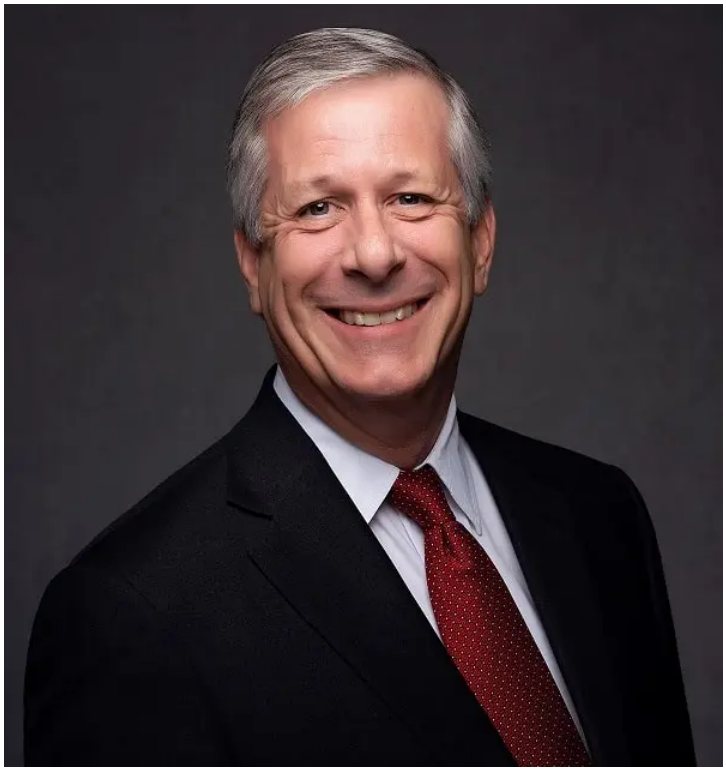
English Lucas Priest & Owsley, LLP



D. Gaines Penn

Partner

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Overview

In nearly 30 years of practicing law in Bowling Green, Gaines Penn has watched businesses grow and flourish. He's watched entire projects, such as the Kentucky Inter-modal Transpark, come to life, bringing hundreds of jobs to the area. He considers it an honor to have a role in helping to make some of that happen.

He serves as General Counsel to the Bowling Green Area Chamber of Commerce and to the Transpark, and has assisted many businesses with a wide range of issues, including employment law, health care law, and corporate matters.

In his work as an employment attorney, Gaines advises employers on a wide range of employment issues, including personnel policies, investigations of complaints and misconduct, wage and hour processes, terminations, restrictive covenants, social media, and employment agreements. He enjoys working

PRACTICE AREAS

- Business Formation & Planning
- Corporate Law
- Employment Law
- Health Care Law
- Workers' Compensation
- Public Finance

with employers to help them understand their obligations under federal and state law, avoid litigation, and find inventive solutions to problems arising in the workplace. “Employers largely want to do right by their employees and want to follow the law,” Gaines says. “I enjoy helping them be proactive by reviewing handbooks, discussing scenarios and assisting them as they handle tough situations. The best resolution for any employment-related dispute is to avoid litigation, but I can handle those cases if necessary.”

When employment lawsuits do go forward, they often start with an agency claim, and Gaines has helped numerous employers obtain dismissals of claims brought before the Equal Employment Opportunity Commission and the Kentucky Commission on Human Rights. In court, he has defended large and small employers in lawsuits alleging harassment, discrimination, leave of absence violations and wrongful termination.

Gaines also works extensively with medical care providers. He spends a considerable amount of time drafting and negotiating contracts for health care providers and advising them on regulatory issues. He works with healthcare providers on supply contracts, human resources issues, and regulatory issues. He has experience helping healthcare providers recover incentive payments from Medicaid for meeting meaningful use requirements, addressing Stark Law complaints, which center around alleged fraud and abuse issues, and physician contracts.

As part of his general business practice, Gaines has worked with many of the manufacturers connected to the automotive industry that call South Central Kentucky home. He has worked with many of these businesses negotiating their supply and purchase agreements. Recently, Gaines successfully resolved a dispute for an automotive manufacturing client to recover recall expenses from a supplier who supplied defective parts. He has also assisted these businesses with zoning and expansion issues as they have grown, and, conversely, worked with them through lean times when they needed to downsize. He works with them to protect their confidential information and trade secrets. Gaines assists with companies’ employment agreements, non-compete agreements, severance agreements, and independent contractor agreements. He also serves as counsel to businesses that need assistance handling OSHA regulations. “Our firm is well-situated to handle a wide variety of legal issues, and is probably one of the few firms in

Southcentral Kentucky that can assist with protecting trade secrets and confidential information," Gaines says. "This is absolutely crucial for manufacturers, who are in a highly competitive environment."

Gaines has served important roles in the local community, including as Chair of the Bowling Green Area Chamber Board of Directors, as Chair of the Bowling Green Area Economic Development Authority, and Chair of the Warren County Industrial Development Authority Board. Through these volunteer efforts, Gaines has come to know many business owners and leaders, who seek legal counsel on a number of issues. "Our city has thrived in the past several decades," Gaines says. "We've seen many businesses choose to locate here, thanks to the central location of our city, the quality of life, and the readily available workforce. This is a great place to do business, and we're excited to be part of helping create a thriving economy in Southcentral Kentucky."

Credentials

Education

- University of Kentucky College of Law, J.D., 1987
- Centre College, B.A., 1984

Admission

- Kentucky, 1987
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Courts for the Eastern and Western Districts of Kentucky

Affiliations

- American and Kentucky bar associations
- Bowling Green-Warren County Bar Association, Past President
- Kentucky Academy of Hospital Attorneys
- Society for Human Resource Management, Senior Certified Professional, 2018
- American Health Lawyers Association
- Member, National Association of Bond Lawyers

Community Involvement

- Bowling Green Area Chamber of Commerce, Chair for 2012; Immediate Past Chair for 2013
- Bowling Green Area Economic Development Authority, Past Board Member and Past Chair
- Warren County Industrial Development Authority Board, Member, 2013
- Orchestra Kentucky, Board of Directors, 2018

- Leadership Kentucky graduate, 2018

Insights

News

- Join ELPO to learn what your business needs in an employee handbook
- Gaines Penn graduates from Leadership Kentucky
- Gaines Penn joins Orchestra Kentucky Board of Directors
- Gaines Penn to participate in Leadership Kentucky program
- Gaines Penn joins Kentucky Academy of Hospital Attorneys
- Gaines Penn named Chamber board volunteer of the year
- Gaines Penn's term as Chamber President draws to a close
- HR After Hours to explain Affordable Care Act
- Gaines Penn now Chairman of Bowling Green Chamber Board
- Gaines Penn speaks at groundbreaking for Transpark building
- Lane Report features Gaines Penn
- Gaines Penn to become managing parter in 2011