



Lexington-Fayette Urban County Government  
DEPARTMENT OF LAW

Jim Gray  
Mayor

Janet M. Graham  
Commissioner

**MEMORANDUM**

**To:** Mayor Jim Gray  
Members, Urban County Council

**From:** Department of Law

**Date:** March 9, 2012

**Subject:** County Clerk Performance Bond


This request is for approval of Constitutional Officer Performance Bond for the following:

County Clerk            Donald W. Blevins, Jr.            \$400,000

This request is pursuant to 1996 House Bill – 48 of the Kentucky Revised Statutes that requires the Council approval of Constitutional Officers Performance Bonds aforementioned KRS 67.712(2).

The following items are attached:

1. Copy of the Performance Bond
2. Copy of Ordinance No. 113.98 - Section 22-55.1 (6)

  
Janet M. Graham, Commissioner

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**Donald W. Blevins**

**Clerk of Fayette County**

January 31, 2012


The attached invoice for Public Official Bond #4-090-270-1 was paid by our office on January 24, 2012.

  
\_\_\_\_\_

Donald W. Blevins

1/31/2012

Date

  
\_\_\_\_\_

Witness

1/31/12

Date

162 East Main St. • Lexington, KY 40507 • 859 / 253-3344

Fax 859 / 231-9619

**Blue Grass Insurance Agency, Inc.**

2560 Richmond Road  
Suite 200  
Lexington, KY 40509  
859.543.0050

**Invoice**

Client:	Donald W Blevins JR
Account:	5106
Date:	12/22/2011
By:	Scott Pippen
For:	Carrie Kendrick
Page:	1 of 1

Donald W Blevins JR  
Fayette County Clerk  
162 East Main Street  
Lexington, KY 40507

Invoice Number:	79868
Invoice Amount:	885.66
Payment for:	Invoice #79868
4090270-1	

Thank you

Please detach and return with payment

Client: Donald W Blevins JR

Invoice	Invoice	Description	Description	Amount
79868	01/01/2012	Renew policy	Policy #4090270-1 01/01/2012-01/01/2013 Ohio Casualty Ins Co Bonds - Fayette County Clerk bond Ky Surcharge Tax	870.00 15.66
				885.66

Thank you

**Blue Grass Insurance Agency, Inc.**  
859.543.0050

Date: 12/22/2011



# The Ohio Casualty Insurance Company

BOND

No. 4-090-270-1

**KNOW ALL MEN BY THESE PRESENTS:**

That we Donald W. Blevins, Jr. of 2077 Fallon Road, Lexington, KY 40504, as Principal

(Insert Full Name [top line] and Address [bottom line] of Principal)

and The Ohio Casualty Insurance Company, a corporation organized and existing under the laws of the State of Ohio, (hereinafter called the Surety), are held and firmly bound unto Commonwealth of Kentucky for the Use & Benefit of Fayette County Fiscal

Court, 167 West Main Street, Lexington, KY 40507

(Insert Full Name [top line] and Address [bottom line] of Obligee)

in the aggregate and non-cumulative penal sum of Four Hundred Thousand and No/100

(\$ 400,000.00)

DOLLARS, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents

SIGNED, SEALED and DATED January 1, 2011

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That Whereas, the said Principal has been elected or appointed to (or holds by operation of law) the office of County Clerk

for a term beginning on 1/1/11 and ending on 1/1/15

NOW, THEREFORE, If the said Principal shall well, truly and faithfully perform all official duties required by law of such official during the term aforesaid, then this obligation shall be void: otherwise to remain in full force and effect.

**THIS BOND is executed by the Surety upon the following express conditions**

First: That the Surety may, if it shall so elect, cancel this bond by giving thirty (30) days notice in writing to County Judge Executive of Fayette County Fiscal Court and this bond shall be deemed canceled at the expiration of said thirty (30) days, the Surety remaining liable, however, subject to all the terms, conditions and provisions of this bond, for any act or acts covered by this bond which may have been committed by the Principal up to the date of such cancelation; and the Surety shall, upon surrender of this bond and its release from all liability hereunder, refund the premium paid, less a pro rate part thereof for the time this bond shall have been in force.

Second: That the Surety shall not be liable hereunder for the loss of any public moneys or funds occurring through or resulting from the failure of, or default in payment by, any banks or depositories in which any public moneys or funds have been deposited, or may be deposited, or placed to the credit, or under the control of the Principal, whether or not such banks or depositories were or may be selected or designated by the Principal or by other persons; or by reason of the allowance to, or acceptance by the Principal of any interest on said public moneys or funds, any law, decision, ordinance or statute to the contrary notwithstanding

Third: That the Surety shall not be liable for any loss or losses, resulting from the failure of the Principal to collect any taxes, licenses, levies, assessments, etc., with the collection of which he may be chargeable by reason of his election or appointment as aforesaid.

By:   
Donald W. Blevins, Jr.  
THE OHIO CASUALTY INSURANCE COMPANY

By:   
Katie M. Stevens Attorney-in-fact

OATH OF OFFICE

STATE OF Kentucky }  
County of Fayette } SS

I, Donald W. Blevins, Jr.

, do solemnly swear (or affirm) that I will support, protect and defend the Constitution of The United States and the Constitution of the State of \_\_\_\_\_ and that I will discharge the duties of my office of **County Clerk**

with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this State, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office than the compensation allowed by law. So help me God.



\_\_\_\_\_  
Donald W. Blevins, Jr.

Sworn to and subscribed before me this 23rd day of February, 2011  
Frances Lester, D.C.

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

CERTIFIED COPY OF POWER OF ATTORNEY  
THE OHIO CASUALTY INSURANCE COMPANY  
WEST AMERICAN INSURANCE COMPANY

No. 42-582

Know All Men by These Presents: That THE OHIO CASUALTY INSURANCE COMPANY, an Ohio Corporation, and WEST AMERICAN INSURANCE COMPANY, an Indiana Corporation, pursuant to the authority granted by Article III, Section 9 of the Code of Regulations and By-Laws of The Ohio Casualty Insurance Company and West American Insurance Company, do hereby nominate, constitute and appoint: Thomas H. Thompson, Paul O. Chapman, David Morgan, Sr., Judy L. Harvey, Kathy L. Wyman, Katie M. Stevens or Christopher T. Parrish of Louisville, Kentucky its true and lawful agent (s) and attorney (s)-in-fact, to make, execute, seal and deliver for and on its behalf as surety, and as its act and deed any and all BONDS, UNDERTAKINGS, and RECOGNIZANCES, not exceeding in any single instance FIFTY MILLION (\$50,000,000.00) DOLLARS, excluding, however, any bond(s) or undertaking(s) guaranteeing the payment of notes and interest thereon

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Companies at their administrative offices in Fairfield, Ohio, in their own proper persons.

The authority granted hereunder supersedes any previous authority heretofore granted the above named attorney(s)-in-fact.

In WITNESS WHEREOF, the undersigned officer of the said The Ohio Casualty Insurance Company and West American Insurance Company has hereunto subscribed his name and affixed the Corporate Seal of each Company this 1st day of July, 2009.



*J. Timothy D'Errico*

J. Timothy D'Errico, Assistant Secretary

STATE OF OHIO,  
COUNTY OF BUTLER

On this 1st day of July, 2009 before the subscriber, a Notary Public of the State of Ohio, in and for the County of Butler, duly commissioned and qualified, came J. Timothy D'Errico, Assistant Secretary of THE OHIO CASUALTY INSURANCE COMPANY and WEST AMERICAN INSURANCE COMPANY, to me personally known to be the individual and officer described in, and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn deposes and says that he is the officer of the Companies aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and the said Corporate Seals and his signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at the City of Hamilton, State of Ohio, the day and year first above written.



*Cheryl S. Gregory*

Notary Public in and for County of Butler, State of Ohio  
My Commission expires August 5, 2012.

This power of attorney is granted under and by authority of Article III, Section 9 of the Code of Regulations and By-Laws of The Ohio Casualty Insurance Company and West American Insurance Company, extracts from which read:

Article III, Section 9. Appointment of Attorneys-in-Fact. The Chairman of the Board, the President, any Vice-President, the Secretary or any Assistant Secretary of the corporation shall be and is hereby vested with full power and authority to appoint attorneys-in-fact for the purpose of signing the name of the corporation as surety to, and to execute, attach the seal of the corporation to, acknowledge and deliver any and all bonds, recognizances, stipulations, undertakings or other instruments of suretyship and policies of insurance to be given in favor of any individual, firm, corporation, partnership, limited liability company or other entity, or the official representative thereof, or to any county or state, or any official board or boards of any county or state, or the United States of America or any agency thereof, or to any other political subdivision thereof

This instrument is signed and sealed as authorized by the following resolution adopted by the Boards of Directors of the Companies on October 21, 2004:

**RESOLVED**, That the signature of any officer of the Company authorized under Article III, Section 9 of its Code of Regulations and By-laws and the Company seal may be affixed by facsimile to any power of attorney or copy thereof issued on behalf of the Company to make, execute, seal and deliver for and on its behalf as surety any and all bonds, undertakings or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment. Such signatures and seal are hereby adopted by the Company as original signatures and seal and shall, with respect to any bond, undertaking or other written obligations in the nature thereof to which it is attached, be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATE

I, the undersigned Assistant Secretary of The Ohio Casualty Insurance Company and West American Insurance Company, do hereby certify that the foregoing power of attorney, the referenced By-Laws of the Companies and the above resolution of their Boards of Directors are true and correct copies and are in full force and effect on this date.

IN WITNESS WHEREOF, I have hereunto set my hand and the seals of the Companies this 1st day of January, 2011



*Mark E. Schmidt*

Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

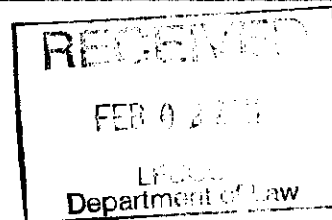
To confirm the validity of this Power of Attorney call 1-513-867-3671 between 9:00 am and 4:30 pm EST on any business day.



**Donald W. Blevins**

**Clerk of Fayette County**

January 31, 2012



Jeanne Humston, Claims Administration  
LFUCG Department of Risk Management  
200 East Main St.  
Lexington, KY 40507

Re: Public Official Bond

Dear Jeanne,

Enclosed is a copy of the invoice for the County Clerk's Public Official Bond premium. The bond is issued for a period of four years (January 1, 2011 to January 1, 2015). We are billed annually for this coverage, and we have paid the second year premium of \$885.66. An affidavit stating as such is enclosed. We are submitting this for reimbursement.

Also, please forward the enclosed copy of the Public Official Bond to the Law Department. It will need to be accepted and approved by the Urban County Council.

Thank you for your assistance. If you have any questions, please contact me at 253-8324.

Sincerely,

A handwritten signature in cursive script that reads "Frances Lester".

Frances Lester