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## The Louisville Accident Lawyer Journal

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We gladly accept  
and appreciate  
your referrals

- We are counselors, not just attorneys
- We meet with our clients personally - not caseworkers
- We want you to understand how the legal system works as it applies to your case
- We will keep you informed and guide you every step of the way

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## Who is "Ask Gary," Anyway?

What a crazy news cycle it's been lately. More U of L scandals, NFL protests, hurricanes, and now the terrible Las Vegas shootings.

I don't know about you, but I'm weary of these stories. There is nothing I can say about any of these things that won't be said in countless other places.

So I'm going to stick with what I know. Hopefully that's why you like this newsletter. And that's why I'm going to write about what I planned to write about, which is to answer this burning question:

Who is "Ask Gary," anyway?!!

You know, the "1-800-ASK-GARY" commercials you see on TV a gazillion times a day.

My wife didn't even know who "Ask Gary" is. She, like many people in Louisville who have been around awhile, assumed for years that "Ask Gary" was the Becker Law Office, because of its name-sake, Gary Becker.

For those of you who don't know who Gary Becker is, either, Gary



"Ask Gary's" home

Becker moved from Tell City, Indiana to Louisville in 1985 when he opened the Becker Law Office. He was the first attorney in Louisville to go "all in" with television advertising. His tanning-bed visage was all over the TV set when I moved to Louisville in 1988. According to his firm's website, Gary retired in 2005 and now splits his time between Louisville and Southern California. Of course, his firm's television presence remains strong through his protégé, Kevin Renfro, he of the always-loosened necktie.

So, for the record, "Ask Gary" is NOT the Becker Law Office. I am sure the Becker Law Office has benefited a lot from "Ask Gary's" commercials over the years, but they are not affiliated as far as I know.

Which brings me back to our question: Who is "Ask Gary," anyway?

Well, "Gary" is Gary Kompothecras, a Florida chiropractor. He is one of the wealthiest men in that entire state, thanks to his television commercials. He lives in one of the most expensive homes in Siesta Key, Florida, which is worth a reported [\\$12,613,900](#). He even funded the pilot for the MTV reality show, "[Siesta Key](#)." According to that show's [website](#), his son, Alex, is "the King of Siesta Key. He's known for his over the top parties and playboy lifestyle."

"Ask Gary" certainly has his detractors. His businesses have been sued by State Farm for [insurance fraud](#), and the [Florida bar](#) has considered taking action against him. But as far as I can tell, none of these efforts have succeeded in slowing him down. This isn't surprising. "Ask Gary" is a big political donor, and he undoubtedly has an army of his own lawyers.

It just goes to show you that once you become wealthy enough, you can afford enough lawyers to defend your empire. And that does remind me of some other folks who have been in the news lately. -BDH

## Why a Newsletter?

We hope you will find this newsletter to be entertaining and informative. We thought it would be a great way to stay in touch with people who have had a relationship with our firm. We care about the people we have helped and we want you to know that our relationship with you is very valuable to us, even if your case is over.

The reason you are receiving this newsletter is because you are an existing or past client of our firm, or you have contacted us about prospective representation. For this reason, this newsletter is not considered to be an "advertisement" under Kentucky Supreme Court Rule 3.130-7.02 (1)(h). (But this doesn't mean you can't give it to someone you

know!)

We hope to share a little more about who we are and what we do, and not just in our law practice. We would love to hear from you if you like our newsletter!

Our best to all of you!

Brad Harville Dana Skaggs

# Current Trends in Personal Injury Law

BRADLEY D. HARVILLE LAW OFFICES PLLC

## 20 Questions about Kentucky No-Fault

The key to understanding how the legal and medical system works in personal injury cases resulting from motor vehicle accidents in Kentucky.

Sooner or later you may face the difficult task of putting your aging parent in a nursing home. My wife and I have been through that experience with her father and my mother, both of whom suffered from dementia in their old age. Admitting your loved one into a nursing home involves signing about as much paperwork as taking out a mortgage on your home. Typically you will also be asked to provide a living will and a power of attorney giving you the right to sign on your parent's behalf.

Among the documents you will probably be asked to sign is an

Arbitration Agreement, which says that if you have a claim against the nursing home on behalf of your loved one, you give up the right to sue the nursing home in court and must instead agree to submit the claim to arbitration. Well, don't be surprised that if your parent is the victim of nursing home neglect, and you hire an attorney to sue the nursing home, you will see that Arbitration Agreement thrown right back in your face, along with a motion to dismiss your lawsuit.

That was exactly the situation in [Genesis Healthcare v. Stevens](#), a case that was just decided by the

Kentucky Court of Appeals on September 22, 2017. However, the Court in that case held that a general power of attorney involving financial and healthcare decisions did not authorize the person holding the power of attorney to enter into an arbitration agreement. Therefore, the Court of Appeals upheld the decision of the trial court in denying the nursing home's motion to dismiss.

The Genesis opinion is not final and could be appealed to the Ky. Supreme Court. However, the opinion appears sound and I expect it to stand.



Casey's Kentucky Trivia Question:  
Who is the only First Lady of the United States born in Kentucky?

- A. Margaret Taylor
- B. Sarah Childress Polk
- C. Mary Todd Lincoln
- D. Melania Trump

Be the first person to answer correctly by sending an e-mail to [bdh@harvillelaw.com](mailto:bdh@harvillelaw.com) and we'll mail you a \$5 Starbucks gift card!



Addilyn

## Advice Column - Car Safety Month

October is Car Safety Month!

From [Be Car Care Aware](#), here are some vehicle maintenance safety tips:

- Check all fluids, including engine oil, power steering, brake and transmission, windshield washer solvent and antifreeze/coolant.
- Check the hoses and belts to make sure they are not cracked, brittle, frayed, loose or showing signs of excessive wear.
- Check the battery and replace if necessary. Make sure the connection is clean, tight and corrosion-free.
- Check the brake system annually and have the brake linings, rotors and drums inspected at each oil change.
- Inspect the exhaust system for leaks, damage and broken supports or hangers if there is an unusual noise.
- Schedule a tune-up to help the engine deliver the best balance of power and fuel economy and produce lower emissions.
- Check the heating, ventilating and air conditioning (HVAC) system as proper heating and

cooling performance is critical for interior comfort and safety reasons such as defrosting.

- Inspect the steering and suspension system annually including shock absorbers, struts and chassis parts such as ball joints, tie rod ends and other related components.
- Check the tires, including tire pressure and tread. Uneven wear indicates a need for wheel alignment. Tires should also be checked for bulges and bald spots.

## Favorite Pet of the Month

Addilyn is a 2 year old Jack Russell Terrier mix. She is a sweetheart and gets along great with other dogs, big and small. This loving dog is spayed and ready to meet her forever family!

If you want to add a pet to your family, may we suggest [Barktown Rescue?](#)

Dana Skaggs serves on the Board of Directors.

Brad and his family love pets, too!

If you want to tell us about your pet(s), send an e-mail to [bdh@harvillelaw.com](mailto:bdh@harvillelaw.com) with a photo and we'll try to put this in a future issue!

# Elder Care and Medicaid Coverage

Since I've already written one article about nursing homes in this issue, I thought I'd add another one about Medicaid. If you have an aging parent, this is stuff you should know. Again, I've been there.



First of all, what is Medicaid? Medicaid Long Term Care is a jointly funded state and federal insurance program for low income seniors and disabled individuals. It provides medical care and non-medical support services. If a senior is financially and medically qualified, Medicaid will pay for nearly all of his or her long-term care. What do you need to know about Medicaid?

Well, if you have an aging parent, and you are concerned that your aging parent may eventually require long-term care in a nursing home, the first thing you need to do is dispose of all assets held by your parent in his or her name. This is because Medicaid has a 5-year "look-back" period. If there are any transfers of assets within 5 years, the penalty is that the aged parent will be ineligible for Medicaid for a certain period of time.

I'm not an elder law attorney, so I can really only share my own experience with my mother. She came down with Alzheimer's in 2007. Shortly thereafter I transferred her home to myself and my brother and sister as tenants in common. She went into private pay assisted living and nursing homes over the next 5-6 years. Fortunately, her retire-

ment income, combined with the rental income from her home, managed to cover most of the cost of her care, which was over \$4,000 per month. Finally, for the last year of her life, she was admitted to a Medicaid facility. Because the 5-year look-back period had passed, her home was safe from Medicaid recovery. However, I did have to consult with an elder law attorney to set up a special account for her retirement income, which still had to pay for a portion of her care.

If you are faced with this situation, you should seek counsel with an elder law attorney as promptly as possible. Again, that's not me, but I know at least 2 or 3 elder law attorneys who are excellent. Please call me if I can be of any help.

## Stupid-Easy Recipe of the Month

*Have fun with your Halloween candy!*

### Mini Bat Treats

Here's a great Halloween treat idea. You might even be able to use some of the candy from your trick-or-treater's haul!

#### Ingredients:

- Miniature Reese's Cups
- Thin Oreo Sandwich Cookies
- Tube of white frosting
- Edible eyes (check the baking aisle)

#### Instructions:

- Remove the wrappers from the

Reese's cups.

- Break cookies in half and separate all of the pieces from one another so you have 4 "bat wings". Scrape off the frosting and discard (or eat!)
- Squeeze frosting onto the back corners of the broken cookie pieces.
- Press one cookie piece on the left of the Reese's cup and another cookie piece on the right of the Reese's cup.
- Squeeze frosting on the back of the edible eyes and secure on top of the center of the Reese's cup.

Enjoy!



## Colorfest at Bernheim Forest

I love Bernheim Forest. Mary and I don't go there as often as we used to, now that the Parklands at Floyd's Fork is just 10 minutes from our home. But we hiked all over Bernheim Forest when our sons were growing up. It is just lovely.

Of course, Bernheim Forest is at its prettiest when the fall colors are at their peak. It is always tricky to tell when the "peak weekend" will arrive, because the weather



and rainfall are always factors. But this year, the folks at Bernheim are betting that it will be on October 21 and 22, when it is having its annual Colorfest event. There are lots of activities for adults and children alike, and the cost is only \$10 per car for nonmembers.

Check out the details at:

[bernheim.org/eventcolorfest2017-10-21/](http://bernheim.org/eventcolorfest2017-10-21/)



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**We want to help you secure the best possible outcome out of a difficult situation that you wish had never happened. If you have been injured, our goal is to obtain maximum recovery in the shortest amount of time it takes to get your case resolved.**



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## Kentucky's Graduated Licensing Program

When I turned 16, you got your learner's permit, waited 6 months, took your driver's license test, and got your license. That was it.

Well, 1976 was a long time ago. And for a young person just turning 16 - like Dana's oldest son, Scott - the road (no pun intended) to getting your full driver's license is a lot more complicated. Both of my sons had to go through this process, and it was confusing.

So here's the drill: First, like in 1976, you have to go to the driver's licensing office and take your learner's permit test. In Louisville, this means a trip to the Driver's License Division at Bowman Field. This place is a zoo. The lines are long and crowded. If you pass the permit test, then you get to go through the line again.

That's when it gets tricky. For the next 6 months, your permit holder is supposed to keep a driver's log that he or she has completed 60 hours of driving, 10 hours at night. Moms and Dads, good luck with getting your 16-year-olds to complete this on their own (wink, wink).

Here's the best tip I can offer to any parent whose teen has just gotten his or her learner's permit: Pay for your teen to attend a driving school.

It is worth it. Both of my sons went to Green Light Driving School in Middletown.

Once my sons' 6 months was up, Green Light took them to Bowman Field before it opened to take their driving tests with the examiners, and both of them passed. I don't know what sort of arrangement they have with the driving examiners, and I don't care (wink, wink again). All I know is that each of my boys got his license on the first try, and I didn't have to deal with it. Plus, driving school should give you a discount on their insurance, and make your teen a safer driver.

OK, they've got their license, now what?



Well, unlike 1976, you don't get a "full" license, you get an "intermediate" license. This is a funky looking thing that is vertical instead of horizontal and has an orange sticker on it to show that it's not a full license. Young drivers with intermediate licenses are not allowed to drive between midnight and 6 am, and cannot drive with more than 1 unrelated person under the age of 20 in the car. Got it?

Once your young driver turns 18, and has had his or her license for at least 6 months, he or she can get their full license. But there's a catch here, too. The county clerk doesn't send a postcard to let your young driver know when they are eligible for their full license. Your 18-year-old is supposed to figure that out. My youngest son and I learned this the hard way when he was about to board a flight the next day and we discovered his intermediate license had expired. Yikes!

For full details, check out <https://drive.ky.gov/driver-licensing/Pages/Graduated-Driver-Licensing-Program.aspx>.