

OFFICE OF THE ATTORNEY GENERAL

What We Do: Four Core Functions

- **ENFORCE** laws of the State of Vermont
- **DEFEND** State of Vermont laws, policies, employees
- **PRODUCE** revenues
- **PROTECT** Vermont citizens

OFFICE OF THE ATTORNEY GENERAL

Authority of the Attorney General

Title 3 of the Vermont Statutes Annotated

Section 152 The attorney general may represent the state in all civil and criminal matters as at common law and as allowed by statute. The attorney general shall also have the same authority throughout the state as a state's attorney.

Section 153 The attorney general shall have the general supervision of criminal prosecutions, shall consult with and advise the state's attorneys in matters relating to the duties of their office, and shall assist them by attending the grand jury in the examination of any cause or in the preparation of indictments and informations when, in his judgment, the interests of the state require it.

Section 157 The attorney general shall appear for the state in the preparation and trial of all prosecutions for homicide and civil or criminal causes in which the state is a party or is interested when, in his judgment, the interests of the state so require.

Section 159 The attorney general shall advise the elective and appointive state officers on questions of law relating to their official duties... He shall have general supervision of matters and actions in favor of the state and of those instituted by or against state officers wherein interests of the state are involved and may settle such matters and actions as the interests of the state require.

OFFICE OF THE ATTORNEY GENERAL

Division Highlights

Civil Litigation Division

Defends lawsuits that challenge State laws and policies

- Campaign finance - - *Vermont Right to Life Committee* litigation; *Republican Governors Association* and *Green Mountain Future* enforcement cases
- DAIL programs -- defending claims against State
- Overtime and Parental leave policies -- *Coniff* and *Stanley* lawsuits

Defends money claims against the State, State officials and State employees

- Including wrongful death, personal injury, civil rights claims
- For example, excessive force claims against Public Safety, Corrections

[687 lawsuits were filed against the State in 2012]

Criminal Division

Prosecutes/investigates felonies, public corruption, other crimes

- *O'Hagen* homicide investigation (Caledonia County)
- Drug Task Force cases (statewide)
- Internet crimes against children cases (statewide)
- Police cases: criminal misconduct, use of deadly force reviews (statewide)
- Municipal embezzlement/larceny - theft from Montpelier City, charged in Orleans County (*State v. Daniel Scott of Scott Construction*)

Handles criminal appeals and other criminal matters

- Appeal from murder conviction (*State v. Bolaski - Windsor*)
- Homicide Prosecution Review - convenience store clerk (Addison)
- DNA at arraignment challenges (statewide)
- Innocence protection challenges (statewide)
- Bias Free Policing - policy development and training (statewide)
- Human Trafficking Law - Education/Training (statewide)

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Division Highlights

Criminal Division (continued)

Enforces Medicaid Fraud and patient abuse laws

- Murder and financial exploitation of a nursing home resident by LNA (*State v. Jodi LaClaire* - Windham)
- Multiple felony charges for false billing and sexual misconduct with a patient (*State v. Peter Gray* - Rutland)
- Civil action against pharmacy for Medicaid/consumer fraud (*McGregor*)
- \$5,232,121 in Medicaid Fraud recoveries in FY12 and FY13 (July to January)

Environmental Protection Division

Enforces clean air, clean water, hazardous waste and other environmental laws

- Stamford Act 250 and storm water violations at unpermitted excavation site
- Waterbury state laboratory hazardous waste management violations
- Milton salvage yard operator, solid waste, release violations (*Rhoades*)
- Bloomfield civil violation of heavy cut timbering law (*Inkel*)
- Moretown criminal violations for releasing and improperly storing hazardous waste at salvage yard (*Brown*)
- \$1,008,502 financial recoveries, penalties in FY12 and FY13 (July to January)

Vermont Yankee Litigation

- Defending claims that Vermont statutes violate the U.S. Constitution.

General Counsel and Administrative Law Division

- Provides legal counsel to constitutional officers, agencies, departments
- Litigates Labor Board, Liquor Control and Medical Board cases
- The Appellate Unit briefs, argues and supervises civil appeals
- Negotiates and drafts complex investment and IT contracts
- Reviewed 934 contracts in 2012, for compliance with state law
- Advises agencies and departments on public records/meetings issues
- Advises Secretary of State on elections, campaign finance

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Division Highlights

Public Protection Division

- Enforces discrimination, hate crime and civil rights laws
- Enforces consumer fraud laws
- Enforces antitrust laws
- Enforces privacy and security breach laws
- Lead law enforcement and education
- The Consumer Assistance Program at UVM received 8,800 complaints and requests for information in 2012
- \$11,919,019 financial recoveries, penalties in FY12 and FY13 (July to January), for the State

Tobacco

- Diligent enforcement of tobacco master settlement agreement
- *State v. R. J. R. Tobacco* litigation (challenging health claims for *Eclipse* cigarettes) is in remedies phase
- \$34,519,359 tobacco recoveries in FY12 and FY13 (July to January)

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**Financial Recoveries for State of Vermont
July 1, 2011 to January 28, 2013**

Consumer Fraud / Antitrust	\$ 11,919,019
Criminal / Medicaid Fraud	\$ 5,232,121
Environmental / Petroleum Clean-Up Fund	\$ 1,008,502
Tobacco / Annual MSA Payment	\$ 22,611,201
Tobacco / Strategic Contribution Fund	\$ 11,908,158
Attorney General Total	\$ 52,679,000

OFFICE OF THE ATTORNEY GENERAL			
AGO Recoveries - FY12 to FY13 (YTD)			
Period of July 1, 2011 to January 28, 2013			
SUMMARY OF RECOVERIES			
DIVISION	FY12	FY13 YTD	
Environmental Division	846,858	161,644	
Medicaid Fraud & Residential Abuse Unit	3,397,973	1,834,148	
Public Protection Division	6,459,897	5,459,122	
Tobacco	34,519,359	0	
Total Recoveries	45,224,086	7,454,914	
Case State v.	Settle Date	Vermont Share	Comments
ENVIRONMENTAL DIVISION			
Reebok Companies	08/19/11	40,000	
Rhoades, Gilbert & Blanche	10/14/11	44,858	Balance pending
ANR / DEC	11/09/11	85,000	
Smith, Travis	12/13/11	87,000	
Howe Cleaners	02/01/12	590,000	
Total	FY12	846,858	
Adrien Inkel / Stephane Inkel	11/12/12	150,000	
Brown, Robert	11/08/12	11,644	
Total	FY13 YTD	161,644	
MEDICAID FRAUD & RESIDENTIAL ABUSE UNIT			
Novo Nordisk, Inc.	07/12/11	1,956	
UCB, Inc.	07/26/11	20,544	
Merck (Vioxx)	11/23/11	600,000	
Pfizer (Detrol)	12/12/11	13,329	
Gokey, D / Richard, J / Taylor, R	12/20/11	43,390	Balance pending
KV Pharmaceuticals	03/15/12	24,319	Balance pending
Dava Pharma	03/15/12	5,605	Balance pending
Medtronics	03/15/12	1,744	
Abbott Laboratories (Depakote)	04/30/12	708,802	
Dartmouth Hitchcock Medical Ctr.	06/20/12	21,790	
GlaxoSmithKline	06/20/12	1,956,494	
Total	FY12	3,397,973	
McKesson Corporation	07/26/12	704,054	
Walgreen Co.	08/07/12	301	
Boehringer Ingelheim Pharmaceuticals	11/14/12	81,993	
McGRX, Inc.	11/13/12	1,047,800	Balance pending
Total	FY13 YTD	1,834,148	

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AGO Recoveries - FY12 to FY13 (YTD)			
Period of July 1, 2011 to January 28, 2013			
Case State v.	Settle Date	Vermont Share	Comments
PUBLIC PROTECTION DIVISION			
Fernandez, Mary	07/11/11	2,500	
Vandor LLC (lead)	07/25/11	10,000	
Voice Mail Services, Ltd.	07/27/11	10,000	
AgriMark - Cabot	08/03/11	65,000	
Osgatharp, Jane	08/09/11	2,000	
Casella Waste Management	08/12/11	1,000,000	
Voicenet Telephone	08/17/11	10,000	
Penley Corp.	09/27/11	10,000	
USB Organization, Inc.	10/02/11	10,000	
Tri-Star Management	10/07/11	10,500	
Road One Paving	10/10/11	43,571	Balance pending
Subaru of Keene	10/13/11	8,500	
aDigitalVillage.com, LLC	10/20/11	10,000	
More Yellow Pages, Inc.	10/20/11	10,000	
Personal Voice, Inc.	10/20/11	10,000	
Autumn-Harp, Inc. (CRU)	10/26/11	1,215	
Green Mountain Future	12/02/11	10,000	Balance pending
Marchessault, Gaetan & Mary Jane	12/08/11	2,500	Balance pending
Thompson v. Rite Aid of VT	12/14/11	500	
Ferring / Aventis (DDAVP)	01/18/12	39,594	
Inergy Propane / Pyrofax Gas	01/19/12	240,000	
National Mortgage Foreclosure Settle	02/09/12	3,652,240	
Skechers Toning Shoes	02/27/12	70,500	
USDIRECTORY.COM	02/29/12	10,000	
Small Business Tech Solutions	03/29/12	10,000	
Richotte v. Highland Sugarworks	04/09/12	500	
Capitol City Automart	04/17/12	16,000	
Abbott Laboratories (Depakote)	04/30/12	1,074,777	
Residential Email LLC	03/30/12	10,000	
Member's Edge LLC	03/30/12	10,000	
Bizzfinders.com (ILD Corp)	05/10/12	10,000	
Ebizz, LLC (ILD Corp)	05/10/12	10,000	
Fabri-Kal Greenware	06/21/12	80,000	
Total	FY12	6,459,897	
Janssen Pharmaceuticals (Risperdal)	08/30/12	4,106,565	
Voicemail Direct (Intelicom Messaging)	08/29/12	10,000	
Bromley Mtn. v. Stickney (CRU)	08/24/12	700	
Heyl v. Freedom Express (CRU)	09/07/12	1,950	
Ploof, Kathleen (Beltone Hearing Ctr)	10/03/12	1,600	Balance Pending
GlaxoSmithKline (Avandia)	11/15/12	1,171,307	
Capital One	11/01/12	150,000	
Local Area Yellow Pages	11/05/12	10,000	
Merchant Services Center	01/08/13	7,000	
Total	FY13 YTD	5,459,122	

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AGO Recoveries - FY12 to FY13 (YTD)			
Period of July 1, 2011 to January 28, 2013			
Case State v.	Settle Date	Vermont Share	Comments
TOBACCO			
Annual Tobacco MSA Payment	FY12	22,611,201	
Annual Strategic Contribution Fund	FY12	11,908,158	
Total	FY12	34,519,359	
Annual Tobacco MSA Payment	FY13 YTD	0	Payment due 4/13
Annual Strategic Contribution Fund	FY13 YTD	0	Payment due 4/13
Total	FY13 YTD	0	