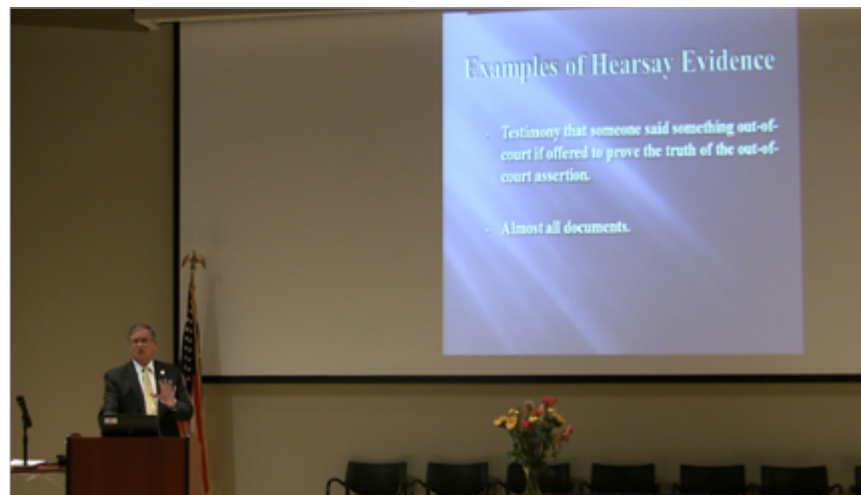
The branch currently provides hearing officer services for more than 58 government agencies and boards, resulting in 668 cases and 11 mediations in this biennium. These services include conducting prehearing conferences, ruling on motions, conduct-

ing hearings, and writing findings of fact, conclusions of law, and recommended orders, or final orders where such delegation is authorized by statute or the agency is exempt from or falls outside of Kentucky law (KRS Chapter 13B). The branch’s hearing officers have specialized training in handling all aspects of administrative hearings.

Tobacco Master Settlement Agreement and Implementing Statutes

The Tobacco Master Settlement Agreement or the MSA was signed by Kentucky in 1998. This historic agreement between 52 states and territories and the major cigarette companies has resulted in payments of more than \$1.9 billion to the Commonwealth since 1999. Kentucky received \$93 million in 2017 and \$90 million in 2016.

We administer the MSA Compliance Advisory Board established by Kentucky law, which meets quarterly to monitor MSA enforcement actions.



Administrative Hearings Branch officers provide training on KRS Chapter 13B at the Transportation Cabinet.

By the Numbers

OVERALL

- ▶ Returned nearly \$8 million to the Commonwealth's General Fund through civil litigation and settlements.
- ▶ Secured civil settlements and obligations of criminal restitution that will return over \$52 million to taxpayers through recoveries of state and federal Medicaid funds.
- ▶ Returned nearly \$1.1 million to Kentuckians through informal mediation services without need for litigation, which amounts to roughly \$1,900 returned per day.
- ▶ Responded to 5,500 citizens who have asked for our assistance in resolving a dispute with a business.
- ▶ Trained and educated nearly 16,500 individuals statewide on child abuse awareness and human trafficking prevention, cyber safety, victims rights and scams.

PROTECTING CHILDREN AND PREVENTING CHILD ABUSE

- ▶ Arrested 58 individuals on 1,147 criminal counts.
- ▶ Trained more than 1,200 individuals statewide on child abuse prevention and awareness.
- ▶ Gave \$250,000 for statewide child sexual abuse prevention programs and for 700 child sexual abuse medical exams.
- ▶ Opened 14 human trafficking related criminal cases.
- ▶ Provided technical assistance and guidance to local law enforcement and prosecutors on 106 possible human trafficking cases resulting in the identification of two minors who were being trafficked for sex.
- ▶ Received a \$1.5 million federal human trafficking grant; first U.S. Department of Justice grant ever awarded to a Kentucky agency for human trafficking.

SHIELDING SENIORS

- ▶ Increased our scam partner list to nearly 170 partners.
- ▶ Enrolled over 12,000 Kentuckians in Scam Alerts.
- ▶ Reached nearly 8,000 senior Kentuckians, agencies and families and visited more than 100 locations in 41 counties.
- ▶ Received reports by the public on more than 900 reports of various scams.
- ▶ Transformed the Elder Abuse & Neglect Hotline to a hotline that is answered 24 hours a day, seven days a week.

JUSTICE FOR VICTIMS

- ▶ Gave \$4.5 million in funding to help end Kentucky's rape kit backlog.
- ▶ Dedicated an additional \$1 million to aid law enforcement and prosecutors in the investigation and prosecution of sexual assault cases over the next two fiscal years.
- ▶ Provided 33 professional training events to over 5,300 individuals to support victims.
- ▶ Launched the 26-member Office of the Attorney General Survivors Council for victims and families of victims.
- ▶ Provided direct victim services to 125 victims involved in special prosecutions.
- ▶ Assisted 240 victims with notifications, opinions and court accompaniment in criminal appeal cases.
- ▶ Responded to more than 3,000 calls from victims and community members on the crisis information line.
- ▶ Provided over 1,300 technical assistance requests to professionals in 2016-2017.

ADDRESSING ADDICTION

- ▶ Opened 38 criminal cases, had 30 arrests and had 29 individual convictions for drug-related offenses.
- ▶ Provided \$8 million of Purdue Pharma settlement funds directly to 15 substance abuse treatment centers across Kentucky.
- ▶ Dedicated \$2 million to expand and enhance Rocket Docket programs.
- ▶ For every dollar the state contributed to the Office of Medicaid Fraud budget more than ten dollars were returned to the state Medicaid budget through the recoveries obtained by the unit.
- ▶ Increased by 15.6 percent the number of criminal convictions obtained by Medicaid Fraud; increased by 27.8 percent the number of subpoenas or demand letters issued during Medicaid provider fraud or patient abuse, neglect or exploitation investigation.

SAFEGUARDING KENTUCKIANS

- ▶ Secured potential restitution that could exceed \$88 million, representing amounts paid to consumers and amounts Kentuckians are eligible to receive.
- ▶ Oversaw more than 10,000 businesses in 2016 required by statute to register with the Office of the Attorney General. During the first half of 2017, that number has already increased to over 11,500 businesses. The 2017 figure includes over 6,500 nonprofits and more than 800 private foundations.

- ▶ Protected Kentuckians from increased costs of approximately \$300 million by successfully opposing utility rate increase requests before the Public Service Commission.
- ▶ Opened a record 342 civil and criminal cases, made numerous arrests and had 278 civil judgments and criminal convictions through Public Integrity/Special Investigations Branch.
- ▶ Coordinated and appointed 945 special prosecutors, representing 100 percent of the special prosecutor appointments in the Commonwealth's Unified Prosecutorial System.
- ▶ Increased by over 20 percent the number of administrative subpoenas issued for digital data to assist local law enforcement and Our Cyber Crimes Branch investigation of child predators and users of child pornography.
- ▶ Filed 496 briefs in addressing 1,517 issues in the state circuit and appellate courts. Resulted in an 83 percent win ratio in the Court of Appeals and an 82 percent win ratio in the Supreme Court in 2016.
- ▶ Filed 464 briefs addressing 1,457 issues in the state circuit and appellate courts. These proceedings resulted in an 86 percent win ratio in the Court of Appeals and an 86 percent win ratio in the Supreme Court in 2017.
- ▶ Scheduled oral arguments in 26 cases in state and federal courts regarding 63 issues and directed staff to represent the Commonwealth in 18 hearings in 2016.
- ▶ Presented oral arguments in 21 cases concerning 101 issues and held hearings in 25 cases in state and federal courts in 2017.
- ▶ Received 521 requests for assistance from local prosecutors in 2016 and received 830 requests in 2017.
- ▶ Reviewed four requests and recommended supporting one *amicus* brief in 2016 while 11 requests were reviewed in fiscal year 2017 and 5 *amicus* briefs were recommended for support.
- ▶ Received 693 open meetings and open records appeals. A total of 523 were adjudicated and resulted in formal Open Records Decisions and Open Meetings Decisions.
- ▶ Received approximately 236 requests for advisory opinions during that period, all of which were responded to by a staff attorney.
- ▶ Issued 40 formal opinions.
- ▶ Represented 18 agencies and 45 licensure boards.



“We will continue to broaden and build on our four-part mission in the weeks, months and years ahead.”

—Attorney General Andy Beshear



The Office of the Attorney General does not discriminate on the basis of protected classes: race, color, religion, sex, national origin, sexual orientation, gender identity, ancestry, age, disability, veteran status, or genetic information in employment or in the provision of services and provides upon request, reasonable accommodation necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities.