

SHARON R. BOCK
Clerk & Comptroller
Palm Beach County

Monitoring & Prosecuting Guardianship Fraud in Ground Zero

National Adult Protective Services Association Conference
October 3, 2013



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National Adult Protective Services Association

Solving problems!

Sharing information!



Improving the quality of services!



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Greying of America

Silver Tsunami

2012

- 5.8 million over 85 y.o.
- 78.6 y.o. life expectancy
- 17% health care GDP

2050

- 19.0 million over 85 y.o.
- 100 y.o. life expectancy
- 33% health care GDP





National Prognosis

Prevalence of Alzheimer's type dementia

2012

- 5.4 million people
- Every 68 seconds
- \$203 billion cost

2050

- 13.8 million people
- Every 33 seconds
- \$1.2 trillion cost





Guardianship Impact

Adults Under Guardianship in the Nation

Estimated at 1.5 million adults ¹

Guardianship Assets at Risk for Exploitation

\$273,000,000,000 ²

Reasons

- Silver Tsunami
- Economic Downturn
- Surge in White Collar Crime
- Guardianship Laws

¹ Winsor Schmidt – Wards of the State: A National Study of Public Guardianship April 2005, page 4 and The National Center for State Courts

² Americans' Net Worth Falls Along With Stocks (The Wall Street Journal, September 18, 2010) – net worth at about \$182,000 per person





Sunny Palm Beach County

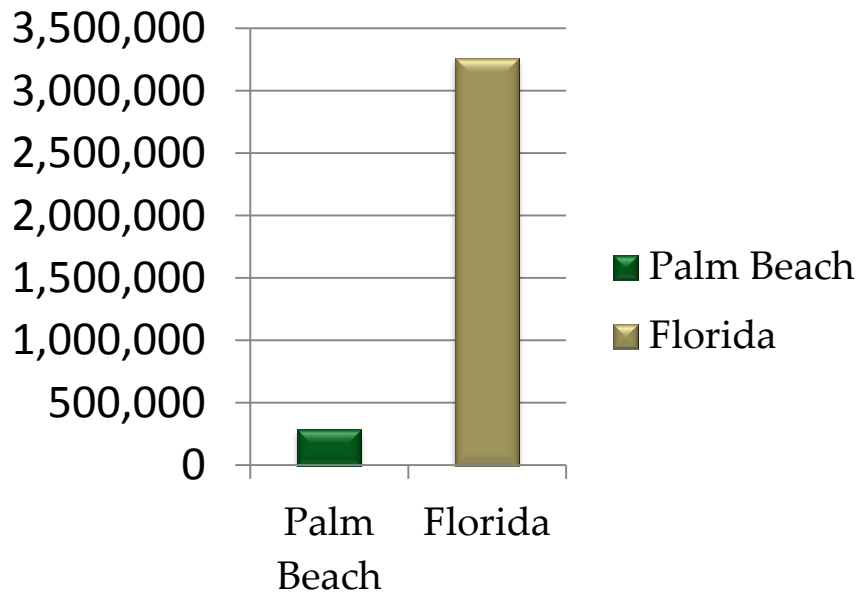


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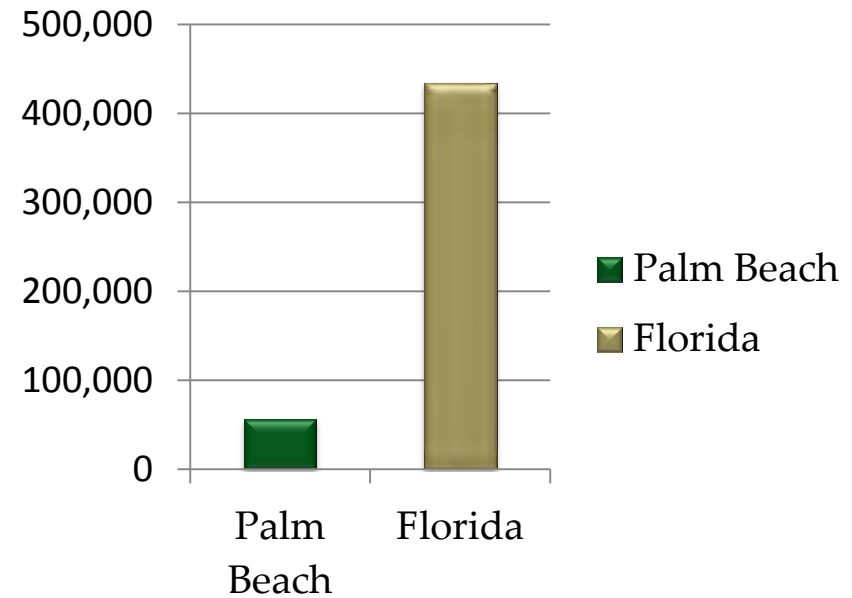


The Current Picture: Florida

65+ Senior Population



85+ Senior Population



Source: U.S. Census & Department of Elder Affairs

Palm Beach County has 99,849 people who are 80 and older – nearly the same number the City of West Palm Beach has residents. –*The Palm Beach Post*, May 5, 2011



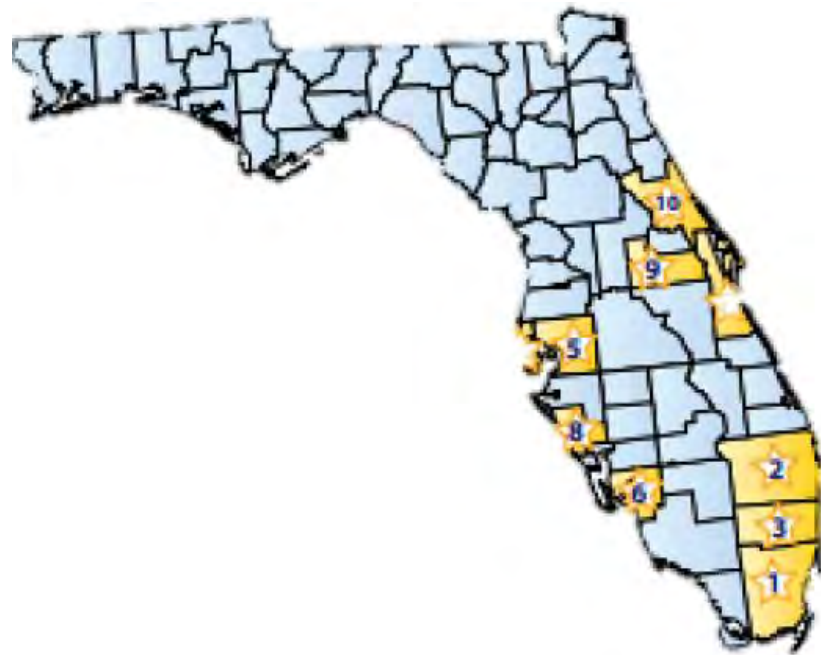
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The Current Picture: Florida

Top 10 Counties for Seniors

1. Miami-Dade
- 2. Palm Beach**
3. Broward
4. Pinellas
5. Hillsborough
6. Lee
7. Brevard
8. Sarasota
9. Orange
10. Volusia





The Current Picture: Florida

Prevalence of Alzheimer's Type Dementia

- Florida has 2nd highest total of patients in U.S.
- One in 40 people has Alzheimer's disease in Florida
- Two times the occurrence rate compared to U.S.



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Florida Silver Alert – Missing & Lost Elders

Palm Beach	14%	Volusia	5%
Broward	7%	Brevard	4%
Miami-Dade	7%	Sarasota	4%
Hillsborough	7%	Pasco	3%
Pinellas	5%	Polk	3%

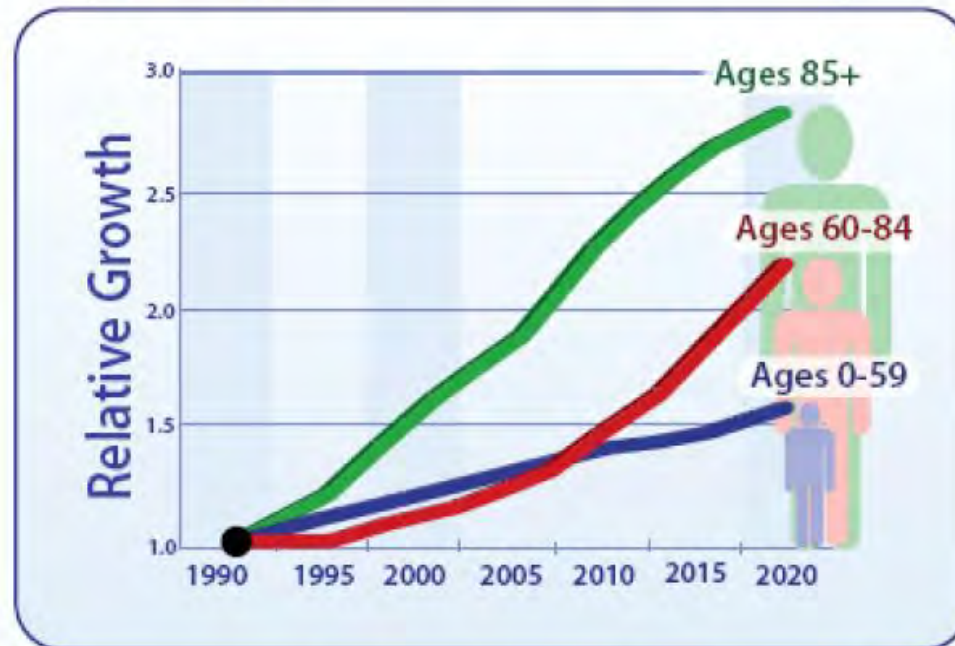


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The Future: Florida

Florida's Growth by Age Group 1990-2020



2007 Population by Age Group

Age 0-59	14,631,951
Age 60-84	3,734,595
Age 85+	459,127

2020 Population by Age Group

Age 0-59	16,897,436
Age 60-84	5,924,112
Age 85+	733,736





Clerk's Guardianship Authority



Section 744.368 (1989), Florida Statutes, states that the Clerk is required to...

*“Within 90 days after the filing of the initial or annual guardianship of the property...**shall audit the verified inventory or the annual accounting.***

*The Clerk shall **advise the court** of the results of the audit.”*



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Statutory Audits

Florida Guardianship Audit – Level 1

- ✓ Basic reviews / Statutory minimum
- ✓ High Level Reviews
- ✓ Ensure Reports are:
 - Timely
 - Complete
 - Accurate
- ✓ 100% are Audited

Level 1

STATUTORY AUDITS



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States Performing Mandatory Audits or Reviews – Level 1

✓ California

✓ Connecticut

✓ **Florida**

✓ Georgia

✓ Indiana

✓ Iowa

✓ Kansas

✓ Kentucky

✓ Massachusetts

✓ Michigan

✓ **Minnesota**

✓ Missouri

✓ Nevada

✓ New York

✓ Ohio

✓ Rhode Island

✓ **Tennessee**

✓ Texas

✓ West Virginia

✓ Wisconsin

Bold: Clerk



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Clerk's Enhanced Audits

THIRD PARTY VERIFICATION

- ✓ Bank Records
- ✓ Merchant/Professional/Service
- ✓ SSA / IRS / VA
- ✓ Public Records

INVESTIGATIONAL TECHNIQUES

- ✓ Interviews & Interrogations
- ✓ Motor Vehicles, Criminal, Credit
- ✓ Observation & Surveillance



ENHANCED AUDITS



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Definition of Enhanced Audits

LEVEL 2

- ✓ Narrower Scope (more focused)
- ✓ Examining specific transaction or type of expense

LEVEL 3

- ✓ Broader Scope (more detailed)
- ✓ All transactions for a specific period of time



ENHANCED AUDITS





Clerk's Inspector General Guardianship Fraud Program

- September 2011 Launch - Identified \$2.9 million
- Vast majority: Non-Professional Guardians
- Referrals to Law Enforcement
 - 2 cases (Fiscal Year 2011)
 - 6 cases (Fiscal Year 2012)
 - 5 cases (Fiscal Year 2013)



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The Worker's Comp Attorney

APPLICATION FOR APPOINTMENT AS GUARDIAN

29. Has applicant ever been discharged from employment? Yes___No_x.

If yes, please explain:

Under penalties of perjury, I declare that I have read the foregoing and that the facts alleged are true to the best of my knowledge and belief.



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The Worker's Comp Attorney

A Because I knew I was getting fired. The last time
t Mr. [REDACTED] called somebody into the office because he
d he wanted to meet with them was [REDACTED] who
d to work in the office next to me. She was immediately
ed.

The reputation always was if [REDACTED] comes [REDACTED]
[REDACTED] to see you, or he tells you to come
n, you are fired; you're out the door. At the party at
house, when he couldn't look me in the eye, I figured I
ld be fired on Monday.

Q So, the reason you deleted those files is because
believed you were being fired?

A I figured I was being fired, yes. So, delete





The Worker's Comp Attorney

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY,
FLORIDA

PROBATE/GUARDIANSHIP DIVISION

IN RE: GUARDIANSHIP OF
[REDACTED] WARD

CASE NO.: 50 [REDACTED] XXXX

FILED 19
2011 FEB 17 PM 1:11
SHARON R. BOCK, CLERK
PALM BEACH COUNTY
CIRCUIT PROBATE

PETITION FOR AN ORDER AUTHORIZING PAYMENT OF LEGAL
COMES NOW, [REDACTED], ESQ, the court appointed Guardian

In Re: Guardianship of [REDACTED]
Invoice for June 1, 2010 to September 1, 2010
Page 2 of 8

07/02/10	Travel to bank to deposit annuity check	0.8hr	\$125.00/hr	\$100.00
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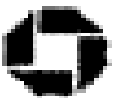
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The Worker's Comp Attorney



CHASE



Account Number Ending In: 3961
Checking Deposit \$5,350.48

Available Balance \$110,229.46
Present Balance \$110,229.46

Further review may result in delayed
availability of this deposit

.....

JPMorgan Chase Bank, N.A.

Dixie, Branch 741853

1-800-935-9935

Member FDIC Equal Housing Lender

Depository Receipt

07/02/2010 17:57

5:57 PM

Business Date 07/02/2010



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Dedicated Hotline Specializing in Guardianship Fraud

CLERK & COMPTROLLER
PALM BEACH COUNTY

SHARON R. BOCK
Clerk & Comptroller
Palm Beach County

Protect our most vulnerable citizens

REPORT FRAUD & WASTE
If you suspect someone of misusing a ward's finances or guardianship assets, report it!

**CLERK & COMPTROLLER'S
GUARDIANSHIP FRAUD HOTLINE**

- 561.355.FRAUD** (561.355.3728)
Calls are confidential
- www.mypalmbeachclerk.com/fraud
- fraud@mypalmbeachclerk.com
- Governmental Center**
301 N. Olive Ave, 9th floor, West Palm Beach

**Only
1 of 2
in the U.S.**



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Auntie's Wedding Dress

Confidential Caller to Guardianship Hotline

"My mother is spending his insurance money."

*"She went to David's Bridal and bought
24 wedding dresses."*

"She took the house too."

"It's wrong, plain wrong!"





Elder Financial Abuse By The Numbers

7,000,000

of Americans over 65 years old financially victimized

\$2,900,000

Annual losses by victims of elder financial abuse

1 in 44

Cases of elder financial abuse ever report

34% ↑

Elder abuse perpetrated by those in close proximity



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Prime Suspects: In close proximity

FAMILY

SUBSTANCE ABUSE, GAMBLING PROBLEMS,
FINANCIAL PROBLEMS, STAND TO INHERIT,
ENTITLEMENT, PREVENT OTHERS FROM ACQUIRING

PREDATORY INDIVIDUALS

PROFESS LOVE, SEEKING EMPLOYMENT AS A
CAREGIVER OR COMPANION CARE TO GAIN ACCESS
NEIGHBORS, DEATH ANNOUNCEMENTS

UNSCRUPULOUS PROFESSIONALS

OVERCHARGING FOR SERVICES OR PRODUCTS,
DECEPTIVE OR UNFAIR BUSINESS PRACTICES, USE
POSITION OF TRUST.

GUARDIANSHIP





ACCOUNTING OF GUARDIAN OF PROPERTY

GUARDIANSHIP OF [REDACTED]

From: April 1, 2011, Through: July 31, 2012

SCHEDULE--B DISBURSEMENTS

Date	Brief Description of Items	Income
11/14/11	Bank of America - See statements attached	\$3041.16





Gem of a Daughter

Bank of America



11/21	AVALON DISTRIBUTION	WINTER PARK FL	80.00
11/21	SOUTH FLORIDA FAIR	WEST PALM BEAFL	12.00
11/21	GOLDEN ENTERPRISES	ORLANDO FL	12.50
11/21	MARY [REDACTED] GLASS WORK [REDACTED]	FL	1,065.00
11/21	CUSTOM CREATIONS	561-3080064 FL	300.00
	24766263		
11/22	BUDS CHICKEN AND SEAFO	ROYAL PALM BEFL	6.88
11/22	LOWES #00654	ROYAL PALM BEFL	6.34



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Gem of a Daughter

AFFIDAVIT OF [REDACTED] OF

[REDACTED]

COUNTY OF PALM BEACH
STATE OF FLORIDA

BEFORE ME, the undersigned authority, duly authorized to take and administer oaths, personally appeared [REDACTED], as [REDACTED], who, after being first duly sworn, deposes and states:

1. This Affidavit is being given in connection with the Clerk & Comptroller's Request for Information regarding Mary [REDACTED] Creations.
2. On or about January 20, 2011 the sliding backdoor was broken and had to be replaced. A new door was ordered and replaced. The cost was \$1065 which was paid out of the wards account.



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Gem of a Daughter

West Palm Beach Art Show Sales Sheet

	7.50		
	7.50		
	6.00		
Winter Garden T-shirt	1.00		16.50
<hr/>			
			1.63

MARY [REDACTED] GLASS WORK
 POBOX [REDACTED] FL [REDACTED]
 (407) [REDACTED]
 11/20/2011 14:16:42
 Sale:
 Transaction # 5
 Card Type: Visa
 Ann: *****5255
 Entry: Swiped
 Total: 165.00
 Reference No.: 132419322579
 Auth. Code: 01576C
 Response: Success
 I AGREE TO PAY ABOVE
 TOTAL AMOUNT ACCORDING
 TO CARD ISSUED AGREEMENT
 (MERCHANT AGREEMENT IF
 CREDIT VOUCHER)
 X [REDACTED]
 MERCHANT COPY

Receipt





Gem of a Daughter

*Watermelon
Tourmaline*



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Bridging the gap between civil and criminal

Civil

- ✓ Sanctions
 - Suspensions
 - Fines
 - Breach of Duty
 - Dismissal

Criminal

- ✓ Grand Theft
- ✓ Organized Scheme Defraud
- ✓ Uttering/Forgery
- ✓ Indirect Criminal Contempt
- ✓ Reclassification offenses

Clerk's Inspector General Liaison

- ✓ Law Enforcement Agencies
- ✓ State Attorney
- ✓ Judges of the Guardianship Division





Bio-Father of the Year

- 401(K): daughter was the beneficiary
- Natural father asks brother to be guardian
- Bank account opened at TD Bank

COSTCO
401(K) RETIREMENT PLAN
PLAN #104359

T.RowePrice
INVEST WITH CONFIDENCE

T. ROWE PRICE
Retirement Plan Services

MAT Bank
Millsboro, DE 19966

Check Number: **0010045722** Date of Check: **06/15/2012** **52.17**
311

Fifty eight thousand eight hundred sixty six and 61/100 Dollars

*******\$58,866.61** Valid after 180 days

Pay to the order of **COMERICA BANK**

Receiving Institution Account Number

[Signature]
Authorized Signature

⑈0010045722⑈ ⑆031100173⑆ 61000000132720⑈





Bio-Father of the Year

Father buys:

- 2007 Jaguar XK
- 54" plasma flat-screen TV
- Gold jewelry
- Airfare for girlfriend



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Bio-Father of the Year



CLERK AND COMPTROLLER GUARDIANSHIP FRAUD

Feds arrest fraud suspect

Man spent daughter's \$60,000 inheritance, investigators say.

By Daphne Duret
Palm Beach Post Staff Writer

WEST PALM BEACH — After Bernitha Burgess died in October 2011, a judge ruled her young daughter would receive the nearly \$60,000 saved up in her 401(k) retirement account from Costco.

By last summer, however, investigators say the girl's father had bought himself a new Jaguar and a plasma tele-

vision, moved his girlfriend to Nashville, Tenn., and made thousands of dollars' worth of cash and debit withdrawals in a monthlong spending spree that blew his daughter's entire inheritance, and then some.

Now Willie Lockridge, 41, is an inmate at the Palm Beach County Jail facing grand theft and fraud charges. His arrest Friday in Nashville is the first of several expected after an anonymous tip line was set up as part of the Guardianship Fraud Program run by Palm Beach County Clerk and Comptroller Clerk Sha-



A tip led to the arrest of Willie Lockridge, 41, charged with stealing from a guardianship account.

ron Bock.

Bock estimates the tip line, the first of its kind locally and among the first statewide, has led to the discovery of nearly \$1 million in fraud against children, elderly and disabled adults deemed legally unfit to care for themselves. On Monday, Bock called the U.S. Mar-

shals' apprehension of Lockridge a sign the program is working.

"I hope this arrest sends a clear message that my team is ready and able to act on behalf of those who can't act for themselves," said Bock, whose office received a tip about Lockridge's case in August.

In Lockridge's case, investigators say he tried to collect Burgess' retirement money on behalf of his daughter, but a judge wouldn't let him because he had a felony record.

Fraud continued on B5



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Federal Legislation

Court-Appointed Guardianship Oversight Act

113TH CONGRESS
1ST SESSION

S. 975

To provide for the inclusion of court-appointed guardianship improvement and oversight activities under the Elder Justice Act of 2009.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2013

Ms. KLOBUCHAR (for herself and Mr. CORNYN) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for the inclusion of court-appointed guardianship improvement and oversight activities under the Elder Justice Act of 2009.



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American Bar Association

Assessment of Court-Focused Elder Abuse Initiatives

Raises the concern of conflict of interest or other ethical problems

“...the researchers believe that this situation can have a chilling affect on the ability of stakeholders to raise issues...”

INDEPENDENT AND OBJECTIVE?

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Advocating for Florida Legislative Change

Enhanced Auditing/Monitoring Legislation

Defining audit in terms of professional standards

- More than Generally Accepting Accounting Practices

Codification of a best practice

Court empowers Clerk IG; gives tools for success

- Subpoena duces tecum
- Allows law enforcement involvement
- Guardian must comply or removal



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Suggestions for Legislative Change

Real change starts with you!

Tell Your Story

- Speak about things important to you
- Show up and tell your story
- Develop talking points
- Draft recommended language (track changes)

Bring a Friend

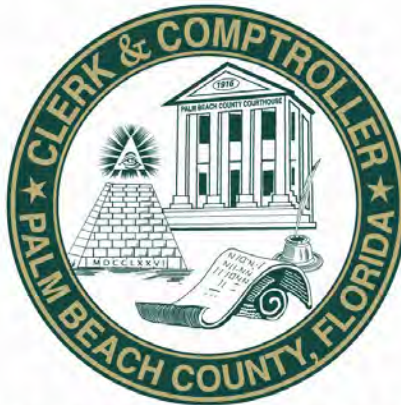
- Know who agrees and disagree with you
- Know their position

Be Tenacious

- Change takes time
- Be flexible



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SHARON R. BOCK
Clerk & Comptroller
Palm Beach County

QUESTIONS ?