



ELDER JUSTICE

LUNCH & LEARN

AWARENESS, PREVENTION & INNOVATION IN THE AGE OF COVID-19

The logo features a stylized sunburst or fan-like graphic composed of several vertical lines in shades of orange, yellow, and grey, positioned above the text.

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Nicole Howell (Facilitator)

Executive Director

Ombudsman Services of Contra Costa, Solano, and Alameda

Welcome & Introductions



YOUR TOOLBOX...



Type in your question or comment



Connect with speakers and other participants using the chat



CLOSED CAPTIONING IS AVAILABLE



Enable captions by selecting the icon on your toolbar



ASL available via Zoom video feed





Mark your calendars for the **third Thursday of every month** from June 18, 2020, to May 20, 2021. Each session is scheduled from **12 to 1 PM** PST.

**December's webinar will be held on the second Thursday of the month, December 10th.*



Sponsor



KAISER
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CCoA
California Commission on Aging
Healthy and Purposeful Longevity
For All Californians



CLTCA
California Long-Term Care
Ombudsman Association



CALIFORNIA STATE ASSOCIATION OF
PA|PG|PC



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Paul Greenwood

Expert in Elder Abuse Investigation and Prosecution

Dissecting Elder Financial Exploitation: When it's not "Just a Civil Matter."



ONE OF THE MOST COMMON FRUSTRATIONS I HAVE HEARD...



AN ARTICLE IN FORBES MAGAZINE





Frustration For Families: Law Enforcement Isn't Pursuing Financial Elder Abusers

[Carolyn Rosenblatt](#)

Families are frustrated. When someone thinks a person is taking financial advantage of an aging parent, the public message is an urge to report to Adult Protective Services, or equivalent. APS, sometimes called by other names, is a local government entity tasked with investigating complaints about elder abuse. After I hear families describe their distress over the abuse itself, they complain of another frustration. No prosecution of the perpetrator happens.



CIVIL OR CRIMINAL?



HERE IS PART OF THE PROBLEM



SOME TIMES THE WRONG AGENCY IS MAKING THAT DETERMINATION



CONCLUDING THAT A SCENARIO IS CIVIL REQUIRES A LEGAL CONCLUSION



**AND A POLICE OFFICER IS
TYPICALLY NOT QUALIFIED TO
MAKE SUCH A
DETERMINATION**



**POLICE OFFICERS ARE TRAINED TO GATHER THE
EVIDENCE..**



**AND PROSECUTORS ARE TRAINED TO INTERPRET
THE EVIDENCE**



HOW DO WE GO ABOUT CHANGING POLICY...



THROUGH A MDT ENVIRONMENT



F.A.S.T.



AVOIDING COMMON MISCONCEPTIONS



BECAUSE THINGS ARE NOT ALWAYS HOW THEY FIRST APPEAR





**THERE ARE TIMES WHEN THE APPARENT
VOLUNTARINESS HAS BEEN DILUTED BY FRAUD,
UNDUE INFLUENCE OR BY EXPLOITING THE
MENTAL LIMITATIONS OF THE VICTIM**







IN ANOTHER SCENARIO...







Piano Rentals, Inc.
5680 La Jolla Blvd
La Jolla, CA 92037
(858) 459-4090

CONSIGNMENT AGREEMENT

This Agreement is made this 16 day of February 2011 between Charles, San Diego
(Owner)
Whose address is 2716 Melrose Ave, S.D. 92116 and Piano Rentals, Inc., a California Corporation ("PRI").

WHEREAS, Owner desires to sell his/her Piano, PRI is in the business of selling used Pianos and agrees to sell Owner's Piano at its Retail location.
NOW, THEREFORE, for good and valuable consideration the undersigned agree as follows:

1) CONSIGNMENT. PRI agrees to pick-up at Owner's home, that specific Piano referred to as grand 67 and listed in Exhibit "A" attached hereto and incorporated herein by this reference ("the Piano").
PRI agrees to hold the Piano, care for and maintain it in a similar condition as received. It is understood that title to the Piano shall at all times prior to sale to a customer of PRI remain with the Owner.

2) TITLE TO GOODS. The consigned goods shall remain the property of the Owner until sold to a customer of PRI, and title to a portion of the proceeds of the sales of such products shall vest in and belong to the Owner until accounted for and remitted to the Owner.





From: [redacted] [[mailto:\[redacted\]@pd.sandiego.gov](mailto:[redacted]@pd.sandiego.gov)]
Sent: Friday, May 24, 2013 3:36 PM
To: Joel Maguire
Subject: RE: question/report

Mr Maguire

This is all a civil issue and the police department would not be able to assist in the matter. This was a business transaction involving a contract and that all falls into the civil category.

Officer [redacted]
SDPD Northern Division





SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
CENTRAL DIVISION

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

v.

PETER SCHROEDER,
dob 10/08/39;
Defendant

CT No. CD258551
DA No. ADT702

COMPLAINT-FELONY

INFORMATION

Date: _____

COPY

PC296 DNA TEST STATUS SUMMARY

Defendant	DNA Testing Requirements
SCHROEDER, PETER	DNA sample required upon conviction

CHARGE SUMMARY

Count	Charge	Issue Type	Sentence Range	Special Allegations	Allegation Effect
1	PC368(d) SCHROEDER, PETER	Felony	2-3-4/\$10,000		
2	PC508 SCHROEDER, PETER	Felony	16-2-3		
3	PC368(d) SCHROEDER, PETER	Felony	2-3-4/\$10,000		
4	PC508 SCHROEDER, PETER	Felony	16-2-3		



AND IN AN UNLICENSED CONTRACTOR FRAUD CASE..



**THIS IS WHAT ONE
VICTIM WROTE..**





They continued to work for about a month after that but the work was very sporadic. I called him and complained. I spoke to both him and his wife Marisa. They kept making excuses and then they finally stopped coming and changed their phone numbers. I paid them most of the contract price....around \$26,000.

In addition, they rented a U-Haul to store my belongings in while they were working and now my belongings are missing....about \$11,000 worth. I called the police but they said it was a civil matter.



A COMMON MISCONCEPTION..



**WHERE THE SUSPECT HAS
POA - IT MUST THEREFORE BE
A CIVIL MATTER**



BUT A POA DOES NOT PROVIDE A LICENSE TO STEAL



WE MUST LOOK AT THE CIRCUMSTANCES SURROUNDING THE CREATION & EXECUTION OF THE POA



DID THE VICTIM HAVE THE ABILITY TO UNDERSTAND THE EFFECT OF THIS DOCUMENT?



HAS THE POA BEEN PROPERLY NOTARIZED AND/OR WITNESSED?



**WHAT ABOUT WHERE A THEFT
SCENARIO IS DISCOVERED
ONLY AFTER VICTIM'S DEATH...**



AND PROSECUTORS CAN FALL INTO SIMILAR MISCONCEPTIONS



**A 90 YEAR OLD WOMAN IN CALIFORNIA
FELL FOR A SCAM WHERE THE FEMALE
SUSPECT TOLD HER THAT SHE DID NOT
HAVE ENOUGH MONEY TO BURY HER
YOUNG SON..**



**THE POLICE DID A GREAT
INVESTIGATION & SUBMITTED
THE CASE TO THEIR LOCAL
PROSECUTOR'S OFFICE..**



AND THE DA'S RESPONSE..



“Simply getting ‘scammed’ by a smooth-talking person is no crime,” District Attorney’s Office spokesman [REDACTED] said in an email. “If money is freely/voluntarily given/donated/gifted, there is no theft. Unless an older person lacks the mental capacity to give consent or undue influence is used to obtain it, elders are free to make gifts or donations to anyone they choose.”



AS WE BRACE OURSELVES FOR MORE & MORE REPORTS OF ELDER FINANCIAL EXPLOITATION



**WE HAVE TO LEARN TO
ARGUE LACK OF CONSENT
MUCH MORE FORCEFULLY**



USING YOUR MDT RESOURCES







MY CONTACT INFORMATION:

pgreendda@gmail.com

858-386-6500



Q&A DISCUSSION



Type in your question or comment



Connect with speakers and other participants using the chat



REGISTRATION NOW OPEN!

JOIN US for Session #9 – February 18, 2021

**Adult Protective Services and Dependent Adults:
Sometimes it's Messy**



Chris Alire, Program Manager, APS, San Diego County Health and Human Services Agency

Chris Dubble, Assistant Director for Training, Temple University, Harrisburg

Christina Mills, Executive Director, California Foundation for Independent Living Centers

Kim Rutledge, Program Liaison, APS, California Department of Social Services





Thank you!

