

2004 Press Releases

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July 2004

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FOR IMMEDIATE RELEASE
July 30, 2004, 4:35 p.m. CT

CONTACT: Regan Anson
402-471-2067

***** NEWS RELEASE *****

**Attorney General Bruning Announces Consumer
Protection Information Booth at Lancaster County Fair**

(Lincoln, Neb.) Attorney General Jon Bruning today announced that the Consumer Protection Division of the Nebraska Attorney General's Office will have an information booth at the Lancaster County Fair Aug. 4-8.

Representatives from the division will be on hand to answer questions and distribute information on a variety of topics from shopping securely on the Internet to identity theft.

Attorney General Bruning said, "This office is in the business of protecting Nebraskans, and educating people about consumer fraud is the best way to prevent them from becoming victims. The Lancaster County Fair offers a great opportunity for Nebraskans to stop by the consumer protection booth and brush-up on some important tips that can save them a lot of money and a lot of hassle."

For additional information, visit the Consumer Protection Division's Web site at www.ago.state.ne.us or call 402-471-2682 or 800-727-6432. En Espanol, 402-471-3891 o llamada gratuita, 888-850-7555.

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JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
July 28, 2004, 3:40 p.m. CT

CONTACT: Regan Anson
402-471-2067

Attorney General Bruning Announces Favorable Ruling in Nebraska Investment Council Case

(Lincoln, Neb.) Attorney General Jon Bruning today announced an important victory for the State of Nebraska in the case of Myers v. Nebraska Investment Council (NIC).

In an order rendered Monday, July 26, District Court Judge Paul D. Merritt Jr. dismissed most of the defendants named in the lawsuit, including individual board members of the NIC, the management company, the limited partnership and the insurance companies. Of the 12 claims alleged by Myers, Judge Merritt dismissed nine, leaving in place three claims challenging the constitutionality of specific statutes and the validity of the investment.

Attorney General Bruning said, "I'm very optimistic that this case will be dismissed in its entirety. The State's position is that the lawsuit is baseless and the investment in question has already been sold at a profit."

The lawsuit was initially filed in the Lancaster County District Court on April 30, 2003. In the suit, Larry Myers alleged that the NIC, individual board members of the NIC and the state investment officer violated state law when an investment manager invested state retirement funds in a limited partnership that in turn purchased options and purchased securities on margin.

The investment, an enhanced S&P 500 index strategy, consistently produced returns in excess of the S&P 500 index. Myers, however, has alleged the investment was speculative and violated state law.

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JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
July 23, 2004, 5:10 p.m. CT

CONTACT: Regan Anson
402-471-2067

REVISED: Nebraska Settles Claim Against Wireless Carriers

(Lincoln, Neb.) Attorney General Jon Bruning announced today that Nebraska is among 32 states that have entered into settlements with three of the country's largest wireless telephone carriers, Verizon Wireless, Cingular Wireless and Sprint PCS.

The settlements resolve state consumer protection investigations of the carriers which focused on alleged misleading advertisements and unclear disclosures relating to service agreement terms and wireless coverage areas.

Attorney General Bruning said, "This is a great outcome for consumers. Protecting Nebraskans from questionable business practices, fraud and scams is our top priority. The best way we can do that is to be involved."

Under the terms of the settlement, the wireless carriers must change the way they advertise and sell services and coverage. They must also allow consumers a minimum of two weeks to terminate service contracts without incurring penalties and provide them with more accurate coverage maps.

The wireless carriers have also agreed to pay \$5 million to the Attorneys General to cover the costs of the multi-state inquiry and for consumer education. Nebraska's share of the settlement is \$100,000.

States involved in the settlement include Alabama, Arkansas, Colorado, Delaware, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Virginia, Wisconsin and Wyoming.

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JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
July 23, 2004, 3:00 p.m. CT

CONTACT: Regan Anson
402-471-2067

Attorney General Bruning Announces Consumer Protection Information Booth at Lincoln County Fair

(Lincoln, Neb.) Attorney General Jon Bruning today announced that the Consumer Protection Division of the Nebraska Attorney General's Office will have an information booth at the Lincoln County Fair July 28 through Aug. 2.

Representatives from the division will be on hand to answer questions and distribute information on a variety of topics from shopping securely on the Internet to identity theft.

Attorney General Bruning said, "This office is in the business of protecting Nebraskans, and educating people about consumer fraud is the best way to prevent them from becoming victims. The Lincoln County Fair offers a great opportunity for Nebraskans to stop by the consumer protection booth and brush-up on some important tips that can save them a lot of money and a lot of hassle."

For additional information, visit the Consumer Protection Division's Web site at www.ago.state.ne.us or call 402-471-2682 or 800-727-6432. En Espanol, 402-471-3891 o llamada gratuita, 888-850-7555.

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JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
July 16, 2004, 9:00 a.m. CT

CONTACT: Regan Anson
402-471-2067

Gov. Johanns, Attorney General Bruning Discuss Low-Level Waste Negotiations

(Lincoln, Neb.) Gov. Mike Johanns and Attorney General Jon Bruning today released a proposal provided to the state of Texas by the state of Nebraska and the Central Interstate Low-Level Radioactive Waste Commission and announced the filing of Nebraska's appeal to the U.S. Supreme Court of a \$151 million judgment against the state.

Nebraska is asking the High Court to hear the appeal on three grounds: first, to review whether the state waived its immunity from the lawsuit for monetary damages filed by the Compact Commission; second, was the state entitled to a jury trial; and third, did the lower court award too much prejudgment interest.

The Texas proposal is part of an effort to settle the Compact Commission's lawsuit against Nebraska. In 2004, the Eighth Circuit Court of Appeals upheld a lower court judgment that found that Nebraska's previous administration had acted in bad faith in the licensing process to build a low-level waste site in the state.

The interest on that \$151 million judgment has been accumulating at a federal rate of 1.68 percent since September 2002. As of today, Nebraska owes approximately \$156 million with interest. If Nebraska loses its appeal and cannot immediately pay the judgment, the applicable interest rate will increase. Nebraska believes that applicable rate would be 3 percent while the Compact Commission contends that it is 10 percent. If the Court agrees with the Compact Commission, the state could owe as much as \$202 million by August of 2005.

Separate from the judgment, the Compact Commission contends that Nebraska is obligated to host a low-level site in addition to paying the judgment. The Compact Commission also contends that Nebraska generators should be barred from accessing that site.

(more)

Gov. Johanns said, "I want to be very clear about the fact that there is more at stake than the judgment that we owe. The Compact claims that we owe the full judgment with enhanced interest and that we have an obligation to host a site. We are strongly disputing these claims, but it is very important for Nebraskans to understand what is potentially at stake. The worst case scenario forces Nebraska to both pay the \$202 million judgment and host a site that our own generators could be barred from accessing."

Attorney General Bruning said, "As we have said all along, we will leave no stone unturned in our efforts to protect the state from having to pay this enormous amount of money. If the Texas proposal is accepted, any amount paid to Texas must be credited toward the judgment. It is important to recognize that an agreement with Texas does not resolve all of the issues between Nebraska and the Compact. Even if we don't reach agreement with Texas, there are other options for resolving this case. Any agreement with Texas is subject to Nebraska and the Compact resolving all low-level issues in a full and final settlement."

I cannot stress enough the complexity and sensitivity of the ongoing negotiations. While the Governor and I understand the interest in the terms of our negotiations, any premature release of information could impede the process. Nebraska cannot afford to let that happen. Therefore, we will not be able to discuss this matter in further detail until it is resolved."

A copy of Nebraska's proposal to Texas is available on the Attorney General's Web site at www.ago.state.ne.us.

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JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
July 15, 2004, 2:30 p.m. CT

CONTACT: Regan Anson
402-471-2067

Attorney General's Medicaid Fraud Control Unit Up and Running

(Lincoln, Neb.) Attorney General Jon Bruning announced today that the newly formed Medicaid Fraud Control Unit (MFCU) to investigate and prosecute Medicaid provider fraud and patient abuse and neglect has opened its doors.

The MFCU was established under LB 1084, which takes effect tomorrow, Friday, July 16.

Attorney General Bruning said, "Establishing this unit was a major step forward in our efforts to combat Medicaid fraud and patient abuse and neglect. Protecting Nebraskans is my top priority and preventing this type of fraud will save valuable tax dollars."

Federal law requires each state to have an MFCU unless the state receives a waiver. With the passage of LB 1084, Nebraska became the 49th state, along with District of Columbia, to have an MFCU. Nationwide, these units have obtained 5813 convictions and recovered more than \$1 billion since 1997.

The Nebraska MFCU is headed by Senior Assistant Attorney General Mike Rumbaugh and comprised of one assistant attorney general, two auditors, two investigators and two administrative staff. The unit will receive 90 percent of its funding for the first 18 months of its operation from a federal grant. Following that, the grant will pay 75 percent of its operating costs. It is expected that Nebraska will join the ranks of 37 existing MFCU's which became self-funding within three to four years of their inception.

Attorney General Bruning said, "This is an undertaking that will require the vigilance of all Nebraskans, and I encourage anyone who suspects Medicaid fraud to contact the Medicaid Fraud Control Unit immediately."

For additional information on the MFCU or to report possible Medicaid fraud and/or patient abuse and neglect, call 402-471-4854.

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JON BRUNING
ATTORNEY GENERAL

Letter to the Editor/Op Ed Piece; July 13, 2004

I am writing to set the record straight about my recent opinion regarding veterans' benefits and general discharges from the military.

Let me begin by saying that I have long been a vocal supporter of our nation's veterans. The men and women who have served this country so honorably during times of war and peace deserve our undying gratitude. Without their sacrifice, the United States would not be the free society we enjoy today.

Recently, we have heard and read a great deal of rhetoric from those who argue that veterans who receive general discharges deserve the same treatment as veterans who receive honorable discharges. To put it simply, I disagree.

The reality is that the vast majority of veterans receive honorable discharges while only a very small minority receive general discharges. Of the tiny fraction of veterans who receive general discharges, virtually all are administratively separated from the military prior to the end of their service obligation due to a violation of the Uniform Code of Military Justice. Military guidelines state that an honorable discharge is warranted "when the quality of the member's service generally has met the standards of acceptable conduct and performance of duty for military personnel, or is otherwise so meritorious that any other characterization would be clearly inappropriate." A general discharge is warranted "when significant negative aspects of the member's conduct or performance of duty outweigh positive aspects of the member's military conduct or performance of duty." Are those distinctions the same? Of course not.

Congress came to the same conclusion I did, ruling that veterans who receive general discharges don't receive benefits under the G.I. Bill and cannot reenlist or enter a different military service. Why? Because Congress knew that the negative aspects of the generally discharged member's conduct outweighed the positive. It is an insult to honorably discharged veterans to suggest that an honorable and a general discharge mean the same thing. Those veterans who receive honorable discharges are justifiably proud and have earned the benefits to which they are entitled through their service. When asked whether an honorable discharge was the equivalent of a general discharge, I answered no and I stand by that opinion.

Sincerely,
Attorney General Jon Bruning



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JON BRUNING
ATTORNEY GENERAL

July 12, 2004

To Whom It May Concern:

As I begin my duties as communications director in the Attorney General's Office, I want to ensure that you have an updated photo of Attorney General Bruning as well as my contact information. If you should ever need anything, please don't hesitate to contact me.

I look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Regan Anson".

Regan Anson
Communications Director
Attorney General Jon Bruning
402-471-2067
402-416-7539 (c)
ranson@notes.state.ne.us



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JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
July 9, 2004, 4:15 p.m. CT

CONTACT: Regan Anson
402-471-2067

*****NEWS RELEASE*****

Attorney General Bruning Announces Court Victory in Battle to Protect Children

(Lincoln, Neb.) Attorney General Jon Bruning announced today that the Nebraska Supreme Court has ruled in *State v. Vaught* that a child's statement to a doctor regarding the identity of the person who abused them is admissible in court.

The Nebraska Supreme Court ruling determined that a 4-year-old child abuse victim's statements to her doctor about who committed the crime against her were admissible. The admissibility of such crucial testimony had been called into question by a recent ruling of the U.S. Supreme Court.

"This is a huge victory for child abuse victims that will have a major impact on the way we are able to try their cases," Attorney General Bruning said. "When a child has the courage to identify an abuser, we must be able to use that information to protect our kids and get offenders off our streets."

The case before the Nebraska Supreme Court was argued by Assistant Attorney General Herb Spears, a member of Attorney General Bruning's Child Protection Division.

Vaught was convicted of first degree sexual assault on a child.

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JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
July 9, 2004, 5:00 p.m. CT

CONTACT: Regan Anson
402-471-2067

***** NEWS RELEASE *****

**Attorney General Bruning Announces Consumer
Protection Information Booth at Madison County Fair**

(Lincoln, Neb.) Attorney General Jon Bruning today announced that the Consumer Protection Division of the Nebraska Attorney General's Office will have an information booth at the Madison County Fair July 14-18.

Representatives from the division will be on hand to answer questions and distribute information on a variety of topics from shopping securely on the Internet to identity theft.

Attorney General Bruning said, "This office is in the business of protecting Nebraskans, and educating people about consumer fraud is the best way to prevent them from becoming victims. The Madison County Fair offers a great opportunity for Nebraskans to stop by the consumer protection booth and brush-up on some important tips that can save them a lot of money and, in some cases, a lot of hassle."

For additional information, visit the Consumer Protection Division's Web site at www.ago.state.ne.us or call 402-471-2682 or 800-727-6432. En Espanol, 402-471-3891 or llanada gratis, 888-850-7555.

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JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
July 9, 2004, 11:00 a.m. CT

CONTACT: Regan Anson
402-471-2067

*****NEWS RELEASE*****

Attorney General Bruning Names 36 Nebraska Students Members of Youth Advisory Council

(Lincoln, Neb.) Attorney General Jon Bruning today announced that 36 Nebraska high schools seniors from across the state have been selected to serve on the Attorney General's Youth Advisory Council (AGYAC).

The AGYAC is designed to involve Nebraska's youth in the processes of government and law. It also provides a forum for members to express their views on issues by facilitating an open dialogue with the Attorney General.

"I'm thrilled to have such a well-rounded, talented group of students serving on the council," Attorney General Bruning said. "It's important that our state's youth have a voice in the government process, and I'm grateful for the interest of these outstanding Nebraska students."

Members of the council were nominated by state senators and educators from their schools. Students were required to submit applications, including an essay on the importance of civic responsibility, to be considered for the council. The AGYAC will kick-off with a special event at the State Capitol in September.

Following are the hometowns, names and high schools of those students selected to serve on the AGYAC.

<u>Hometown</u>	<u>Name</u>	<u>High School</u>
Alliance	Rachel Steele	Alliance
Arlington	Kaylene Leaver	Arlington
Central City	Keisha Anderson	Central City
Central City	Sara Moore	Central City

(more)

Columbus
Columbus
Columbus
Columbus
Crete
Elkhorn
Fremont
Gothenburg
Grand Island
Grand Island
Hastings
Hastings
Holdrege
Humphrey
Humphrey
Juniata
Kearney
Lincoln
Lincoln
Lincoln
Morrill
North Bend
Omaha
Osmond
Randolph
Scribner
South Sioux City
Wakefield
Walton
Wausa
Waverly
Wood River

Cassy Loseke
Michelle Janssen
Stacie Schreiber
Beth Niedbalski
Amy Kastanek
Megan Willer
Joshua Starkey
Clark McPheeters
Megan Bartlett
Lindsay Calhoon
Ashley Wigert
Hannah Krueger
Jaci Dick
Jenna Weidner
Natalie German
Jason Hinze
Derek Horsley
Jena Lynch
Caitlin Skrdla-Markwell
Melissa Luedtke
Katy Anderson
Jamie Nelson
Jonathan Shipman
Traci Miller
Erin Bazata
Beth Alt
Tess Kirkholm
Marion Miner
Trevor Torpin
Carla Seagren
Jessica Weismann
Kelsey Lambrecht

Lakeview
Lakeview
Lakeview
Scotus Central Catholic
Wilber-Clatonia Public
Elkhorn
Fremont Senior High
Gothenburg
Grand Island Senior High
Grand Island Northwest
Hastings Senior High
Hastings Senior High
Holdrege
St. Francis
Humphrey St. Francis
Hastings
Kearney Catholic
Lincoln Northeast
Lincoln Northeast
Lincoln Northeast
Morrill
North Bend Central
Elkhorn
Plainview
Randolph Public
Scribner-Snyder Community
Homer
Wakefield
Waverly
Wausa
Waverly
Kenesaw Public

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JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
July 7, 2004, 10:30 a.m. CT

CONTACT: Regan Anson
402-471-2067

Attorney General Bruning Files Criminal Charges
Against Foster Parent for Child Sexual Assault, Child
Pornography Possession and Manufacturing

(Lincoln, Neb.) Attorney General Jon Bruning announced today that he has filed criminal charges against Jeffery D. Myers formerly of Blue Hill for child sexual assault and child pornography possession and manufacturing.

Myers, a 36-year-old foster parent, faces two counts of first degree sexual assault of a child, one count of sexual assault of a child, five counts of possession of child pornography and two counts of manufacturing child pornography.

“Our office received a request for help with this case from the Webster County attorney in May and immediately began a full investigation,” Attorney General Bruning said. “I intend to prosecute this individual to the fullest extent of the law based on what can only be described as sickening evidence of sexual acts between him and children.”

The current charges involve three children, none of whom were in Myers’ care. According to Health and Human Services System, the foster children in his care at the time of the complaint were removed immediately from his custody.

“Unfortunately, we fully anticipate that there are more children involved in this case. Although it will take a great deal of courage, we hope that they will come forward once they become aware of the individual’s arrest so that we can get them the help they need.”

First degree sexual assault of a child is a Class II felony punishable by up to 50 years in prison. The charge of sexual assault of a child is a Class IIIA felony punishable by up to five years in prison and/or a \$10,000 fine. Possession of child pornography is a Class IIIA felony punishable by up to five years in prison and/or a \$10,000 fine, and manufacturing child pornography is a Class III felony punishable by up to 20 years in prison and/or a \$25,000 fine.

Myers’ bond has been set at \$50,000 on each count for a total of \$450,000.

Radio actualities are available at: http://www.ago.state.ne.us/content/sound_bits.html.

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JON BRUNING
ATTORNEY GENERAL

MEDIA ADVISORY
July 6, 2004, 3:00 p.m. CT

CONTACT:
Regan Anson, 402-471-2067

*****MEDIA ADVISORY*****

**Attorney General Bruning to Hold News
Conference at 10:30 a.m. CT TOMORROW**

Attorney General Jon Bruning will hold a news conference at 10:30 a.m. CT tomorrow, Wednesday, July 7 in Room 2115 at the State Capitol in Lincoln.

For a live audio feed, dial 866-247-0709 and code 402-471-2682 at the prompt.

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JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
July 2, 2004, 4:45 p.m. CT

CONTACT: Regan Anson
402-471-2067

*****NEWS RELEASE*****

**Attorney General Bruning Announces Consumer
Protection Information Booth at Platte County Fair**

(Lincoln, Neb.) Attorney General Jon Bruning today announced that the Consumer Protection Division of the Nebraska Attorney General's Office will have an information booth at the Platte County Fair July 7-11.

Representatives from the division will be on hand to answer questions and distribute information on a variety of topics from shopping securely on the Internet to identity theft.

Attorney General Bruning said, "This office is in the business of protecting Nebraskans, and educating people about consumer fraud is the best way to prevent them from becoming victims. The Platte County Fair offers a great opportunity for Nebraskans to stop by the consumer protection booth and brush-up on some important tips that can save them a lot of money and, in some cases, a lot of hassle."

For additional information, visit the Consumer Protection Division's Web site at www.ago.state.ne.us or call 402-471-2682 or 800-727-6432. En Espanol, 402-471-3891 or llanada gratis, 888-850-7555.

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JON BRUNING
ATTORNEY GENERAL

MEDIA ADVISORY
July 1, 2004, 9:30 a.m. CT

CONTACT: Regan Anson
402-471-2067

*****MEDIA ADVISORY*****

**Attorney General Bruning Announces Start
of Communications Director**

Attorney General Jon Bruning today announced that Regan Anson has started her duties as communications director in the Attorney General's office.

Media inquiries can be directed to Anson at 402-471-2067 (office), 402-416-7539 (cell) 402-471-3297 (fax) or ranson@notes.state.ne.us.

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