

Safe Seniors

Newsletter for the Prevention of Elder Abuse and Consumer Fraud in San Diego County

Elder Justice Highlighted at White House Conference

The national Elder Justice Coalition has praised the “significant and historic” actions on elder justice announced at the 2015 White House Conference on Aging on July 13.

In particular, the coalition singled out a new rule that will be issued by the end of 2015 dealing with the Victims of Crime Act. The Department of Justice will revise the Victims of Crime Act Victim Assistance guidelines to emphasize the need to use VOCA funds to support social and legal services to underserved victims, including elder victims of abuse, financial exploitation, fraud and neglect. This is especially significant since Congress just lifted the cap on spending under VOCA from \$700 million to \$2.3 billion.

Further, it was announced at the White House Conference that the Department of Justice will train elder abuse prosecutors in all 50 states to effectively prosecute elder abuse and financial exploitation and develop online training for law enforcement officers.

Additionally, the Centers for Medicare and Medicaid Services (CMS) will issue a proposed rule which according to the White House “will update for the first time in nearly 25 years the quality and safety requirements for the more than 15,000 nursing homes and skilled nursing facilities to improve quality of life, enhance person-centered care and services for residents in nursing homes, improve resident safety and bring these regulatory requirements into closer alignment with current professional standards.”

The National Institute of Health will convene a workshop on elder abuse this fall to review the science on understanding and preventing abuse, to examine screening tools to identify abuse victims, review interventions and research in related areas like child abuse and domestic violence that might inform research on elder abuse and focus on gaps and opportunities in this field. Further, the Department of Justice’s National Institute of Justice and its Elder Justice Initiative will fund a multiyear pilot project to evaluate means to both avoid and respond to elder mistreatment.

By the end of this year, the Consumer Financial Protection Bureau will release an advisory to help financial institutions prevent, recognize and report elder financial exploitation.

For more on the Elder Justice Coalition, visit: www.elderjusticecoalition.com.

Jury Duty, Warrant, FBI and IRS Scams Abound

Fraudsters have been particularly busy lately in San Diego County and throughout California. And many of them are downright nasty when they call.

The San Diego County Sheriff’s Department has been alerting seniors and others to Jury Duty and Warrant Scams. Statewide, there have been threatening calls made regarding the FBI or the IRS.

Here’s information from the Sheriff’s Department:

The Phone Call

Be aware of callers pretending to be Sheriff’s Department employees. To sound believable, they will use a real employee’s name or Sheriff’s Department telephone number that can be found online. They will also use Caller ID “spoofing,” which makes it appear as though the calls are coming from a Sheriff’s station, substation, facilities or court offices.

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Elder Law Aids Scammed Clients

By Carolyn Reilly, Esq., Director
Elder Law & Advocacy

Elder Law & Advocacy is a nonprofit organization that provides no-cost legal services to San Diego County residents as part of its services. Unfortunately, some clients who access our services are the victims of scams or fraud. Helping these clients recover any of their money is difficult and often not possible.

Here are some examples of issues faced by local seniors in San Diego County within the past six months:

An 84-year-old man was contacted by phone by “Mystery Shoppers.” He received a check for more than \$1,300, agreed to deposit it into his account and send back \$900. He was told the \$400 balance was his profit to keep. He did as requested, however, a few days later the “Mystery Shoppers” check bounced and he was liable to the bank for the full \$1,300, as well as the returned check bank fees.

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To Report Suspected Abuse,
Call: 1-800-510-2020

The Scare Tactic

The callers will try to intimidate you and as a scare tactic will say: "You failed to show up for jury duty. Pay up or you will be arrested!" or "You have a warrant out for your arrest. Pay up or you will end up in jail!"

The Hook

These scams play on your fears. You want to be a law-abiding citizen and you surely don't want to end up in jail, so in a panic, you end up giving personal information or money to diffuse the situation.

RED FLAG: Phone + Money = Scam.

If you receive a phone call and someone is asking for money, STOP!

It is a scam!

FACT: No employee of the Sheriff's Department will ever contact members of the public by telephone to demand money or any other form of payment. If you get this type of call, hang up IMMEDIATELY.

FACT: Outstanding warrants cannot be resolved over

the phone. Warrants can only be cleared through the court. People with outstanding warrants are encouraged to turn themselves in Monday through Friday during business hours at any one of the Sheriff's court facilities. For more information or to check if you have an outstanding warrant, visit www.sdsheriff.net/courts.

FACT: Confirm jury service by calling the Superior Court at (619) 450-5757, press 0 to talk to a person.

Similar to the Jury Duty and Warrant scams, seniors statewide have been receiving threatening calls from people claiming to represent the FBI or IRS.

The caller tries to frighten the victim into believing that he/she owes money and that if the senior wires the money to the caller, then the debt will be satisfied.

If you have received one of these FBI or IRS calls or know someone who has been targeted and there was a loss of money and/or loss of personal information (identity theft), contact your local law enforcement agency. If there was no loss of money, report the scam to the Federal Trade Commission (FTC): www.ftccomplaintassistant.gov.

An 81-year-old woman received a call in 2012 from "Mega Millions Opportunity" stating that she had won \$2.5 million and a Mercedes Benz. Over the past 2½ years, she paid more than \$38,000 in Money Grams through a major retail chain to cover what were characterized as taxes and fees. She never received any "prizes."

A 74-year-old woman received a call from someone stating that their company provides free medical equipment to Medicare beneficiaries, including knee braces, which she felt she needed. She gave her Medicare number to the caller but did not receive any equipment and is now waiting to see if there are any charges to her Medicare account related to the call.

A 79-year-old man was convinced by his daughter to permit the daughter's "new friend" to deposit a check into her father's account and then daughter would withdraw cash, essentially cashing the "new friend's" check. The check bounced. The bank took the money out of the father's account to cover both the bounced check and bank fees, leaving him with no money for living expenses.

A door-to-door solar system salesperson convinced a 69-year-old woman that her \$190 per month electric bill would be reduced substantially if she installed a solar system that could be financed at 0% interest. Ultimately, however, she was responsible for \$600 per month payments for the system at 16% interest, as stated in the contract.

An 85-year-old grandmother had her adult, mentally disabled granddaughter living with her. The granddaughter met someone on the bus who followed her home, took her grandmother's and her credit cards and used them without permission.

A 78-year-old man signed over his home and land as an investment to a person claiming to be a real estate broker. The "broker" stated that the home and land would be sold "to the state" quickly and at a significant profit of several hundred thousand dollars. The "broker" promised monthly returns of \$3,000 to \$4,000 per month, which were paid for six months. Then the payments stopped. After considerable time and expense to sue and win a judgment in court against the "broker," only \$800 has been collected so far.

What can you do to help yourself (or a loved one or friend) before you find yourself in a similar situation?

Ask questions: If something doesn't sound right, get the answers you need before making a move.

Read everything: Anything related to a transaction should be very clear to you. If you don't understand everything, don't sign anything.

Take your time: When you are about make a significant purchase, don't rush. Make sure you understand all of the risks and all of the details, especially if you plan to finance the purchase.

Do more research: Ask for the credentials of someone who asks to you to invest your money and check them. Ask for documentation about the investment product and financing, and do independent research to verify the documentation.

Talk to someone: Ask the opinion of a family member, friend or uninvolved advisor and consider it carefully before you act. If you suspect criminal activity, contact local law enforcement.

Keep your credit cards safe: Make sure no one has access to your credit cards but you.

Questions? Call Elder Law & Advocacy at (858) 565-1392.

Elder Abuse Bills in California Legislature

The State Legislature has finalized its measures for this year. Some bills have been sent to Gov. Jerry Brown for signature or veto or no response (which allows the bill to become law). Other bills died in the process. Here are some key elder abuse measures and their status:

AB 348 (Brown): (*Did not pass in the Legislature*) Would have required the State Department of Public Health (DPH) to complete complaint investigations initiated by nursing home staff in a more timely manner. The part of the bill dealing with timelines for public complaints had already been enacted through a separate budget bill, SB 75, which sets a 60-day timeline for completing investigations effective on July 1, 2018. AB 348 would have required the DPH to complete investigations of facility reports of abuse and neglect within the same timelines.

AB 927 (McCarty): Would revise California laws governing acquisition of nursing homes, strengthen suitability requirements for operators, and improve public disclosure on nursing home ownership. Is being co-



sponsored by the San Diego County District Attorney's Office. *Two-year bill that is on hold for this year; the supporters are working with other stakeholders and will bring the bill back next year.*

AB 1085 (Gatto): Current law provides all rights relating to the care of loved ones to spouses first. If a conflict exists between a new spouse and children from a first marriage, there exist few legal options when it comes to arranging for a visit or being provided information regarding the death of a beloved elder. AB 1085 will

help courts settle these matters. This measure makes clear to judges that they may either direct a conservator to enforce a conservatee's right to receive visitors and other communications, or direct a conservator to allow visits and communications from the outside. *Passed in the Legislature; signed into law by the Governor.*

SB 196 (Hancock): Authorizes a county adult protective services agency to file a petition for a protective order on behalf of an elder or dependent adult if the elder or dependent adult has been identified as lacking capacity and a conservatorship is being sought. *Passed the Legislature; now to the Governor.*

SB 352 (Block): If someone is convicted of elder abuse, the sentencing court can consider issuing an order restraining any contact with the victim for up to 10 years. The court should consider the seriousness of the facts, the probability of future violations and the safety of the victim. This bill was initiated by the San Diego County District Attorney's Office. *Passed the Legislature; now to the Governor.*

Elder Abuse Prosecutions District Attorney's Office

The District Attorney's Office had 53 adjudicated elder abuse cases over the past three months. Here are five cases:

Christian Scharr: Pled guilty to Willful Cruelty to an Elder/Dependent Adult. The defendant's 67-year-old grandmother was on the couch, holding a baby as the defendant screamed obscenities at her. The defendant's 65-year-old grandfather said he would call 911. The defendant got into his grandfather's face, knocked the phone out of the man's hand and threatened to beat him up. He pushed his grandfather into the chair and continued cussing at his grandmother, asking her what she was going to do about it. She went next door to ask her neighbors to call the police. The defendant fled the house, but returned later and began cussing at his grandmother again. This time, the police were called and he was taken into custody. He received a sentence of 365 days in jail and formal probation for 3 years.

Jason Henning: Pled guilty to Willful Cruelty to an Elder/Dependent Adult. The 68-year-old victim and the

defendant were evicted from their apartment. As they were moving, the defendant came out of the bathroom and slapped the victim twice in the face, spit on her and threw water in her face. She fell and the defendant kicked her twice. While she was on the ground, the defendant took a pillow and covered the victim's face saying, "good-bye mom." He received 365 days in custody, 3 years formal probation and residential drug treatment.

Malaika Brinson: Pled guilty to Willful Cruelty to an Elder/Dependent Adult. The 72-year-old victim was panhandling outside a 7-11 at midnight when he was approached by the female defendant who demanded his money. The victim refused so the defendant pushed him up against the building. The victim tried to leave, but the defendant pulled his walker away from him, then hit the man twice in the head with the walker. She picked up the victim's box of clothes and threw it at the victim striking him on the side of the head. She grabbed the walker again and swung it at the victim's head. The store clerk came out and pepper sprayed the defendant. Shortly thereafter, she was arrested. The defendant received 3 years in State Prison.



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Lucas Holmes: Pled guilty to robbery. The defendant responded to the 72-year-old victim's personal ad and agreed to meet at the victim's house. The defendant didn't show up right away and the victim fell asleep. The victim woke up to the defendant in his bedroom around midnight. The defendant hit the victim with a stun gun several times. The incapacitated victim was then placed in straps that bound his hands and feet. The defendant found the victim's wallet and took \$40 in cash and ATM cards, then threatened the victim who gave him the PIN number. Next, the defendant dragged the victim into the bathtub. Eventually, the victim got out of restraints and called 911. When he called his banks to cancel his credit cards, he learned that a \$600 withdrawal was made on his account. The defendant received 4 years in State Prison.

Shawn Mosleh: Pled guilty to Willful Cruelty to an Elder/Dependent Adult. The intoxicated defendant came home and was yelling at his 73-year-old mother and calling her names. He made a fist and put it close to her face after she tried to avoid him. He then told his mother that he was going to kill her, saying how she was going to die and about her being 73 years old. The victim went to her makeshift bed on the floor and the defendant walked over and kicked her in the back and then hit her in the head with a large copper pot. She called 911 after he passed out. The defendant received 4 years State Prison.

Evaluation Reports for Assisted Living Facilities Now on Website

Checking on the regulatory performance of assisted living facilities just got a lot easier. Community Care Licensing, the division of the Department of Social Services (DSS) that inspects assisted living facilities and responds to complaints, is now posting its facility evaluation reports on its Care Facility Search website. While it appears that only recent reports (since 4/15/2015) are available, current and prospective residents and their family members should benefit from this new information about facility performance. Prior to the posting of reports, people had to travel to DSS regional offices to review a facility's paper file. Here's the website: <https://secure.dss.ca.gov/CareFacilitySearch/>

Scam Prevention Event Set

County Supervisor Dianne Jacob is sponsoring a "Don't Get Hooked" scam prevention seminar from 10:30 a.m. to 1 p.m. on Wednesday, Sept. 23, at the Ronald Reagan Community Center, 195 E. Douglas Ave., El Cajon 92020. Hear from a couple of scam victims and learn how to avoid taking the bait. There will also be a talk by Paul Greenwood, head of the District Attorney's Elder Abuse Prosecution Unit. To register, call (844) 899-1597 and leave your name and phone number.