

From the Desk of:

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**Sent Via: Email and US Certified Mail**

Saturday, April 9, 2016

U.S. Attorney General Loretta Lynch

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530-0001

202-514-2000

[criminal.division@usdoj.gov](mailto:criminal.division@usdoj.gov)

[loretta.lynych@usdoj.gov](mailto:loretta.lynych@usdoj.gov)

**RE: CRIMINAL COMPLAINTS PROBATE / GUARDIAN / FAMILY  
COURT VICTIMS**

**ORGANIZATIONS SUPPORTING THIS COMPLAINT**

1. Americans Against Abusive Probate Guardianship

Spokesperson: Dr. Sam Sugar

PO Box 800511

Aventura, FL 33280

(855) 913 5337

By email: [drsam@aaapg.net](mailto:drsam@aaapg.net)

On Facebook: <https://www.facebook.com/pages/Americans-Against-Abusive-Probate-Guardianship/229316093915489>

On Twitter: <https://twitter.com/helpaaapg>

2. Families Against Court Travesties, Inc.

Spokesperson: Natalie Andre

Focusing on issues concerning child custody and abuse of the family court system, our vision is that the best interest of the child prevails in family court.

[facebook.com/FamiliesAgainstCourtTravesties](https://www.facebook.com/FamiliesAgainstCourtTravesties)

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[FactsCourtwatch@gmail.com](mailto:FactsCourtwatch@gmail.com)

(800) 201-5560

3. VoteFamily.Us

Spokesperson: Mario A. Jimenez Jerez, M.D., B.S.E.E.

(786) 253-8158

[votefamily@gmail.com](mailto:votefamily@gmail.com)

<http://www.votefamily.us/dr-mario-jimenez-in-senate-district-37>

List of Victims @ <http://www.jotform.com/grid/60717016674052>

Dear Honorable US Attorney General Loretta Lynch:

This is a formal CRIMINAL COMPLAINT to Loretta Lynch on behalf of multiple victims of crimes being committed by Judges, Attorneys and Guardians (*All Officers of the Court*) primarily in the Palm Beach County, FL. court system and throughout the United States. The problems of Abuse of Process in the court system in the family courts of FL was recently exposed by the Palm Beach Post in an ongoing series on Guardianship Abuses<sup>1</sup> and also reported on by News Channel 10, the Sun Sentinel and others. The response from Florida criminal authorities was to do absolutely nothing to investigate and the courts merely shuffled the deck chairs on the Titanic with the main Judge exposed, Martin Colin, simply transferred by Chief Judge, Jeffrey Colbrath, to another division in response to the PB Post series allegations and claiming he would not run for reelection. A recent Ad placed in the Palm Beach Post by victims of the courts illustrates the dire situation the victims remain trapped in.

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<sup>1</sup> Guardianship Series - Guardianship a Broken Trust <http://www.mypalmbeachpost.com/guardianships-colin-savitt> and Guardianship Probate Series Palm Beach Post Compiled PDF <http://www.iviewit.tv/Pacenti%20Articles%20Compiled%20as%20of%20Feb%202002%202016L.pdf> and Sun Sentinel re Colin and wife Savitt <http://www.sun-sentinel.com/opinion/editorials/fl-editorial-guardianship-law-20160129-story.html#ifrndnlocgoogle> and January 14, 2016 "Judge's finances show history of unpaid debt, IRS liens, foreclosures" By John Pacenti - Palm Beach Post Staff Writer <http://www.mypalmbeachpost.com/news/news/judges-finances-show-history-of-unpaid-debt-irs-li/np4rH/>

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**FLORIDA RESIDENTS BEWARE!!!  
YOU ARE IN DANGER OF BEING FINANCIALLY ATTACKED  
AND DEPRIVED OF ALL OF YOUR LEGAL RIGHTS BY  
FLORIDA GUARDIANSHIP / PROBATE JUDGES, ATTORNEYS  
AND THE "PROFESSIONAL" GUARDIANS THEY PROTECT  
IN ILLEGITIMATE, CORRUPT GUARDIANSHIP COURT  
PROCEEDINGS DESIGNED TO FINANCIALLY DEFRAUD  
YOU AND YOUR FAMILY ALL OF YOUR ASSETS AS THEY  
ISOLATE AND ABUSE YOUR LOVED ONES**

*MARCO RUBIO, BILL NELSON  
PAM BONDI, RICK SCOTT, PRESIDENT OBAMA, JAMES COMEY  
WE HAVE DESPERATELY SOUGHT YOUR INTERVENTION  
FOR YEARS TO SAVE AND PROTECT OUR FAMILIES  
BUT YOU HAVE MISERABLY FAILED TO PROTECT US*

**LORETTA LYNCH, U.S. DEPARTMENT OF JUSTICE, WE DEMAND  
THE IMMEDIATE APPOINTMENT OF FEDERAL MONITORS TO  
PROVIDE OVERSIGHT ON THESE FLORIDA COURTS TO HONESTLY  
INVESTIGATE AND ULTIMATELY PROSECUTE THE GUARDIANS,  
JUDGES AND ATTORNEYS WHO RUN THIS VILE RACKET**

**MR. DONALD TRUMP, AS A PALM BEACH RESIDENT, WE  
CHALLENGE YOUR PRESIDENTIAL CAMPAIGN TO SHINE A  
NATIONAL SPOTLIGHT ON THIS ABJECT ABUSE OF  
U.S. CITIZENS AND FAMILIES**

Florida is home to over 4.5 million retirees and baby boomers who seek a sunny place to spend their golden years. But, even as the flow of seniors in the "Silver Tsunami" increases, retiring to Florida as well as other "retirement States" has become a nightmare as the wealth accumulated by honest, law abiding, hard working Americans is being systematically extorted in thousands of fraudulent guardian and probate proceedings every year.

This devious scheme mercilessly deprives retirees of their assets inheritances and constitutional rights with racketeering lawyers, judges, guardians and complicit state agencies.

Probate/Guardianship Courts all across the State are used to financially exploit, isolate and often physically abuse elderly adults with assets while family members who object and expose these crimes publically are viciously retaliated against and isolated from their loved ones. And there is no reason to expect that anything will change without Federal intervention.

Billions of dollars have been extorted from our loved ones in this inconceivable crime that is hidden in secrecy in the Courts using sequestered files, "Inside Clubhouse" Lawyers, massive billing fraud, persons taken into Guardianship with no due process and blatant unchecked conflicts of interest and unfit, complicit Judges.

Before another victim falls into the abyss of these court based predators, we urge you to learn more at

<http://aaapg.net/the-guardianship-racket-in-florida/>  
Political Advertisement paid for by the AAAPG

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Yet, nothing has happened to help the victims entrapped in these legally abusive court cases and in fact retaliation against them by the next judge assigned has occurred in many of the cases that were transferred upon Colin's recusal. With the press exposing the crimes, the victims of the courts are being shut down of legal rights further in efforts to silence them and deny fair and impartial due process of law to prevent further exposure.

The abuses have become so egregious in the State of Florida that legislative changes are being made to attempt to stop the widespread abuse of the courts by Lawyers, Judges and Guardians in what appears to be a nationwide epidemic in the Family Courts that includes, Abuse of Legal Process, Theft of Inheritances, Conversions of Assets, Fraudulent Billing Schemes, Elder Cleansing & Abuse, Child Trafficking, False Imprisonments, Chemical Inducements and more. All of these crimes take place through misuse of the courts and Abuse of Legal Process orchestrated in sham hearings with sham orders issued and simultaneously the victims' rights are disabled by the very court that is supposed to be protecting their rights and properties.

As an example, according to the Post series there were reportedly over 100 cases that Judge Martin Colin recused himself from due to UNDISCLOSED CONFLICTS OF INTEREST THAT OBSTRUCTED JUSTICE FOR THE PARTIES and the cases were primarily transferred to his good friend Judge David French who continued the schemes that involved Colin's wife and her attorney Sheri Hazeltine. Colin's wife acting as a Guardian in the same court as her husband concealed her relationship to her husband by using the name Elizabeth Savitt, instead of her married name for business purposes. Elizabeth Colin became a Guardian after marrying Judge Colin and both worked at the same courthouse and guardian fees being charged by his

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wife were often granted to her and her attorney with no consideration of the objections to them by the judges and the money appears to have filtered back into the Colin household through his wife's guardianship business.

That while never appearing before her husband on behalf of the wards, Elizabeth Savitt Colin's attorney, Sheri Hazeltine, did appear before Colin according to the Palm Beach Post. The alleged concealed conflicts of interest led to fraudulent court schemes with sham hearings used as an artifice to defraud victims through abusive and fraudulent billing schemes and with illegally issued court orders they gain complete legal control over victims through Predatory Guardianships and then begin a slew of other criminal acts and civil torts against the wards, beneficiaries and their families, all with the intent to deplete their estates. All of these crimes appear to be to the direct benefit of the Judges, Attorneys and Guardians involved who bleed victims to virtual bankruptcy and according to many of the victims leave their loved ones in near dead condition until they die leaving their families broke and destroyed.

Yet, Martin Colin did not come forward and recuse himself from this mass of cases until the Palm Beach Post began its exposé on Colin several years ago and none of the cases he recused from then have since been investigated by the court or authorities and nothing was done to help the victims as the cases, as they were merely reassigned to a new judge who did nothing about the frauds committed by Colin. In many cases the successor Judge to Colin was Judge David E. French, who according to the PB Post was in cahoots with Colin and his wife in these fraudulent billing schemes involving Guardians, Attorneys and Judges used to bleed the estates dry and where French did nothing it appears to correct the wrongs done in Colin's court but

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instead retaliated hard on the victims of Colin's court and continued the schemes according to many of the victims of these two judges.

Victims who have had to have Colin removed and were transferred to French or vice versa, have complained that once a Judge or Lawyer or Guardian is complained of to higher courts, the State Bar and State criminal agencies, the retaliation becomes intensified by the judge or successor judge against both the ward and their families. Often the families are then illegally isolated entirely from the ward for merely trying to petition the court to save their loved ones and properties and yet family members are powerless to the Guardians and court officials who have virtually complete legal control over their loved ones and their assets. Once isolated from their loved ones their assets are then quickly stolen off with in a variety of fraudulent schemes depending on the nature of the assets being stolen. Assets are auctioned off at fire sales, homes are foreclosed on or sold at steeply discounted values, personal properties are stolen and unaccounted for and all of this takes place through Abuse of Legal Process by those beholden to uphold their rights and protect their properties.

Compiled herein are a select few cases for your agency to begin to review of victims of the FL and other state courts. There are thousands of victims nationwide that the organizations I write to you with have compiled information on over the years but many victims are afraid to come forward at this time for fear of very real retaliation against their loved ones and themselves by the Judges in their cases if they discover they are complaining. Many now fear going to the state run organizations that regulate these professions as it appears that these agencies concerned with Legal Process Abuse committed by Judges, Attorneys and Guardians, such as the Florida Bar and Judicial Qualifications Commission that do nothing but protect the complained of

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Attorneys and Judges. Once complaints are launched they retaliate on the victims further and harder, often falsely imprisoning them, Baker Acting them, isolating them from their loved ones, removing their kids and putting them in abusive foster care settings, setting them up on contempt charges and more.

The “self-regulating” professional agencies that victims are turned over to by Criminal Authorities when they try and file criminal complaints against lawyers and judges however have NO LEGAL JURISDICTION to investigate or prosecute Criminal Statute Violations of any person. Thus, the criminal acts go unpunished and the best result a victim can hope for from the professional regulatory agencies is a revocation of a lawyer license or sanction or censure of judge. The state run professional agencies while taking complaints by victims of criminal statute violations by lawyers and judges have absolutely no jurisdiction to investigate or prosecute the criminal allegations and therefore a loophole is created whereby the criminal charges brought are dismissed by the state agencies with no honest investigations done. In fact, the victims are conned to give these agencies their criminal complaint information and evidence and that information is then shared with their accused members, giving them advantage through having access to what is normally highly confidential investigatory information and evidence.

Because of this lack of prosecution by the proper criminal authorities against Judges, Lawyers and Guardians and others involved, the Florida Courts have become lawless with members of the bar fearing no retribution and thus acting with impunity in committing very serious criminal acts and violations of human rights and simultaneously denying due process and procedure rights against the victims that come before the court. Not only in Family Court complaints are no judges or lawyers being investigated or prosecuted but another recent example

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is in the hundreds of thousands of FRAUDULENT FORECLOSURES<sup>2</sup> that occurred in Florida and millions throughout the US, where Judges and Lawyers were involved in “Robosigning” aka Bank Fraud, Mortgage Fraud, and Fraudulent Court documents. Documents used to evict people and steal their homes that were Fraudulently Notarized by attorneys involved and then those fraudulent documents were knowingly Rubber Stamped by the Judges. Yet, none of these criminal acts were prosecuted and the Attorney Generals who tried to expose it and call for the arrest of the Judges and Lawyers (who still practice) were then retaliated against by the Florida AG and the FL Inspector General<sup>3</sup>.

In fact recent news<sup>4</sup> bears an example of attorney retaliation against G. Robert Blakey, the author/father of the RICO statutes and other heroic whistleblowing lawyers, which reveals how honest lawyers doing their job to report other lawyers and judges acting outside the color of law are retaliated against by the Bar Associations that should be honoring them instead. From that article I quote,

**“There seems to be a double standard. Has Bar Counsel ever prosecuted any attorneys at corporate firms that help their clients perpetrate fraud? And did Bar Counsel investigate prominent lawyer**

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<sup>2</sup> UNFAIR, DECEPTIVE AND UNCONSCIONABLE ACTS IN FORECLOSURE CASES - PREPARED BY: JUNE M. CLARKSON, THERESA B. EDWARDS AND RENE D. HARROD - Office of the Attorney General Economic Crimes Division

<http://southfloridalawblog.com/wp-content/uploads/2011/01/46278738-Florida-Attorney-General-Fraudclosure-Report-Unfair-Deceptive-and-Unconscionable-Acts-in-Foreclosure-Cases.pdf>

<sup>3</sup> IG Report Whitewashes Firing of Foreclosure Fraud Investigators in Florida

<https://shadowproof.com/2012/01/09/ig-report-whitewashes-firing-of-foreclosure-fraud-investigators-in-florida>

<sup>4</sup> “Whistleblower Lawyers Counterattack Against DC Disciplinary” Counsel” By Editor Filed in News February 15th, 2016 @ 8:59 pm

<https://www.whistleblower.org/multimedia/corporate-crime-reporter-whistleblower-lawyers-counterattack-against-dc-disciplinary>

And

<http://www.corporatecrimereporter.com/news/200/whistleblower-lawyers-counterattack-against-dc-disciplinary-counsel/>

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**executives at Fannie Mae who appear to have engaged in actions that led to a multi-billion dollar restatement and left taxpayers footing the bill? Did Bar Counsel prosecute the attorneys that enabled large banks to nearly tank the economy? And has Bar Counsel prosecuted government attorneys that enabled torture and other flagrant unlawful human rights violations? Does Bar Counsel protect the public or does it protect the interests of big corporations and big government?"**

No one is going to jail or being investigated or even removed from the bench for the crimes exposed by the PB Post and others and instead victim whistleblowers are being retaliated against by the very legal machine that is supposed to protect them. With all state agencies reached out to by the victims as evidenced further herein failing to prosecute these very real criminal complaints of serious crimes against attorneys and judges, all referring them to the professional regulatory agencies, it is time for real HONEST Federal investigations by real prosecutors who are protected by your agency to begin.

By your offices contacting the participating organizations spokesperson designated at the beginning of this letter, each can give your office many more cases and information on victims they are currently working with who want their cases federally investigated and want a Federal Monitor to oversight the cases they are trapped in. All victims complaints cited herein ( See [Exhibit1](#) - Victim Complaints ) are of criminal misuse of the legal system by Lawyers, Judges and Guardians. While this is a select compilation of select victims, each victim anticipates a separate case being opened for their individual complaints and an investigator to contact them as soon as possible to take further statements and gain additional information not

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provided herein in their individual cases. There are several cases with the need for immediate action as their loved ones are alleged to be being killed in these Predatory Guardianships and the organizations I write with also have a host of cases where the victims have tied trapped in these horrors and their families destroyed.

**SAMPLE OF CRIMINAL STATUTES ALLEGED VIOLATED BY VICTIMS OF  
COURT CORRUPTION CONTAINED HEREIN**

- A. Elder Abuse - Title XLVI – CRIMES - Chapter 825 - ABUSE, NEGLECT, AND EXPLOITATION OF ELDERLY PERSONS AND DISABLED ADULTS
    - 1. 825 ABUSE, NEGLECT, AND EXPLOITATION OF ELDERLY PERSONS AND DISABLED ADULTS
    - 2. 825.102 Abuse, aggravated abuse, and neglect of an elderly person or disabled adult; penalties.
    - 3. 825.1025 Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.
    - 4. 1744.359 Abuse, neglect, or exploitation by a guardian.—
  - B. Kidnapping / Human Trafficking
  - C. Murder
  - D. Theft of Property
  - E. Mortgage and Foreclosure Fraud
  - F. Insurance Fraud
  - G. Conversion
  - H. Obstruction of Justice
    - 1. Abuse of Process
    - 2. False Instruments
    - 3. Official Misconduct
    - 4. False statements to law enforcement and courts
  - I. Conspiracy
  - J. Chemical Inducement
  - K. Fraud
    - 1. Fraud on Court
    - 2. Fraud by Court
  - L. Fraudulent Billing Schemes
  - M. Violations of Civil Rights and Liberties
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We would like to set up a meeting with your office with representatives for the various complainants to discuss how best to proceed and look forward to a prompt response as people are literally dying and being tortured daily as reported in the complaints herein and in the press. I have also contacted the Federal Bureau of Investigation in New Jersey<sup>5</sup> and the United States Attorney, Southern District of New York, Preet Bharara<sup>6</sup> regarding these matters in ongoing investigations into matters directly related to my complaints against attorney and judges by those offices and these footnoted references to the letters are fully incorporated by reference herein as they provide greater prospective into these matters.

Thank you in advance for your time, effort and consideration of these matters,

Respectfully Yours,



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Eliot Ivan Bernstein  
Inventor  
Iviewit Holdings, Inc. – DL  
2753 N.W. 34th St.

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<sup>5</sup> April 09, 2016 Letter to New Jersey FBI  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160409%20Final%20Esigned%20FBI%20NJ%20COMPLAINT%20SPALLINA%20TESCHER%20ET%20AL.pdf>

<sup>6</sup> April 09, 2016 United States Attorney Southern District of New York Preet Bharara Letter  
<http://iviewit.tv/Simon%20and%20Shirley%20Estate/20160409%20FINAL%20SIGNED%20Letter%20DOJ%20Preet%20Bhararare%20re%20Moreland%20Commission%20and%20USAttorney%20Lynch%20Letter.pdf>

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Enclosure(s)/Attachment(s)/URL's

All Uniform Resource Locators ( URL's ) and the contents of those URL's are incorporated in entirety by reference herein and therefore must be included in your hard copy file WITH ALL EXHIBITS, as part of this correspondence and as further evidentiary material to be Investigated. Due to allegations alleged by New York State Supreme Court Whistleblower Christine C. Anderson and similar claims in the Iviewit RICO & ANTITRUST Lawsuit regarding Document Destruction and Tampering with Official Complaints and Records, PRINT all referenced URL's and their corresponding exhibits and attach them to your hard copy file, as this is now necessary to ensure fair and impartial review.

In order to confirm that NO DOCUMENT DESTRUCTION OR ALTERCATIONS have occurred, once complete forward a copy of this correspondence with all exhibits and materials included to, Eliot I. Bernstein at the address listed herein. This will insure that all parties are reviewing the same documentation and no additional illegal activity is taking place. If you, for any reason, are incapable of providing this confirmation copy, please put your reasons for failure to comply in writing and send that to Eliot I. Bernstein at the address listed herein. Note, that this is a request only for a copy of this Correspondence and the referenced materials and NOT a request for any Case Investigation information, which may be protected by law.

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**EXHIBIT 1**  
**INDIVIDUAL COMPLAINTS**



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**Names and Cases of Individuals Criminally Complaining and Victim Court  
Case Numbers, Judges and Lawyers Seeking Criminal Investigations**

- I. See attached Declaration [Declaration1](#) of EDWARD J. BAKER, LCDR, U.S. NA VY (RETIRED)
- II. See attached Declaration [Declaration2](#) of Pat Schroeder on behalf of DECLARATION OF WADE T. BARTON, RE: THOMAS BARTON ESTATE
- III. See attached separate complaint [Declaration3](#) of Angela V. Woodhull Ph. D. - DOCKET SUMMARIES FOR ORANGE, SEMINOLE, AND ALACHUA COUNTIES GUARDIANSHIPS of Professional Corporate Guardian, Rebecca “Fierle” (a.k.a Rebecca Santoian, a.k.a Rebecca Fierle - Santoian, a.k.a. Becky Dobbins)
- IV. Eliot Ivan Bernstein - Case #'s Estates & Trusts Simon, Shirley and Eliot Children
  - A. Judges (Excluding Federal Patent Cases):
    1. Martin Colin – Recused one day after denying a Petition for his disqualification for charges of Fraud on the Court and Fraud by the Court. Then Post Recusal improperly steered cases to Judge Coates and ultimately Judge Phillips
    2. Judge David E. French – Was Simon Bernstein Estate Judge who improperly transferred his case to Judge Colin without proper hearings by both judges.
    3. Judge Howard Coates – Improperly accepted cases on transfer from Colin, did not disclose that he was a former partner at Proskauer Rose who is a Counter Defendant in the Estate and Trust cases he took possession of. In a hearing he hid the fact that he had anything to do with Eliot and Simon’s companies, the Iviewit companies and where in fact he was a billing partner for the account. At first hearing based on Alan Rose’s objections he Sua Sponte recused himself, after he had already obtained highly confidential court records of Judge Colin.
    4. John Phillips – May have brain damage from a bicycle accident or this is an excuse for his over the top and outside the color of law actions since taking over the cases. Has removed Eliot’s standing, had Guardians placed on his children, denied him of being a beneficiary despite dispositive documents that clearly name Eliot as a beneficiary and had documents validated by Spallina who admitted in his court that he had fraudulently created trust documents, he had filed fraudulent documents with the court in the cases, he had closed the Estate of Shirley Bernstein Fraudulently, he had mailed fraudulent documents to Eliot’s minor

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children's counsel and is under SEC Consent and yet Judge Phillips despite hearing these confessions while Spallina was under oath as a witness to the validity of the documents and ruled in favor of his testimony. Judge Phillips has failed to report these criminal admissions of a Court Appointed Officer to the proper authorities and instead has only retaliated harder on Eliot and his family and this dereliction of duty constitutes Misprision of Felony, Aiding and Abetting and more.

B. Lawyers and Fiduciaries (Excluding Federal RICO & ANTITRUST Cases)

1. Donald Tescher, Esq. – Tescher & Spallina PA (Under Consent with SEC for Insider Trading, Law Firm forged documents and fraudulently notarized documents to court and others)
  2. Robert Spallina, Esq. - Tescher & Spallina PA (Under Consent with SEC for Insider Trading pled guilty to Criminal Misconduct in separate case, in this case Law Firm Tescher & Spallina forged documents and fraudulently notarized documents to court and others, Admitted Fraudulently Creating Post Mortem Trust for Shirley Bernstein and sent to counsel for minor children, Admitted Closing Estate of Shirley Bernstein using identity of Deceased Personal Representative/Executor Simon Bernstein, Admitted Mail Fraud in 12/15/15 Hearing Before Judge John Phillips and more)
  3. Alan Rose, Esq. - Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A.
  4. Steven Lessne, Esq. - GrayRobinson, P.A. & Gunster, Yoakley & Stewart, P.A.
  5. John Pankauski, Esq. - Pankauski Law Firm PLLC – Resigned citing Irreconcilable Differences with Ted Bernstein
  6. Mark Manceri, Esq. - Mark R. Manceri, P.A. – Resigned as Ted counsel
  7. Jon Swergold, Esq. – Greenberg Traurig – Resigned as Ted counsel
  8. Brian O'Connell, Esq. - Ciklin Lubitz Martens & O'Connell ( Boose partner convicted went to prison) – Replaced Curator Benjamin Brown.
  9. Joielle Foglietta, Esq. - Ciklin Lubitz Martens & O'Connell – Asst to O'Connell
  10. Benjamin Brown, Esq. - Matwiczyn & Brown, LLP – Curator hired to replace Tescher and Spallina when they resigned due to fraud.
  11. John Morrissey, Esq. - John P. Morrissey, P.A. – Ted and Pamela Simon alleged children counsel.
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12. Adam Simon, Esq. - The Simon Law Firm – Ted Bernstein counsel Illinois Federal Insurance Case
  13. David Simon, Esq. - The Simon Law Firm– Ted Bernstein counsel Illinois Federal Insurance Case
  14. John Stamos, Esq. - Stamos & Trucco LLP – Represents O’Connell and Estate of Simon in Federal Illinois Insurance action
  15. Kevin Horan, Esq. - Stamos & Trucco LLP – Represents O’Connell and Estate of Simon in Federal Illinois Insurance action
  16. Peter Feaman, Esq. - Peter M. Feaman, P.A. – Represents William Stansbury Creditor to Estate and Trusts of Simon and Shirley Bernstein. Referred Curator Benjamin Brown and Personal Representative/Executor Brian O’Connell.
  17. Albert Gortz, Esq. – Proskauer Rose – Proskauer will filed in Estate of Simon case by Proskauer, unidentified filer.
  18. Ted Bernstein – Alleged Fiduciary in Shirley Bernstein Estate and Trusts and Simon Bernstein Trust. Ted’s counsel as fiduciary Tescher & Spallina PA, who also acted as Simon’s Estate and Trust co-fiduciaries were involved in fraud, forgery and more already proven in these matters. When Tescher and Spallina resigned amidst the fraud charges, Ted then subsequently retained teams of lawyers to defend him against multiple charges that he was directly involved in the crimes of his attorneys and benefited directly from their crimes.

C. Guardians –

1. TBD for Eliot children as Judge Phillips is using Predatory Guardianships to extort Eliot Bernstein family and attempt to cover up the MULTIPLE FRAUDS ON THE COURT for OFFICERS OF THE COURT by denying them due process rights and even attempting to cast blame on Eliot versus taking any action on the Court Officials involved in PROVEN FRAUD ON THE COURT, thus constituting FRAUD BY THE COURT.

D. Cases

1. 502012CP004391XXXXSB – Simon Bernstein Estate
  2. 502011CP000653XXXXSB – Shirley Bernstein Estate
  3. 502014CP002815XXXXSB – Oppenheimer v. Bernstein Minor Children
  4. 502014CP003698XXXXSB – Shirley Trust Construction
  5. 502015CP001162XXXXSB – Eliot Bernstein v. Trustee Simon Trust  
Case OLD CASE # 502014CA014637XXXXMB
  6. 502015CP002717XXXXNB
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7. 20I2CP004391 IX
  8. TBD – Creditor Claim – Eliot v. Estate of Simon
  9. Florida Appeals – 4<sup>th</sup> DCA
  10. 4DCA#: 16-0064
  11. 4DCA#: 15-3849
  12. 4DCA#: 16-0222
  13. Florida Supreme Court
  14. SC16-29
  15. SC15-1077

Federal Illinois Case – Judge John Robert Blakey replacing Judge Amy St. Eve

16. 07cv09599 (*S.D.N.Y.*) Anderson v The State of New York, et al. -  
WHISTLEBLOWER LAWSUIT which other cases have been marked  
legally “related” to by Fed. Judge Shira A. Scheindlin
  17. 07cv11196 Bernstein, et al. v Appellate Division First Department  
Disciplinary Committee, et al.
  18. 07cv11612 Esposito v The State of New York, et al.,
  19. 08cv00526 Capogrosso v New York State Commission on Judicial  
Conduct, et al.,
  20. 08cv02391 McKeown v The State of New York, et al.,
  21. 08cv03305 Carvel v The State of New York, et al., and,
  22. 08cv4438 Suzanne McCormick v The State of New York, et al.
  23. 08 cv 6368 John L. Petrec-Tolino v. The State of New York
- E. On information and belief The Parties have committed and or abetted the following alleged crimes:
1. MURDER as alleged by Ted Bernstein and others of Simon Bernstein, ongoing criminal investigation by Palm Beach Sheriff (may have been derailed) and coroner's inquiry that came back with a suspect heavy metal report with elevated Arsenic, Cadmium and other heavy metals.
  2. MURDER investigation of a one Mitchell Huhem by Palm Beach Sheriff regarding the purchaser of Simon Bernstein’s home after allegations of the home being purchased by a fraudulently set up shell company were brought before Federal Judge John Robert Blakey, only days after the home was sold to him.
  3. The 2015 Florida Statutes - Title XLVI CRIMES - Chapter 817 -  
FRAUDULENT PRACTICES
    - a) 817.02 Obtaining property by false personation.
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- b) 817.03 Making false statement to obtain property or credit.
  - c) 817.155 Matters within jurisdiction of Department of State; false, fictitious, or fraudulent acts, statements, and representations prohibited; penalty; statute of limitations.
  - d) 817.16 False reports, etc., by officers of banks, trust companies, etc., with intent to defraud.
  - e) 817.234 False and fraudulent insurance claims.
  - f) 817.2341 False or misleading statements or supporting documents; penalty.
  - g) 817.38 Simulated process.
  - h) 817.39 Simulated forms of court or legal process, or official seal or stationery; publication, sale or circulation unlawful; penalty.
  - i) 817.49 False reports of commission of crimes; penalty.
  - j) 817.535 Unlawful filing of false documents or records against real or personal property.
  - k) 817.535 Unlawful filing of false documents or records against real or personal property.
  - l) 817.562 Fraud involving a security interest.
  - m) 817.568 Criminal use of personal identification information.
  - n) 817.569 Criminal use of a public record or public records information; providing false information; penalties.
4. The 2015 Florida Statutes Title XLVI CRIMES Chapter 777  
PRINCIPAL; ACCESSORY; ATTEMPT; SOLICITATION;  
CONSPIRACY
- a) 777.011 Principal in first degree.—
  - b) 777.04 Attempts, solicitation, and conspiracy.—
  - c) 777.03 Accessory after the fact.—
5. The 2015 Florida Statutes Title XLVI – CRIMES - Chapter 812 THEFT,  
ROBBERY, AND RELATED CRIMES
- a) 812.014 Theft.—
  - b) 812.019 Dealing in stolen property.—
6. Title XLVI CRIMES Chapter 831 FORGERY AND COUNTERFEITING
- a) 831.01 Forgery
  - b) 831.02 Uttering forged instruments.
7. Title XLVI CRIMES Chapter 837 PERJURY
- a) 837.02 Perjury in official proceedings.—
  - b) 837.021 Perjury by contradictory statements.—
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- c) 837.05 False reports to law enforcement authorities.—
  - d) 837.05 False reports to law enforcement authorities.—
  - e) 837.06 False official statements.
8. Title XLVI CRIMES Chapter 838 BRIBERY; MISUSE OF PUBLIC OFFICE
- a) 838.022 Official misconduct.—
9. Title XLVI CRIMES Chapter 839 OFFENSES BY PUBLIC OFFICERS AND EMPLOYEES
- a) 839.13 Falsifying records.—
10. Title XLVI CRIMES Chapter 843 OBSTRUCTING JUSTICE
- a) 843.0855 Criminal actions under color of law or through use of simulated legal process.
  - b) 843.03 Obstruction by disguised person.
11. Title XLVI CRIMES Chapter 825 ABUSE, NEGLECT, AND EXPLOITATION OF ELDERLY PERSONS AND DISABLED ADULTS
- a) 825.102 Abuse, aggravated abuse, and neglect of an elderly person or disabled adult;
  - b) 825.103 Exploitation of an elderly person or disabled adult;
12. Title XLVI CRIMES Chapter 836 DEFAMATION; LIBEL; THREATENING LETTERS AND SIMILAR OFFENSES
- a) 836.04 Defamation.
  - b) 836.05 Threats; extortion.
  - c) 836.10 Written threats to kill or do bodily injury;
13. Title XLVI CRIMES Chapter 877 MISCELLANEOUS CRIMES
- a) 877.01 Instigation of litigation; penalty.—
14. TITLE XLII - ESTATES AND TRUSTS Ch.731-739 - Multiple Violations of Virtually Entire Code -
- a) Breach of Fiduciary Duties, Fraud, etc.
15. Theft – Approx. 100 Million Dollars of Property
16. Insurance Fraud – 3 Million +
17. Bank Fraud
18. Fraud on an Institutional Trust Company – LaSalle National Trust Company, NA
19. Securities Fraud – Wilmington Trust, Stanford Trust Company, Stanford Bank, Oppenheimer Bank, Oppenheimer Trust Company, JP Morgan
20. Real Estate Fraud
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21. Mail and Wire Fraud – Multiple instances
  22. Conversion – Multiple instances
  23. Fraudulent Billing Schemes – Court cases in Florida
  24. Forgery – Multiple instances
  25. Fraud on the Court – Florida Courts
  26. Fraud on the Court – Illinois State and Federal courts
  27. Fraud by the Court – Florida Court
  28. Extortion
  29. Misprision of Felony (ies) – Judge Colin, Judge French, Judge Coates, Judge Phillips, Alan B. Rose, Esq., Ted Bernstein, Robert Spallina, Donald Tescher, John Pankauski, Mark Manceri et al.
  30. Aiding and Abetting - Judge Colin, Judge French, Judge Coates, Judge Phillips, Alan B. Rose, Esq., Ted Bernstein, Robert Spallina, Donald Tescher, John Pankauski, Mark Manceri et al.
  31. Obstruction of Justice
    - a) PB Sheriff
    - b) State Attorney
    - c) Florida Court
    - d) Judge Colin, Judge French, Judge Coates, Judge Phillips, Alan B. Rose, Esq., Ted Bernstein, Robert Spallina, Donald Tescher, John Pankauski, Mark Manceri et al.
  32. Child Abuse –
    - a) Improper Predatory Guardianships for minor children,
  33. Theft of trust funds and more.
  34. Conspiracy
  35. Official Misconduct
  36. Abuse of Power
  37. Color of Law Abuse
  38. Criminal Racketeering
  39. Money Laundering
  40. Lying to the fed government and courts system 18 USC 1001
  41. Tampering with court records, transcripts and other records
  42. Tampering with evidence
  43. Murder/Suicide of buyer of Simon Bernstein homestead Mitchell Huhem

F. Civil Torts

G. Damages – Estimated 100 Million Dollars +

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1. No complete accountings have been provided in violation of Florida Probate Statutes and Civil Statutes for the Estates and Trusts in 5 years in my mother Shirley Bernstein's Trust and Estate and 3 years in my father's trust.
  2. Accounting has been done and challenged by multiple parties in Simon estate and trusts and further evidence of fraud is alleged regarding the faux accountings done thus far as they all start Post Mortem and are missing years of accounting.
  3. Missing records of interests in Intellectual Properties worth an estimated billions of dollars.
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V. Tom Fields

A. Victims

1. Irving Lincoln Fields (My deceased father, 1919 - 1991)
2. My children, Heather N. Fields and Katy E. Fields
3. Myself (Thomas M. Fields)
4. My wife, Vicki Fields
5. My sister, Paige Lewis

B. Judges Probate Court:

1. Michael E. Gersten, Circuit Judge (deceased)
2. John D. Wessel, Circuit Judge

C. Judge 4DCA:

1. Mark E. Polen,
2. Barbara Pariente,
3. Robert M. Gross
4. Bobby W. Gunther

D. Guardians

1. None for my father
2. Arthur G. Wroble (appointed guardian ad litem for my children, ages 3 and 9 at the time my father died)

E. Law Firms

1. Ryna Mehr (principal perpetrator)
2. David Riggs (Mehr's law partner and accomplice)
3. Peter Forman (attorney whom Paige Lewis hired to represent estate when I was removed as PR)
4. Allan H. Schwartz (attorney whom I hired as PR to represent estate)
5. Arthur Wroble (guardian ad litem – supra)
6. Ed Shipe (hired by Wroble)
7. Philip Burlington (appellate specialist hired by Wroble)
8. An attorney in Colorado whom I cannot identify (hired by Paige Lewis)

F. Agencies Sought Relief from

1. Boca Raton Police
2. Palm Beach Sheriff
3. Florida Attorney General
4. Florida Bar Association
5. Florida Department of Elder Affairs

G. Notes

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1. See the evidence which I reproduce on the victim's website (infra), beginning with the 46-page transcript of the deposition of Dennis Steinmetz, the doctor who ordered the morphine drip for my father just hours before he died. This transcript begins at <http://tvfields.com/SteinmetzDepo/Frameset001.htm> ; specific details at singled out in the brief summary of the doctor's testimony at <http://tvfields.com/SteinmetzDepo/Frameset000.htm>

#### H. Courts Involved

1. Circuit Court Of The Fifteenth Judicial Circuit In And For Palm Beach County, Florida Probate Division (Delray Beach)
2. In The District Court Of Appeal Of The State Of Florida Fourth District (4DCA)
3. Supreme Court of Florida

#### I. Criminal Acts Alleged

1. Theft of Property
2. Fraud
3. Fraud on Court
4. Fraud by Court
5. Conspiracy (Judges, Attorneys and Guardians)
6. Fraudulent Billing Scheme
7. Obstruction
8. False Records
9. PERJURY by the Defendant and others on her behalf
10. Many acts of FRAUD by numerous individuals, especially attorneys, to commit theft, get away with theft, and/or cover up theft, including
11. Repeated misrepresentation of the interests of wards, my daughters (by attorney-guardians Wroble and Shipe)
12. Fraudulent misrepresentation of my father's life insurance policy by attorney Peter Forman (as evidenced by a court record and letters which Forman exchanged with Wroble and the insurance company)
13. Acts of fraud by the bar association in its response to bar complaints (and its misrepresentation of the integrity of the bar complaint process)
14. Several "frauds upon the court" by attorneys (and Judge Gersten) to prevent me from participating in the proceedings, most significantly the VIOLATION OF FLORIDA STATUTE 90.616(2), which governs the exclusion of witnesses from proceedings

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15. Fraudulent (if that's the right word for it) conduct of mediation. For example, Forman failed to comply with a court order which required each party to submit to the mediator a summary of the issues being mediated prior to the mediation that was ordered for 10/21/1994. I complied with this order, as did Wroble. Forman didn't, and when I complained of this to the mediator, Forman claimed that he did not need to comply with the order. Neither Wroble nor the mediator reported this to the court ...

16. ABUSE OF PROCESS (if there is such a crime)

17. EXTORTION (I am referring here specifically to Art Wroble's refusal to distribute funds to me, as stipulated by a settlement agreement that he was largely responsible for forcing upon me. In particular, when I complained of this in person to Judge Wessel, Wroble told Wessel that he withheld those funds to "leverage" them in order to push me to accept his other demands regarding the appointment of a corporate co-trustee ... there is no written record of this exchange with Judge Wessel, but it is borne out by the timing of the distribution of these funds)

J. Summary of Crimes Committed

1. Est Total Amount of Damages other than Legal to Victim \$75,000 (value of property stolen from victim's estate that was the subject of the initial claim)
  2. \$10,000 lost in unwarranted purchase and subsequent sale of Snyder Oil stock by Paige Lewis
  3. + unaccounted for life insurance policy benefitting Katy Fields
  4. + significant other damages resulting from mishandling of case
  5. Est Amount of Legal Bills Victim \$100,000+ from victim's estate
  6. Est Amount of Guardian Fees \$10,000+
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- VI. Kyle MacNeney - 561-339-1475 Email: [kmacneney@comcast.net](mailto:kmacneney@comcast.net)
- A. Victims
    - 1. Violet K. LeSuer and Kyle MacNeney
  - B. Court Cases
    - 1. 15TH JUDICIAL CIRCUIT PALM BEACH COUNTY
    - 2. Case Numbers - 502005GA000063XXXXMB
    - 3. Case Type – GUARDIANSHIP
  - C. Judges
    - 1. KAREN MARTIN (RETIRED)
    - 2. JACK COOK (RETIRED)
    - 3. DIANA LEWIS
  - D. Attorneys
    - 1. FREEMAN BARNER (DECEASED)
    - 2. CIKLIN LUBITZ & O'CONNELL ( Boose: partner convicted went to prison )
  - E. Guardian
    - 1. CATHOLIC CHARITIES DIOCESE OF PALM BEACH
    - 2. Division of Clerk of PB County General Accounting Office - Guardianship Investigative Unit – Anthony Palmieri, Investigative Auditor
  - F. Florida State Agencies Contacted
    - 1. FBI Miami - No response
    - 2. Palm Beach County State's Attorney – No response
    - 3. Palm Beach County Guardianship Investigative Unit.
    - 4. Audit---nothing done.
    - 5. Florida Department of Elder Affairs – Nothing Done
  - G. Criminal Acts Alleged
    - 1. Conspiracy – Guardians, Judges and Attorneys
    - 2. Theft of Property, Home and Securities
    - 3. Fraudulent Billing Scheme
    - 4. Abuse of Process
    - 5. Fraudulent Mortgage Application
    - 6. Fraud on the Court
    - 7. Fraud by the Court
    - 8. False Imprisonment to Gain Predatory Guardianship
    - 9. Guardianship Hearings not Recorded as legally required.
  - H. Damages
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1. Est Amount of Legal Bills to Victim: \$15,000
  2. Est Amount of Legal Bills billed by Abusers: \$100,000.00
  3. Est Amount of Guardian Fees: \$25,000.00
  4. Total Amount of Damages other than Legal/Guardian Fees to Victim:  
\$1,500,000.00
  5. Value of Real Estate Taken: \$800,000.00 and lost income from 3 dock  
rentals
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VII. Skender & Beba Hoti

A. Victims –

1. Gwendolyn Batson
2. Skender & Beba Hoti Family

B. Judges

1. Martin Colin
2. John Morze
3. Lucy Brown
4. Dana Slobodanke
5. Timothy McCarthy
6. Jaimie Goodman

C. State Guardian

1. Johan Milton ??

D. Lawyers and Fiduciaries

1. David Garten
2. Asst: Elizabeth Burn
3. Debra Rochlin
4. Robert More

E. Guardians

1. Elizabeth Savitt Colin
2. Sheri Hazeltine – attorney for Elizabeth Colin
3. Kenneth Davis - Marian Davis --Brother to Gwendolyn

F. Court Cases

1. 15th Judicial
  - a) 502012mH000123xxxxxxxxcsb
  - b) 502012ca011639
2. 4Dc appeals
  - a) ----12---4826 3---2013Ca012409----- in 4dc appeals--- /0444

G. On information and belief The Parties have committed and or abetted the following alleged crimes:

1. False Imprisonment / Kidnapping / Interstate Human Trafficking
  2. Elder Abuse
  3. Theft of Property – Home robbery
  4. Bank Fraud
  5. False Instruments to Court – Obstruction
  6. Fraudulent Billing Scheme
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7. Telephone Record of Savitt in front of Police
8. Witness Kathy Greve
9. Misprision of Felony – Officers fail to arrest Savitt and Hazeltine as Savitt informs Sheriff that her husband is powerful judge. While making them put property back in house from trucks, officer failed to account for items from home that remained missing.
10. Conspiracy
11. Obstruction of Justice – Colin fails to disclose the reason for sudden recusal four days after his wife Elizabeth Colin was caught robbing home and used his name to evade prosecution. Colin misleads court when he should have disqualified and voided his orders for the undisclosed conflict he had with his wife as Guardian.
12. Fraudulent Conversion of Real Estate
13. Letter from Gwendolyn to her brother to remove his name from her deed that was falsely inserted into deed.
14. Theft of Pension Funds
15. Stalking
16. Extortion for Legal Fees - Garten

H. Civil Torts

I. Damages

1. Loss of Personal Property and Business and Personal Documents from home invasion.
2. Legal Fees = Est total
3. Guardian Fees
4. Loss of Real Estate properties
5. Loss of mother, believe she was abused when taken and returned in poor physical condition and died shortly after return home.

J. Florida Agencies Contacted

1. PB Sheriff
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VIII. Jason Halle - Declaration of Jason Halle (See attached signed declaration) 2232 N Cypress Bend Dr Apt 103 Pompano Beach, FL 33068 - (954) 654-8150 - [jason@jasonhalle.com](mailto:jason@jasonhalle.com)

A. Judges:

1. James Martz -Removed from case due to rotation. He was replaced by Judge David E. French.
2. Judge David E. French -Dismissed the case for no logical reason. There had never been a responsive pleading and the Defendant was violating at least a dozen Florida Statutes including Breach of Trust. Refused to recuse himself when he started prejudging motions. Awarded \$183,811.48 in legal fees to attorneys that represented Defendant clearly violating Florida law. Refused to allow evidentiary hearing when Defendant's attorney's committed Fraud Upon the Court and other misconduct. Never once was the Plaintiff, Jason Halle, challenged as a qualified beneficiary or qualified distributee.
3. Judge Michael L. Gates -Dismissed personal injury case at first hearing even though Fraud Upon the Court was committed during the hearing and evidence was provided that either all of the defendants had committed RICO conspiracy to commit third degree felony perjury or the Defendant's had committed a Rico conspiracy to file false billing records to the court to steal from the Plaintiff.

B. Lawyers and Fiduciaries:

1. Peter E. Halle, Esq., Florida attorney, Retired from Morgan Lewis law firm, Trustee for the Edward Halle Trust, Fiduciary for Jason Halle. Involved in RICO conspiracy to commit perjury or fraud to steal from Jason Halle.
  2. Carolyn B. Lamm Esq., Florida attorney, Partner at White & Case, Past President of the American Bar Association (2009-2010). Involved in strategy of lawsuit in Palm Beach County according to Richman Greer, P.A., Committed RICO perjury in Broward County, or if her Declaration was true then was part of RICO billing Fraud to steal from Jason Halle.
  3. Alan G. Greer, Esq., Partner, Richman Greer, P.A., Involved in RICO conspiracy to commit perjury or fraud to steal from Jason Halle.
  4. Charles H. Johnson, Esq., Partner, Richman Greer, P.A., Involved in RICO conspiracy to commit perjury or fraud to steal from Jason Halle.
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5. Michael J. Napoleone, Esq., Partner, Richman Greer, P.A., Involved in RICO conspiracy to commit perjury or fraud to steal from Jason Halle.
  6. Jay G. White, Esq., Partner, Richman Greer, P.A., Involved in RICO conspiracy to commit perjury or fraud to steal from Jason Halle.
  7. Adam M. Myron, Esq., Partner, Richman Greer, P.A.
  8. Ethan J. Wall, Esq., Associate, Richman Greer, P.A.
  9. Joshua L Spoot, Esq., Associate, Richman Greer, P.A.
  10. Marta Stypulkowski, Esq., former Associate, Richman Greer, P.A.
  11. Georgia A. Buckhalter, Esq., Associate, Richman Greer, P.A.
  12. Leslie A. Metz, Esq., Associate, Richman Greer, P.A.

C. Legal Cases:

1. # 502011CP00509XXXXSB - Palm Beach County Probate Court - Edward Halle Trust
2. # CACE-15-17841 -Broward County Civil Court -Jason Halle, Plaintiff, v. Peter E. Halle, Carolyn B. Lamm, John G. White, III, Michael J.Napoleone, Charles H. Johnson, and Richman Greer Professional Association, Defendants.
3. Florida Appeals, - 4th DCA:
4. # 4013-1381
5. # 4013-1797
6. # 4013-3796
7. # 4015-1754

D. On information and belief The Parties have committed and or abetted the following alleged crimes:

1. Fraud on the Court -(intrinsic and extrinsic) (John G. White III, Michael J. Napoleone and Richman Greer Professional Association. Both on the Trial Court level and the Appellate Court level.
  2. Perjury
  3. Subornation of Perjury
  4. Fraudulent billing schemes
  5. If(b) and (c) are not true, then by the evidence (d) must be true.
  6. Obstruction of Justice -Florida Court
  7. Conspiracy
  8. Official Misconduct
  9. Abuse of Power
  10. Misprision of Felony
  11. Aiding and Abetting
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12. Criminal Racketeering
  13. The Parties have violated and or abetted the violations of Florida Statutes:
  14. Duty to administer Trust. § 736.0801
  15. Duty of Loyalty. § 736.0802
  16. Impartiality. §736.0803
  17. Prudent Administration § 736.0804
  18. Trustee's skills. § 763.0806
  19. Control and protections of trust property. § 736.0809
  20. Duty to inform and account. §736.0813
  21. Trust accountings. § 736.015
  22. Distribution on termination. § 736.0817
  23. Applicability of chapter 518. § 736.0901
  24. Remedies for breach of trust. § 736.1001
  25. Damages for breach of trust. § 736.1002

E. Civil Torts:

1. Gross Negligence/Intentional Misconduct (Florida Statutes § 768.72, Restatement of Second of Torts § 500 (All Defendants)
2. Tortious Interference with Inheritance; Restatement (Second) of Torts § 774(B) (All Defendants)
3. Intentional Infliction of Emotional Distress (All Defendants)
4. Civil Conspiracy/Aiding and abetting/In-Concert Liability, Restatement (Second) of Torts §§ 875, 876, 879 (All Defendants)

F. Damages –

1. Estimated one million dollars without punitive damages.
2. Annual accountings have not been provided in violation of Florida Probate Statutes and Civil Statutes for Trusts.

G. Ask that this report in its entirety be reported to the State's Attorney for action plus any other agencies that have the authority to investigate these felonies outlined in my declaration.

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IX. Mary J. Mieczynski

A. Victims

1. Florence S. Mieczynski
2. Sarah J. Mieczynski
3. Mary J. Mieczynski

B. Judges

C. Lawyers and Fiduciaries

1. Ian I., Gilden, Esquire - Florida Bar No. 321941
2. Attorney for Guardian, Rebecca Fierle

D. Guardians -

1. Rebecca Fierle, court appointed Guardian of Limited Person and Property of Anthony Allen Mieczynski

E. Court Cases

1. 18th Judicial Circuit, IN and for Seminole county, Florida Case NO, 2006-GA-1828
2. Probate Division - In RE : Guardianship of Anthony Allen Mieczynski

F. On information and belief, the Parties have committed and or abetted the following alleged crimes:

1. Rebecca L. Fierle and her Lawyer Ian Gilden are in Violation of 1\_744.359.
    - a) Fierle, on three or more occasions: slammed the phone down while my son (the Victim) of a court hijacking was talking or trying to talk to her. The last call Fierle stated to my son "If you call me again I will put you in the nut house.."
    - b) Fierle also made out a police report stating Anthony should be put into an institution ...
    - c) Fierle has not seen or talked to the (ward) / victim in eight years..
    - d) Fierle was given a court order to pay Anthony \$200.00 a month which she refused to do.. Gilden put a request into the courts for money from Mary and Allen Mieczynski that was going to a complete stranger who has no connects with the Mieczynski, what so-ever.. He is stealing assets from both Mary (now 64 years old) and her husband Allen (who is now 68 and disabled)..
  2. 1744.359 Abuse, neglect, or exploitation by a guardian.—
    - (1) A guardian may not abuse, neglect, or exploit a ward.
    - (2) A guardian has committed exploitation when the guardian:
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- (a) Commits fraud in obtaining appointment as a guardian;
- (b) Abuses his or her powers; or
- (c) Wastes, embezzles, or intentionally mismanages the assets of the ward.

(3) A person who believes that a guardian is abusing, neglecting, or exploiting a ward shall report the incident to the central abuse hotline of the Department of Children and Families.

(4) This section shall be interpreted in conformity with s. 825.103.

History.—s. 14, ch. 2015-83.

1Note.—Section 20, ch. 2015-83, provides that “[s]ections 709.2109 and 744.3203, Florida Statutes, as created by this act, apply to all proceedings filed on or after July

#### PART V

A. The Rights of the Incapacitated Ward that are Retained by the Ward:

{F.S. 744.3215(1)} 1. To have an annual review of the guardianship report and plan. 2. To have continuing review of the need for restriction of his or her rights. 3. To be restored to capacity at the earliest possible time. 4. To be treated humanely, with dignity and respect, and to be protected against abuse, neglect and exploitation. 5. To have a qualified guardian. 6. To remain as independent as possible, including having his or preference as to place and standard of living honored, either as he or she expressed or demonstrated his or her preference prior to the determination of his or her incapacity or as he or she currently expresses his or her preference, insofar as such request is reasonable. 7. To be properly educated. 8. To receive prudent financial management for his or her property and to be informed how his or her property is being managed, if he or she has lost the right to manage property. 9. To receive the necessary services and rehabilitation necessary to maximize the quality of life. 10. To be free from discrimination because of his or her incapacity. 11. To have access to the courts. 12. To be represented by counsel (an attorney). 23 13. To receive visitors and communicate with others. 14. To receive notice of all proceedings related to determination of capacity and guardianship, unless the court finds the incapacitated person lacks the ability to comprehend the notice. 15. To privacy

G. Damages

1. \$ 1,700,000.00 MILLION

H. CIVIL TORTS

1. Intentional Infliction of Emotional Distress
  2. Civil Conspiracy / Aiding and Abetting/ In-Concert Liability
- I. Florida Agencies Contacted
1. JUDICIAL QUALIFICATIONS COMMISSION/ REPLY: THEY FOUND NO JUDICIAL MISCONDUCT/DISMISSED.
  2. THE FLORIDA BAR/ REPLY: CLOSED THIS RECORD.
  3. BILL MCCOLLUM/ REPLY: THIS OFFICE HAS NO JURISDICTION OVER THIS MATTER.
  4. DCF/ THE INVESTIGATED THE FAMILY AND THE GUARDIAN. TOM B. (INVESTIGATOR ) WAS TOLD TO DROP THE COMPLAINT.
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X. Julia Gonzalez

A. Victims

1. Julia M. Gonzalez - My name is Julia M. Gonzalez , I attest that this information is the truth . So help me GOD!!

B. Judges

1. DAVID FRENCH
2. Judge Howard Harrison( from Virginia who signed the divorce ruling)

C. Lawyers and Fiduciaries

1. Anthony J. Aragona ( ex husbands attorney)
2. Laura Schantz, Weston Florida
3. Scott Stadler, Coral Springs, Fl
4. Craig Boudreau, West Palm beach, Fl

D. Court Cases – Court & Case Numbers

1. Case #502010DR0038XXXXSB/Div.FY

E. On information and belief The Parties have committed and or abetted the following alleged crimes:

1. Judge French has denied me my Constitutional basic right to defend myself from false allegations made by my ex husband.( Lloyd G. Wickboldt ) please look for this man history of Domestic Abuse ( before he abused me!) from Orlando Florida, Virginia, and Maine. He is a chronic alcoholic and addicted to prescription painkillers and other. (This information should be easy to find for any criminal organization ) He holds an MD license in Florida but does Not practice. He was part of PRN ( Physician Recovery Network) in Florida. He had a Life Time contract with this organization for the many years he has been in and out of recovery programs; he was also committed to a mental health institution for treatment in Jacksonville Fl and Atlanta, Ga, for violent acts against his previous wife and children, during his second marriage, however, he presents himself as a honorable physician, practically hiding his demons behind his medical license. Before our Divorce Trial, miraculously his "contract with PRN " was terminated and during Trial his attorney announced” his client had finally recovered from alcohol and drug use".
  2. Judge David French, ignored my Motion/Hearing from March 2013, where Judge French had ( for one time ever ) granted my motion to have my husband return all my personal property, to order my husband to relinquish the necessary document for me to continue driving my car; my
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husband had made false allegations that I had stolen his car and I was not able to get a Tag renewal from the State or car insurance; I had also placed a motion for the Court to release my funds from my personal CD Bank account which I held and since 1998 I had Not contributed to; indicative that my husband's claims to my funds were totally unfunded. I presented an official letter from the Bank stating this facts and the various Bank accounts I held way before even meeting my husband. I also presented paper trail of transactions on account. My husband had illegally frozen my personal account without any court ruling and since then I was not able to use my funds. My ex husband falsely alleged I had diverted his funds into my personal account. Judge French stated vaguely that these documents needed to be presented in a "different form and directly from the Bank" and he denied having anything to do with that" for he was not sure how to proceed for the Court had never ordered the freezing of my account in the first place. Therefore, he said, I should present these documents the day of the divorce Trial.

3. Abuse of Power-Judge French ignored my Motion to demand my husband the return of my property as per his own ruling weeks before. Also the documents specified as per his ruling to allow me the use of my car was never received from my husband. Judge French ignored my request. I also made a motion/ Hearing for continuance of Trial. Since Judge French had granted my attorney her request to drop my case a few weeks before Trial. The request for motion/Hearing was never acknowledged by Judge French. Despite many attempts to reach him through his office. During Trial I again asked to please be granted a continuance but then it verbally denied. I was denied my constitutional right to first, obtain legal representation, second to testify on my own defense.
  4. I was robbed of my right to legal representation, specially when I was falsely accused of such serious crimes; as a consequence my property, my own home and Homestead exemption here in Florida was ruled by this judge to be sold by my ex abuser ( husband) based solely on false allegations. I was not allowed to testify, to defend myself, to tell the court that my ex had been twice, during our short marriage of 2 1/2 years, committed to a recovery institution in West Palm Beach, over 30,000. each time , ( forced by PRN after my ex was found out using alcohol/drugs) , and which conveniently his attorney never brought up. It was never brought up that since our marriage in 2007, I had paid my ex
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abuser and husband his debt to the IRS from 2005/06 for \$40,000. Which I paid in 2 years during our marriage. It was never brought up the fact that my husband's taxes were paid in full the 2 years of our marriage. Never before had he ever paid his taxes in full; over 20,000. fee each year. It was never brought up the documented fact that from the account that he falsely claimed "did not know anything about" I paid our rent every month, cars, his personal debts , credit cards, utilities , payments made to his own daughter every month, his medical bills including his psychiatrist; and PRN fees; all of these documents had been disclosed to his attorney, Mr. Aragona and to the Court, but when " they" saw an opportunity to rob me of my rights they did it !! without conscience, unscrupulously, and Judge David French and attorney Anthony Aragona have intentionally and maliciously prevented me from my constitutional rights; and now they adamantly pursue ( Judge French and MR Aragona) the sale of my home, my Homestead Exemption despite multiple prove, documents, witnesses ,( which they refuse to listen to) they have denied me twice of my rights to present witnesses in my defense and to prove that all these allegations brought against me were totally false. Please Help me keep my Home which is rightfully mine, which I bought after many, many years of hard work, sacrifice and commitment; Judge David French, attorney Anthony Aragona have resorted to extreme measures to take away my home, my Homestead, Through questionable means.

F. Civil Torts.

G. Damages

1. Financial over \$150,000. Not including my home which is still on appeal.
2. Psychological and Emotional which has affected my overall health.

H. Agencies Contacted – Result

1. Attorney General, Women in Distress, NO More.org
2. Appellate Court, also ( numerous attorneys- they are sympathetic but want and need money) which I do not have; all my retirement funds have been depleted. FCLU, ACLU.

No results from the Court in West Palm Beach, all my appeals have been denied.

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XI. Elisabeth Shackelford

A. Victims

1. Renee MF Shackelford,
2. Elisabeth Shackelford

B. Judges Probate Court:

1. Judge Pinkey Toomer (A Fulton County, GA judge; The Guardian and Conservator live in Destin, Florida, 5 hours away from my mother.

C. Guardians

1. Charles Fletcher Shackelford
2. Gayle Walding Shackelford

D. Law Firms

1. Ann J. Herrera

E. Agencies Sought Relief from

1. Adult Protective Services
2. Ombudsman after my mother was repeatedly abused.
3. Courts Involved
  - a) Fulton County Probate Court,
  - b) Cobb County Police Department

F. Criminal Acts Alleged

1. Fraudulent Billing Scheme
  2. Fraud
  3. Fraud upon the Court
  4. Corruption
  5. Collusion
  6. Adult Kidnapping
  7. Elder Abuse
  8. Libel/slander/defamation
  9. Grand Theft
  10. Cyber Crime/ Cyberstalking/ Internet Crime/ Hacking/ Hijacking/  
File=sharing Malware/ remote screenshot malware
  11. Stalking
  12. Narrative Fraud
  13. Bullying
  14. Harassment
  15. Legal Abuse
  16. Malicious Prosecution
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17. Malicious and Wrongful Foreclosure
18. INTENSE ABUSE of Elisabeth, giving rise to a heart attack at age 59 that almost cost her her life.
19. Chemically restraining my mother (approving haldol and seroquel—drugs that are illegal for persons with dementia and/or Alzheimer's), thus intentionally aiding and abetting her demise.

G. Damages

1. Legal Fees @\$50,000 in Legal Fees, Court Costs, and Reconnaissance/Investigation Travel
2. Guardian Fees \$240,125.89 now missing from my mother's estate. See Probate Case Record attached. George C Reid (brother-in-law), The Reid Law Firm apparently retaining the \$240,124.89 under LBC Holdings Inc., a Georgia Domestic Profit Corporation. Betty Derrick, Registered Agent, 1201 W. Peachtree, Atlanta 30309. Charles Fletcher Shackelford, Principle. Address of LBC Holdings: 3330 Cumberland Blvd. Suite 925, Atlanta, GA 30339 (George C. Reid's office) File no 0446907 and Delaware corp registration number 2563575
3. Loss of Property Tangible Personal Property no longer listed on Probate Case Summary. Letter of Intent to Purchase between Guardian/Conservator and Tenant of my mother's house is highly likely. Thus, in a prearranged agreement, my mother's house has effectively been sold for 160,000 Euros. (And election to have my mother's home in France devolve under U.S. law was likely filed on August 14, 2015. As always, I was not included in any negotiations or transactions.)
4. ABUSE OF OUR MOTHER Under Floridians' Guardian and Conservator's watch from 5 hours away, our mother (who is in Georgia) has endured horrific abuse. And so have I. I am her daughter and I was completely innocently taking care of my mother (for free) when I got the Petition for Guardian and Conservator. The judge would no let me show her my mother's grocery receipts confirming who was feeding her. Nor would she allow me to show her my mother's bank statements (which would have shown that her money went UP not down on my watch). They took my home. They took my Mom's home. They took my mother's stock portfolio, cashed it out. All but \$46,000 of the money is gone. Not one penny went towards the care of my mother. (All her costs are taken care of by her Genworth LTC, SS, medicare and medicaid. Although, they seem to be embezzling her social security checks. They also personally

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collect money from renting the Old House.)

They took ME- my identity -- first hack: 2006. second extensive hack: 2011 to fall 2015. Installed malware: 2 trojans, 12 heuristics, 1 tinymce, 1 AwesomeScreenshot, 2 Hightail. fake email address: ed4shackelford@gmail.com that they linked to my gmail. Then they took my Mom and would not tell me where she is for 3 years. Hundreds of emails to them asking, Where is our poor mother? All emails ignored.

- a) During this time, my mother suffered broken ribs; C-diff; a stroke, bruises on her arms; bruises on her hands; hands held under hot water; a severe laceration to her arm (via a box-cutting knife); possible (probable) sexual abuse. (Bruising around the genital area. Bruising on her lips.)
  - b) I did everything in my power to get help for my Mom. Medical attention. Police report. Called Adult Protective Services. Called the Ombudsman. But, they are all plugged in with the Guardianship Racket. I was utterly helpless to help my own mother.
  - c) Finally, my heart caved. On January 14, 2016, I had a massive heart attack.
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- XII. Cindy Swanick
- A. Victims
    - 1. Cindy Swanick
  - B. Court Case Numbers
    - 1. 2010-CP-0532
    - 2. 2007-4032/B
  - C. Judges Probate Court:
    - 1. Judge Jack Singbush
    - 2. Judge Barbara Howe
  - D. Law Firms
    - 1. Ramunno Law Firm, P.A. (both cases)
  - E. Agencies Sought Relief from
    - 1. Police
    - 2. FBI
    - 3. B.B.B
    - 4. Florida Bar Association
    - 5. New York Bar Association
  - F. Courts Involved
    - 1. Circuit Court For Marion County, Florida Probate Division
    - 2. State of New York Surrogate's Court : County Of Erie
  - G. Criminal Acts Alleged
    - 1. Fraudulent Billing Scheme
    - 2. Stole \$80,000.00 right from probate bank account stating was court ordered then blamed Cindy Swanick for taking the money
    - 3. Sided with the opposition to ensure Cindy didn't get any of the proceeds from the probate
    - 4. Did not fight to get Cindy Swanick's half of father's estate in NY
    - 5. Hired another lawyer to sit in court hearings then charged Cindy Swanick Hotel fees travel costs etc.
  - H. Summary of Crimes Committed
    - 1. Verbal Harassment, Would call demanding Cindy Swanick stop what she was doing to sign documents in a hurry. Summarizing what was in them and saying to sign without her even reading them fully.
    - 2. Went to SunTrust Bank and stole \$80,000.00
    - 3. Said he would get lost wages and drug his feet until the time limit was past
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4. Had Cindy Swanick working on many projects that Lorenzo Ramunno should have been doing on his own
  5. Asked Cindy Swanick to find addresses for him for people that "owed" him money
  6. Told Cindy Swanick to take money out of the probate account
  7. Asked that Cindy Swanick give him the checkbook to the probate account and all monthly bank statements
  8. Told Cindy Swanick to put proceeds into a NON interest bearing bank account

I. Damages

1. Legal Fees
  2. Half of the estate for father in NY
  3. Loss of Property
  4. Loss of more than half the proceeds in mother's estate in Florida
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- XIII. Juliette Fairley - Complaint about 1st Department for Preet Bharara
- A. Victims
    - 1. James Fairley, retired master sargent-U.S. Air Force
  - B. Court Case Numbers-
    - 1. 500178/2014
  - C. Judges Probate Court:
    - 1. Judge Visitacion Lewis (first department in New York, 60 Centre Street)
    - 2. Court appointed attorney Summerfield Baldwin  
Summerfield M. Baldwin, ESQ 75 Maiden Lane (suite 327) New York,  
NY 10038-4810
  - D. Guardians
    - 1. Susan Brown- (court appointed guardian Susan Brown was also the court investigator) Glassman & Brown LLP 99 Court Street White Plains NY 10601
  - E. Law Firms-
    - 1. Abrams Fensterman  
630 Third Avenue, 5th Floor New York, New York 10017
    - 2. Glassman & Brown LLP 99 Court Street White Plains NY 10601
    - 3. Summerfield M. Baldwin, ESQ 75 Maiden Lane (suite 327) New York,  
NY 10038-4810
  - F. Agencies Sought Relief from-
    - 1. First Dept DDC - Chief Disciplinary Counsel- Jorge Dopico
  - G. Courts Involved-
    - 1. First Department in New York, also I filed an appeal at New York Appellate Court at 27 Madison Avenue
  - H. Criminal Acts Alleged -
    - 1. Abrams Fensterman with the help of Summerfield Baldwin and Susan Brown and Judge Visitacion Lewis defrauded the court with a false order of transfer of guardianship and illegally extradited my father from New York to Texas against his will. There was no order of guardianship because my father was not under guardianship when he relocated to New York from Texas. (see attached the appellate brief)
    - 2. Fraudulent Billing Scheme- Susan Brown and Summerfield Baldwin with the help of Judge Visitacion Lewis and Abrams Fensterman attempted to bill me for a collective \$18,000 in legal fees, which the appellate court deemed excessive and remanded.
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I. Summary of Crimes Committed

1. Aided and abetted the prevention of medical care for a blind military veteran.
2. Defrauded the court with a false order of transfer of guardianship.
3. Extradited my father from New York to Texas against his will.
4. Here is a link to an article I wrote about the first department and the fraud I experienced at the hands of the Judge and her court appointed friends Summerfield Baldwin and Susan Brown  
<https://www.mainstreet.com/article/adult-childrens-applications-for-guardianship-do-not-guarantee-justice-for-the-elderly>

J. Damages

1. Legal Fees-\$150,000 over the past 5 years. (\$10,000 of which I paid to file an appeal in New York)
2. Guardian Fees- billed me \$18,000 which was overturned by the appellate court.
3. Loss of Property- my father, who is a 22 year veteran of the U.S. Airforce
4. Below are articles I have written on the fraud people have experienced at the hands of the court in New York:

<https://www.mainstreet.com/article/heres-how-the-great-41-million-generational-wealth-transfer-is-intercepted-by-probate-pirates>

<https://www.mainstreet.com/article/financial-abuse-by-profiteering-guardians-awaits-aging-booms-and-heirs>

<https://www.mainstreet.com/article/how-to-stop-guardianship-abuse-hotline-monitors-palm-beach-county>

<http://www.newsmax.com/Finance/JulietteFairley/Probate-Court-Retirement-senior-citizens/2016/03/08/id/718090/>

<http://www.newsmax.com/Finance/JulietteFairley/Probate-Court-Elderly-Retirement/2016/02/26/id/716368/>

<https://www.mainstreet.com/article/what-happened-to-me-when-i-turned-to-probate-court-for-help-with-elder-care>

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- XIV. Mitchell Frieder
- A. Victims
    - 1. Mitchell Frieder
  - B. Court Case No.
    - 1. 502012CA007326
  - C. Judges
    - 1. Jeffrey Gillen
    - 2. Jessica Tickin
  - D. Law Firms
    - 1. Redgrave & Rosenthal
  - E. Criminal Acts Alleged
    - 1. Legal Malpractice
    - 2. Fraud
    - 3. Fraudulent Billing Scheme
    - 4. Conspiracy
  - F. Damages
    - 1. Legal Fees & Loss of Property >\$300,000/00
  - G. Links
    - 1. <https://www.youtube.com/watch?v=reu2Py08nIw>
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XV. IRELA CASTILLO

- A. Victims
    - 1. GEORGINA F. CAMJI (Ward)
  - B. Courts Involved
    - 1. PROBATE COURT OF MIAMI-DADE, FL - CIRCUIT COURT OF THE 11th JUDICIAL CIRCUIT MIAMI-DADE, FLORIDA
  - C. Court Case Numbers
    - 1. 06 5288 GD 03
  - D. Judges Probate Court:
    - 1. MARIA M. KORVICK, Administrative Judge of Probate Court
  - E. Guardians
    - 1. LOUIS L. HILLMAN, ESQ.,
    - 2. JOY CARR, Esq.,
    - 3. THEODORE BRILL, Esq.,
    - 4. JACQUELINE HERTZ, Guardian,
    - 5. EILEEN YASBIN, Esq.
  - F. Law Firms
    - 1. SUSAN DUREE, Esq.,
    - 2. JAMES ROEN, Esq.,
  - G. Agencies Sought Relief from
    - 1. DCF, nothing done
    - 2. STATE ATTORNEY'S OFFICE, ELDER'S AFFAIRS, nothing done
    - 3. GOVERNOR RICK SCOTT, nothing done
    - 4. FBI
  - H. Criminal Acts Alleged
    - 1. Fraudulent Billing Scheme,
    - 2. Sale of property under market value,
  - I. Summary of Crimes Committed
    - 1. MEDICAL ATTENTION,
    - 2. INSULTS,
    - 3. THREATS
  - J. Damages
    - 1. Legal Fees
    - 2. Guardian Fees
    - 3. Loss of Property - Total \$8.M Plus
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XVI. Patty Reid

A. Victims

1. Patty Reid
2. Landan Reid

B. Court Case Numbers

1. PRC 00004940 (17th. circuit)
2. MH - 13- 1949
3. 97-7240(02)
4. 95-11455 (42)(90)
5. 4th. DCA 13- 1949
6. 4th. DCA LT. NO 97-7240(02)

C. Judges

1. Judge Mark A Speriser (disqualify denied)
2. Former judge Mel Grossman (disqualify granted)
3. Judge Charles Greene (disqualify granted)
4. Judge Laura Watson (family court)
5. Former Judge Stafford (civil)
6. Former Chief Judge Dale Ross
  - a) Sit in judge's
    - (1) Judge John Frusciante
    - (2) Judge Robert Diaz
    - (3) former Larry Seildman
    - (4) G/M Rita Berry
    - (5) G/M Barbara Bailly
    - (6) General. Masters
  - b) Clerk of the court probate staff
    - (1) Howard C Forman
  - c) Court monitors
    - (1) Gerald Donally
    - (2) Ron Patella (vendor )
    - (3) Joseph Lobi
    - (4) Mr Robert Twoney ( court monitors supervisor)
    - (5) Sandhya Nermada MD
    - (6) Michel P Brannon , PSD
    - (7) Joyce A. Loans LCW

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(8) 4th.DCA Loann Weissblum (Clerk)

(9) DCA Marilyn Beuttenmuller (clerk)

D. Guardians

1. South Florida Guardianship Program (court Appointed with Instant custody and without parental consent)
2. Kathleen Phillips ( executive director and registered guardian and falsely claiming legal guardian's to Landan Reid)
3. Regina Clark South Florida guardianship Program( constantly stalking and harassment )
4. Lou Villadsen South Florida Program Director of Finance ( falsely claiming legal Guardian's to Landan Reid )
5. National nonprofit for Americans with Disabilities Inc. ( Larry R Poteet)
6. Marie Johnson ( court appointed without parental consent)
7. Patty Reid natural parent and appoint sole custodial guardian by agreed too ordered by family court judge and instantly appointed representative agent and instantly appointed guardian of the person and property to fraudulent guardianship holding the Court subject matter jurisdiction by court ordered )

E. Attorneys / Professionals

1. Lea Lieberman CPA BSO ft. Lauderdale Police department
  2. Attorney Gene Reibman ( court ordered to handled appeal for Landan his appearance for the record reflects Kathleen Phillips and Attorney Robert Julian )
  3. The Vaught Law firm, Susan Vaught
  4. Attorney Joshua Payne
  5. Robert Julian ( staff attorney for South Florida dress attire jeans and a shirt hearing before G/m )
  6. Gary L Rudolpf of Rudolf and Hoffman formerly English McCaughan and OBray PA
  7. Alton A. Linn.Jr.
  8. James R Sloto / Sloto, Greenberg and Berk PA/ Sloto Associates PL
  9. Phillip J Brutus
  10. Teresa Sjogen
  11. Jacqueline Schneider (court appointed )
  12. Robert Tinkler( Formerly South Florida Guardianships request the returned of the courts jurisdiction pleading the presiding judge caused citing the court's erred let's make a deal )
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13. Tim Payne ( Josh Payne's Father conflict of interest not reported to his employers or parties or the Court )

14. Robert Collier

F. Agencies seeking Remedies or Relief

1. Florida Bar Complaints( no assistance)
2. Texas Department of Insurance forwarded complaint to Florida Department of Insurance (no assistance)
3. Federal Trade Commission (no assistance)
4. JQC compliant ( no assistance )
5. BBB complaint (no assistance )
6. IRS( no response)
7. Consumer protection ( citing Litigation citi bank no additional information)
8. OCC (no assistance)
9. Chief Judge Dale Ross ( no assistance)
10. Former congressman Wexler (no assistance)
11. RC Cook ( Audit )
12. Ken Dowell (audit)
13. Department of Elderly Affairs (no assistance)
14. The office of the Governor Charlie Christ / Governor Rick Scott ( no assistance)
15. Disability Rights ( no assistance due to pending proceeding )
16. Plantation Police Department (case number a federal matter)
17. Social Security( Alan the Supervisor aides in the wrong doing by granting favors to South Florida due to his working relationship denied investigation of Stolen treasury funds of a disabled person)

G. Courts Involved

1. Probate (17th. Circuit) Civil
2. 4th DCA( court of appeals)

H. Criminal Acts Alleged

1. Fraudulent Billing Scheme
  2. Insurance Fraud
  3. Securities Fraud
  4. Fraud on the court (intrinsic and Extrinsic)
  5. Fraudulent Guardianship scheme
  6. Unlawful interference
  7. Custody interference (minor child)
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8. Racial discrimination (disabled person and parent)
  9. Violations homestead exemption ( 222.14)
  10. Violations of public policy
  11. Trafficking Fraudulent documents
  12. Social Security Fraud ( disabled person)
  13. Money Laundering
  14. Tax fraud
    - a) multiple fraudulent tax return (Minor child)
    - b) Violations of civil and human natural Rights and due process (disabled person and parent)
    - c) Identity theft ( minor child and Disabled persons)
    - d) Violations of ADA ( tittle I, II, III)
    - e) Violations of 504 rehabilitation Act of 1973
    - f) Violations of Florida Guardianship laws 744 and Abuse of proceeding
    - g) Fraudulent compliance of Statutory requirements (guardianship cases)
    - h) Violations of human trafficking of ( disabled child and person)
    - i) Attempted kidnapping ( minor child and disabled person)
    - j) Violation public trust and Confident
    - k) Fraudulent conversion of assets (Minor child and disabled person)
    - l) Neglect of judicial duties
    - m) Financial exploitation ( minor and disabled person)
    - n) Falsifying records and altering clerk of the court dockets
    - o) Deceptive practices
    - p) Child abuse and neglect ( minor and disabled person)
    - q) Fraudulent claims and accusations to law enforcement agencies against parent
    - r) Mail Fraud
    - s) Bank Fraud
    - t) Wire fraud ( minor ,disabled person and Parent)
    - u) Perjury under oath( guardians, court monitors)
    - v) Denied access to court and Justice process
    - w) Violations Sherman antitrust act
    - x) Violations of Clayton act

I. Summary of Crimes

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1. In the guardianship of Landan Reid who remains in guardianship and wishes to be set free even with state and federal laws prescribe his discharged being pass the legal age we live under the constant threats and fears of illegal court orders of probate court holding illegal custody hearing for my removal of the only mother who has cared and protect me and we feared for our safety in american our outstanding relief and remedies from the long trained of abuse and suffering and harm my mother who risk being falsely arrest and accused of protecting me from being placed with strangers in a unknown location we could not bare the improper effects of a stay away court ordered that rips our family apart we have been on the run until this day my mother is having a Rosa Parks moment she is refusing to hand me over to any court or strangers who actions are willfully evil with wrongdoings

J. Damages

1. Legal Fees and Guardian's fees
    - a) Combined 130,000 plus more
  2. Loss of Property yes
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XVII. ROBERT SARHAN, MD 22795 SW 212 Ave Miami Florida 33170 Tel. 305-338-6160

A. VICTIMS

1. Yvonne Sarhan
2. Robert Sarhan, MD
3. Robert Sarhan, Jr
4. Anabella Soury and Family

B. Court Case Number

1. 03-3440 (11 Circuit)
2. Third District Court of Appeals, Case No. 06-2107

C. Judges

1. Judge Bruce David Levy
2. Judge Norman Gerstein
3. Judge Arthur Rothenburg
4. Judge Celeste Hardee Muir
5. Clerk of Court Harvey Ruvim (met with Harvey Ruvim, would not stop corruption)

D. Guardians

1. Barbara Reiser from Reiser and Reiser
2. Vicki Brail Geriatric Care Miami

E. Attorneys

1. Cheryl Silverman
2. Enrique Zamora
3. David Mangeiro
4. Harvey Rogers
5. Brian Silveirio

F. Agencies Seeking Remedies or Relief to Save My Mother's prior to her being Murdered

1. Florida Bar Complaints (No Assistance)
  2. Judicial Qualifications Commission (JQC)
  3. Third District Court of Appeals
  4. First Lady Michelle Obama (met with her in 2012, she would do Nothing)
  5. Hillary Clinton (Met with her in 2008 she would do nothing)
  6. Kathleen Fernandez Rundle State Attorney (involved in the Extortion and Murders)
  7. Congressman Mario Diaz Balart (would do nothing)
  8. Congressman Joe Garcia (wrote letter to President Barack Obama)
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9. President Barack Obama (refused to meet with me)
  10. Congressman Lincoln Diaz Balart (would do nothing)
  11. Chief Judge Joseph P. Farina
  12. Governor Rick Scott
  13. Florida Attorney General Pam Bondi

G. Criminal Acts involved

1. Murder of Yvonne Sarhan (my mother was murdered with Seroquel)
2. Fraud on the Court
3. Violation of Due Process / Obstruction
4. Extortion
5. Elderly Abuse and Extortion Florida Crimes Statute 825
6. Criminal Conspiracy
7. Social Security Fraud
8. Insurance Fraud
9. Money Laundering
10. Identity theft
11. Violations of Civil and Constitutional Rights
12. Judges committing Treason Against the United States Constitution
13. Violation Guardian Laws 744 and Abusive and corruptive proceedings
14. Fraudulent Rulings of Incapacitation
15. Deceptive and fraudulent sham hearings
16. Neglect of Judicial Duties
17. Falsifying records
18. Mail Fraud, Wire Fraud
19. Perjury Under Oath
20. Racketeering

H. DAMAGES:

1. 100 Million Dollars and Give me my 13 years of life I have lost due to this, so I can spend it with my son. Give me my mother back and let her live her life with dignity and the Freedom to live life with her family.
  2. In these type of Horrible Injustices, these criminals should be Hung by Rope in front of the Court House, in which they used to commit their crimes.
  3. Legal Fees and Guardian Fees, Loss of Property my house of 1.2 million dollars
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XVIII. Mary Ford

- A. Victims
    - 1. Lilly Tonkinson
  - B. Court Case No,
    - 1. 14AR-PR00045
  - C. Judges Probate Court:
    - 1. Kristy Swain
  - D. Guardian
    - 1. Rhonda Noe
  - E. Law Firms
    - 1. BRENDA SWEDBERG IS APPOINTED GUARDIAN AD LITEM,  
JAMES MCCOY ,MISSOURI DEPARTMENT OF HEALTH AND  
SENIOR SERVICES ATTORNEY GENERAL'S OFFICE  
207 W HIGH ST, PO BOX 899  
JEFFERSON CITY, MO 65102  
Avocate
  - F. Criminal Acts Alleged
    - 1. Fraudulent Billing Scheme
  - G. Damages
    - 1. Legal Fees
    - 2. Guardian Fees
    - 3. Loss of Property - 150,000.00
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XIX. Helen Stone - Prepared by Eliot Bernstein

A. Victims

1. Helen & Barbara Stone, Esq.

B. Court Case No, - Multiple Civil and Criminal Complaints

C. Judges Probate Court:

1. Michael Genden
2. Several Other Judges in Various Cases filed

D. Guardian

1. Blaire Lapidés
2. Several Prior

E. Law Firms / Lawyers

1. Roy Lustig, Esq.
2. Multiple Others

F. Criminal Acts Alleged

1. See case file records

G. Eliot Bernstein Statement

1. Helen Stone appears trapped in a Predatory Guardianship with a Judge, Michael Genden, who with attorney Lustig has been alleged in affidavit and in testimony before Federal Judge Zolch by attorney Deborah Rochlin, Esq. that Genden and/or Lustig threatened her to abandon representation of Helen Stone or else. On information and belief, shortly after the testimony in federal court the state bar filed an attorney disciplinary complaint against Rochlin.
  2. Helen's daughter Barbara has been put in jail four times through court orchestrated schemes in efforts to free her mother from this Predatory Guardianship that has her mother on a feeding tube and confined to a bed and wheelchair.
  3. Barbara was a retired attorney and for her efforts she too was disbarred by the Florida Bar on trumped up charges.
  4. Barbara was jailed and basically forced to accept a consent order that precludes her in many ways from protecting her mother publically and therefore did not take part in the submission of this request for investigation from the DOJ.
  5. I, Eliot Ivan Bernstein, files this record with your offices of my own initiative and as my civic duty to protect another in danger and where I have reviewed the records and believe Helen Stone is being murdered in a
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Predatory Guardianship that has not served her needs and instead served the needs of the lawyers, judges and guardians involved. I seek review of this case urgently as I personally do not think Helen Stone will survive under the conditions she rots in and without seeing her beloved daughter.

6. Barbara fought as hard as any daughter could for her mother's release and she is being victimized and retaliated upon by Genden and Lustig to the point she has been denied the ability to file complaints on behalf of her mother or go to jail.
  7. Helen Stone is therefore left with no one who loves her able to protect her.
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**INDIVIDUAL CRIMINAL COMPLAINTS (Form for Elder Abuse**  
**Complaints if your case involves Elder Abuse)**

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- I. Eliot Ivan Bernstein - I, Eliot Ivan Bernstein, make the following statement on information and belief.
- A. The following parties are complained about:
1. Donald Tescher, Esq. – Tescher & Spallina PA – Attorneys & Fiduciaries
  2. Robert Spallina, Esq. - Tescher & Spallina PA – Attorneys & Fiduciaries
  3. Alan Rose, Esq. - Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A.
  4. Steven Lessne, Esq. - GrayRobinson, P.A. & Gunster, Yoakley & Stewart, P.A.
  5. John Pankauski, Esq. - Pankauski Law Firm PLLC
  6. Mark Manceri, Esq. - Mark R. Manceri, P.A.
  7. Jon Swergold, Esq. – Greenberg Traurig
  8. Brian O’Connell, Esq. - Ciklin Lubitz Martens & O’Connell
  9. Joielle Foglietta, Esq. - Ciklin Lubitz Martens & O’Connell
  10. Benjamin Brown, Esq. - Matwiczyn & Brown, LLP
  11. John Morrissey, Esq. - John P. Morrissey, P.A.
  12. Adam Simon, Esq. - The Simon Law Firm
  13. David Simon, Esq. - The Simon Law Firm
  14. John Stamos, Esq. - Stamos & Trucco LLP
  15. Kevin Horan, Esq. - Stamos & Trucco LLP
  16. Peter Feaman, Esq. - Peter M. Feaman, P.A.
  17. Albert Gortz, Esq. – Proskauer Rose
  18. Ted S. Bernstein, Fiduciary
  19. Pamela Simon
  20. PB Sheriff Office Detective Ryan Miller
  21. PB Sheriff Office Detective Andrew Panzer
  22. PB Sheriff Office Captain Carol Gregg
  23. PB Medical Examiner – Michael Bell
  24. Rachel Walker
- B. Witnesses
1. Available upon request
- C. The following is a list of alleged criminal statute violations of Florida Code of Criminal Statutes.
1. Title XLVI – CRIMES - Chapter 839 - OFFENSES BY PUBLIC OFFICERS AND EMPLOYEES - 839.13 Falsifying records.— 839.13 Falsifying records.—
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a) Law

(1) Except as provided in subsection (2), if any judge, justice, mayor, alderman, clerk, sheriff, coroner, or other public officer, or employee or agent of or contractor with a public agency, or any person whatsoever, shall steal, embezzle, alter, corruptly withdraw, falsify or avoid any record, process, charter, gift, grant, conveyance, or contract, or any paper filed in any judicial proceeding in any court of this state, or shall knowingly and willfully take off, discharge or conceal any issue, forfeited recognizance, or other forfeiture, or other paper above mentioned, or shall forge, deface, or falsify any document or instrument recorded, or filed in any court, or any registry, acknowledgment, or certificate, or shall fraudulently alter, deface, or falsify any minutes, documents, books, or any proceedings whatever of or belonging to any public office within this state; or if any person shall cause or procure any of the offenses aforesaid to be committed, or be in anywise concerned therein, the person so offending shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2)(a) Any person who knowingly falsifies, alters, destroys, defaces, overwrites, removes, or discards an official record relating to an individual in the care and custody of a state agency, which act has the potential to detrimentally affect the health, safety, or welfare of that individual, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the purposes of this paragraph, the term “care and custody” includes, but is not limited to, a child abuse protective investigation, protective supervision, foster care and related services, or a protective investigation or protective supervision of a vulnerable adult, as defined in chapter 39, chapter 409, or chapter 415.

D. Statement

1. Judges Colin, French and Phillips, in conspire with the PB County Coroner Michael Bell and Sheriff officers Miller and Panzer and other public officers, including but not limited to attorneys at law, Spallina, Tescher, Rose, Manceri, Pankauski, O’Connell and Manceri acting as Officers of the Court and Ted Bernstein, Robert Spallina and Donald Tescher as Fiduciaries have stolen, embezzled, altered, falsified records (multiple perhaps thousands) and avoided records and papers filed in multiple judicial proceedings in courts of this state and have knowingly and willfully taken off, discharged and concealed multiple issues and have

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forged, defaced and falsified documents and instruments recorded and filed in court and fraudulently altered, defaced and falsified documents, books, and proceedings whatever of or belonging to any public office within this state and caused and procured the offenses aforesaid to be committed and are therefore guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. The parties knowingly falsified, altered, destroyed, defaced, overwrote, removed, and discarded official records relating to individuals (including minor children) in the care and custody of a state agency and which act has detrimentally affected the health, safety and welfare of these victim individuals and therefore the parties alleged herein have conspired and committed a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
3. For the purposes of this paragraph, the term “care and custody” includes, but is not limited to, a child abuse protective investigation, protective supervision, foster care and related services, or a protective investigation or protective supervision of a vulnerable adult, as defined in chapter 39, chapter 409, or chapter 415.
4. [http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0800-0899/0839/Sections/0839.13.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0800-0899/0839/Sections/0839.13.html)

E. Title XLVI – CRIMES - Chapter 777 - PRINCIPAL; ACCESSORY; ATTEMPT; SOLICITATION; CONSPIRACY 777.011

1. Law

Principal in first degree.—Whoever commits any criminal offense against the state, whether felony or misdemeanor, or aids, abets, counsels, hires, or otherwise procures such offense to be committed, and such offense is committed or is attempted to be committed, is a principal in the first degree and may be charged, convicted, and punished as such, whether he or she is or is not actually or constructively present at the commission of such offense.

History.—s. 1, ch. 57-310; s. 11, ch. 74-383; s. 1194, ch. 97-102.

Note.—Former s. 776.011.

2. Statement

That the parties ( NAME PARTIES ) committed criminal offenses against the state, felony and misdemeanor and aided, abeted, counseled, hired and procured such offense to be committed and such offenses were committed and some attempted to be committed and therefore they are a principal in

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the first degree and may be charged, convicted, and punished as such, whether he or she is or is not actually or constructively present at the commission of such offense.

3. [http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0700-0799/0777/Sections/0777.011.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0777/Sections/0777.011.html)

- F. False Instruments
  - G. Forgery – Multiple Documents and Parties
  - H. Fraudulent Notarization
  - I. Securities Fraud
  - J. Insurance Fraud
  - K. Alleged Murder of Simon Bernstein – Reported by Ted Bernstein, Rachel Walker, Pam Simon, claiming Maritza Puccio, Simon’s companion had poisoned him.
  - L. Investigation mislabeled by PBSO as Hospital Maintenance Record Check.
  - M. Coroner report shows elevated heavy metals on 113 yr old Simon?
  - N. Alleged Suicide/Murder – Mitch Huhem purchaser of Simon home via Probate Fraudulent Sale
  - O. Bank Fraud
  - P. Extortion
  - Q. Child Abuse
  - R. False Guardianship
  - S. Theft of Inheritance
  - T. Conspiracy
  - U. Players
  - V. Perjury
  - W. False Statements Official Proceedings
  - X. Misprision of Felony
  - Y. Obstruction of Justice
  - Z. Public Office Violations
  - AA. *Conversion - Breach of Fiduciary Duties - Egregious Bad Faith*
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II. Kyle C. MacNeney - MACNENEY REPORT OF CRIMINAL JUDICIAL AND  
GUARDIAN ABUSE OF A WARD - 5526 49th Ave, Vero Beach, Florida 32967 - 561-  
339-1475

Today's Date: March 14, 2016

Name of Ward: Violet K. LeSuer ( deceased June 28th, 2011)

A. Named Judge:

1. Judge Karen Martin (Retired)
2. Judge Jack Cook ( retired )
3. Diana Lewis

B. Court

1. Circuit 15th Judicial Circuit Court of Palm Beach County, Florida
2. Guardianship Case Number: 2005GA000063

C. Guardian

1. Catholic Charities Diocese of the Palm Beaches
2. Guardian Attorney: Brian M. O'Connell - Casey Ciklin Lubitz Martens &  
O'Connell - 515 North Flagler Dr, Floor 20, West Palm Beach, Florida  
33401 - 561-832-5900

This report is filed under Florida Statute 415.103 and seeks to initiate an immediate criminal investigation as there is a reasonable cause to suspect that a vulnerable adult has been or is being criminally abused, neglected, or/and financially exploited.

You may not release my identity, without my prior written consent, to any person other than employees of the department responsible for protective services or the appropriate state attorney.

I request that a copy of this report be made available to me as soon as the initial investigation is completed.

CRIMINAL JUDICIAL ABUSE ALLEGATIONS

It is my belief that the Judge in this case has committed crimes which demand an investigation and prosecution. Judges can be investigated for criminal activity. This is not a civil matter.

- D. Title XLVI – CRIMES - Chapter 839 - OFFENSES BY PUBLIC OFFICERS  
AND EMPLOYEES - 839.13 Falsifying records.— 839.13 Falsifying  
records.—

CRIMINAL GUARDIANSHIP ABUSE ALLEGATIONS

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It is further my belief that the Ward was criminally abused, neglected and financially exploited by the Court appointed Guardian who is misusing power and not acting in the best interests of the Ward. Those crimes include:

E. **744.359 Abuse, neglect, or exploitation by a guardian.—**

- (1) A guardian may not abuse, neglect, or exploit a ward.
- (2) A guardian has committed exploitation when the guardian:
  - (a) Commits fraud in obtaining appointment as a guardian;
  - (b) Abuses his or her powers; or
  - (c) Wastes, embezzles, or intentionally mismanages the assets of the ward.
- (3) A person who believes that a guardian is abusing, neglecting, or exploiting a ward shall report the incident to the central abuse hotline of the Department of Children and Families.
- (4) This section shall be interpreted in conformity with s. [825.103](#).

F. **825.103 Exploitation of an elderly person or disabled adult; penalties.—**

- (1) “Exploitation of an elderly person or disabled adult” means:
  - (a) Knowingly obtaining or using, or endeavoring to obtain or use, an elderly person’s or disabled adult’s funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who:
    1. Stands in a position of trust and confidence with the elderly person or disabled adult; or
    2. Has a business relationship with the elderly person or disabled adult;
  - (b) Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person’s or disabled adult’s funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent;
  - (c) Breach of a fiduciary duty to an elderly person or disabled adult by the person’s guardian, trustee who is an individual, or agent under a power of attorney which results in an unauthorized appropriation, sale, or transfer of property. An unauthorized appropriation under this paragraph occurs when the elderly person or disabled adult does not receive the reasonably equivalent financial value in goods or services, or when the fiduciary violates any of these duties:

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1. For agents appointed under chapter 709:
    - a. Committing fraud in obtaining their appointments;
    - b. Abusing their powers;
    - c. Wasting, embezzling, or intentionally mismanaging the assets of the principal or beneficiary; or
    - d. Acting contrary to the principal's sole benefit or best interest; or
  2. For guardians and trustees who are individuals and who are appointed under chapter 736 or chapter 744:
    - a. Committing fraud in obtaining their appointments;
    - b. Abusing their powers; or
    - c. Wasting, embezzling, or intentionally mismanaging the assets of the ward or beneficiary of the trust;
    - (d) Misappropriating, misusing, or transferring without authorization money belonging to an elderly person or disabled adult from an account in which the elderly person or disabled adult placed the funds, owned the funds, and was the sole contributor or payee of the funds before the misappropriation, misuse, or unauthorized transfer. This paragraph only applies to the following types of accounts:
      1. Personal accounts;
      2. Joint accounts created with the intent that only the elderly person or disabled adult enjoys all rights, interests, and claims to moneys deposited into such account; or
      3. Convenience accounts created in accordance with s. [655.80](#); or
    - (e) Intentionally or negligently failing to effectively use an elderly person's or disabled adult's income and assets for the necessities required for that person's support and maintenance, by a caregiver or a person who stands in a position of trust and confidence with the elderly person or disabled adult.
- (2) Any inter vivos transfer of money or property valued in excess of \$10,000 at the time of the transfer, whether in a single transaction or multiple transactions, by a person age 65 or older to a nonrelative whom the transferor knew for fewer than 2 years before the first transfer and for which the transferor did not receive the reasonably equivalent financial value in goods or services creates a permissive presumption that the transfer was the result of exploitation.
- (a) This subsection applies regardless of whether the transfer or transfers are denoted by the parties as a gift or loan, except that it does not apply to a valid loan evidenced in writing that includes definite repayment dates. However, if
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repayment of any such loan is in default, in whole or in part, for more than 65 days, the presumption of this subsection applies.

(b) This subsection does not apply to:

1. Persons who are in the business of making loans.
2. Bona fide charitable donations to nonprofit organizations that qualify for tax exempt status under the Internal Revenue Code.

(c) In a criminal case to which this subsection applies, if the trial is by jury, jurors shall be instructed that they may, but are not required to, draw an inference of exploitation upon proof beyond a reasonable doubt of the facts listed in this subsection. The presumption of this subsection imposes no burden of proof on the defendant.

(3)(a) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at \$50,000 or more, the offender commits a felony of the first degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(b) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at \$10,000 or more, but less than \$50,000, the offender commits a felony of the second degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(c) If the funds, assets, or property involved in the exploitation of an elderly person or disabled adult is valued at less than \$10,000, the offender commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(4) If a person is charged with financial exploitation of an elderly person or disabled adult that involves the taking of or loss of property valued at more than \$5,000 and property belonging to a victim is seized from the defendant pursuant to a search warrant, the court shall hold an evidentiary hearing and determine, by a preponderance of the evidence, whether the defendant unlawfully obtained the victim's property. If the court finds that the property was unlawfully obtained, the court may order it returned to the victim for restitution purposes before trial on the charge. This determination is inadmissible in evidence at trial on the charge and does not give rise to any inference that the defendant has committed an offense under this section.

G. Legal Abuse:

1.  The Guardian committed fraud and perjury which the Judge ignored
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2.  The Ward's advance directives and health care power of attorney, properly executed by the Ward prior to any question of incapacity, were bypassed and the guardian did nothing to present or support them in court.
  3.  The Probate Judges has failed to properly monitor, supervise or discipline the Guardian.
  4.  Attorneys' hourly rates are excessive, double billed and fraudulent but approved by the Judge
  5.  Attorney bills charged exorbitant Senior Attorney rates for simple legal services which could easily be and may have been performed by paralegals.

H. Allegations of Criminal Guardian Abuse: The boxes checked indicate the abuses alleged which demand investigation.

1.  The Ward has been cruelly isolated from family, neighbors and friends.
  2.  The Ward was removed from her residence and into a facility instead of the opportunity to reside with her eldest son, Kyle MacNeney, whose family had 15 years of experience has caregivings and a fully equipped home with necessary medical equipment. danger and her needs unmet.
  3.  The Ward had been held in chemical restraints with handler drugs which place the Ward into a zombie-like state.
  4.  The Ward did not receiving adequate nutrition and is becoming emaciated.
  5.  The Ward's general condition deteriorated rapidly after being removed from her home.
  6.  The Ward did not receiving proper treatment or medical care for her condition(s).
  7.  The Guardian was transferred the Ward's care from long time family Physicians to unfamiliar less qualified providers and institutions which are directly and greatly profiting from their association with and referrals from the guardian and their ability to improperly bill and overbill Medicare and other programs.
  8.  Ward had been kept with people who are violent and have mental health issues.
  9.  Ward was not allowed to have visitors without supervision from guardian personnel.
  10.  Guardian did not timely notify family members of hospitalization.
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11. [x ] Guardian does not timely notify family members of serious health issues.
  12. [x ] Guardian did not respond to phone calls or emails about Ward's condition forcing family to expend funds to hire a lawyer to speak with the Guardian's lawyer.
  13. [x ] Guardian did induced or created stay away orders as retaliation against family.
  14. Neglect:
  15. [x ] The Guardian refuses to communicate with family members .
  16. [x ] The Guardian only very rarely visits the Ward and cannot know her condition.
  17. [x ] The Guardian did instructed others to prevent any contact with loved ones.
  18. [x ] The Ward is limited or prohibited from receiving or making phone calls or receiving mail.
  19. [x ] The Ward was not mentally stimulated and is exposed to unending television as her only contact with the world.
  20. [x ] Ward has little or no contact with the outside world; held captive.
  21. [x ] other The ward was removed from her home to assisted living facility by guardian without court approval or notification to eldest son where she resided.
  22. [x] Ward was not given opportunity to be care for by her eldest son Kyle MacNeney who had the means and experience to lovingly care for his mother as were her wishes.

I. Financial Abuse and Exploitation:

1. [x ] The Guardian is diverting and hoarding all assets and income to assure her fees and Attorney's will be paid in full while denying Ward the use and benefit of Ward's own assets.
  2. [x] The Guardian has failed to timely pay legitimate bills of the Ward.
  3. [x ] The Guardian is ignoring the Will of the ward and estate by invading assets for his own gain which were intended to be passed down intergenerationally.
  4. [x ] Instead, the Guardian caused the Ward to end up penurious and on the public dole as a result of his fiduciary failure and diversion of assets to pay his fees and his Attorney's fees
  5. [x ] Assets were rapidly downspent to the benefit of the Guardian and her associates and in particular are being hoarded for the purpose of paying
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- outrageous Guardian's bills and excessive improper legal bills from the Guardian's Attorneys and others, leaving the Ward bereft of a lifetime's accumulation of assets and destitute.
6. [x ] Guardian has not timely paid or collected real estate taxes/assessments/rent properly on the Ward's property.
  7. [x ] Guardian has failed as a fiduciary to properly protect assets resulting in great losses to the estate.
  8. [x ] Guardian had failed to maintain/repair ward's property, greatly decreasing its value.
  9. [x ] Guardian has caused to be created appraisals of real and personal property that vastly overestimate value of said property, for the purpose of reverse mortgage and misrepresented occupancy on said mortgage
  10. [x ] Guardian overbilled and provided services at far above reasonable charges.
  11. [x ] Guardian allows trust to be depleted.
  12. [x ] Guardian makes false entries to inflate monthly expenditures of the Ward.
  13. [x ] Guardian refuses to properly safeguard valuables.
  14. [x ] Guardian does not have or refuses to divulge an accurate inventory of property.
  15. [x ] Ward's assets have gone missing or never inventoried.
  16. [x ] Guardian seized funds from Banks without court order.
  17. [x ] Guardian has interfered with medical care plans including discharge plans to prolong lock down stays and hide the Ward from family.
  18. [x ] Other: Guardian allowed criminal activities by ward's younger son, Michael MacNeney, who stole the ward's identity and cash. No charges
  19. [x ] Guardian provided support to ward's son illegally paying household expenses after ward was removed from home.
  20. Legal Abuse
  21. [x ] At depositions and hearings participation by multiple attorneys from Guardian's. Attorney's law firm took place repeatedly and unnecessarily resulting in excessive unrestrained fees to/from the estate.
  22. [x ] Guardian colluded with one side of family dispute to abet the legal abuse.
  23. [x ] Guardian failed to properly use mediation to avoid litigation.
  24. [x ] Guardian hid misdeeds under guise of privacy issues.
  25. [x ] Guardian blackmailed family members into signing releases.
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26. [x ] The Guardian and her Attorney have repeatedly staged retaliatory litigation to increase their revenue at the expense of the estate and family.

For these reasons, the ward is in need of emergency intervention by Law Enforcement as the guardian is committing overt felonious elder abuse by repeatedly abusing power and not acting in the best interests of the ward whose well-being and best interests she has failed to protect in violation of numerous sections of Florida Statute 744 and others.

I ask that this report in its entirety be reported to the State's Attorney for action

I ask that actions be taken that lead to the arrest and conviction of the Guardian as per statute.

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III. Skender and Beba Hoti

I, Skender Hoti aka Kenneth Batson am requesting a formal criminal investigation regarding abuse of process and resulting criminal acts committed by members of the Palm Beach County court system, including several judges, attorneys at law and guardians against my family. This is not a disciplinary complaint of professional misconduct, but rather a criminal complaint of criminal statute violations against my family that have caused financial ruin. The victims are Gwendolyn Batson (deceased) and the Skender & Beba Hoti Family.

The parties complained about are as follows; Judges; Martin Colin, David E. French, John Morze, Lucy Brown,, Timothy McCarthy and Jaimie Goodman. State Guardian: Johan Milton. Lawyers and Fiduciaries: David Garten, Esq., Asst: Elizabeth Burn, Esq., Debra Rochlin, Esq., and Robert More. Dana Slobodanke. Acting Guardian: Elizabeth Savitt Colin, Sheri Hazeltine – Attorney for Elizabeth Savitt Colin, Kenneth & Marian Davis.

Three PB Sheriff Case Reports cover the initial criminal events: 1/31/12 case #12032696, 2/18/12 case #12039579, 3/10/12 case #12048466.

On information and belief The Parties have committed and aided and abetted the following alleged crimes:

1. False Imprisonment / Kidnapping / Interstate Human Trafficking of Gwendolyn Batson. That secretly through abuse of legal process Batson was setup and abducted and imprisoned against her will and without lawful authority, with intent to commit and facilitate commission of multiple felony acts against her and her family by an estranged brother.
2. Elder Abuse of Gwendolyn Batson by her brother Kenneth Davis as a result of improper guardianship.
3. Theft of Property – Home Robbery through Breaking and Entry was committed by Sheri Hazeltine, Elizabeth Savitt Colin and others which led to the loss of personal properties, heirlooms, documentation and more owned by Skender Hoti.
4. Bank Fraud - Bank of America on 1/31/2012 Accounts were emptied in accounts that were jointly owned by Skender Hoti aka Kenneth Batson and Gwendolyn Batson by the Guardians.
5. False Instruments were filed with a court of law to gain a Predatory Guardianship of Gwendolyn Batson and approved by Judge Martin Colin, whose wife was later found robbing the home of Batson with Hazeltine and the false papers filed Obstructed Justice.
6. A Fraudulent Billing Scheme to steal assets of the Skender Hoti family through abusive legal process was begun with the Predatory Guardianship that quickly began depleting the estate of Gwendolyn Batson and also Skender Hoti personally was damaged in the tens of thousands of dollars in legal fees fighting the Predatory Guardianship to have his mother returned to him and have his stolen properties returned.
7. Failure to Prosecute/Misprision of Felony/Aiding & Abetting – Officers failed to arrest Savitt and Hazeltine upon finding they had broken into and entered the Hoti family residence without any proper documentation to do so and had unloaded the contents of the home into a moving truck. When the Sheriff was called by Hoti, Savitt and Hazeltine were at the home wearing Guardian Badges and Elizabeth Savitt Colin informed Sheriff deputies that her husband is a powerful judge and they were authorized

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to remove the contents of the home. The Sheriff found that they did not have authority to remove the properties and forced them to be returned to the home but made no arrests and did not inventory the items and many items of the highest value in the home were stolen and remain missing.

8. The case became derailed and no arrests were made for felony criminal acts after the Sheriff learned that Judge Martin Colin's wife was involved in the criminal acts. That despite making Hazeltine and Savitt Colin put most of the property back in the house from the trucks they had loaded, officers then failed to account for the items taken from home and those returned and many items valued in the tens of thousands of dollars remain stolen to this date and no proper investigation was done to recover the lost assets or make arrests.
  9. Conspiracy - the parties together acted in conspiracy to deprive Gwendolyn Batson and the Skender Hoti family of their properties and rights and this started with an INTENTIONAL undisclosed conflict of interest that facilitated the crimes as Judge Colin issued an illegal order to give custody of Gwendolyn to her brother without following due process and procedure. Colin then appointed Hazeltine as attorney for the Davis' and she then brought Colin's wife, Elizabeth Savitt Colin, to act as Guardian of Batson when robbing the home.
  10. Colin, nor his wife Savitt Colin or her attorney Hazeltine, disclosed to the Hoti family that the judge and "guardian" were married and Savitt Colin used only the name Elizabeth Savitt as her business name, making it impossible to know that they were married and that a major conflict of interest existed. To further conceal the illegal conflict of interest, Savitt did not appear before Colin directly and instead had her attorney at law, Sheri Hazeltine appear before Colin and Hazeltine and Martin Colin never disclosed to parties their secret concealed conflict with his wife. These parties then acted together to time the theft of the home, while having the Hoti family followed by a PI in order to know their whereabouts during the commission of the crime. The result of this conspiracy was a complete takeover of the life of Gwendolyn Batson and her assets with profits of the scheme benefiting the Colin family directly, including properties still not returned from a theft of Hoti's home.
  11. Obstruction of Justice – Colin recused from the case after his wife informed Sheriff deputies when she was caught robbing Skender Hoti's home with Hazeltine that her husband was a powerful Judge and that they should contact him as he would convince the officers that the theft of the property was somehow legal. Colin, only three days after the Sheriff was informed of Savitt's marriage to Judge Colin then recused from the case and yet failed to disclose and further concealed from the parties the real reason for his sudden "Sua Sponte" recusal. Colin misled the court and the parties citing no conflicts or anything when recusing when he should have disqualified himself and voided all his illegally gained orders obtained with an undisclosed conflict of interest and fully exposed the secret conflict and had the case reset for the Fraud On the Court and his involvement in the Fraud By the Court officers and appointees. A resetting of the case is required under civil rules of procedure when Fraud on the Court occurs to remove further problems for the victims of the fraud and instead due to the failure to disclose honestly
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the reasons for his recusal the case was merely transferred to a new judge and NOTHING WAS DONE ABOUT THE CRIMES COMMITTED AGAINST THE HOTI FAMILY.

12. The new judge, John Morze, continued the case without probing into the Savitt/Colin conflict and resolving the Fraud On and By the court that occurred and instead began a retaliatory campaign using the court and its appointed officers and guardians to silence and suppress the Hoti family's rights to due process and procedure to cover up the crimes instead of resolving them and protected Colin and his wife instead. This abuse of process and retaliation against the Hoti family continues to this day in efforts to loot Gwendolyn Batson's properties and the Hoti family's properties through further legal process abuse.
  13. Fraudulent Conversion of Real Estate - through this legal process abuse scheme and artifice to defraud Real Estate owned by Batson was improperly converted to her brother despite Batson's repeated pleas, including written statements to her brother to remove his name from her home deed in Alabama that he illegally inserted onto her property deed. The Alabama property was worth \$150,000.00, Skender Hoti had given his mother over \$60,000.00 in mortgage payments and thus loss was total to his family as Davis put the home in his name.
  14. Theft of Pension Funds - Davis took monies from Gwendolyn's Pension fund with School Board of Palm Beach County of 3300 mo. for 15 months.
  15. Stalking - That according to billing records Hazeltine and Savitt/Colin hired persons to follow and track the movements of the Skender Hoti family in order to know their whereabouts at the time they were kidnapping Gwendolyn and plotting to rob the home of its belongings. This imparts the conspiratorial nature of the gang and how these actions were not just a misunderstanding but a well thought out criminal set of acts. It would appear that Hazeltine and Savitt Colin had a valid court order that may have given them the impression that they owned the properties in the home of Skender Hoti that Gwendolyn lived in but since the order was obtained through abusive legal process and undisclosed conflicts of interests that they were all well aware of, the order was simply another part of the conspiracy that allowed Hazeltine and Savitt Colin the cover to commit the crimes. All parties, Colin, his wife and Hazeltine were at all times fully aware of the conflict of interest between Colin and his wife and their intentional concealment of this allowed for the criminal acts to be committed with apparent court protection. The stalking of the family further confirms that these acts were done with scienter and intent and they knew what they were doing was not legal.
  16. Fraudulent Billing Scheme - That after this initial abuse of legal process to gain a Predatory Guardianship, once it was discovered what was really going on and the conflict between Colin and his wife was exposed by Hoti, a retaliatory pattern of abusive legal process began in order to shut down Hoti's rights to legal redress in the civil courts and silence the Hoti family from exposing the crimes committed by Colin et al. and further to cover up the crimes for the judges, attorneys and guardians. Suddenly, attorneys working for Hoti began to derail his cases and sham hearing after sham hearing began being held in the civil court and legal billing began for the Hoti family incessantly and abusively and failed to seek retribution for the Hoti family against the judges, attorneys and guardians involved. In fact the attorneys also began hampering efforts to bring the matters to
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criminal authorities for investigation and prosecution and hopeful recovery of the properties lost. This has led to almost four years of Hoti first recovering his mother and then trying to recover the stolen properties through the civil process and through the criminal process, which has cost the family over a sum of \$60,000 in legal fees with another \$100,000+ in dispute. Skender Hoti is now being sued by his attorneys for their bills, which should have all been paid for by the State of Florida whose officers illegal actions led to this catastrophe for his family and once the illegal Colin / Savitt conflicts and crimes were discovered all parties involved should have been ordered by the court to post bonding and other forms of relief to the victims, including providing counsel paid for by those who committed these criminal acts. Instead, Hoti has had to foot the bill and now the attorneys are suing him and attaching illegally gained liens on his properties in efforts to further abscond with his family's properties through continued legal process abuse.

17. That through further legal process abuse, Attorney David Garten has sued Skender and Beba Hoti for a bill he claims is unpaid. Instead of seeking arbitration as the retainer required, Garten sued Hoti and his wife. Garten is alleging that the Hoti's are guilty of fraudulent conversion in efforts to attach liens to their four properties after he failed to have Hoti sign a Mortgage to him on his properties for the fees. These actions of the court appointed officer Garten appear to be in conspiracy with the other legal professionals and the court officials to further damage and remove Hoti's rights, while giving the appearance of due process. The courts are further enabling these actions in efforts to further suppress Hoti from exposing their crimes.
18. Retaliation - That the court to cover up the initial crimes of Colin/Savitt have gone on a deliberate retaliatory strike against the Hoti family in conspire with Hoti's attorneys to shut down Hoti who is clamoring for justice and now forced to be a Pro Se litigant. As a Pro Se litigant the court has trampled on Hoti's due process rights further and used the court as a weapon against him to deny him proper access to the courts and due process and obstruct any chance of justice. In virtually every hearing Hoti is shut down from speaking as rulings are made against him and in favor of the conspirators. As Hoti pursued press coverage against the perpetrators the retaliation only intensified when the newspapers began exposing his story in relation to many stories being exposed about the wrongdoings of Colin, French, Savitt/Colin and others, The retaliation continues to intensify to this day as the courts are rushing to seize Hoti's real estate properties and give them to his attorneys and throw him on the street before he can further have these court officials investigated, arrested and prosecuted.

A. Damages

1. Loss of Personal Property and Business and Personal Documents from home invasion.
2. Legal Fees = Est total
3. Loss of Real Estate properties
4. Loss of mother, believe she was abused when taken and returned in poor physical condition and died shortly after return home.

B. Florida Agencies Contacted

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1. PB Sheriff

Judge Martin Colin had no legal authority to issue a temporary custody order over Gwendolyn Batson and the order was issued to give his wife control over the ward gained with undisclosed conflicts of interest that led to the theft of Batson's and Hoti's properties. Sheri Hazeltine and Elizabeth Savitt Colin had no legal authority to break in Skender Hoti's home despite any fraudulently gained predatory guardianship as the home was owned by Skender Hoti and the properties inside were his and his mother's possessions. The Hoti family is seeking investigation into valuables never returned to them when Sheri Hazeltine and Elizabeth Savitt Colin, having no writ of possession, were ordered to return all items from the moving van back to the home and instead drove off with car loads filled with items including cash, documents, important papers, cash and all of their family heirlooms, as well as, recovering all properties lost already and prevent further criminal theft of their properties through the ongoing legal process and fraudulent billing scheme abuses.

**ATTACHMENT - ELDER ABUSE CLAIM**  
**REPORT OF CRIMINAL JUDICIAL AND GUARDIAN ABUSE OF A**  
**WARD**

This report is filed under Florida Statute 415.103 and seeks to initiate an immediate criminal investigation as there is a reasonable cause to suspect that a vulnerable adult has been or is being criminally abused, neglected, or/and financially exploited.

I request that a Sheriff's officer, familiar and well trained in financial abuse of elderly and Wards be immediately assigned to this case. I request that the officer guarantee that he/she has never taken a referral fee or other monetary or other inducement from the Guardian in question or from his associates or from Attorneys and/or the Judges in question and will not in this matter.

You may not release my identity, without my prior written consent, to any person other than employees of the department responsible for protective services or the appropriate state attorney.

I request that a copy of this report be made available to me as soon as the initial investigation is completed.

**CRIMINAL JUDICIAL ABUSE ALLEGATIONS**

It is my belief that the Judge in this case has committed crimes which demand an investigation and prosecution. Judges can be investigated for criminal activity. This is not a civil matter.

I. Title XLVI – CRIMES - Chapter 839 - OFFENSES BY PUBLIC OFFICERS AND EMPLOYEES - 839.13 Falsifying records.— 839.13 Falsifying records.—

A. Law

(1) Except as provided in subsection (2), if any judge, justice, mayor, alderman, clerk, sheriff, coroner, or other public officer, or employee or agent of or contractor with a public agency, or any person whatsoever, shall steal, embezzle, alter, corruptly withdraw, falsify or avoid any record, process, charter, gift, grant, conveyance, or contract, or any paper filed in any judicial proceeding in any court of this state, or shall knowingly and willfully take off, discharge or conceal any issue, forfeited recognizance, or other forfeiture, or other paper above mentioned,

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or shall forge, deface, or falsify any document or instrument recorded, or filed in any court, or any registry, acknowledgment, or certificate, or shall fraudulently alter, deface, or falsify any minutes, documents, books, or any proceedings whatever of or belonging to any public office within this state; or if any person shall cause or procure any of the offenses aforesaid to be committed, or be in anywise concerned therein, the person so offending shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2)(a) Any person who knowingly falsifies, alters, destroys, defaces, overwrites, removes, or discards an official record relating to an individual in the care and custody of a state agency, which act has the potential to detrimentally affect the health, safety, or welfare of that individual, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the purposes of this paragraph, the term “care and custody” includes, but is not limited to, a child abuse protective investigation, protective supervision, foster care and related services, or a protective investigation or protective supervision of a vulnerable adult, as defined in chapter 39, chapter 409, or chapter 415.

#### CRIMINAL GUARDIANSHIP ABUSE ALLEGATIONS

It is further my belief that the Ward was criminally abused, neglected and financially exploited by the Court appointed Guardian, Judges, Attorneys at Law and her brother who misused power and did not act in the best interests of the Ward. Those crimes include:

**B. 744.359 Abuse, neglect, or exploitation by a guardian.—**

- (1) A guardian may not abuse, neglect, or exploit a ward.
- (2) A guardian has committed exploitation when the guardian:
  - (a) Commits fraud in obtaining appointment as a guardian;
  - (b) Abuses his or her powers; or
  - (c) Wastes, embezzles, or intentionally mismanages the assets of the ward.
- (3) A person who believes that a guardian is abusing, neglecting, or exploiting a ward shall report the incident to the central abuse hotline of the Department of Children and Families.
- (4) This section shall be interpreted in conformity with s. [825.103](#).

**C. 825.103 Exploitation of an elderly person or disabled adult; penalties.—**

- (1) “Exploitation of an elderly person or disabled adult” means:
  - (a) Knowingly obtaining or using, or endeavoring to obtain or use, an elderly person’s or disabled adult’s funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who:
    1. Stands in a position of trust and confidence with the elderly person or disabled adult; or
    2. Has a business relationship with the elderly person or disabled adult;

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- (b) Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent;
- (c) Breach of a fiduciary duty to an elderly person or disabled adult by the person's guardian, trustee who is an individual, or agent under a power of attorney which results in an unauthorized appropriation, sale, or transfer of property. An unauthorized appropriation under this paragraph occurs when the elderly person or disabled adult does not receive the reasonably equivalent financial value in goods or services, or when the fiduciary violates any of these duties:
1. For agents appointed under chapter 709:
    - a. Committing fraud in obtaining their appointments;
    - b. Abusing their powers;
    - c. Wasting, embezzling, or intentionally mismanaging the assets of the principal or beneficiary; or
    - d. Acting contrary to the principal's sole benefit or best interest; or
  2. For guardians and trustees who are individuals and who are appointed under chapter 736 or chapter 744:
    - a. Committing fraud in obtaining their appointments;
    - b. Abusing their powers; or
    - c. Wasting, embezzling, or intentionally mismanaging the assets of the ward or beneficiary of the trust;
- (d) Misappropriating, misusing, or transferring without authorization money belonging to an elderly person or disabled adult from an account in which the elderly person or disabled adult placed the funds, owned the funds, and was the sole contributor or payee of the funds before the misappropriation, misuse, or unauthorized transfer. This paragraph only applies to the following types of accounts:
1. Personal accounts;
  2. Joint accounts created with the intent that only the elderly person or disabled adult enjoys all rights, interests, and claims to moneys deposited into such account; or
  3. Convenience accounts created in accordance with s. [655.80](#); or
- (e) Intentionally or negligently failing to effectively use an elderly person's or disabled adult's income and assets for the necessities required for that person's support and maintenance, by a caregiver or a person who stands in a position of trust and confidence with the elderly person or disabled adult.
- (2) Any inter vivos transfer of money or property valued in excess of \$10,000 at the time of the transfer, whether in a single transaction or multiple transactions, by a person age 65 or older to a nonrelative whom the transferor knew for fewer than 2
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- years before the first transfer and for which the transferor did not receive the reasonably equivalent financial value in goods or services creates a permissive presumption that the transfer was the result of exploitation.
- (a) This subsection applies regardless of whether the transfer or transfers are denoted by the parties as a gift or loan, except that it does not apply to a valid loan evidenced in writing that includes definite repayment dates. However, if repayment of any such loan is in default, in whole or in part, for more than 65 days, the presumption of this subsection applies.
  - (b) This subsection does not apply to:
    - 1. Persons who are in the business of making loans.
    - 2. Bona fide charitable donations to nonprofit organizations that qualify for tax exempt status under the Internal Revenue Code.
  - (c) In a criminal case to which this subsection applies, if the trial is by jury, jurors shall be instructed that they may, but are not required to, draw an inference of exploitation upon proof beyond a reasonable doubt of the facts listed in this subsection. The presumption of this subsection imposes no burden of proof on the defendant.
- (3)(a) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at \$50,000 or more, the offender commits a felony of the first degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).
- (b) If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult is valued at \$10,000 or more, but less than \$50,000, the offender commits a felony of the second degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).
- (c) If the funds, assets, or property involved in the exploitation of an elderly person or disabled adult is valued at less than \$10,000, the offender commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).
- (4) If a person is charged with financial exploitation of an elderly person or disabled adult that involves the taking of or loss of property valued at more than \$5,000 and property belonging to a victim is seized from the defendant pursuant to a search warrant, the court shall hold an evidentiary hearing and determine, by a preponderance of the evidence, whether the defendant unlawfully obtained the victim's property. If the court finds that the property was unlawfully obtained, the court may order it returned to the victim for restitution purposes before trial on the charge. This determination is inadmissible in evidence at trial on the charge and does not give rise to any inference that the defendant has committed an offense under this section.

II. Legal Abuse:

- 1. [x ] Timely or no notice of an emergency temporary guardianship was not provided.
  - 2. [x] The statutorily required Bond for the Guardians were not obtained or presented.
  - 3. [x] The Guardians, the Judge Colin and the attorney Hazeltine committed fraud.
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4. [x] The Court refused to consider a less drastic and invasive intervention other than Guardianship as required by Florida Statute 744.
  5. [x] The Court refused to hear evidence of capacity from outside experts.
  6. [x] The Ward's advance directives and health care power of attorney, properly executed by the Ward prior to any question of incapacity, were bypassed and the guardian did nothing to present or support them in court.
  7. [x] There was never a mandated hearing on advance directives or Baker Act within 72 hours.
  8. [x] The Probate Judges Colin, Mortz and French failed to properly monitor, supervise or discipline the Guardians and attorneys.
  9. [x] Court documents, including transcripts, have been altered.
  10. [x] Attorneys' hourly rates are excessive, double billed and fraudulent but approved by the Judge.
  11. [x] Attorney bills charge exorbitant Senior Attorney rates for simple legal services which could easily be and may have been performed by paralegals.
  12. [x] At depositions and hearings participation by multiple attorneys from Guardian's. Attorney's law firm took place unnecessarily resulting in excessive unrestrained fees to/from the estate.
  13. [x] The Judge Colin, Judge Mortz, the Guardian John Milton and Kenneth & Maryanne Davis, Sheri Hazeltine and Judge Colin's wife Elizabeth Savitt Colin representing herself as Guardian colluded with one side of family dispute to abet the legal abuse.
  14. [x] Court failed to properly use mediation to avoid litigation.
  15. [x] The Guardians Milton and Kenneth & Maryanne Davis, Judge Colin, Judge Mortz, Elizabeth Savitt Colin and Attorney Hazeltine have repeatedly staged retaliatory litigation to increase their revenue at the expense of the estate and family.
  16. [x] Guardians Davis' threatened family members that any complaints about the Guardianship would lead to their never seeing their loved one again.

III. Allegations of Criminal Guardian Abuse: The boxes checked indicate the abuses alleged which demand investigation.

1. [x] The Ward was cruelly isolated from family, neighbors and friends.
  2. [x] The Ward was removed from her residence where she was in danger and her needs unmet.
  3. [x] Guardian threatened Ward of consequences of resistance.
  4. [x] The Ward was unable to eat or drink and the Davis' tried to have a feeding tube inserted.
  5. [x] The Ward did not receive adequate nutrition and became emaciated and when returned home to FL she was put in the hospital 10 days later from pneumonia and other ailments requiring almost two weeks in the hospital.
  6. [x] The Ward's general condition deteriorated rapidly until death, shortly after receiving her back.
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7. [x] The Ward did not receive proper treatment or medical care for her condition(s).<sup>4</sup> including pneumonia.
  8. [x] The Ward was denied emotional support and counseling.
  9. [x] The Guardian transferred the Ward's care from long time family Physicians to unfamiliar less qualified providers and institutions which directly and greatly profited from their association with and referrals from the guardian.
  10. [x] Ward was not allowed to have visitors without supervision from guardian personnel.
  11. [x] Guardian did not timely notify family members of serious health issues.
  12. [x] Guardian did not respond to phone calls or emails about Ward's condition forcing family to expend funds to hire a lawyer to speak with the Guardian's lawyer.

IV. Neglect:

1. [x] The Guardians was unconcerned about the Ward's deteriorating condition.
2. [x] The Guardians refused to communicate with family members .
3. [x] The Guardians instructed others to prevent any contact with loved ones.
4. [x] The Guardians removed all forms of support and assistance from the Ward.
5. [x] The Ward was treated without dignity or respect.
6. [x] The Ward was not properly cleaned or bathed or groomed.
7. [x] The Ward's nails and toenails were left untrimmed.
8. [x] The Ward was limited or prohibited from receiving or making phone calls or receiving mail.
9. [x] The Ward was not provided proper clean clothing.
10. [x] Ward was not provided with mental stimulation through activities.
11. [x] Ward had little or no contact with the outside world; held captive.

V. Financial Abuse and Exploitation:

1. [x] The Guardians, Judges, Attorneys and others diverted and hoarded all assets and income to assure fees and Attorney's will be paid in full while denying Ward the use and benefit of Ward's own assets.
  2. [x] The Guardians, Attorneys and Judges ignored the Will of the ward and estate by invading assets for her own gain which were intended to be passed down intergenerationally.
  3. [x] Assets were and still are being rapidly downspent to the benefit of the Guardian's associates and in particular are being hoarded for the purpose of paying outrageous legal bills and excessive improper legal bills from the Guardian's Attorneys and others, leaving the Ward bereft of a lifetime's accumulation of assets and destitute and also costing her loved ones massive costs.
  4. [x] Assets were sold off to associates of the Guardian at far below market value and then resold at great profit to the Guardian and her associates—these are overt acts of felonious self-dealing.
  5. [x] Guardian failed as a fiduciary to properly invest assets resulting in great losses to the estate.
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6. [x] Guardian failed to maintain/repair ward's property, greatly decreasing its value.
  7. [x] Guardian and her attorneys and judges seized valuable property and will not reveal its whereabouts.
  8. [x ] Guardians and Attorneys overbilled and provided services at far above reasonable charges.
  9. [x] Guardian Davis' hired and paid their family members to care for Ward.
  10. [x] Guardian improperly disposes of Ward's personal property and furniture.
  11. [x] Guardian refuses to properly safeguard valuables.
  12. [x] Guardian does not have or refuses to divulge an accurate inventory of property.
  13. [x] Ward's assets have gone missing or never inventoried.
  14. [x] Guardian seized funds from Banks without court order.
  15. [x] Guardian or her associates have stolen jewelry and other valuables.

VI. Diversion of SSA and VA benefits:

1. [x] The guardians has been/is diverting social security benefits for her own profit and not for the wellbeing of the ward.

I ask that actions be taken that lead to the arrest and conviction of the Guardian, Judges, Attorneys at Law and others named herein as per statute. Thanks from Skender Hoti aka Kenneth Batson.

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## **DECLARATIONS OF VICTIMS**

**I. DECLARATION OF EDWARD J. BAKER, LCDR, U.S. NA VY (RETIRED)**



## DECLARATION OF EDWARD J. BAKER, LCDR, U.S. NAVY (RETIRED)

I am a 57-year old, Illinois native and United States Navy retiree with 22 years of service on surface ships and submarines. After my Navy retirement in 1998, I worked in a Civil Service position for 9 years. I came to Colorado from Virginia in 2009 at the invitation of my sister and her family, in order to access available services from the Denver VA and Spalding Rehabilitation Hospital as I continued to recover from the effects of a stroke I suffered in 2007.

Within 6 weeks of following advice from my Spalding Case Manager to cancel my durable powers of attorney, move out of my sister's home and live on my own, I found myself sitting in a courtroom where I was being given a new title – Ward/Protected Person. That was in July, 2010. My legal voice, decision-making, and autonomy were removed during a hearing which I didn't understand the consequences of until too late. Some lawyers and other people I didn't know were there, but none of my family members were.

In short order, my self-determination with supports was replaced with a court-appointed Guardian and a court-appointed Conservator who made all the decisions for me—whether I agreed with them or not. If I met either of them before the hearing, I don't remember it. Since then, I have had little to no effective control of my residence, my healthcare, or access to my chosen activities. I am still partially physically disabled and always will be. But, I am stronger and healthier now than I was in 2010. In spite of my significant progress in healing and wellness, though, little has changed legally for me.

I am seeking several things, including various civil freedoms, restoration of my rights, and full restoration, possession and use of my property. I have had several ineffective attorneys in the past, some of whom were court-appointed. None of them, until now, have actively advocated for what I have stated I want. I am hopeful that my current attorney can finally do that. However, wrongs done to me, including rights violations by the probate court and a number of breaches of duty of care by fiduciaries and attorneys, along with damages suffered by me, my family members and my estate because of the same people, should be addressed and remedied. This is about my freedom, restoration of my rights and choices, and being made whole financially so that I can continue to pursue happiness as guaranteed in our Constitution.

### I. Victims

- Myself – Edward J. Baker
- My sister - Joanne Rupprecht, adult – threatened/defamed by fiduciaries
- My daughter - Jessica Baker Desilets, adult – threatened/defamed by fiduciaries
- My son, Caleb J. Baker, minor - denied regular semi-annual visitation with me, his Father since 2013)
- My brother – Terry Baker, adult – threatened/defamed by fiduciaries
- My brother – Mike Baker, adult – threatened/defamed by fiduciaries
- My sister – Carol Fox, adult – threatened/defamed by fiduciaries

### II. Court and Related Information

- A. Court Case Numbers - In the Matter of the Probate Estate of, Guardianship of, and Conservatorship for Edward J. Baker, Case # 2010 PR 736; 18<sup>th</sup> Judicial District; Arapahoe County, Colorado
- B. Judges Probate Court: Hon. Timothy Fasing and Hon. Carlos Samour, Jr. and Hon. Elizabeth Weishaupl
- C. Fiduciaries and Attorneys involved:
  - 1. Guardians –
    - a. Vicki Jordan (3 weeks) and
    - b. Karen Buchanan, court-appointed guardian of Edward J. Baker, owner of Colorado Elder Care, Guardianship Solutions and other companies (7/30/2010 – present 4/3/2016 and ongoing). Ms. Buchanan has petitioned the court to resign without responsibility but has not yet been granted her petition; currently Mr. Baker’s adult daughter, Jessica Baker Desilets who resides in Napa, California is determining whether she wishes to become successor guardian for and also successor conservator for, her father, Edward J. Baker. Mr. Baker has expressly stated that although he is happy to have Ms. Buchanan resign, her petition should not be granted such that she resigns “without responsibility” and Mr. Baker loses his right to recourse.
  - 2. Attorneys for guardian Buchanan over the years and at the direct expense to the estate of Mr. Baker have been:
    - a. John A. Berman, Esq., firm in his own name, Denver, CO (past)
    - b. M. Carl Glatstein, Esq. of Glatstein & O’Brien, LLP, Denver, CO (past)
    - c. Thomas A. Rodriguez, Esq. of Vincent, Romeo & Rodriguez, LLC, Louisville, CO (current)
  - 3. Attorneys for Edward J. Baker, protected person,
    - a. Joyce Schargorodski, Esq. of Schargorodski & Associates from Springfield, VA served as Mr. Baker’s divorce attorney during 2009-2010
    - b. Lori Hulbert, Esq., Law Office of Lori Hulbert (Hulbert is part of an office in Denver and now also Sterling, Colorado)– former attorney for Edward J. Baker who was forced to resign
    - c. Jennifer S. Gormley, Esq., Law Office of Jennifer S. Gormley, 6060 Greenwood Plaza Blvd., Littleton, CO 80111 – served first as attorney for Edward J. Baker and after resigning from this position in response to family demand
    - d. Jennifer S. Gormley, Esq. was re-assigned by the court as Guardian ad Litem (GAL) for Mr. Baker. It is believed she still holds this position

- e. James McKnight, Esq. served as ineffective attorney for Mr. Baker in Colorado
  - f. Lisa R. DiPonio, DiPonio & DiPonio, LLC, 7931 S. Broadway, Littleton, CO 80122 serves as Mr. Baker's current, court-appointed attorney. She is doing some positive advocacy for Mr. Baker's express wishes
4. First Court-appointed Conservator for Mr. Baker - Tamra A. Palmer, Esq., of Palmer, Goertzel and Associates, P.C., 6060 Greenwood Plaza Blvd., Littleton, CO 80111 – Public Administrator for Arapahoe County, Colorado, court-appointed Conservator for Edward J. Baker, beginning July 30, 2010. Palmer formally resigned from this position and was granted her resignation by the court in October-November, 2012. However, no formal assignment of a successor Conservator was made by the court until May-June of 2014. None of the funds Ms. Palmer administered on Mr. Baker's behalf for over two years were available to Mr. Baker to assist him with his daily needs.

However, the funds were used to pay monthly fees to various facilities where Mr. Baker was housed—none of which Mr. Baker was allowed to assist in choosing for himself. These funds also paid attorneys, guardian and conservator fees. However, Palmer's hours were the only detailed expense information received by Mr. Baker and his cognizant family members during this period. Neither of the two annual reports issued by Ms. Palmer while she served in this position were wholly accurate (they did not add up). Various family members' objections to the problems and inaccuracies in these reports went unheeded by the court. Neither did Ms. Palmer provide adequate information to Mr. Baker regarding his financial situation, accommodating his known stroke-related challenges. Mr. Baker had limited ability to read during this time due to his stroke/traumatic brain injury and uncorrected vision problems along with some short-term memory loss.

Ms. Palmer, while serving as Mr. Baker's Conservator, and long before and afterward, served as Public Administrator (PA) for 4 counties in Colorado, including Arapahoe County. In Colorado the Chief Judge in each Judicial District chooses the attorney to serve as Public Administrator (PA), however selectees are not employees of the counties which they serve. They are allowed to continue their private law practices while serving in these positions. These positions were originally designed to assure that the estate of an indigent person, dying alone, whose family cannot be found and whose financial resources are very low, would be properly administered and timely and economically, closed.

Ms. Palmer used all of Mr. Baker's personal monies, including draining down his IRA's and other investments at substantial tax penalty to Mr. Baker, and gave 100% interest in the family home in Virginia to Mr. Baker's former wife, Gina Ianiero Baker. Details of the divorce agreement negotiated by Ms.

Palmer Esq. with Ms. Schargorodski, Esq. have never been given to Mr. Baker. It is believed that Ms. Palmer and Ms. Gormley, Esq. (former attorney and GAL for Baker) along with Ms. Buchanan, guardian for Mr. Baker, conspired together to prevent Mr. Baker from attending his divorce hearing(s) in Virginia. It is also believed that both Palmer and Gormley actively negotiated Mr. Baker's divorce agreement without consulting him, and thereby creating an intentional and substantial harm to Mr. Baker as part of the larger "spend down" of his assets so that he could be qualified for Colorado Medicaid as needed. (Unethical; fraudulent; as a Veteran, Mr. Baker receives medical services through the VA.)

5. Counsel for Tamra A. Palmer, Andrew Goertzel, Esq., Palmer, Goertzel and Associates, P.C., same address as Palmer.
6. Other agencies and attorneys/social workers, etc.) –
  - a. Virginia Horton, Asst. County Attorney for Arapahoe County, Colorado (referring agency/original petitioner for Guardianship of Edward J. Baker)
  - b. Mary Ellen Leeds of Arapahoe County Social Services
  - c. Valerie Ramus, case manager for Mr. Baker from Spalding Rehabilitation Hospital
7. Colorado Fund for People with Disabilities (CFPD) (Megan Brand and Kathleen Kellams, Directors); Jennifer Anderson, Case Manager – Second court-appointed (successor) Conservator for Edward J. Baker and currently serving in this capacity.
8. Virginia Frazer-Abel, Esq., Law Office of Virginia Frazer-Abel currently serves as Jefferson County Public Administrator and is also Counsel for Colorado Fund for People with Disabilities (CFPD);

D. Allegations:

1. There have been gross irregularities in procedure and violations of rules in this court in multiple persons' probate cases and in my case. The significant deviations from statutory and regulatory practice by the court is partially evidenced by the fact that Ms. Gormley and Ms. Palmer practiced (and still practice) in offices next to one another in a \$1.082M one-story building they became co-owners of two months prior to the beginning of first Ms. Palmer's, and subsequently Ms. Gormley's court-appointed assignments on Mr. Baker's behalf. They, with other colleagues, formed an organization called URIT to effect the property purchase.
2. Various parties, including Mr. Baker, all injured by the same group with the same judge, Timothy Fasing, began to raise objections and seek redress of grievances with various public figures and through the press in 2013 to early 2014.

3. In February, 2014, then Chief Judge William Sylvester for Arapahoe County dismissed Tamra Palmer, Esq. from her position as Public Administrator. In June, 2014 URIT (Gormley, Palmer, Cheryl Miller and probably others) appears to have divested much of its interest in the URIT property located at 6060 Greenwood Plaza Blvd., Greenwood Village, CO 80111 to an insurance company with headquarters in the Pacific northwest. URIT partners remained “tenants” of the building. Some of the space in the building is occupied by the Arapahoe County Bar Association, along with various professional fiduciaries and others.
4. During an interim time in Mr. Baker’s case (November, 2012 through May, 2014), Colorado Fund for People with Disabilities (CFPD), a not-for-profit pooled trust organization, was (informally) receiving and recording large amounts in social security disability, civil service retirement and Military pension funds on behalf of Mr. Baker (either from outgoing Conservator Ms. Palmer or directly from the United States government). However, CFPD failed to timely report this income to any party including Mr. Baker. CFPD also failed to report to any party including Mr. Baker how/for what purpose(s) his funds were being expended. Mr. Baker was not able to access these funds to assist himself with daily needs. Mr. Baker was not directly aware that CFPD was administering his funds until early in 2015.
5. Coincidentally, from October 2012 through early August, 2014, Mr. Baker’s sister Carol Fox was receiving VA disability payments from the United States government on behalf of Mr. Baker but had no specific formal designation by the VA to do so until late August, 2014. The majority of these funds, however, were available to Mr. Baker for daily needs, which was very helpful. Mr. Baker was aware that Carol Fox was administering some of his funds. Ms. Fox has failed to fully and properly account for all of Mr. Baker’s funds, however. (Mr. Baker’s newly selected UVGA Guardian is now his daughter, Jessica Baker Desilets.)
6. Virginia Frazer-Abel – currently serves as Public Administrator (PA) for the 1<sup>st</sup> Judicial District in Jefferson County, Colorado. Ms. Frazer-Abel currently also serves as attorney for the Colorado Fund for People with Disabilities (CFPD), which is a not-for-profit pooled trust organization in the Denver metro area. See Allegation #D4 above. CFPD was not officially appointed by the court as successor conservator for Mr. Baker until May, 2014. Their service presents an ongoing cost to Mr. Baker’s estate. Their attorney’s fees and costs (those of Ms. Frazer-Abel) are expected to be an eventual expense to Mr. Baker’s estate, although he has received no billing to that effect to date.

Ms. Frazer-Abel, CFPD, Tamra Palmer, and the court all failed to assure that proper procedure was followed in November, 2012 to timely and officially appoint a successor conservator for Mr. Baker. This failure put Mr. Baker’s funds at substantial risk for fraud, dissipation and waste. CFPD also failed to timely inform Mr. Baker and his cognizant family member of details about his property and the pension/disability income upon which he is dependent as a 100% service-

connected disabled Veteran. The non-availability of these funds for ongoing and extra therapies has been somewhat detrimental to Mr. Baker's health and rate of progress.

7. Lisa R. DiPonio, Esq. of DiPonio & DiPonio – currently serves as court-appointed attorney for Mr. Baker. Prior to Ms. DiPonio's formal appointment in May, 2014, Mr. Baker had no representation since the resignation of his prior attorney was approved by the court in 2012. Again, failure of court to follow established rule in timely appointing counsel for a protected person, or allowing protected person to contract with and hire counsel of his/her choice.
8. Additional violations alleged:
  - Conspiracy Against Rights - 18 U.S.C. Subsections 241
  - Fraud – 18 U.S.C. 47
  - Fraud – C.R.S. ss 18-2-201-206
  - Conspiracy – 18 U.S.C. 371
  - Misprision of Felony – 18 U.S.C. 4
  - Due Process – U.S. Constitution
  - Security in Property – U.S. Constitution
  - Racketeering (RICO) C.R.S. ss 18-17-103 et. Seq.
  - Racketeering (RICO) 18 U.S.C. 96
  - Probate violations – C.R.S. 15-1-101 et. Seq.
  - U.S. Uniform Probate Code
  - Official Misconduct/Color of Law Violations, C.R.S. 18-8-403-405
  - Deprivation of Rights Under Color of Law – 18 U.S.C. Subsection 242
9. Various Civil Torts
  - Intentional Infliction of Emotional Distress
  - Civil Conspiracy/Aiding and abetting/In-Concert Liability
  - Defamation/Libel
  - Failure to report abuse, neglect and financial exploitation of a vulnerable adult
- G. Agencies Sought Relief from –
  - United States Veterans Administration
  - United States Federal Bureau of Investigation
  - Colorado Department of Health Care Policy & Finance
  - Colorado Attorney General
  - Colorado Deputy Attorney General
  - Colorado Representative to Congress Michael Coffman
  - Colorado State Senators Morgan Carroll and Laura Woods
  - Colorado Attorney Regulation Counsel
  - Colorado Judicial Review Commission
  - Various Senators and Representatives from Illinois
- H. Courts Involved – 18<sup>th</sup> Judicial District Court for the State of Colorado



- I. Criminal Acts Alleged – The parties and court have committed and/or aided and abetted in the following crimes
- a. Fraud under Federal and Colorado State law
  - b. Failure to fully report income received
  - c. Theft by receiving
  - d. Denial of Constitutional rights and due process
  - e. Official misconduct
  - f. Misprision of Felony
  - g. Conspiracy
  - h. Racketeering/RICO violations to a proposed (and later) protected person
  - i. Misrepresentations and omissions of material facts
  - j. Purposeful and pre-meditated coercion/intimidation/defamation of family members seeking to aid the protected person
  - k. Abuse, neglect, isolation and financial exploitation of a protected person
  - l. Malfeasance and collusion among court-appointed fiduciaries and their attorneys, court-appointed GAL
  - m. Deliberate and long-term over-medication/mis-medication of protected person
  - n. Denial of protected person's right to select his own attorney
  - o. Denial of protected person's access to the community to obtain adequate and responsive therapies outside the VA not offered through the VA
  - p. Overly-restrictive limits on protected person's access to appropriate therapies offered by the VA
  - q. Deceptive practice, ie. impersonation of protected person's family member in effort to gain undue influence over health care providers treating protected person
  - r. Fraudulent billing scheme – Guardian's and various attorneys' billings not disclosed to protected person or protected person's cognizant family members prior to payment by friend/colleague who served as Conservator of protected person
  - s. Repeated serious breaches of fiduciary duty
  - t. Failure of court to fully adhere to existing, established probate statutes, rules and practices
  - u. Failure of various attorneys and fiduciaries to be zealous advocates
  - v. Failure of various attorneys and fiduciaries to report known and repeated abuse, neglect and financial exploitation of a protected person
  - w. Felony intent to defraud Colorado Medicaid by completing application for, and securing payment of benefits on behalf of, a protected person who has never met financial eligibility requirements for these supports
  - x. Deliberate isolation of a protected person such that the protected person's right to make choices about activities and association was hampered
- K. Damages – Estimate in excess of \$5 million including punitive damages. Physical, emotional, and psychological damages have been suffered by Mr. Baker, along with deliberate delays and errors made in accessing appropriate treatments for Mr. Baker's physical needs which have had consequences on his

healing from stroke. Long-term over-medication of Mr. Baker, lack of appropriate medication evaluations/reviews, denial of Mr. Baker's possession, use, and protection of his property and physical body, denial of Mr. Baker's express wishes, including freedom to visit his children in Virginia and California and his family members in Illinois and Colorado should be included.

A separate action with additional damages, including punitive damages, may be commenced against guardian Karen Buchanan and Conservator Tamra Palmer and others, including (retired) Judge Timothy Fasing, who colluded to fraudulently demand and obtain a Writ of Habeus Corpus and forcefully remove Mr. Baker from the home of his daughter in Napa, California during his planned visit there a few years ago. This caused significant emotional trauma for Mr. Baker who is already 100% disabled with service connection due to Post Traumatic Stress Disorder from his United States Navy service.

In addition, guardian Karen Buchanan assaulted Mr. Baker on one occasion by his report. Historically, she also placed Mr. Baker in 2 restrictive and inappropriate settings, including an isolation section of a nursing home for 3 months. She advised Mr. Baker (untruthfully) that he had no money left to maintain a \$206.00 per month storage locker for his belongings and insisted that he "choose a few things" that would fit in his double-occupancy room at his nursing home and then, by her own admission, gave the rest to Goodwill. The property "donated" to Goodwill (or otherwise disposed of) against Mr. Baker's wishes included his furniture, clothing, a large CD music collection, a new and valuable BOSE speaker/sound system, family antique guns and many books and pictures. At one point, when Mr. Baker asked Ms. Buchanan where his property was stored, she told him that she "had to sell it to pay for [his] place".

\$162,764 - Fees already paid to Fiduciaries from Mr. Baker's estate (growing)  
\$170,277 - Fees already paid to Attorneys from Mr. Baker's estate (growing)  
\$ 10,000 - Fees not yet paid to Attorneys (billed to protected person's estate)  
\$ 65,000 - Fees not yet paid to Attorney for family members (growing)  
\$ 50,000 - Value of property lost, given away or sold

I, Edward J. Baker, ask that this report in its entirety be reported to all State and Federal agencies that have the authority to investigate these crimes and claims as outlined in the declaration.

#### VERIFICATION

I declare under penalty of perjury that the foregoing statements in this declaration are true and correct to the best of my knowledge. This is my voluntary Declaration, executed this 3<sup>rd</sup> day of April, 2016 in Jefferson County, Colorado.

*Edward J. Baker*

Edward J. Baker  
9423 W. 64<sup>th</sup> Avenue, Arvada, CO 80004

**II. DECLARATION OF PAT SCHROEDER ON BEHALF OF DECLARATION OF  
WADE T. BARTON, RE: THOMAS BARTON ESTATE**

**III.**



**DECLARATION OF WADE T. BARTON**  
**RE: THOMAS BARTON ESTATE**

This was a probate case involving a fraudulent, forged will, life insurance policy, and other documents all of which were improperly admitted by the court and Judge Stephen Munsinger. Even the forged will that was admitted has not been followed or adhered to leaving Mr. Barton with nothing which was left to him. The case, as described herein involves judicial and attorney misconduct, state and federal crimes, and civil torts. Furthermore, this case involves a Judge, opposing counsel, and witnesses who are all Masons from the same consistory who walked away with everything at the hands of their long time friend and fellow Mason Judge Munsinger.

**1. JUDGES**

- a. Judge Stephen Munsinger** - Jefferson County Colorado Probate Judge who was the first to hear the case of the Thomas Barton Estate. The lawyers for the Personal Representative, the Personal Representative (James Preston), and the key witness (James Sellers) for the case as well as the Judge were all Masons from the same consistory who were friends for many years. After refusing to hear anything that Wade Barton (beneficiary) had to offer during the hearing and for nearly a year, Judge Munsinger recused himself and took early retirement. Judge Munsinger influenced and/or threatened Mr. Barton's attorney, Michael Sasin. Judge Munsinger violated numerous judicial canons and allowed his friends violate several state and federal laws. Color of law/RICO violations.
- b. Judge Lily Oeffler** - Judge in Jefferson County Colorado who took over when Judge Munsinger stepped out. She would continue along the same path as if being directed by Munsinger. She dismissed everything filed by Mr. Barton and his attorneys.
- c. Judge C. Jean Stewart** - She had resigned when she became the mediator in the Barton Case. Stewart resigned after complaints of her threatening litigants who wanted their own judges; sealing records which would harm her; running system where conservators, guardians, and public administrators were owned by the court and essentially stealing the estates away from wards and beneficiaries. Judge Stewart was selected by the opposing counsel with no input from Mr. Barton.

## **2. LAWYERS AND FIDUCIARIES**

- a. James Preston - Personal Representative/fiduciary - Mason - responsible, with others, for the forged documents including the will. Responsible, with others, for the theft of Mr. Barton's property, money, and items left to Barton in the purported will. Has continuously committed perjury and fraud upon the court. RICO violations and conspiracy.
- b. Ronald Servis - Public Administrator for Jefferson County Probate Court and Barton estate - responsible for the theft of monies, vehicles, property, and real estate. Committed fraud upon the court in order to steal the estate, keep it for himself and sell it to his friends. Responsible for ensuring that Mr. Barton received nothing from the will. Forced Mr. Barton to purchase all vehicles that he was entitled to pursuant to the purported will. RICO violations and conspiracy. Violations of the Professional Code of Ethics. Color of law violations.
- c. Robert Horen - Wade, Ash, Woods, Hill & Farley, Attorney for James Preston, Personal Representative - Mason - responsible for allowing some 5 copies of a fraudulent will to be filed with the court. Responsible for allowing the theft of property and monies from the Barton Estate. Responsible for allowing and likely encouraging Mr. Preston not to give Barton the items left to him in the purported will. Responsible for knowingly allowing Mr. Barton to be accused of stealing vehicles which were taken by his own client. Responsible, with others, for the forgeries, fraud upon the court, professional misconduct, RICO violations and conspiracy.
- d. Keith D. Lapuyade - Wade, Ash, Woods, Hill & Farley. Attorney for James Preston, Personal Representative - Mason - responsible for allowing some 5 copies of a fraudulent will to be filed with the court. Responsible for allowing the theft of property and monies from the Barton Estate. Responsible for knowingly allowing Mr. Barton to be accused of stealing vehicles which were taken by his own client. Responsible, with others, for the forgeries, fraud upon the court, professional misconduct, RICO violations and conspiracy.
- e. Herbert E. Tucker - Wade, Ash, Woods, Hill & Farley. Attorney for James Preston, Personal Representative - Mason - responsible for allowing some 5 copies of a fraudulent will to be filed with the court. Responsible for allowing the theft of property and monies from the Barton Estate. Responsible for knowingly allowing Mr. Barton to be accused of stealing vehicles which were taken by his

own client. Responsible, with others, for the forgeries, fraud upon the court, professional misconduct, RICO violations and conspiracy.

- f. Steven Schumacher - Wade, Ash, Woods, Hill & Farley. Attorney for James Preston, Personal Representative - Mason - responsible for allowing some 5 copies of a fraudulent will to be filed with the court. Responsible for allowing the theft of property and monies from the Barton Estate. Responsible for knowingly allowing Mr. Barton to be accused of stealing vehicles which were taken by his own client. Responsible, with others, for the forgeries, fraud upon the court, professional misconduct, RICO violations and conspiracy.
- g. Gregory Washington - Wade, Ash, Woods, Hill & Farley, attorney
- h. Mark Donovan - Wade, Ash, Woods, Hill & Farley, Paralegal
- i. Michael Sasin - Attorney for Beneficiary Wade Barton - By failing to communicate with Mr. Barton and by failing to be a zealous advocate, Mr. Sasin caused Barton to lose much of his estate. Sasin refused to present evidence or witnesses at the hearing in 2013. Without permission, Mr. Sasin negotiated and finalized a settlement agreement without Mr. Barton's knowledge. Mr. Sasin allowed himself to be influenced and intimidated by Robert Horen and Judge Munsinger. When Mr. Barton asked Mr. Sasin to withdraw as his attorney, Sasin stated that he could be in big trouble for what he had done; "I could even go to jail for this." After withdrawing, Mr. Sasin would allow himself to be deposed by opposing counsel with no permission or waiver given by Barton. Professional misconduct, violation of professional conduct, conspiracy, possible RICO violations.
- j. Rickey Fitzsimmons - Attorney for Beneficiary, Wade Barton - failed to communicate with Mr. Barton or to be a zealous advocate. Fitzsimmons laid out a bold plan of what he would do for Mr. Barton and collected a \$5,000 retainer. He then told Barton that he was a friend of Judge Munsinger and had shared an office with him. He would then speak to Mr. Horen and do nothing more for Mr. Barton. In front of witnesses he told Barton that if Barton wasn't satisfied he would return his retainer. He was responsible for setting Mr. Barton up by telling him he had to remove vehicles from the estate's property and then letting the police be called and the other side accuse Mr. Barton of stealing vehicles. When he withdrew as counsel, he refused to return Barton's files or his retainer. He actually billed Barton \$1,700 more but then deducted that amount. Fitzsimmons

actually turned all of Mr. Barton's files over to the opposing counsel, telling Barton he could not locate his files or that he had already returned them to him. Professional ethics violations, fraud, conspiracy, possible RICO violations.

k. This list may not be all inclusive.

**3. ADDITIONAL PARTY**

a. James Sellers - Mason and Social Worker at the VA hospital responsible for forgery and taking half of Tom Barton's life insurance policy intended entirely for his son Wade Barton. Responsible for removing property and personal items from Tom Barton's home. Violations of code of ethics for both social workers and VA employees, conspiracy, RICO violations. He died under suspicious circumstances as he and the VA were being investigated for the forgery and the theft.

**4. CASE**

IN THE MATTER OF THE ESTATE OF Thomas Wade Barton, also known as Tom Barton, Thomas W. Barton, Deceased Case #2013PR42

**5. THE PARTIES HAVE COMMITTED AND/OR AIDED AND ABETTED IN THE FOLLOWING CRIMES**

- a. Fraud under Federal and State law
- b. Perjury
- c. Forgery
- d. Fraud with intent to steal
- e. Fraud upon the tribunal
- f. Theft
- g. Violations of Due Process
- h. Official Misconduct
- i. Misprision of Felony
- j. Conspiracy
- k. Racketeering/ RICO violations

**6. THE PARTIES HAVE VIOLATED AND/OR AIDED AND ABETTED AT LEAST THE FOLLOWING VIOLATIONS OF FEDERAL AND COLORADO STATUTES**

- a. Fraud - 18 USC 47
- b. Fraud/forgery - CRS §18-5-01, 08, 09, 28, 33
- c. Conspiracy - CRS §18-2-201-206
- d. Conspiracy - 18 U.S.C. 371
- e. Theft - CRS §18-4-401
- f. Theft - 18- USC 31
- g. Misprision of Felony - 18 U.S.C. 4
- h. Due Process - 4th Amendment U.S. Constitution
- i. Racketeering (RICO) CRS §18-17-103 et.seq.
- j. Racketeering (RICO) 18 USC 96
- k. Probate violations - CRS §15-1-101 et.seq.
- l. U.S. Uniform Probate Code
- m. Perjury - CRS §18-8-502
- n. Perjury - 18 USC 1621
- o. Official Misconduct/Color of Law Violations CRS §18-8-403 - 405
- p. Deprivation of Rights Under Color of Law - 18 USC 242

**7. CIVIL TORTS**

- a. Tortious Interference with Inheritance
- b. Intentional Infliction of Emotional Distress
- c. Civil Conspiracy/Aiding and abetting/In-Concert Liability
- d. Defamation/Libel

**8. DAMAGES**

- a. Estimated in excess of \$1 million including punitive damages.
- b. Estimation is due to the fact that in violation of Colorado Probate Codes there has been no annual or final accounting of monies or items removed from the estate.

I ask that this report in its entirety be reported to all State and Federal agencies that have the authority to investigate these crimes and claims as outlined in this declaration.

**VERIFICATION**

I declare under penalty of perjury that the foregoing statements in this declaration are true and correct. Executed this 22nd day of March 2016 in Arapahoe County, Colorado.



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Wade T. Barton  
588 First Avenue  
Deer Trail, CO 80105  
Phone: 720-840-0281

*Wade T. Barton*

Wade T. Barton

588 First Avenue

Deer Trail, CO 80105

Phone: 720-840-0281

**COMPLAINT OF ANGELA V. WOODHULL PH. D. - DOCKET SUMMARIES FOR  
ORANGE, SEMINOLE, AND ALACHUA COUNTIES  
GUARDIANSHIPS OF PROFESSIONAL CORPORATE GUARDIAN, REBECCA  
“FIERLE” (A.K.A REBECCA SANTOIAN, A.K.A REBECCA FIERLE - SANTOIAN,  
A.K.A. BECKY DOBBINS)**



**DOCKET SUMMARIES FOR ORANGE,  
SEMINOLE, AND ALACHUA COUNTIES  
GUARDIANSHIPS of  
Professional Corporate Guardian,  
Rebecca “Fierle”  
(a.k.a Rebecca Santoian, a.k.a Rebecca Fierle-  
Santoian, a.k.a. Becky Dobbins)**

Rebecca Fierle-Santoian (legal name on Florida driver's license; also the name used at banks to open guardianship accounts)

Rebecca Santoian (notarized name used in Marion County when buying and selling properties with current husband, cardiologist Dr. Edward Santoian)

Rebecca Fierle (name consistently used on court documents when petitioning for guardianships and when advertising Geriatric Management, Inc. and Geriatric Care Management, Inc. Name was obtained from first husband, Jeff Fierle with whom subject filed for bankruptcy in 1997)

Becky Dobbins – maiden name/family or origin name—  
last name of brother Michael Dobbins who is used by Fierle when creating bogus invoices on car repairs of wards' vehicles. Michael Dobbins owns Mickey's Auto Repair in Orlando, Florida.

**Date of Birth:** June 19, 1969

White, female

**Social Security Number:** 593-20-3369

**Home address:** 9380 S. Magnolia Avenue,  
Ocala, FL 34476

**Current business address:** Geriatric Management  
1646 East Hillcrest Street  
Orlando, FL 32803

**Background:**

Rebecca "Fierle" has had more than 300 guardianship in 13 Florida counties since commencing her career as a professional guardian. (Orange, Seminole, Lake, Alachua, Duval, Brevard, Polk, Osceola, Holmes, St. Lucie, Clay, and Pineallas, and Marion—although she is only legally registered in Lake, Marion, Polk, Orange, and Seminole.) The majority of guardianships have been obtained in Orange and Seminole Counties. During the late 90's, Fierle worked as a care manager for the greater Orlando Council on Aging (now known as "Seniors First") Fierle would approach elderly persons at their homes to see if they needed any free services, such as free transportation to doctors' appointments, new glasses, or Meals on Wheels.

Rebecca "Fierle" also used to man a hotline in Orlando where seniors in distress would call to report various incidents, according to Orlando police records. It is

through these various methods that Fierle has found her wards.

Rebecca “Fierle” also is often referred by social workers at hospitals and nursing homes when they feel a patient needs a guardian. It appears that Fierle also checks with Fire and Rescue and police records to obtain wards. She also volunteers at Department of Children and Family Services and therefore it would not be likely that she would be investigated by DCF, since she is a part of their team.

During the late 90’s and early 2000s, Fierle obtained powers of attorney over several elderly victims. For example, in the case of Florence Barbour, Fierle obtained a power of attorney over Barbour in May 2002. Fierle then sold Barbour house for \$80,000.00 and placed Barbour in Palm Gardens in Orlando. In November 2002, Barbour died and the court records indicate that there was approximately \$1,480.00 left in Barbour’s estate, which Fierle, as personal representative, wrote a cheque to the heirs, two long-time friends of Barbour who live in Ohio.

It appears that no one, outside of this investigator, has ever alerted law enforcement authorities to the fact that there appears to be missing almost \$80,000.00 in Florence Barbour’s case.

### **Evidence to Support Allegations of Medicaid Fraud**

Fierle is hired by Shands Hospital to place patients who “qualify” on Medicaid. Fierle also simultaneously petitions for guardianships on many of these individuals.

Once the Medicaid is obtained, and Fierle also had control over the ward’s assets, Fierle *claims* she is paying the monthly nursing home fees. The docket entries indicate, however, that Medicaid/Medicare are actually paying these monthly fees and expenses (See cases, below, where Medicaid fraud is noted due to claims against the estate.) since the guardian and attorneys continue billings and being awarded attorneys’ fees and guardian fees. **If the ward was truly destitute (which is the prerequisite requirement for qualifying for Medicaid), there should be no evidence of petitioning for attorneys’ fees and guardian fees in these dockets, but the dockets show repeated billing in most of the files.**

When the ward dies and Fierle then often becomes the personal representative, Fierle places a small ad, “Notice to Creditors” in an obscure newspaper. At that time, Medicaid then sometimes comes forward with a claim against the estate.

For example, in the Guardianship of Marion Copley, Fierle sold Copley's home for approximately \$250,000.00 but simultaneously placed Copley on Medicaid. Upon Copley's death, Medicaid filed a claim against the estate for \$53,000.00. In the Guardianship of Louise A. Falvo, Falvo had approximately \$672,000.00 in liquid assets when Fierle applied for and obtained Medicaid. Falvo died shortly after the guardianship was commenced against her—Medicaid filed a claim of **\$341.48** against Falvo's estate, indicating that Falvo should have never been placed on Medicaid in the first place.

### **Scheme to Defraud**

It is believed that the modus operandi is the same in all or most of Fierle's guardianships—(1) Finds wards with substantive assets and place them on Medicaid, (2) Alleges to the probate courts, through annual accountings, that she (Fierle) is paying the monthly bills out of the ward's assets, when, in fact, the facility is being reimbursed by Medicaid/Medicare. (3) Then pockets the money for herself and her attorneys, thereby creating actionable offenses for IRS fraud/tax evasion.

### **Modus Operandi**

For example, Noble Williams was placed in Gainesville Health and Rehab. Center for more than one year—a Medicaid/Medicare facility. Fierle claimed that the nursing home billed Williams more than \$30,000.00 and that she (Fierle) settled out with them, paying them approximately \$10,000.00 in back fees and that they then waived the remaining balance. The nursing home also has receipts for the year 2009 indicating the alleged payment of \$10,000.00 allegedly received from Fierle. However, it is believed, since this is a Medicaid/Medicare facility, that Medicaid and Medicare were paying the bills of Noble Williams—not Rebecca “Fierle.”

### **Request for Investigation**

Given the above facts, it is requested that an investigation be conducted by the Medicaid Fraud Unit to determine if various nursing home facilities and/or Fierle were receiving payments for wards from Medicaid/Medicare while Fierle was simultaneously claiming to be paying those same bills out of the wards' assets. A list of wards and their dates of birth and dates of death and dates the guardianship were commenced appears below so that Medicaid can check and see if bills were actually being paid by Medicaid, and not by Rebecca “Fierle” during the durations of the guardianships. Some wards are truly destitute, as noted in the files. The guardianships most likely to represent fraudulent billings are from wealthy wards with substantive assets. When the accompanying

dockets show billing for attorney's fees and guardian fees, it can be logically concluded that the ward had enough assets to NOT qualify for Medicaid but was placed [fraudulently] on Medicaid anyway. This implies IRS fraud and tax evasion as well.

**Rationale for Investigations:** Medicaid fraud costs the state of Florida millions of dollars when elderly people with substantive assets are placed on Medicaid while their own assets are converted into attorneys' fees, guardian fees, or go completely unaccounted for. Since the State of Florida is not prosecuting Medicaid fraud committed by professional guardians, it is up to the jurisdiction of the OIG to do so.

Likewise, where there is fraud and embezzlement, the IRS has jurisdiction regarding the under-reporting or "no" reporting of income and resources—i.e., tax evasion and tax fraud.

These docket summaries accompany the main report in which 15 cases were detailed. Please see the main report, along with this file. There are also individual court documents for each of the 15 selected cases that accompany the main report.

## **Orange County Guardianship Cases**

### **Jerry Benjamin Richardson**

Case No. 1982-CP-001017-O

**Attorney for Guardian:** Thomas P. Moss

**Guardianship commenced:** 08/11/1982

Guardianship is **closed**.

**Guardianship was closed on:** 2/23/1999

**DOB:** 9/1948

### **HALSEY EARL PORONTO**

Case No. 1992-CP-000930-O

**Attorney for Guardian:** Randy C. Bryan

**Guardianship commenced:** 05/06/1992

Guardianship is **closed**.

**Guardianship was closed on:** 1/29/2007

**\*Certificate of Completion of Guardianship Training:** 3/22/2002

**DOB:** 2/18/1910

**DOD:** 1/22/2007



**FACILITY:** The Westchester  
558 N. Semoran Blvd.  
Winter Park, FL 32792

**ODIS A. LUMPKIN**

Case No. 1999-CP-000788-O

**Attorney for Guardian:** Cary L. Moss

**Court Appointed Attorney:** Ian L. Gilden

**Guardianship commenced:** 05/11/1999

Guardianship is closed.

**Guardianship was closed on:** 6/19/2000

**Report of Auditor:** 9/7/1999

**Amended Inventory:** 10/25/1999

**DOB:** 11/28/1921

**DOD:** 5/31/2000

[Fierle was not yet certified as a professional guardian when this guardianship commenced]

**REGINA C. SMARIDGE**

Case No. 2000-CP-002220-O

**Guardianship commenced:** 2/08/2000

Guardianship is closed.

**Guardianship was closed on:** 01/02/2008

**DOB:** 06/14/1928

**DOD:** 12/26/2007

**FACILITY:** Rio Pinar Health Care

7950 Lake Underhill Road, Unit 219

Orlando, FL 32822

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

**SADIE BATES**

Case No. 2001-CP-000146-O

**Attorney for Guardian:** RICHARD NEIL GREATWOOD

**Guardianship commenced:** 01/22/2001

**Voluntary Dismissal:** 3/13/2001

**DOB:** unknown

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

**FAYE G. LARSON**

Case No. 2001-CP-000147-O

**Attorney for Guardian:** RICHARD NEIL GREATWOOD

**Guardianship commenced:** 01/22/2001

**Voluntary Dismissal:** 3/13/2001

**DOB:** unknown

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

**RICHARD HOLDEN**

Case No. 2001-CP-001018-O

**Attorney for Guardian:** Karen Goldsmith

**Guardianship commenced:** 05/21/2001

Guardianship is closed.

**Guardianship was closed on:** 5/11/2005

**DOB:** unknown

**DOD:** 8/06/2003

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

**MINNIE C. EARLY**

See also: Case No. 2002-CP-001971-O

*Also known as* BIRCH, MINNIE C

*Also known as* GUNTER, MINNIE C

Case No. 2001-CP-001331-O

**Attorney for Guardian:** Karen Goldsmith

**Guardianship commenced:** 7/13/2001

Guardianship is closed.

**Guardianship was closed on:** 9/23/2003

**DOB:** 05/18/1921

**DOD:** 7/31/2002

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

**NORMA J. BELLINGER**

Case No. 2001-CP-001564-O

**Attorney for Guardian:** Karen Goldsmith

**Guardianship commenced:** 8/16/2001

Guardianship is closed.

**Guardianship was closed on:** 1/16/2002

**DOB:** 1923

**DOD:** 11/30/2001

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

**CLINTON R. BELLINGER**

Case No. 2001-CP-001603-O

**Attorney for Guardian:** Karen Goldsmith

**Guardianship commenced:** 08/22/2001

**Change of Venue to Seminole County:** 10/19/2004

**DOB:** 07/25/1922

**Report of Auditor:** 3/18/2003

**Report of Auditor:** 2/6/2004

**Report of Auditor:** 4/29/2004

Letter dated March 30, 2009 from Maytee Moxley to Maryann Morse:  
“Enclosed please find accounting for November 1, 2007 – October 31, 2008,  
case was transferred to your county in 2005; audit fee was not filed with  
accounting.”

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

**\*JASMINE A. SPENCE**

**Attorney for Guardian:** Karen L. Goldsmith

**Joint Stipulation of Counsel:** Ian L. Gilden 6/1/2011

**Case No.** 2001-CP-002022-O

**Guardianship commenced:** 10/22/2001

**Guardianship is open.**

**Report of Auditor:** 3/13/2007

“A review of the annual accounting filed from the 1<sup>st</sup> day of December, 2005  
through the 30<sup>th</sup> day of November, 2006, reveals the following:

It appears the verification of the value as of 11/30/06 for the Prudential Financial  
Insurance and the IRA Account were not submitted with the Annual Financial  
Report.

Respectfully submitted this the 13<sup>th</sup> day of March, 2007

**Report of Auditor:** 3/26/2008

“An administrative review of the file, and review of the annual accounting, filed  
for the period from 12/01/06 – 11/30/07 reveals the following:

It appears statements from the Prudential Financial Insurance and the IRA have  
not been submitted to verify the activity in the accounting.”

**DOB:** 11/28/1933

**Location of Ward:** Ionie's Assisted Living

[Note: Daughter, Paula Harriott, attempted to become guardian of her mother  
and filed a PAPG (3/29/07) but no hearing and nothing else from daughter. I  
spoke with daughter; there was no more action from her because she ran out of  
money. Fierle promised to let her become her mother's guardian when she  
moved to Florida. However, upon Harriott moving to Florida, Fierle changed  
her mind and would not allow Harriott to become her mother's guardian.

Harriott suspects that the women who work at Ionie's may be there against their  
will and working for below minimum wage. This same speculation was told to

me by Dr. Richard Larkin. The daughter would like to see Fierle prosecuted. Paula Harriott can be reached at (407) 281-0621. The daughter is a professional nurse who lives in an upscale gated community in a single family detached two story home.)**ANN H. RICHARDS**

Case No. 2000-CP-002220-O

**Attorney for Guardian:** Randy C. Bryan

**Guardianship commenced:** 10/31/2001

Guardianship is **closed**.

**Guardianship was closed on:** 5/6/2002

**DOB:** unknown

**DOD:** 03/25/2002

**Location of ward:** Manor Care Nursing Home  
2075 Loch Lomond Drive  
Winter Park, FL 32792

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

**MICHAEL KIMBUR**

Case No. 2002-CP-000243-O

**Attorney for Guardian:** Karen L. Goldsmith

**Guardianship commenced:** 1/29/2002

**Change of Venue to Seminole County**

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

**EVA HUSSEY**

Case No. 2002-CP-000565-O

**Attorney for Guardian:** Karen L. Goldsmith

**Voluntary Dismissal:** 3/27/2002

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

**ADELINE KNURR MCKIBBEN**

Case No. 2000-CP-002220-O

**Attorney for Guardian:** RANDY C. BRYAN

**Guardianship commenced:** 04/02/2002

Guardianship is **closed**.

**Guardianship was closed on:** 7/14/2006

**DOB:** 04/05/1915

**DOD:** 9/22/2005

**Order Regarding Sale of Real Estate:** 11/21/2002 [*AMENDED ORDER AUTHORIZING SALE OF REAL ESTATE*]

**CARLOS PAGAN**

Case No. 2002-CP-001514-O

**Attorney for Guardian:** Karen L. Goldsmith

**Guardianship commenced:** 6/13/2002

Guardianship is closed.

**Guardianship was closed on:** 12/17/2002

**DOB:**

**DOD:** 12/11/2002

**Certificate of Insolvency/Indigency:** 06/13/2002

**ATQUR KHAN**

Case No. 2002-CP-002562-O

**Attorney for Guardian:** Alex Finch

**Court Appointed Attorney:** Ian L. Gilden

**Guardianship commenced:** 10/08/2002

Guardianship is closed.

**Guardianship was closed on:** 03/28/2003

**Affidavit of Insolvency/Indigency:** 10/08/2002

**JULIA TAGLER**

Case No. 2002-CP-002585-O

Related Cases 2006-CP-000895-O (Incapacity/Guardianship)

2007-CP-002891-O (Incapacity/Guardianship)

**Attorney for Guardian:** Thomas P. Moss

**Guardianship commenced:** 0/10/2002

**Original Guardian:** Mayra Y. King 13846 Beaugard Pl Orlando, FL 32837-7671

Guardianship is closed.

**Guardianship was closed on:** 6/30/2009

**DOB:** 02/19/1908

**DOD:** 9/04/2007

**HELEN L. PHILLIPS**

Case No. 2003-CP-000677-O

**Guardianship commenced:** 3/17/2003

**Attorney for guardian:** Cary L. Moss

**Guardianship was closed on:** 07/02/2010

**DOB:** 10/14/1919

**DOD:** 5/27/2010

**Report of Auditor:** 8/27/2009

**Response to Auditor:** 11/16/2009  
**Report of Auditor:** 11/17/2009  
**Response to Auditor:** 11/16/2009  
**Petition for Qualified Income Trust:** 7/28/08

**GRANT C. PHILLIPS** (Veteran)  
Case No. 2003-CP-000676-O  
**Attorney for Guardian:** Cary L. Moss  
**Guardianship commenced:** 03/17/2003  
Guardianship is closed.  
**Guardianship was closed on:** 2/11/2005  
**Report of Auditor:** 10/21/2004  
**Response to Auditor:** 12/08/2004  
**DOB:** 12/25/1917  
**DOD:** 1/04/2005

**MARY E. PETERSON**  
Case No. 2003-CP-000781-O  
**Attorney for Guardian:** Alex Finch  
**Guardianship commenced:** 03/27/2003  
Guardianship is closed.  
**Guardianship was closed on:** 7/12/2007  
**Copy of Pooled Trust Joinder:** 11/17/04  
**DOB:** 02/05/1917  
**DOD:** 07/03/2007  
**Report of Auditor:** 9/14/2004  
**Petition/Motion Authorizing** *PETITION AUTHORIZING EXTTRAORDINARY EXPENDITURES, REPAIRS TO HOUSE & RETROACTIVE APPROVAL OF PURCHASE OF APPLIANCES:* 0/12/2004  
**Notice** *NOTICE OF VOLUNTARY WITHDRAWAL OF PET FOR GUARDIAN'S FEES:* 10/12/2004  
**Informal Request** *INFORMAL REQUEST TO FILE COPY OF THE WARD'S EXECUTED POOLE TRUST AND TRUSTEE'S RECEIPTS OF ASSETS:* 0/15/2004

**LYMAN ANDREW HALL**  
Case No. 2003-CP-000781-O  
**Attorney for Guardian:** Carolyn H. Sawyer  
**Guardianship commenced:** 04/29/2003  
Guardianship is closed.

**Guardianship was closed on:** 4/6/2005

**DOB:** 04/16/1917

**DOD:** 02/11/2005

**Order to File Annual Reports:** 2/11/2005

**HAZEL LARUE SKJERSAA**

Case No. 2003-CP-001064-O

2008-CP-001592-O (Sibling Guardianship)

2009-CP-000009-O (Family Estate)

**Attorney for Guardian:** Carolyn H. Sawyer

**Guardianship commenced:** 04/29/2003

Guardianship is **closed**.

Guardianship was closed on: 12/02/2009

**DOB:** 10/04/1922

**DOD:** 12/11/2008

**Report of Auditor:** 9/04/2009

**Observation Sheet:** 0/12/2009

**Petition for Retroactive Approval**10/27/2009

**Response to Auditor:** 10/27/2009

**Final Accounting AMENDED - 07/01/08-08/06/09:** 10/27/2009

**Final Report of Guardian AMENDED:** 10/27/2009

**Order Authorizing *RETROACTIVE APPROVAL TO DONATE WARD'S TANGIBLE PERSONAL PROPERTY:*** 11/02/2009

**Report *REPORT OF AUDITOR:*** 01/23/2007

**Response *TO REPORT OF AUDITOR:*** 03/05/2007

**Response *TO REPORT OF AUDITOR:*** 08/15/2007

**Petition for Retroactive Approval *PETITION FOR RETROACTIVE APPROVAL OF PAYMENT OF ATTY'S FEES:*** 08/15/2007

**Annual Accounting *SECOND AMENDED ANNUAL ACCOUNTING 7/1/05-6/30/06:*** 08/15/2007

**Order *ORDER FOR RETROACTIVE APPROVAL OF PAYMENT OF ATTY'S FEES AND EXPENSES:*** 09/11/2007

**Report of Auditor *REPORT OF AUDITOR:*** 10/24/2007

**Response *TO REPORT OF AUDITOR:*** 11/16/2007

**Observation Sheet *OBSERVATION SHEET:*** 11/24/2007

**NORMAN SKJERSAA**

Case No. Case No. 2003-CP-001390-O

**Attorney for Guardian:** Carolyn H. Sawyer

2008-CP-001592-O (Sibling Guardianship)

2009-CP-000009-O (Family Estate  
**Guardianship commenced:** 6/05/2003  
Guardianship is **closed**.  
**Guardianship was closed on:** 02/17/2009  
**DOB:** 03/09/1916  
**DOD:** 06/03/2008  
**Report of Auditor** *REPORT OF AUDITOR:* 02/22/2005  
**Response** *TO REPORT OF AUDITOR:* 03/31/2005  
**Response** *TO REPORT OF AUDITOR:* 05/12/2005  
**Informal Request** *INFORMAL REQUEST:* 05/12/2005  
**Report of Auditor** *REPORT OF AUDITOR:* 03/22/2006  
**Annual Accounting** *AMENDED ANNUAL ACCOUNTING:* 05/05/2006  
**Response** *TO REPORT OF AUDITOR:* 05/05/2006  
**Report** *REPORT OF AUDITOR :* 01/23/2007  
**Response** *TO REPORT OF AUDITOR:* 03/05/2007  
**Report of Auditor** *2ND REPORT OF AUDITOR:* 05/01/2007  
**Response** *TO REPORT OF AUDITOR:* 08/15/2007  
**Petition for Retroactive Approval:** *PETITION FOR RETROACTIVE APPROVAL OF PAYMENT OF ATTY'S FEES:* 08/15/2007  
**Annual Accounting** *SECOND AMENDED ANNUAL ACCOUNTING 7/1/05-6/30/06:* 08/15/2007  
**Order** *ORDER FOR RETROACTIVE APPROVAL OF PAYMENT OF ATTY'S FEES AND EXPENSES:* 09/11/2007  
**Observation Sheet** *OBSERVATION SHEET:* 12/26/2007  
**Response** *TO REPORT OF AUDITOR:* 01/23/2008

**STEVEN L. SCHWARTZ**

4624 Windsor Lane  
Bethesda, MD 20814  
**Attorney for Guardian:** Alex Finch  
Case No. 2003-CP-001545-O  
Case No. 2005-CP-000273-O (summary estate)  
**Guardianship commenced:** 06/23/2003  
Guardianship is **closed**.  
**Guardianship was closed on:** 11/23/2004  
**DOB:** unknown  
**DOD:** 01/31/2005

**LOIS W. MCCONNELL**

Case No. 2003-CP-002033-O



**Attorney for Guardian:** Ian Leonard Gilden

**Guardianship commenced:** 08/15/2003

Guardianship is closed.

**Guardianship was closed on:** 3/18/2005

**Bond Approval Fee:** 2/27/2004

**DOB:**

**DOD:** 12/08/2004

**\*AVENELLE G. AMBROSE**

**Attorney for Guardian:** Karen Goldsmith

Case No. 2003-CP-002353-O

**Guardianship commenced:** 09/19/2003

Guardianship is technically not closed

A Petition for discharge was filed on: 04/03/2008

A Proposed Order for discharge was filed on: 04/03/2008 DOB: 10/31/1918

Petition/Motion for Discharge: 04/03/2008

Proposed Order: 04/03/2008

[No order of discharge actually appears.]

**\*\*\*BETTY TIERS**

Case No. 2003-CP-002437-O

**Attorney for Guardian:** Ian Leonard Gilden

**Guardianship commenced:** 09/29/2003

Guardianship is closed.

**Guardianship was closed on:** 07/29/2004

**DOB:** 11/17/1919

**DOD:** 3/10/2004

Location of Ward: Manor Care Skilled Nursing

3115 Seigneury Drive

Windemere, FL 34786

**William B. Peden**

Case No. 2003-CP-002510-O

**Guardianship commenced:** 10/07/2003

Guardianship is closed.

**Guardianship was closed on:** 8/03/2007

**DOB:** 02/11/1922

**DOD:** 02/20/2007

**Report of Auditor** *REPORT OF AUDITOR:* 10/03/2005

**Petition for Retroactive Approval** *PETITION FOR RETROACTIVE*

*APPROVAL OF PAYMENTS MADE TO KILGORE, PEARLMAN: 10/03/2005*

**Petition for Retroactive Approval** *PETITION FOR RETROACTIVE*

*APPROVAL OF PAYMENT OF FEES AND EXPENSES OF*

*GUARDIAN: 10/03/2005*

**Petition for Retroactive Approval** *PETITION FOR RETROACTIVE*

*APPROVAL OF PAYMENTS MADE TO DEAN, MEAD: 10/03/2005*

**Response TO REPORT OF AUDITOR: 10/11/2005**

**Per the Court: SIGNATURE PAGE TO AMENDED ANNUAL ACCOUNTING:**

*10/11/2005*

**Petition for Retroactive Approval**

*PETITION FOR RETROACTIVE APPROVAL OF PAYMENTS MADE TO*

*DEAN, MEAD: 10/11/2005*

**Petition for Retroactive Approval** *PETITION FOR RETROACTIVE*

*APPROVAL OF PAYMENTS MADE TO KILGORE, PEARLMAN: 10/11/2005*

**Petition for Retroactive Approval**

*PETITION FOR RETROACTIVE APPROVAL OF PAYMENT OF FEES AND*

*EXPENSES OF GUARDIAN: 10/11/2005*

**Order to File Annual Reports** *ORDER TO FILE ANNUAL REPORTS:*

*05/16/2006*

**Order** *ORDER GRANTING RETROACTIVE APPROVAL OF PAYMENT OF*

*FEES AND EXPENSES OF GUARDIAN: 10/26/2005*

**Order** *ORDER GRANTING RETROACTIVE APPROVAL OF PAYMENTS*

*MADE TO KILGORE, PEARLMAN: 10/26/2005*

**Order** *ORDER GRANTING RETROACTIVE APPROVAL OF PAYMENTS*

*MADE TO DEAN, MEAD: 10/26/2005*

**Order for Guardian's Fees** *ORDER GRANTING RETROACTIVE GUARDIAN*

*FEES: 08/07/2006*

**Petition for Retroactive Approval** *PETITION FOR RETROACTIVE*

*APPROVAL: 06/18/2007*

**JOSEPH B. NIEDZIELSKI**

Case No. Case No. 2003-CP-002836-O

**Attorney for Guardian:** SEAN FREDERICK BOGLE

**Attorney for Guardian:** Karen Goldsmith

**Guardianship commenced:** 11/14/2003

Guardianship is closed.

**Change of Venue to Duval County on:** 2/24/2009

**DOB:** 11/05/1962

**DOD:** unknown [2009 or 2010]

[Extensive report by this investigator on this case.]

**\*HENRY WEAVER McMURTRAY**

Case No. 2004-CP-000088-O

**Attorney for Guardian:** Thomas P. Moss

**Guardianship commenced:** 1/12/2004

Guardianship is **closed**.

**Guardianship was closed on:** 07/06/2005

**DOB:** 10/08/1917

**DOD:** 12/30/2004

**SS#:** 426-XX-1448

**Petition PETITION FOR ENTRY OF AN ORDER TRANSFERRING  
INSURANCE POLICIES TO TRUST:** 11/29/2004

**Order of Discharge:** 07/06/2005

**Order of Discharge:** 06/02/2005

**ANNETTE C. WALLACE**

Case No. 2004-CP-000400-O

**Attorney for Guardian:** Alex Finch

**Guardianship commenced:** 02/09/2004

Guardianship is **closed**.

**Guardianship was closed on:** 04/11/2007

**Order of Discharge:** 04/11/2007

**DOB:** 05/26/1926

**DOD:** 03/22/2007

**ANDRE HABA**

Case No. 2004-CP-001091-O

**Attorney for Guardian:** Thomas P. Moss

**Guardianship commenced:** 4/14/2004

Guardianship is **closed**.

**Guardianship was closed on:** 03/14/2008

**Order of Discharge:** 03/14/2008

**DOB:** 12/1957

**DOD:** 3/10/2008

**CURTIS HARRISON**

Case No. 2004-CP-001635-O

**Attorney for Guardian:** Ian Leonard Gilden

**Guardianship commenced:** 6/14/2004

Guardianship is **open**.

Pro Bono attorney appointed  
Special Needs Trust established.  
**DOB:** 10/1946

**JACKIE CALHOUN**

Case No. 2004-CP-001835-O  
**Attorney for Guardian:** Karen Goldsmith  
**Guardianship commenced:** 7/06/2004  
Guardianship is closed.  
**Guardianship was closed on:** 3/12/2007  
**DOB:** 10/1946  
**DOD:** 02/12/2007

**RUTH M. TAYLOR**

Case No. 2004-CP-002139-O  
**Attorney for Guardian:** Ian Leonard Gilden  
**Guardianship commenced:** 08/05/2004  
Guardianship is closed.  
**Guardianship was closed on:** 12/5/2008  
**Report of Auditor:** 4/3/07  
**Response to Auditor:** 4/30/2007  
**DOB:** 5/11/1907  
**DOD:** 9/15/08

(This is the very curious guardianship with a curious Last Will and Testament where Taylor leaves everything to Wachovia)

**Report of Auditor:** 10/7/2008

“An administrative review of the file, and review of the Final Accounting reveals the following:

It appears the guardian paid funeral expenses without prior court approval.

It appears the clerk audit fee and pharmerica account was paid from the ward's assets after the date of death.

It appears no supporting documents were attached to the final accounting.”

**Response to Auditor:** 10/20/08 (ordered)

**Order authorizing retroactive approval:** 10/23/08

[Note: Fierle paid \$1,036.50 to the Orange Clerk of Court to commence and maintain this guardianship.]

**SONJA ARCHIPOFF**

Case No. 2004-CP-002224-O  
**Attorney for Guardian:** Ian L. Gilden

**Guardianship commenced:** 08/18/2004

Guardianship is **closed**.

**Order of discharge:** 03/31/2006

**DOB:** 05/21/1923

**DOD:** 2006

(This is the guardianship where husband filed a petition to have Fierle removed as guardian. Later, Fierle puts the husband under guardianship.)

**ANTHONY W. ARCHIPOF**

Case No. 2004-CP-002467-O

**Attorney for Guardian:** Ian L. Gilden

**Guardianship commenced:** 09/21/2004

Guardianship is **closed**.

**Order of Dismissal:** 02/10/2005

**DOB:** 04/25/1922

**FLORENCE CLEWELL**

Case No. 2004-CP-002658-O

**Attorney for Guardian:** Ian L. Gilden

**Guardianship commenced:** 10/08/2004

Guardianship is **closed**.

**Report of Auditor:** 7/6/06

**Response to Auditor:** 7/10/06

**Response to Auditor:** 9/20/2006

**Order of Discharge:** 10/23/2007

**DOB:** 05/25/1918

**DOD:** 03/08/2007

Location of Ward: Ionie's Assisted Living

**ELSIE L DOWNEY**

Case No. 2005-CP-000951-O

**Attorney for Guardian:** Ian L. Gilden

**Guardianship commenced:** 04/12/2005

Guardianship is **closed**.

**Order of Discharge:** 05/31/2007

**DOB:** 05/05/1922

**JOYE WILLIAMS**

Case No. 2005-CP-001423-O

**Attorney for Guardian:** Carolyn H. Sawyer

**Guardianship commenced:** 07/11/2005

Guardianship is **closed**.

**Order of Discharge:** 09/29/2006

**DOB:** 02/17/1938

**DAVID OSHEA**

Case No. 2005-CP-002169-O

**Attorney for Guardian:** JACK ERSKINE HOLT

**Guardianship commenced:** 09/19/2005

Guardianship is **closed**.

**Order of Discharge:** 01/20/2006

**DOB:** 10/25/1943

**DOD:** 1/11/2006

**Notice of Trust:** 09/15/2005

**ELIZABETH JANE JARVI**

Case No. 2005-CP-002282-O

**Attorney for Guardian:** Carolyn Holman Sawyer

**Guardianship commenced:** 09/19/2005

Guardianship is **closed**.

**Order of Discharge:** 03/28/2008

**Report of Auditor:** 5/10/2007

**Response to Auditor:** 5/29/2007 (order)

**Observation Sheet:** 12/07/07 (“File final accounting”)

**Response to Report of Auditor:** 12/31/07 (on order)

**DOB:** 09/02/1955

**DOD:** 09/17/2007

**ELLA K. LAGANELLA**

Case No. 2005-CP-002553-O

**Attorney for Guardian:** Carolyn Holman Sawyer

**Court Appointed Attorney:** Ann Marie Giordano-Gilden

**Guardianship commenced:** 11/21/2005

Guardianship is **closed**.

**Order of Discharge:** 1/22/2010

**Report of Auditor:** 4/30/2007

**Response to Auditor:** 6/07/2007 (on order)

**DOB:** 02/01/1917

**RICHARD CLEMENS**

Case No. 2005-CP-002560-O

**Attorney for Guardian:** Karen L. Goldsmith

**Guardianship commenced:** 11/21/2005

Guardianship is **closed**.

**Order of Discharge:** 09/12/2007

**DOB:** 07/18/1902

**DOD:** 9/07/2007

**PATRICIA ANN KRULL**

Case No. 2005-CP-002888-O

**Attorney for Guardian:** Ian Leonard Gilden

**Guardianship commenced:** 1/14/2005

Guardianship is **open**.

**Report of Auditor:** 4/29/2008

**Response to Auditor:** 5/19/2008

**Report of Auditor:** 5/19/2009

**Response to Auditor:** 6/16/2008

**Petition Exempting Guardian from filing future accountings:** 10/19/2010

Observation: 10/29/2010

“The proposed Order Waiving Annual Accounting and Future Accountings is being returned because the court **denied** your Petition.”

**Petition for retroactive attorney's fees:** 6/10/2011

DOB: 12/12/1941

[Extensive report on this file by this investigator.]

**Location of ward:** Sanjean Assisted Living

**REPORT OF AUDITOR**

An administrative review of the file 2008-2009:

1. It appears SS income was deposited monthly; however, sporadic payments were made to the nursing facility without explanation (5/08-7/08) (\$1,460.00 each payment) Evidence the nursing home facility is current should be filed.
2. It appears a pre-need funeral contract was purchased without prior court approval. Documents for retroactive approval should be filed.
3. It appears service of copy of the accounting to the ward was omitted, required pursuant to the limited capacity.

May 19, 2009

## **OBSERVATION BY CLERK**

Copies of billing statements for guardian's fees payable to Geriatric Mngt. For the following were omitted from the annual accounting:

5/19/2009	\$467.89
9/8/2009	\$1,534.97
9/24/2009	\$264.45

Reviewed 5/19/2010

## **SHIRLEY MCKINNEY**

Case No. 2005-CP-002905-O

**Attorney for Guardian:** Thomas P. Moss

**Guardianship commenced:** 12/19/2005

Guardianship is **closed**.

**Order of Discharge:** 06/27/2007

**Report of Auditor:** 5/11/2007

**Response to Auditor:** 6/21/2007 (ordered)

**DOB:** 08/19/1924

**DOD:** 03/20/2006

**Petition for Retroactive Approval** *PETITION FOR RETROACTIVE APPROVAL:* 06/21/2007

**Informal Request** *INFORMAL REQUEST:* 05/11/2007

## **ROSEMARY STANFIELD**

Case No. 2005-CP-002970-O

**Attorney for Guardian:** Ian Leonard Gilden

**Guardianship commenced:** 12/19/2005

Guardianship is **open**.

**Report of Auditor:** 5/10/2007

**Response to Auditor:** 5/22/07 (request for extension of time)

**Response to Auditor:** 6/4/2007

**Report of Auditor:** 6/22/2007

**Response to Auditor:** 7/13/2007 (request for extension of time)

**DOB:** 02/01/1923

**DOD:** 9/20/2011

## **PAULINE L. BRUBECK**

Case No. 2005-CP-00tion3066-O

See also: Case No. 2006-CP-003166-O



**Attorney for Guardian:** Ian Leonard Gilden

**Guardianship commenced:** 1/18/2006

Guardianship is closed.

**Order of Discharge:** 09/06/2007

**DOB:** 01/20/1910

**DOD:** 5/11/2007

**HERMAN THORNBURG** (veteran)

Case No. 2005-CP-003110-O

**Attorney for Guardian:** Karen L. Goldsmith

**Guardianship commenced:** 02/13/2006

Guardianship *venue* was changed to Columbia County.

**Order to sell homesteaded property:** 5/30/2006

**Order Appointing Court Monitor:** 5/31/2006

**Report of Auditor:** 10/02/07

**Petition for retroactive approval of Attorney's Fees:** 12/31/07

**Petition for retroactive approval of Guardian's Fees:** 12/31/07

**DOB:** 9/27/1920

[Note: Fierle gained guardianship 2/13/06 (just four months before the yoga classes business commenced)

The Herman Thornberg Yoga Classes business commenced:  
February 27, 2006

Herman Thornburg Yoga Classes, instruction, 3024 Kelvington Drive, Orlando, 32810. Obtained from:

[http://articles.orlandosentinel.com/2006-02-27/business/NEWBIZ27\\_1\\_eustis-lady-lake-lawn-maintenance/3](http://articles.orlandosentinel.com/2006-02-27/business/NEWBIZ27_1_eustis-lady-lake-lawn-maintenance/3)

The house belonging to Herman Thornburg was sold on 6/8/2006—four months after Fierle had obtained guardianship.]

[**Note: Someone registered with Orange County a "Herman Thornburg Yoga Classes" business permit at the ward's residence four months after this 86 year old man was placed under a Fierle guardianship! I spoke with Thornburg's former neighbor just to double check and, nope, there was never any yoga classes going on at Herman's house. The long time neighbor thought the question was rather preposterous being that Herman Thornburg was an Archie Bunker type!**]

**SUSAN A. CELLA**

a.k.a. SUSAN HERMES CELLA

Case No. 2005-CP-003155-O

**Attorney for Guardian:** Thomas P. Moss

**Guardianship commenced:** 12/13/2005

Guardianship is **open**.

**DOB:** 02/24/1921

**Order Granting *Retroactive Approval:*** 04/26/2011

**Order for Guardian's Fees *Retroactive:*** 04/26/2011

**Order for Attorney's Fees *Retroactive:*** 04/26/2011

**Proposed Order(s) Sent to Judge**

*Order for guardian and attorney's fees and order granting retroactive approval for guardian to make payment:* 04/21/2011

**Certified Copies Mailed *Order Establishing Special Needs Trust:*** 08/13/2010

**Proposed Order(s) Sent to Judge *Order establishing a special needs trust:***  
08/12/2010

**Order *Establishing a Special Needs Trust:*** 08/12/2010

**Order Approving Annual Accounting Report *Amended Accounting:***  
10/24/2008

**Observation Sheet:** 10/23/2008

**Response:** 10/17/2008

**Annual Accounting *Amended 3/1/07 - 2/29/08:*** 10/17/2008

**Observation Sheet:** 09/15/2008

**Report of Auditor *Second:*** 09/15/2008

**Order Authorizing *Relocation:*** 09/12/2008

**Response:** 09/03/2008

**Report of Auditor:** 08/05/2008

**Observation Sheet:** 08/05/2008

**\*ANNA H. BAIRD (Medicaid Claim—verified Medicaid fraud)**

Case No. 2005-CP-003262-O

**Attorney for Guardian:** Thomas P. Moss

**Guardianship commenced:** 12/13/2005

Guardianship is **closed**.

**Order of Discharge:** 05/24/2011

**DOB:** 02/24/1925

**DOD:** 01/14/2011

**Report of Auditor:** 05/16/2007

**Response to Auditor:** 06/13/2007

**Report of Auditor:** 06/25/2007

**Response to Auditor:** 08/01/2007

**Report of Auditor:** 08/15/2007

**Response to Auditor:** 09/10/2007

**Petition *PETITION TO ESTABLISH A SPECIAL NEEDS TRUST:***

02/28/2006

**Order ORDER ESTABLISHING A SPECIAL NEEDS TRUST:** 02/28/2006

**Estimated Annual Income:** \$39,185.00

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 5/24/2011

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 01/21/2011

**Order Granting Retroactive Approval for Payment of Fee and Expenses of Attorney:** 05/24/2011

**MILO J. SLAVIK**

Case No. 2006-CP-000041-O

**Attorney for Guardian:** CAROLYN H SAWYER

**Guardianship commenced:** 02/06/2006

Guardianship is closed.

**Order of Discharge:** 06/17/2010

**DOB:** 04/21/1916

**DANIEL F. BLOCK**

Case No. 2006-CP-000104-O

Limited guardianship

**Attorney for Guardian:** Ian Gilden

**Guardianship commenced:** 02/15/2006

Guardianship is closed.

**Report of Auditor:** 7/13/2010

**Response to Auditor:** 7/30/2010

**Order of Discharge:** 12/28/2011

**DOB:** 02/21/1923

**FACILITY:** Azalea Manor

150 Willow Dr

Orlando, FL 32807

AMERICAN AEROSPACE AND FLIGHT CAMP, INC. (Registered Agent)

Proposed Order(s) Sent to Judge *final order of discharge of guardian:*

04/12/2012

**WALTER L. BARNES**

Case No. 2006-CP-000144-O

**Attorney for Guardian:** Thomas P. Moss

**Guardianship commenced:** 02/22/2006

Guardianship is closed.

**Response to auditor:** 12/20/2007

**Order of Discharge:** 02/12/2008

**DOB:** 06/27/1924

**MYRTLE EVANS**

Case No. 2006-CP-000212-O

**Attorney for guardian:** Ian Gilden

**Guardianship commenced:** 03/06/2006

Guardianship is closed.

**Order of Discharge:** 02/8/2008

**Report of Auditor:** 06/13/2007

**Response to Auditor:** 7/5/2007

**DOB:** 1932

**DOD:** 08/30/2007

**\*BETTY LAMB**

Case No. 2006-CP-000299-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 03/06/2006

Guardianship is closed.

**Order of Discharge:** 04/5/2012

**Report of Auditor:** 08/04/2011

**Response to Auditor:** 8/10/2011

**DOB:** 05/06/1927

**DOD:** 08/10/2011

Reopened on 4/5/2012 for final accounting redone.

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 4/05/2012

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 01/04/2012

**JULIA TAGLER**

Case No. 2006-CP-000895-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 03/31/2006

Guardianship is closed.

**Order of Discharge:** 06/19/2008

**Report of Auditor:** 02/27/2008

**Response to Auditor:** 3/19/2008

**DOB:** 02/19/1908

**DOD:** 02/18/2008

**MARIE A RIDDLE**

Case No. 2006-CP-001042-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 06/30/2006

Guardianship is **closed**.

**Order of Discharge:** 11/17/2009

**DOB:** 04/15/1922

**DOD:** 08/20/2009

**LASHONDA SCARLETT**

Case No. 2006-CP-001259-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 06/19/2006

Guardianship is **closed**.

**Order of Discharge:** 04/14/2011

**DOB:** 04/18/1961

**DOD:** 04/05/2011

**WILLIAM TROWBRIDGE (Medicaid claim—verified Medicaid fraud)**

Case No. 2006-CP-001638-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 07/26/2006

Guardianship is **closed**.

**Order of Discharge:** 08/01/2011

**Report of Auditor:** 12/07/2007

**Response to Auditor:** 1/10/2008

**DOB:** 10/11/1941

**DOD:** 01/10/2011

**Estimated Annual Income:** \$63,639.00

**Eugene Allen (Medicaid Claim—verified Medicaid fraud)**

Case No. 2006-CP-001739-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 08/14/2006

Guardianship is **closed**.

**Order of Discharge:** 8/17/2007

**Report of Auditor:** 07/03/2007

**Response to Auditor:** 08/07/2007

**DOB:** 04/09/1932

**DOD:** 04/18/2007

**Estimated Annual Income:** \$42,313.00

**JERRY W. GRABLE**

Case No. 2006-CP-002125-O

**Attorney for guardian:** IAN LEONARD GILDEN

**Guardianship commenced:** 09/18/2006

Guardianship is **open**.

**DOB:** 01/19/1936

Grable and Associates

<http://www.ecnext.com/seocm/us/17112801-17112900>

**HELEN STEINFELD**

Case No. 2006-CP-002169-O

**Attorney for guardian:** IAN LEONARD GILDEN

**Guardianship commenced:** 03/26/2007

Change of venue to Palm Beach County: 3/26/07

Emergency Temporary Guardianship Only

**Report of Auditor:** 07/05/2007

**Response to Auditor:** 07/16/2007

**DOB:** 08/06/1952

[Son William Steinfeld became his mother's guardian in WPB.]

**DAVID A. HEAVNER**

Case No. 2006-CP-002313-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 10/09/2006

Guardianship is **closed**.

**Order of Discharge:** 01/04/2008

**Petition to Establish Trust:** 10/08/07

**DOB:** 03/15/1921

**DOD:** 12/20/2007

Facility: Orlando Lutheran Towers

300 E Church Street, Unit 1118

Orlando, FL 32801

**ROBERT M. APPENZELLER/APPENZELLAR/APPENZELLA**

Case No. 2006-CP-002422-O

**Attorney for guardian:** Ian Leonard Gilden

**Guardianship commenced:** 09/12/2006

Guardianship is **open**.

**Petition to relocate ward:** 4/12/07

**Report of Auditor:** 6/4/09

**Response to Auditor:** 7/7/09

**Pays for a Cremation:** 7/7/09

**Report of Auditor:** 04/15/2010

**Response to Auditor:** 5/21/2010

**Report of Auditor:** 6/21/2011

**Response to Auditor:** No answer. Instead, retroactive payment for attorney's and guardian's fees.

DOB: 06/00/1946

**VETERAN**

[Fierle claims she paid back \$14,000.00 to the V.A. as an overpayment. As proof, she shows the front of a cheque. It is doubtful this cheque ever made it to the V.A.]

**ELSIE C. ROLAND**

Case No. 2006-CP-002514-O

**Attorney for guardian:** Thomas P. Moss

**Court appointed attorney:** Ann Marie Giordano-Gilden

**Guardianship commenced:** 10/30/2006

Guardianship is closed.

**Order of Discharge:** 5/19/2009

**Order to Appear and/or Show Cause:** 03/10/2009

DOB: 10/31/1906

DOD: 03/20/2009

Estimated Annual Income: \$42,313.00

**CANCELED Order to Show Cause (1:30 PM) () CancelledCancelled - ward died - filed for discharge:** 04/30/2009 **Notice of Unavailability:** 04/28/2009

**JULE B. SWEETEN**

Case No. 2006-CP-002577-O

**Attorney for guardian:** RANDY C. BRYAN

**Guardianship commenced:** 9/28/2006

Guardianship is closed.

**Order of Discharge:** 03/06/2012

**Report of Auditor:** 4/13/2010

**Response to Auditor:** 5/06/2010

DOB: 03/28/1915

DOD: 01/31/2012

Estimated Annual Income: \$39,623.00

**ED O. HENSLEY**

Case No. 2006-CP-003158-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 1/25/2007

Guardianship is closed.

**Order of Discharge:** 05/07/2008

**DOB:** 03/28/1915

**DOD:** 05/05/2008

**Estimated Annual Income:** \$26,006.00

**FRANCISCO PASTRANA**

Case No. 2007-CP-000007-O

**Attorney for guardian:** IAN LEONARD GILDEN

**Guardianship commenced:** 1/25/2007

Guardianship is closed.

**Order of Discharge:** 03/23/2009

**DOB:** 12/18/1945

**Estimated Annual Income:** \$77,273.00

**KIM M. KEANE**

Case No. 2007-CP-000308-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 03/12/2007

Guardianship is closed.

**Order of Discharge:** 02/12/2009

**DOB:** 06/21/1957

**DOD:** 11/07/2008

**Report of Auditor:** 07/28/2008

**Response to Rept. of Auditor:** 8/26/2008

**Report of Auditor:** 09/15/2008

**Response to Rept. of Auditor:** 10/2/2008

An administrative review of the file, and review of the annual accounting, filed for the period from 07/08, reveals the following:

1. It appears the disbursements are not per month in chronological order.
2. It appears the closing statement from the sale of the house and the time share have not been filed.
3. It appears the following disbursements may require further explanation:
  - a. 4/13/07--Bonner \$750.00
  - b. 4/30/07 House repairs \$960.00
  - c. 5/18/07 Southwood Industries \$104.50
  - d. 6/11/07 Revenue Management \$2,494.73



- e. 6/14/07 Unidentified \$46.69
- f. 7/3/07 Amenpath \$80.00
- g. 7/5/07 Unidentified \$90.00
- h. 7/13/07 Fiarwinds! palm air lot rent \$71.13
- i. 7/30/07 Unidentified \$776.54
- j. 9/18/07 Debt Collection \$141.66
- k. 9/27/07 Unidentified \$41.13
- l. 11/9/07 Unidentified \$50.00
- m. 2/28/08 Unidentified \$323.06

4. It appears the Statements for the credit union from 6/30/07 - 9/14/07 were omitted from the accounting.

It appears the Inventory reflects one time share. The file reflects the sale of a time share, but lists a time share as a remaining asset on hand. Were there two time shares? This may require further explanation and an Amended Inventory.

6. It appears all the pages of the Northwestern Mutual Investment services were not filed.

7. It appears Ameripath, Inc. Statements for the report period, including all pages, have not been submitted for review.

8. It appears the accounting reflects a Provident Life Insurance policy. This asset was not reflected in the Inventory, nor is there a Petition & Order to purchase a life insurance policy. A copy of the contract and court approval may need to be filed.

9. It appears the Prepaid funeral plan is not listed as an other than cash asset.

10. It appears the vehicle reflected in the Petition, but omitted from the Inventory is also not reflected in the accounting.

11. It appears the guardian is paying lot rent without court approval or an explanation of what the lot rent is for.

12. It appears the guardian has made repairs without prior court approval. July 28, 2008.

**TAMIKO POTTS**

Case No. 2007-CP-000007-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 3/26/2007

Guardianship is **open**.

**DOB:** 01/30/1923

**Estimated Annual Income:** \$64,447.00

**Report of Auditor:** 10/22/08

**Response to Auditor:** 02/09/09

**Retroactive approval of fees requested *after* being audited? YES.**

An administrative review of the file and review of the annual accounting, filed for the period from 03/26/07 - 03/31/08 reveals the following:

1) It appears the Order on Petition to Sell Ward's Automobile granted the Motion which requested a sales price of \$9,270.00; however, only \$6,500.00 was deposited in sales proceeds. It would appear an Amended Petition and Order for Approval to Sell Ward's Automobile needs to be filed.

2) The disbursement section indicates (2) payments of \$350.00 were paid to Dr. Daniels, with no payment made to Dr. Ballentine. This may require further explanation, along with proof of payment to Dr. Ballentine.

3) It appears the cash corpus ending 3/31/08 should be \$2,084.70, reduced by one-cent due to the 8/14/07 DCA reduction to close the prior account. It would further appear the loss reported in Sch-C is comprised from the sale of the car (\$2,770.00) and reduction of personal property at the nursing home (\$50.00), rather than car only.

4. It appears an excessive \$54.14 may have been paid in guardian's fees, 12/10/07 (\$2,568.17). The billing statements from 6/07 - 9/07 appear to total \$2,514.03

\*6/07 (\$443.92)

\*7/07 (\$250.41)

\*8/07 (\$310.88) - car repair

\*8/07 (\$262.91)

\* 9/07 (\$1,245.91)

5. It appears car repairs were paid without prior court approval, as reflected in the guardian's fee billing statements reimbursed to the guardian. A petition and order for retroactive approval for payment of repairs should be filed, along with copies of the invoices for repairs (8/31/07, \$310.88, 11/30/07, \$310.28).

6. The guardian's billing services may reflect duplicated services (3/30/07 and 4/22/07), both of which charge (1) hour to "Complete forms, etc. - initial plan and inventory). This may require further explanation and adjustment.

7. It appears the guardian may be defending or bringing a lawsuit re: accident claim reflected in inventory and guardian's services; however, no petition and order to bring or defend a lawsuit has been filed as required. [October 22, 2008.]

**JAMES CASAS**

Case No. 2007-CP-000467-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 3/26/2007

**Guardianship is closed.**

**Order of discharge:** 2/8/2010

**DOB:** 01/30/1923  
**DOD:** 6/5/2008  
**Report of Auditor:** 08/26/2009  
**Response to Auditor:** 10/26/09  
Related Cases:2008-CP-001404-O (decedent)

**ENRIQUE S. MARTINEZ**

Case No. 2007-CP-000897-O  
**Attorney for guardian:** Thomas P. Moss  
**Guardianship commenced:** 5/03/2007  
Guardianship is **open**.  
**DOB:** 09/1954  
**Petition/Motion for Discharge:** 07/29/2008  
**Final Report of Guardian:** 07/29/2008  
**Order of Discharge (property only):** 08/01/2008  
**PETITION TO ESTABLISH A SPECIAL NEEDS TRUST:** 12/04/2007  
**ORDER ESTABLISHING A SPECIAL NEEDS TRUST:** 12/04/2007

**\*\*\*\*\*Faye Elizabeth Arnold**

Case No. 2003-CP-001043-O  
Case No. 2007-CP-000991-O  
**Attorney for Guardian:** Ian Leonard Gilden  
Guardianship is **open**.  
**Petition/Motion for Guardian's Fees *Retroactive Payment* :** 09/28/2011  
**Estimated Annual Income:** \$44,455.00  
**DOB:** 03/16/1927  
[Note: This file has been extensively researched by this investigator. Appearance of approximately \$50,000 missing. See details in REPORT.]

**VIOLA GOLDSMITH**

Case No. 2007-CP-001016-O  
**Attorney for guardian:** Thomas P. Moss  
**Guardianship commenced:** 06/08/2007  
Guardianship is **closed**.  
**Order of Discharge:** 05/27/2011  
**Estimated Annual Income:** \$26,006.00  
**DOB:** 01/02/1923  
**Order for Guardian's Fee *Retroactive*:** 05/27/2011  
**Order for Attorney's Fees *Retroactive*:** 05/27/2011  
**ALICE PICHARDO**

Case No. 2007-CP-001035-O  
**Attorney for guardian:** Thomas P. Moss  
**Voluntary Dismissal:** 6/5/07  
**DOB:** 09/15/1960?

**DONALD KIZZEE**

Case No. 2007-CP-001054-O  
**Attorney for guardian:** KAREN L. GOLDSMITH  
**Guardianship commenced:** 06/6/2007  
Guardianship is **closed**.  
**Order of Discharge:** 1/05/2010  
Affidavit of Insolvency/Indigency AFFIDAVIT OF INSOLVENCY: 05/07/2007  
**Report of Auditor:** 11/20/2008  
An administrative review of the file, and review of the annual accounting, filed for the period from 2007-2008, reveals the following:

1. It appears account ending in 7848 was included in the accounting (Trust account) without being included in the inventory; Perhaps an explanation should be filed.
2. It appears a copy of the entire trust is required if the guardian serves as a trustee.

A second amended inventory and or amended accounting should be filed to correct discrepancy. [November 20, 2008]

**DORIS J. WOODS**

Case No. 2007-CP-001060-O  
**Attorney for guardian:** KAREN L GOLDSMITH,  
**Guardianship commenced:** 06/6/2007  
Guardianship is **closed**.  
**Order of Discharge:** 9/27/2010  
**Affidavit of Insolvency/Indigency AFFIDAVIT OF INSOLVENCY:**  
**05/11/2007**  
**DOB:** 11/01/1918  
**Estimated Annual Income:** \$57,188.00

**SCOTT EDWARD JOHNSTON**

Case No. 2007-CP-001190-O  
**Attorney for guardian:** THOMAS P. MOSS,  
**Guardianship commenced:** 05/9/2007  
Guardianship is **closed**.  
Motion MOTION TO **DISMISS** PET. FOR APPOINTMENT OF PLENARY

GDN & PET. FOR INCAPACITY: 06/26/2007

DOB: 06/07/1971

[Note: Fierle paid \$260.00 to try to obtain this guardianship plus attorney's fees.]

**ANNA NADA MIDDLETON**

Case No. 2007-CP-001351-O

**Attorney for guardian:** KAREN L GOLDSMITH\

**Guardianship commenced:** 05/29/2007

Guardianship is closed.

**Notice of Voluntary Dismissal:** 8/29/2011

DOB: 06/20/1920

**Estimated Annual Income:** \$40,199.00

[Note: Fierle paid \$255.00 to try to obtain this guardianship plus attorney's fees.]

**Dorothy T. Parker**

Case No. 2007-CP-001393-O

**Attorney for guardian:** KAREN L GOLDSMITH\

**Order of Discharge:** (Judicial Officer: Stroker, R. James) 06/16/2010

DOB: 04/22/1917

**LUCILLE ELAINE GRIFFITH**

Case No. 2007-CP-001396-O

**Attorney for guardian:** KAREN L GOLDSMITH\

**Guardianship commenced:** 06/04/2007

Guardianship is closed.

**Order Granting RETROACTIVE APPROVAL OF REIMBURSEMENT OF EXPENSES OF GUARDIAN:** 11/02/2009

DOB: 11/01/1919

**Estimated Annual Income:** \$26,006.00

**Order Establishing Special Needs Trust:** 09/11/2008

[Note: Fierle paid \$499.00 to commence and maintain this guardianship.]

**HENRY KASTRUP**

Case No. 2007-CP-001563-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 06/2/2007

Guardianship is closed.

**Order of Discharge:** 01/24/2011

**DOB:** 05/30/1935

**DOD:** 1/14/11

**Response to Auditor:** 12/15/2008

**Report of Auditor:** 11/19/2008

An administrative review of the file, and review of the annual accounting, filed for the period from 2007-2008 reveals the following:

1. It appears the bank statement for account ending in 9975 was omitted. (Is this a guardianship account?)
2. It appears there was a transfer in the amount of \$35,000.00 to the savings account; perhaps an explanation should be filed. [November 19, 2008]

**JUANITA BREEDLOVE**

Case No. 2007-CP-001606-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 08/10/2007

Guardianship is **closed**.

**Order of Discharge:** 09/20/2011

**DOB:** 03/19/1939

**DOD:** 09/12/2011

Copy of Trust: 06/09/2008

*Order to Have Funds Held in Court Registry:* 12/13/2011

*Amended Petition to Have Funds Held in Court Registry:* 12/08/2011

*Order to Reopen Guardianship:* 12/07/2011

*Proposed Order(s) Sent to Judge Order To Reopen Guardianship:* 12/06/2011

*Orange County Clerk of Courts check #06026765 in the amount of \$211.00:*  
02/17/2012

*Correspondence Payment to Orlando Sentinel \$211.00:* 02/15/2012

*Proof of Publication 12/29/2011 01/19/2012:* (1/24/2012)

**RALEIGH NELSON**

Case No. 2007-CP-001683-O

**Attorney for guardian:** KAREN L GOLDSMITH

**Court appointed attorney:** Ann Marie Giordano-Gilden

**Guardianship commenced:** 07/06/2007

Guardianship is **closed**.

**Order of Discharge:** 05/04/2010

**DOB:** 10/20/40

Raleigh Nelson and Associates (**corporation commenced 4/21/08**) (currently listed active at sunbiz.gov since 2008)

“Plant Operations Consulting and Troubleshooting”

“The number of shares of stock is 1,000.”

This consulting business is not being advertised on the internet. There is no website advertising Raleigh Nelson and Associates consulting services.

5641 Old Road 37 Lakeland, FL 33811

But this property is owned, according to the Polk County property appraiser, by Betty and Harold Nichols.

(Note: PAPG uses both masculine and feminine pronouns to describe Nelson.)

(Raleigh Nelson and Associates corporation may or may not be the same

Raleigh Nelson but given the facts here, further investigation seems warranted.)

**Estimated Annual Income:** \$43,270.00

### **GEORGE W. WILLIAMS**

Case No. 2007-CP-002369-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 11/05/2007

Guardianship is open but ward is deceased.

**DOB:** 1/21/70

**DOD:** 03/13/2012

**Order for Guardian's *Retroactive* Fees:** 04/11/2012

**Order for Attorney's *Retroactive* Fees:** 04/11/2012

**Report of Auditor:** 04/20/2009

**Response to Auditor:** 05/11/09

**Report of Auditor:** 04/15/2010

**Response to Auditor:** 05/04/2010

Petition/Motion for Attorney's *Retroactive* Fees: 02/15/2011

Petition/Motion for Guardian's *Retroactive* Fees: 02/15/201

An administrative review of the file and review of the annual accounting, filed for the period from 07/08 reveals the following:

1. It appears the guardian has filed for a Petition for Partician [sic] action without prior court approval.
2. It appears the guardian and the attorney are charging for completing the Inventory and the Initial Plan.
3. It appears the guardian may have entered into a prepaid burial contract without prior court approval.
4. It appears a Petition & Order to pay the attorney fees and the guardian fees may need to be

filed. [April 20, 2009]

**ELIZABETH MULLICA**

Case No. 2007-CP-002703-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 12/20/2007

Guardianship is **open**.

**DOB:** 04/14/1929

**LANNY AUSTIN**

Case No. 2007-CP-002908-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 12/20/2007

Guardianship is **open**.

**DOB:** 08/22/1953

**Report of Auditor:** 8/31/2009

**Response to Auditor:** 10/07/2009

**Report of Auditor *SECOND*:** 10/23/2009

**Response *SECOND*:** 11/02/2009

**Change of Venue:** 10/23/2009 *Petition/Motion for Change of Venue*

[NOTE: Venue was changed to Seminole County where there is no auditing. Venue was then changed again to Pinellas County; Judge Galluzzo signed orders approving guardian and attorney's fees AFTER venue was changed to Pinellas County.]

**\*LEE BROWN WEBB**

Case No. 2007-CP-002951-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 1/22/2008

Guardianship is **closed**.

**DOB:** 06/28/1923

**DOD:** 11/14/08

(There were problems in the final accounting which needed to be redone; order to show cause was issued and second order of discharge.)

Amended Order of Discharge: 04/29/2009

**DISPOSITIONS** 04/29/2009

**Amended Order of Discharge** (Judicial Officer: Stroker, R. James) Reason: By Judge

04/06/2009 **Order of Discharge** (Judicial Officer: Stroker, R. James)

04/02/2009

**Order of Discharge** (Judicial Officer: Stroker, R. James)

**GLADYS DELGADO**



Case No. 2007-CP-003037-O

**Attorney for guardian:** KAREN L GOLDSMITH

**Guardianship commenced:** 1/22/2008

Guardianship is closed.

**DOB:** 11/10/1940

**DOD:** 11/14/08

**Report of Auditor:** 12/08/2008

**Response to report of auditor:** 01/09/2009

**Observation Sheet (report of auditor):** 09/08/2009

**Response to report of auditor:** 12/03/2009

**Petition for Retroactive Approval of Expenses of Guardian:** 12/03/09

**Order of Discharge:** 1/07/2011

1. It appears the guardian created a trust for the ward without prior court approval. It appears the guardian created this trust before Letters were issued without prior court approval.
2. It appears the balances of the liquid assets, per the copies of statements attached to the first Inventory, with account numbers, were omitted from the verified Inventory. It appears the balance for each of these accounts should be as of the date of the Letters of Guardianship.
3. It appears the trust is not reflected as an asset of the guardianship and a copy of the trust has not been filed.
4. It appears the trust is a guardianship asset and copies of the first bank statement and the trust were not reflected in the Amended Inventory. [December 18, 2008]

**HYACINTH GERLA LYNCH (Medicaid Claim/Medicaid Fraud)**

Case No. 2008-CP-000146-O

**Attorney for guardian:** IAN LEONARD GILDEN

**Guardianship commenced:** 1/22/2008

Guardianship is closed.

**Order of discharge:** 5/22/09

**DOB:** 07/05/1925

**DOD:** 04/16/07

**Order Sale of Real estate:** 9/16/08

**Report of Auditor:** 7/3/07

**Response to Auditor:** 8/07/07

**Estimated Annual Income:** \$32,984.00

**KIM A. TRUEX**

Case No. 2008-CP-000147-O

**Attorney for guardian:** IAN LEONARD GILDEN

**Guardianship commenced:** 2/21/2008

Guardianship is **open**.

**DOB :** 12/25/1945

**Report of Auditor:** 06/22/2009

**Response to Auditor:** 07/21/2009

**Report of Auditor:** 07/07/2010

**Response to Auditor:** 07/30/2010

**Estimated Annual Income:** \$55,313.00

**ESTELA A. BULNES**

Case No. 2008-CP-000354-O

**Attorney for guardian:** IAN LEONARD GILDEN

**Guardianship commenced:** 2/21/2008

Guardianship is **closed**.

**Order of Discharge:** 9/25/2008

**DOB :** 10/26/1917

**DOD:** 6/2008

**Report of Auditor:** An administrative review of the file, and review of the annual accounting, filed on 05/22/2008 reveals the following:

\* **It appears \$50,000.00 was withdrawn from an ITF registered account three days prior to the Ward's death without an explanation.** (June 16, 2008)

*Final Accounting Amended First 3/31/08 – 7/28/08:* 09/19/2008

**KATHRYN C. SULLIVAN**

**KATHRYN J. SULLIVAN**

Case No. 2008-CP-000355-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 3/31/2008

Guardianship is **open**.

**DOB :** 07/30/1928

**Report of Auditor:** 07/18/2011

**Petition/Motion for Attorney's Fees *Retroactive*:** 08/12/2011

**Petition/Motion for Guardian's Fees *Amended*:** 08/12/2011

**Response to *Report of Auditor*:** 08/12/2011

**CASPER YOUNGCHILD** (Note: This name does not show up on any background check services.)

Case No. 2008-CP-000386-O

**Attorney for guardian:** Karen Goldsmith

**Joint Stipulation For Substitution of Counsel:** 6/14/2011

**Order ESTABLISHING A SPECIAL NEEDS TRUST:** 09/09/2008

**Guardianship commenced:** 2/18/2008

Guardianship is **open**.

**DOB :** unknown

**Proposed Order(s) Sent to Judge**

*Order for retroactive approval attorney's fees ( see notes):* 1/20/2010

**Petition for Retroactive Approval \$1,548.06:** 09/17/2009-

**DANIEL DECOSTA**

Case No. 2008-CP-000421-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 2/21/2008

Guardianship is **closed**.

**Order of discharge:** 11/24/2010

**DOB :** 01/15/1937

**DOD:** 11/08/2010

**Estimated Annual Income:** \$44,130.00

**KYON S. PECKHAM**

Case No. 2008-CP-000421-O

**Attorney for guardian:** Karen Goldsmith

**Guardianship commenced:** 2/25/2008

Guardianship is **open**.

**Order Denying Petition for reconsideration for order authorizing payments of compensation and expenses of guardian:** 07/28/2011

Proposed Order(s) Sent to Judge: 07/18/2011

*(Order on Petition for Reconsideration of Guardian's Fees; Order Approving Plan)*

**Order Denying Petition for order authorizing payments of compensation and expenses of guardian:** 01/24/2011

**PETITION FOR PAYMENT AND EXPENSES OF GUARDIAN:** 01/06/2011

**Report of Court Monitor:** 1/06/2011

**Order for Attorney's Fees Retroactive:** 12/06/2010

**DOB:** 2/15/50

**PAULA CAMILLUCCI**

Case No. 2008-CP-000521-O  
**Attorney for guardian:** Thomas P. Moss  
Limited Guardianship  
**Guardianship commenced:** 3/3/2008  
Guardianship is **closed**.  
**Order of discharge:** 02/03/2010  
**DOB :** 01/21/1928  
**DOD:** 1/30/2009  
**Estimated Annual Income:** \$26,006.00  
**Report of Auditor:** 07/09/2009  
**Response to Report of Auditor:** 08/07/2009

### **NORMAN BERNARD**

Case No. 2008-CP-000552-O  
**Attorney for guardian:** Thomas P. Moss  
**Guardianship commenced:** 3/5/2008  
Guardianship is **closed**.  
**Order of discharge:** 06/02/2008  
**DOB :** 02/23/1937  
**DOD:** 5/29/2009  
**Estimated Annual Income:** \$46,087.00

### **ELOI LIMONES**

Case No. 2008-CP-000587-O  
**Attorney for guardian:** Thomas P. Moss  
**Guardianship commenced:** 4/14/2008  
Guardianship is **closed**.  
**Order of discharge:** 04/22/2008  
**DOB :** 09/02/1943  
*Petition to Return Ward to Mexico:* 01/28/2009  
*Order to Return Ward to Mexico:* 01/28/2009

### **CLAIRE HEWES HAPPENER**

Case No. 2008-CP-000817-O  
**Attorney for guardian:** Thomas P. Moss  
**Guardianship commenced:** 4/04/2008  
Guardianship is **open**.  
**DOB:** 09/17/1915  
**Report of Auditor:** 11/09/2009  
**Response to Report of Auditor:** 12/07/2009

**\*Danny M. Farrell**

Case No. 2008-CP-000894-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 4/16/2008

Guardianship is **closed**.

**Order of Discharge:** 09/15/2009

**DOB:** 05/01/1950

**DOD:** 7/27/09

**Observation Sheet:** 7/29/2009

**Response:** 8/24/2009

**Ovie Davis**

Case No. 2008-CP-000895-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 4/16/2008

Guardianship is **closed**.

**Order of discharge:** 11/18/08

**DOB :** 01/28/1916

**DOD:** 07/11/2008

**CHARLOTTE SAMSON**

Case No. 2008-CP-000972-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 4/24/2008

Guardianship is **open**.

**DOB:** 12/26/1951

**Petition/Motion for Attorney's Fee *Retroactive*:** 09/02/2011

**Petition/Motion for Guardian's Fees *Retroactive*:** 09/02/2011

**Petition/Motion for Attorney's Fees:** 04/16/2012

**HAYWOOD CARDWELL**

Case No. 2008-CP-001217-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 5/22/2008

**Change of Venue:** 11/24/2009

**Petition/Motion Authorizing**

***GUARDIAN TO MOVE WARD TO OKALOOSA COUNTY:*** 7/20/2009

**DOB :** 12/23/1928

**Carl Junior Gorby**

Case No. 2008-CP-001438-O  
**Attorney for guardian:** Thomas P. Moss  
**Guardianship commenced:** 6/17/2008  
Guardianship is **closed**.  
**Order of discharge:** 1/20/2010  
**DOB:** 08/20/1936  
**DOD:** 12/15/09

**Estela Hidalgotato**  
Case No 2008-CP-001516-O  
**Attorney for guardian:** Thomas P. Moss  
**Guardianship commenced:** 6/25/2008  
Guardianship is **open**.  
**DOB:** 03/18/1928  
**Order *ESTABLISHING A SPECIAL NEEDS TRUST*:** 08/31/2009

**EDMOND HUBERT SENTENNE, JR.**  
Case No. 2008-CP-001878-O  
**Attorney for guardian:** Thomas P. Moss  
**Guardianship commenced:** 8/11/2008  
Guardianship is **closed**.  
**DOB:** 04/16/1918  
**DOD:** 10/06/2010  
**Order for Guardian's Fees *Retroactive*:** 02/10/2011  
**Order for Attorney's Fees *Retroactive*:** 02/10/2011  
**Order of Discharge:** 03/09/2012  
**Report of Auditor:** 11/07/2008  
**Response to Report of Auditor:** 12/05/2008

**VELMA KOSOLA**  
Case No. 2008-CP-002037-O  
**Attorney for guardian:** Thomas P. Moss  
**Guardianship commenced:** 09/02/2008  
Guardianship is **open**.  
**DOB :** 10/01/1921  
**Report of Auditor:** 12/22/2010  
**Response to Auditor:** 1/20/2011  
**Petition/Motion for Attorney's Fee *Retroactive*:** 01/20/2011  
**Petition/Motion for Guardian's Fee *Retroactive*:** 01/20/2011  
**Order for Attorney's Fee *Retroactive*:** 01/25/2011

**Order for Guardian's Fee *Retroactive*: 01/25/2011**

**\*SUSAN A. HOFFMAN**

Case No. 2008-CP-002105-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 09/10/2008

Guardianship is **closed**.

**Order of Discharge:** 9/6/2011

**DOB:** 11/26/1954

**DOD:** 10/19/2010

**Observation Sheet:** 11/25/2008

**Response to Auditor:** 12/05/2008

Proposed Order(s) Sent to Judge *Order approving amended inventory:* 1/8/09

**Report of Auditor:** 2/26/2010

**Response to Auditor:** 3/08/2010

**Petition/Motion for Attorney's Fee *Retroactive*:** 03/25/2010

**Petition/Motion for Guardian's Fee *Retroactive*:** 03/25/2010

**Order for Attorney's Fee *Retroactive*:** 04/15/2010

**Order for Guardian's Fee *Retroactive*:** 04/15/2010

**PRICE ANDREW LACEY**

Case No. 2008-CP-002114-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 09/11/2008

Guardianship is **closed**.

**Order of Discharge:** 5/28/09

**DOB:** 08/25/1930

**DOD:** 05/26/2009

**VIOLA ELAINE ROWE**

Case No. 2008-CP-002122-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 10/15/2008

Guardianship is **open**.

**DOB:** 02/07/1923

**Report of Auditor:** 2/18/2010

**Response to Auditor:** 3/02/2010

**JOHN SCHMIDT**

Case No. 2008-CP-002736-O  
**Attorney for guardian:** Thomas P. Moss  
**Guardianship commenced:** 12/03/2008  
Guardianship is **open**.  
**DOB:** 03/30/1961  
**Order Approving Annual Plan Report:** 4/02/2012

**LAWRENCE FITZGERALD**  
Case No. 2008-CP-002834-O  
**Attorney for guardian:** Thomas P. Moss  
**Guardianship commenced:** 12/17/2008  
Guardianship is **closed**.  
**Order of Discharge:** 4/27/09  
**DOB:** 12/27/1918  
**DOD:** 3/12/2009

**BEAUREGARD BARANOSKI**  
Case No. 2008-CP-002835-O  
**Attorney for guardian:** Thomas P. Moss  
**Guardianship commenced:** 12/17/2008  
Guardianship is **closed**.  
**Order of Discharge:** 06/31/2010  
**DOB :** 12/27/1960

**MARY A. MITCHELL**  
Case No. 2008-CP-002851-O  
**Attorney for guardian:** Thomas P. Moss  
**Guardianship commenced:** 12/19/2008  
Guardianship is **closed**.  
**Order of Discharge:** 11/10/2009  
**DOB:** 01/06/1939  
**DOD:** 11/05/2009

**HARRY J. CONOVER**  
Case No. 2008-CP-002885-O  
**Attorney for guardian:** IAN LEONARD GILDEN  
**Guardianship commenced:** 12/24/2008  
Guardianship is **closed**.  
**Order of Discharge:** 06/02/2010  
**DOB:** 03/30/1912



**DOD: 2010**

Inventory

*\*Estate filed in Duval County case number 2009CP2490\* 05/28/2010*

**THOMAS NELSON HARMON**

Case No. 2009-CP-000295-O

**Attorney for guardian:** CAROLYN HOLMAN SAWYER

Limited guardianship.

**Guardianship commenced:** 02/05/2009

Guardianship is **closed**.

**Order of Discharge:** 07/14/2011

**DOB:** 04/22/1954

**DOD:** 2010

**Report of Auditor:** 9/30/2010

**Response to Auditor:** 11/02/2010

**JULIA S. ANDON**

Case No. 2009-CP-000366-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 2/16/2009

Guardianship is **open**.

**Change of venue to Seminole County:** 7/28/2011

**DOB:** 07/02/1925

**Report of Auditor:** 9/3/2010

**Response to Auditor:** 9/23/2010

[Note: See extensive report by this investigator on Andon file.]

REPORT OF AUDITOR

An administrative review of the file and review of the annual accounting filed for the period from 2009-2010 reveals the following:

1. It appears the following were paid without prior court approval
  - a. 3/18/09 Ford Credit auto Lease Pmt (please explain)
  - b. 3/24/09 James Buchanan Removed **all belongings** from Apt, haul trash to dump \$357.62
  - c. 3/24/09 Julie Ehrlich, reimbursement for purchase of furniture/mattress at Kanes \$302.17
  - d. 3/30/09 James Buchanan, Removed personal property from apartment \$225.00  
**[Note: If “all belongings” were hauled to a trash dump on 3/24/09, then there would be nothing left to remove on 3/30/09]**
  - e. E. 4/20/09 Ford Credit auto lease Pmt (please explain)
  - f. Ford Motor Credit Company, Final Lease payment? \$3,451.27
2. It appears billing statement for Geriatric Management Guardian in the amount of

\$860.51 was omitted.

Respectfully submitted on this the on this the 3<sup>rd</sup> day of September, 2010.

Lydia Gardner  
Clerk of Court

Liaiser Liog

Deputy Clerk [9/3/2010 4:23 p.m. filed]

PETITION FOR RETROACTIVE APPROVAL OF PAYMENTS MADE

Petitioner, REBECCA FIERLE, alleges:

1. Petitioner is the guardian of the person and property of JULIA ANDON, (the Ward).
2. The Ward leased a 2009 Mercury car from Ford Credit before the guardianship was established. [Note: It was actually a 2005 Mercury paid off in full July 2008 by Andon herself—prior to a guardianship commencing.] Due to the Ward's physical and mental condition, the automobile was no longer needed. Monthly payments as required by the lease were made by the guardian in amount of \$299.37 on 3/18/09 and \$299/37 on 4/20/0. The payment of \$3,451.27 on 6/5/09 was to pay off the lease owed by the Ward after the auctioning off of the car. This was amount still owed to Ford Credit under the contract. [Not true. Account #3938906 was paid off in full July 2008—prior to a guardianship upon Andon even being initiated.]
3. The Ward required furniture and a mattress for her care. Julie Ehrlich, an employee of Rebecca Fierle, purchased furniture and a mattress on 3/24/09 in amount of \$302.17 for the benefit of the Ward. A copy of the Kane's receipt is attached.
4. The Ward's apartment required cleaning to abandon the lease. James Buchanan was paid \$357.62 for the removal of trash from Ward's apartment in order to eliminate the apartment expense as soon as possible. Mr. Buchanan also moved the Ward's personal property from her apartment to the facility and was paid \$225.00 for this service on 3/30/09.

Petitioner requests that an order be entered granting retroactive approval for the payment of the above mentioned items.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief. [Signed on 9-16, 2010]

**FELIX VAZQUEZ ORTIZ (claim by Medicaid for \$80,837.17)**

Case No. 2009-CP-000467-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 03/04/2009

Guardianship is **closed**.

**Order of Discharge:** 9/22/2011

**DOB:** 08/27/1931

**DOD:** 4/26/2011

**Order *ESTABLISHING A SPECIAL NEEDS TRUST:*** 10/26/2009

**Order for Attorney's Fees *Retroactive:*** 07/29/2011

**Petition/Motion for Attorney's Fee *Retroactive:*** 07/22/2011

**Estimated Annual Income:** \$55,056.00

**JEAN B. ELIASSEN**

Case No. 2009-CP-000481-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 03/05/2009

Guardianship is **closed**.

**Order of Discharge:** 04/09/2010

**DOB:** 01/05/1922

**DOD:** 4/6/2010

**JAMES HAROLD SMITH**

Case No. 2009-CP-000556-O

**Attorney for guardian:** IAN LEONARD GILDEN

**Guardianship commenced:** 03/16/2009

Guardianship is **open**.

**DOB:** 10/05/1941

**MARY HULSEY**

Case No. 2009-CP-000566-O

**Attorney for guardian:** Thomas P. Moss

**Attorney for guardian:** IAN LEONARD GILDEN

**Guardianship commenced:** 03/16/2009

Guardianship is **open**.

**DOB:** 02/17/1926

**Petition/Motion for Attorney's Fee *Retroactive Approval:*** 06/07/2011

**DAVE (DAVID) ALAN GRUBAUGH**

Case No. 2009-CP-000701-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 03/31/2009

Guardianship is **closed**.

**Order of Discharge:** 07/24/2009

**DOB:** 03/06/1950

**DOD:** 7/21/2009

**VILME MICHAUD**

Case No. 2009-CP-000702-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 04/01/2009

Guardianship is **open**.

**DOB:** 1945

**NATHALIE KRAUSS**

Case No. 2009-CP-000731-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 04/06/2009

Guardianship is **closed**.

**Order of Discharge:** 03/01/2010

**DOB:** 03/16/1918

**MILDRED MOORE**

Case No. 2009-CP-000732-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 04/06/2009

Guardianship is **open**.

**DOB:** 02/18/1919

**Report of Auditor:** 10/04/2010

**Response to Auditor:** 10/15/2010

**KATHLEEN AUBIN**

Case No. 2009-CP-000746-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 04/06/2009

Guardianship is **closed**.

**Order of Discharge:** 12/01/2009

**DOB:** unknown

**DOD:** 9/4/09

**JACK COOPER**

Case No. 2009-CP-000898-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 04/24/2009

Guardianship is **open**.

**DOB:** 12/10/1920

**ALFONZO OYOLA**

Case No. 2009-CP-000899-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 04/24/2009

Guardianship is **open**.

**DOB:** 08/10/1946

**DOB:** 05/25/1946

**\*STEVEN GAMBRELL**

Case No. 2009-CP-001095-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 05/15/2009

Guardianship is **closed**.

**Order of Discharge:** 5/10/2011

**DOB :** 07/06/1954

**DOD :** 04/29/2011

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 05/10/2011

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 05/05/2011

**MILTON O. PEREZ**

Case No. 2009-CP-001448-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 07/07/2009

Guardianship is **closed**.

**Order of Discharge:** 01/08/2010

**DOB:** 07/1958

**DOD:** 11/12/2009

**PAUL MOYNIHAN**

Case No. 2009-CP-001505-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 07/15/2009

Guardianship is **open**.

**DOB:** 05/21/1931

**\*\*\*\*\*ANGELINA RIDORE\*\*\*\*\*** [**Medicaid Fraud Verified \$82,559.17**]

Case No. 2009-CP-001506-O

**Attorney for guardian:** Thomas P. Moss

**Attorney for Ridore:** Roger Weeden

**Guardianship commenced: 07/15/2009**

Guardianship is closed. Estate is **closed**.

**DOB** : 08/16/1935

**DOD**: 05/25/2011

**Proposed Order(s) [on attorney's fees] Sent to Judge *retroactive approval/ \$1,102.50 to show on next years accounting***: 12/10/2010

**Petition/Motion for Guardian's Fees *Retroactive Approval***: 12/08/2010

**Judicial Review *Final Accounting***: 04/02/2012

**Observation Sheet**: 04/02/2012

**Final Accounting (09/01/2010 – 03/31/2012)**: 3/30/2012

**Order to Deposit Funds into Registry of Court**: 04/18/2012

**Proposed Order(s) Sent to Judge**: 04/17/2012

***Order on Attorney's Fees (Retroactive) and Order to Have Funds Held in Court Registry***

**Petition/Motion for Attorney's Fee**: 04/13/2012

**Petition/Motion to Deposit Funds to Registry of Court**: 04/13/2012

**Location of Ward**: Orlando Health and Rehab.

830 W. 29<sup>th</sup> Street

Orlando, FL 3280

**\*\$82,559.17 claim from Medicaid.**

**\*VILEDA T. NICKLES**

Case No. 2009-CP-001570-O

**Attorney for guardian**: Thomas P. Moss

**Guardianship commenced**: 07/22/2009

Guardianship is **open**.

**DOB**: 01/08/1919

**Order for Guardian's Fees**: 12/21/2010

*Retroactive Approval for Payment*

**Report of Accountant 08/31/2009-08/31/2010**: 12/20/2010

**Proposed Order(s) Sent to Judge**: 12/16/2010

*Order granting retroactive approval for payment*

**Petition/Motion for Guardian's Fees *Retroactive – Amended***: 12/15/2010

**Petition/Motion for Guardian's Fees *Retroactive Payment***: 11/16/2010

**Petition/Motion for Attorney's Fee *Retroactive Approval for Payment***:  
11/16/2010

**Petition/Motion for Guardian's Fees *Retroactive***: 10/27/2011

**Proposed Order(s) Sent to Judge**: 02/02/2012

*Order show cause, via ECF*12/30/2011  
Observation Sheet1

**Report of Accountant 09/10/2010-08/31/2011**: 2/28/2011

**Response to Observation:** 02/14/2012

**HELEN KROKOSKI**

Case No. 2009-CP-001656-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 07/22/2009

Guardianship is **open**.

**DOB :** 06/29/1926

**Venue changed to Seminole County:** 06/05/2011

[This file has been extensively researched by this investigator; there is the appearance of several thousands of dollars missing.]

**Petition *TO ESTABLISH A REVOCABLE TRUST FOR THE WARD:***

01/13/2010

**Report of Auditor:** 04/19/2011

**Response to Report of Auditor:** 05/16/2011

**Report of Auditor**

1. It appears an Order Authorizing Payment of Fees of Attorney was entered 10/15/09 for \$1,725.00 to the court appointed attorney, Mitzi Motsinger. It does not appear payment of these fees were made in the accounting.
2. It appears the guardian disbursed the following to Sawyer and Sawyer for attorneys' fees without prior court approval:
  - a. 11/16/09--\$2,483.87
  - b. 1/7/10--\$2,422.74
  - c. 1/15/10--\$1,673.54
  - d. 2/22/10--\$1,328.42
  - e. 3/17/10--\$1,465.56
  - f. 4/15/10--\$132.30
  - g. 6/8/10--\$375.00
  - h. 6/15/10--\$264.00
3. It appears the guardian disbursed the following to Geriatric Management as guardian fees without prior court approval pursuant to FS 744.108.
  - a. 2/2/10--\$2,048.37
  - b. 2/12/10--\$1,114.41
  - c. 2/9/10--\$859.18
  - d. 2/25/10--\$1,114.44
  - e. 4/16/10--\$41.25
  - f. 4/16/10--\$1,281.30
  - g. 4/27/10--\$904.97
  - h. 5/21/10--\$529.92
  - i. 6/22/10--\$654.10

- j. 8/17/10--\$434.42
- k. 8/17/10--\$409.13
- l. 9/16/10--\$784.54
- m.10/5/10--\$625.17

4. It appears the 3/10 trust account bank statement was omitted from the annual accounting.
5. It appears the balance of the Regions Bank #2748 as of the inventory was \$12,656.71. This account amount appears to have been transferred to Mercantile Bank #550 on the annual accounting. The accounting also reflects \$3,745.72 was transferred to Band of America #6037 from Regions Bank on 4/20/10. An explanation as to the difference in value of the Regions Bank account should be filed with the court.
6. It appears \$24,082.51 was transferred to Bank of America #6037 from Mercantile Bank on 11/10/09. However, it appears all Mercantile Bank accounts listed on the Inventory were transferred to Wells Fargo Bank #8378 on 3/9/10. An explanation as to where the \$24,082.51 came from should be provided to the court.

(filed on 4/19/11 by Clerk Jewell, Orange County)

**Bank deposit sweep**  
3/31/10 #381,498.96 (living trust)

(\*Look how little is left from the more than one million—see page nine of this report for original total.) \$1,117,178.83 minus \$381,498.96 = \$735,679.87 MISSING

\*[Add up all closed accounts that put into trust and see if it is more than \$381,498.96. It is.]

**May 11, 2011 “Response to Auditor”**

1. As to #1, Attorney Motsinger was paid by State of Florida and informs us she is not due any payment from the guardianship of the ward. [Then why was she paid by the guardian???? This answer is a *non*-answer. The answer is nonsensical. Motsinger was paid TWICE by Fierle.]
2. As to #2, Petition or attorney’s fees and expenses and invoices were filed with the accounting. The clerk did not see them initially.
3. In response to #3, Petition for Guardian’s fees and expenses and time sheets were filed with the accounting. The clerk did not see them initially. The invoice paid on 2/25/10 for \$1,114.44 is attached.
4. In response to #4, the March 2010 statement for the Wells Fargo trust account is



attached.

5. In response to #5, the amount of \$12,656.71 was moved from Regions into Mercantile Bank and combined with the account that had a balance of \$1,201.62 to equal \$13,858.33 plus interest of \$1.80 to equal the amount of \$13,860.13 that was received into the Wells Fargo account from Mercantile Bank Account 8550.
6. In Response to #6, the sources of the \$24,082.51 was another Mercantile Bank account not listed on the inventory as the guardian did not have knowledge of this account at that time.

[As soon as Fierle and her attorney are caught, and since the above “explanation” makes no sense, they predictably transferred the case to Seminole County where no further or follow-up request would be made of them, since the Seminole Clerks and judges do not ever question or investigate guardianship files.]

**WILLIE JONES**

Case No. 2009-CP-001796-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 07/22/2009

Guardianship is **open**.

**DOB :** 08/04/1949

**GLADYS G. HERNANDEZ**

Case No. 2009-CP-001821-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 08/27/2009

Guardianship is **closed**.

**Order of Discharge:** 09/01/2010

**DOB :** 01/01/1945

**DOD :** 08/30/2010

**MARGUERITA RICHARDSON**

Case No. 2009-CP-001823-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 08/27/2009

Guardianship is **open**.

**DOB:** 10/17/1933

**Petition/Motion Authorizing and Directing Guardian to Create a Revocable Living Trust for Ward:** 02/17/2011

**Report of Auditor:** 02/18/2011

**Response to Report of Auditor:** 03/14/2011

**Order Authorizing Guardian to create Revocable Living Trust:** 05/02/2011  
**Petition/Motion for Attorney's Fee *Retroactive*:** 01/09/2012  
**Petition/Motion for Guardian's Fees *Retroactive*:** 01/09/2012  
**Order for Guardian's Fees *Retroactive Approval*:** 01/31/2012  
**Order for Attorney's Fees *Retroactive Approval*:** 01/31/2012  
**Observation Sheet:** 01/31/2012  
**Report of Accountant:** 03/13/2012  
**Response to Observation:** 03/29/2012

**\*DONALD L. PENNINGTON**

Case No. 2009-CP-001851-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 08/31/2009

Limited guardianship.

Guardianship is **closed**.

**Order of Discharge:** 08/26/2011

**DOB :** 09/03/1926

**Order for Guardian's Fees *Retroactive*:** 01/28/2011

**Petition/Motion for Guardian's Fees *Retroactive*:** 01/21/2011

**BEATRICE LONG BEYER**

**a.k.a. BEATRICE FINCH LONG**

Case No. 2009-CP-001903-O

**Attorney for guardian:** Ian Leonard Gilden

**Guardianship commenced:** 09/09/2009

Guardianship is **closed**.

**DOB:** 04/12/1916

**Order Approving Annual Accounting Report**

**Emergency Temporary Guardian:** 06/22/2010

**CANCELED Order to Show Cause (1:30 PM)**

**Cancelled (filed):** 08/26/2010

**Death Certificate:** 09/30/2011

I spoke with son Roland Long at approximately 7 p.m. on Friday April 20, 2012. (see report) (Fierle was put on as the ETG after Roland Long threatened to sue the nursing home (Ocoee Rehab.) for negligence. It cost Roland \$10,000.00 to get back custody of his mother who had no assets except for approximately \$1500 per month from social security. When Roland asked Fierle who was paying Fierle for her services, she replied, "The nursing home." This is similar to the Joseph Neidelski guardianship where Fierle was utilized by the hospital to ward off a potential lawsuit and the Barbara A. Dahman guardianship where the

husband threatened the nursing home (wife was dead within three months.) Elderly people from Ocoee Rehab. testified that they were “frightened” of Roland. His mom had been at Ocoee Rehab for five years without incident. It wasn't until Roland said, “I'm reporting you [Ocoee Rehab.] to state officials” that Fierle was called in as the ETG to foil off a potential lawsuit. [Roland thinks it was Moss, not Gilden, who represented Fierle. “It was a law firm from Windemere that represented her.”] As far as anything stolen by Rebecca Fierle, Roland says there was only a missing television that his mom had bought about five years before. Roland estimates the television was worth about \$200.00. When Fierle first took over as the ETG, she was in charge of making sure that mom's belongings were properly secured. Fierle's employee, Debbie Hooker, told Roland that the television was being stored while they were in the process of moving mom to another facility. However, once mom arrived at Metro West, Fierle and Hooker claimed they knew nothing about a television and had never heard about a television. “They lied to me,” Roland stated.

#### **FRANK ROBERSON**

Case No. 2009-CP-001989-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 09/23/2009

Guardianship is **closed**.

**Order of Discharge:** 7/12/2011

**DOB:** 12/18/1965

**Suggestion of Capacity:** 04/05/2011

#### **RONALD SANTELL**

Case No. 2009-CP-001990-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 09/23/2009

Guardianship is **open**.

**DOB:** 01/31/1954

**Observation Sheet:** 01/11/2012

**Report of Clerk:** 01/11/2012

**Motion to Transfer: of Records and Change in Venue:** 01/31/2012

**Change of Venue (Judicial Officer: Bronson, Theotis):** 02/03/2012

#### **ORLAND WINFREY**

Case No. 2009-CP-002204-O

Limited guardianship

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 10/26/2009

Guardianship is **open**.

**DOB:** 10/04/1930

**Petition/Motion for Guardian's Fees *Retroactive*:** 03/22/2011

**JOSEPH LAMURA**

Case No. 2009-CP-002251-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 11/2/2009

Guardianship is **open**.

**DOB:** 03/01/1922

**SINFORSOS REYES** (This name cannot be found in a background search.)

Case No. 2009-CP-002369-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 11/16/2009

Guardianship is **closed**.

**Order of Discharge:** 12/28/2011

**DOB:** unknown

**GLENN C. HOSKINS**

Case No. 2009-CP-002370-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 11/16/2009

Guardianship is **open**.

**DOB:** 07/20/1948 -or-

**DOB:** 08/12/1952

**Petition to Establish a Special Needs Trust:** 01/27/2010

**Order Granting Retroactive Approval:** 05/03/2010

**Petition for Retroactive Approval:** 04/29/2010

**Petition/Motion for Guardian's Fees Retroactive Approval:** 03/16/2011

**Petition/Motion for Attorney's Fee Retroactive Approval:** 03/16/2011

**Order for Attorney's Fees *Retroactive*:** 03/21/2011

**Order for Guardian's Fees Retroactive:** 03/21/2011

**Petition FOR ORDER DIRECTING GUARDIAN TO EXECUTE**

**QUALIFIED INCOME TRUST:** 12/08/2009

**Order DIRECTING GUARDIAN TO EXECUTE QUALIFIED INCOME**

**TRUST:** 12/17/09

**Estimated Annual Income:** \$45,689.00

**\*ARMAND ROMUALD SANTOIRE**

Case No. 2010-CP-000333-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 02/12/2010

Guardianship is **closed**.

**Order of Discharge:** 08/24/2011

**DOB:** 01/22/1920

**DOD:** 2011

[Note: Extensive report by this investigator regarding missing personal property.]

**Order Granting *Retroactive Approval of Sale/Donation/Disposal and Distribution of Ward's Personal Property:*** 08/10/2010

Proposed Order(s) Sent to Judge *Order for retroactive approval:* 08/09/2010

**Petition for Retroactive Approval of Sale/Donation/Disposal and Distribution of Personal Property:** 08/05/2010

**Petition/Motion for Attorney's Fee Retroactive:** 06/20/2011

**Petition/Motion for Guardian's Fees Retroactive Approval:** 06/20/2011

**Petition/Motion for Guardian's Fees:** 07/18/2011

*Retroactive Payment – Amended*

**Order for Guardian's Fees *Retroactive Payment:*** 07/18/2011

Inventory / Seminole County / Case No. 11CP1066

**Order for Attorney's Fees *Retroactive:*** 08/23/2011

Certificate of Service of Inventory / Seminole County / Case No. 11CP1066:  
07/19/2011

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 08/24/2011

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 03/17/2011

**Observation Sheet:** 7/28/2011

**GLADYS SHULTZ**

Case No. 2010-CP-000474-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 03/08/2010

Guardianship is **open**.

**DOB:** 09/22/1922

**Report of Auditor:** 05/11/2010

**Response to *Report of Auditor:*** 05/14/2010

**Petition DIRECTING GUARDIAN TO ESTABLISH A SPECIAL NEEDS TRUST:** 05/31/2011

**Petition/Motion for Attorney's Fee Retroactive Approval:** 06/07/2011

**Order Directing Guardian to Establish a Pooled Trust for the Ward:**

06/28/2011

**Order for Guardian's Fees *Retroactive Payment*: 08/09/2011**

**Order for Attorney's Fees *Retroactive Payment*: 08/09/2011**

[Note: Extensive report by this investigator on this case.]

**REPORT OF AUDITOR -- 5/11/10**

An administrative review of the file and review of the inventory file reveals the following:

1. It appears the Petition for Appointment of Plenary Guardian reflects a SunTrust bank account; however, there was no bank account listed on the inventory.
2. It appears the medical bills were not attached as reflected in the inventory.
3. The Inventory reflects there is a Trust in the name of the Ward. A copy of the Trust has not been filed with the court.

Respectfully submitted on this the 11th day of May 2010.

Mary Lynn Jewell, Deputy Clerk.

**RUTH BUTLER**

Case No. 2010-CP-000538-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 03/15/2010

Guardianship is **open**.

**DOB:** 06/19/1931

**\*RICHARD A. LARKIN**

Case No. 2010-CP-001179-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 03/15/2010

Guardianship is **open**.

**DOB:** 03/08/1937

**Report of Auditor:** 03/15/2012

**Response to Report of Auditor:** 04/13/2012

[Note: Extensive report by this investigator on this case.]

**Location of ward:** Sanjean Assisted Living

FL Assisted Living Facility

License No. 11563

Issued by Florida Agency For Health Care Administration

**REPORT OF AUDITOR**

An administrative review of the file and review of the annual accounting filed for the period from 2010-2011 reveals the following:

1. It appears the guardian discovered the Southbridge Credit Union Account after the Inventory was filed. The accounting indicates this account was closed; however, there was no bank statement attached to verify the amount as of date of Letters through closing.
2. It appears the guardian surrendered an annuity belonging to the ward; however, this asset was not disclosed on the Inventory, nor was there any documentation as to the surrendered value of the assets.
3. The court entered an Order to Open Safe Deposit Box on 7/12/11 which was subsequently amended on 10/24/11. An Inventory of the Safe Deposit Box contents has not been filed with the court pursuant to F.S. 744.365(4).
4. It appears the guardian disbursed \$449.42 in auto repairs without prior court approval.
5. It appears the guardian made minimal payments on a Capital One credit card and a WF credit card; however, the Inventory does not reflect any claims for credit cards. Perhaps further information should be provided to the court.
6. It appears an Amended Inventory may need to be filed.

Respectfully submitted on this the 15<sup>th</sup> day of March, 2012.  
Mary Lynne Jewell, Deputy Clerk

### **REPONSE TO REPORT OF AUDITOR**

REBECCA FIERLE, as Plenary Guardian of the Person and Property of Richard Larkin, alleges the following:

1. In response to Report of Auditor #1, attached please find copies of the bank statements for Southbridge Credit Union as Exhibit "A" for the period of date of guardianship until account closed.
2. In response to Report of Auditor #2, the entry should read surrender of VALIC accounts #XXXXXX and #1463984. See attached statement as Exhibit "B."

3. In response to Report of Auditor #3, the guardian entered the safe deposit box on February 22, 2012 with a bank employee and found the safe deposit box empty. **[Dr. Larkin's response: Of course it's empty. Guardian Rebecca Fierle already removed long ago three gold tollars worth approximately \$1,2000.00 each and significant important papers, such as an already paid for grave. The Court gave permission to open the safe deposit box way back in July 2011, so the contents were already removed by Fierle long ago.]**
4. In response to Report of Auditor #4, a petition for retroactive approval for payment of auto repairs is filed concurrently with this response.
5. In response to Report of Auditor #5, the minimum credit card payments were automatic payments set up prior to the inception of the guardianship by the Ward.
6. In response to Report of Auditor #6, please advise if the court requires an amended inventory.

March 28, 2012. Rebecca Fierle/Thomas P. Moss

**[Dr. Larkin has further information regarding the three closed out bank accounts and the account at Wachovia and the amount of their contents at the time the involuntary guardianship was commenced upon him; Dr. Larkin also claims there was approximately \$20,000.00 hidden in a metal box underneath his bathroom sink that was taken by Debbie Hooker. You might also want to check and see why there is another name that appears on the foreclosure of Dr. Larkin's condo as Defendant. This alleged Defendant is actually an officer of the Time Share Store and the owner of the Time Share Store is Thomas Yeary, who placed his 44 year old daughter under an involuntary guardianship with Fierle as the guardian.]**

**\*JULIUS WILLIAMS**

Case No. 2010-CP-001227-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 06/17/2010

**Guardianship is closed.**



**Order of Discharge:** 05/10/2011

**DOB:** 09/27/1926

**DOD:** 4/29/2011

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 05/10/2011

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 05/05/2011

**Order of Discharge** *Guardian of the Property:* 10/14/2010

**Observation Sheet:** 6/21/2010

**\*BARBARA A. DAHMEN**

Case No. 2010-CP-001686-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 08/23/2010

Guardianship is **closed**.

**Order of Discharge:** 12/23/2010

**DOB:** 1932

**DOD:** 11/03/2010

[Note: Extensive report by this investigator on this case.]

**Order of Discharge** (Judicial Officer: Perry, Belvin, JR): 12/23/2010

**Order of Discharge** (Judicial Officer: Perry, Belvin, JR): 11/16/2010

**Report of Accountant 09/27/2010-10/10/2010:** 12/16/2010

**DORIS FLETCHALL**

Case No. 2010-CP-001826-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 09/10/2010

Guardianship is **open**.

**DOB:** unknown

**MICHAEL JONES**

Case No. 2010-CP-002025-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 08/23/2010

Guardianship is **closed**.

**Order of Discharge:** 07/11/2011

**DOB:** unknown (1952?)

**Suggestion of Capacity:** 4/15/2011

**JENNIE F. YEARY**

Case No. 2010-CP-002523-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 12/22/2010

Guardianship is **open**.

DOB: 05/20/1967

[Note: Extensive report by this investigator on this case.]

**MAJOR JOHNSON**

Case No. 2011-CP-000129-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 1/14/2011

Guardianship is **open**.

**DOB:** 04/15/1943

**DENNIS DUKOVICH**

Case No. 2011-CP-000324-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 02/10/2011

Guardianship is **open**.

**DOB:** 10/14/1952

**Notice of Change of Address:** 3/20/2012

**DORIS DETTIE WASHINGTON**

Case No. 2011-CP-001054-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 02/10/2011

Guardianship is **closed**.

**Order of Discharge:** 03/08/2012

**DOB:** 10/19/1934

**BOBBY MCNAIR**

Case No. 2011-CP-001370-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 06/23/2011

Guardianship is **open**.

**DOB:** 04/06/1949

**GEORGE CHAJET**

Case No. 2011-CP-001371-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 06/23/2011

Guardianship is **open**.

DOB: 07/14/1924

Note: Chajet owns two properties:

726 Humber Lane (homestead with wife)

Orlando, FL 32807

ADDRESS 2:

919 S Solandra Dr

Orlando, FL 32807

**Change of Venue to Seminole County: 9/26/11**

[Note: Extensive report by this investigator on this case.]

**ANTHONY L. WASCHEVSKI**

Case No. 2011-CP-001694-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 08/05/2011

Guardianship is **open**.

DOB: 03/03/1931

**Change of Venue to Seminole County: 9/26/11**

[Note: Extensive report by this investigator on this case.]

**LEROY BARNES**

Case No. 2011-CP-002047-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 09/30/2011

Guardianship is **open**.

DOB: 01/27/1927

**Order for Attorney's Fees Retroactive:** 12/07/2011

**Petition/Motion for Attorney's Fee Retroactive:** 12/02/2011

**Order for Attorney's Fees:** 04/19/2012

**Proposed Order(s) Sent to Judge *Order on Attorney's Fees:*** 04/18/2012

**Petition/Motion for Attorney's Fees:** 04/16/2012

**ANTONIO DUNOSO** (Name does not appear in any background checks.)

Case No. 2011-CP-002161-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 10/17/2011

Guardianship is **open**.

DOB: **unknown**

**Proposed Order(s) Sent to Judge Order approving initial plan:** 03/06/2012

**ULITA EDRIS LOPEZ**

Case No. 2011-CP-002336-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 2009 or 2008

Guardianship is **open**.

**DOB:** 1950

[Note: Extensive report by this investigator on this case.]

[Note: This case was transferred from Alachua County. Edris had \$150,000.00 which has been mostly converted to attorney's fees. \$23,000.00 placed in guardian pooled trust.)

**Order Approving Annual Plan Report:** 01/20/2012

**DAVID POST**

Case No. 2011-CP-002594-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 12/16/2011

Limited guardianship.

Guardianship is **open**.

**DOB:** 09/11/1952

**Judicial Review *Petition for Attorney's Fees*:** 04/18/2012

**Petition/Motion for Attorney's Fee:** 04/16/2012

**Order Approving Initial Plan:** 04/24/2012

**Order for Attorney's Fees:** 04/24/2012

**RITA TUCKER ELLIS**

Case No. 2011-CP-002665-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 12/27/2011

Guardianship is **open**.

**DOB:** 03/18/1921

**Certified Copies Mailed:** 04/20/2012

**4-cc Letters of Guardianship Person and Property:** 04/19/2012

**Order for Attorney's Fees:** 04/19/2012

**Petition/Motion for Attorney's Fee:** 04/16/2012

**Order Approving Initial Plan:** 04/24/2012

**JAMES E. HARDY**

Case No. 2011-CP-001350-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 12/27/2011

Guardianship is **open**.

**DOB:** 1937

**James Hardy, Jr. (son)—407-312-2428 (cell)**

[Notes: Hardy went to hospital for heart bypass surgery. Son then began calling attorneys and was told by Attorney Ian Gilden that it would cost a retainer of \$30,000.00 to commence a guardianship upon his father. Hardy, Jr. did not have that kind of money. Next, Fierle surreptitiously applied to become Hardy, Sr.'s guardian, telling the court that there were no relatives who wanted so serve and providing fake addresses of the relatives. It was two months before Hardy, Jr. even knew that his father was now the ward of Rebecca Fierle. Hardy Jr. then hired Attorney Matt Rygh who got back custody of Hardy Sr. to Hardy Jr, but not without a fight. Fierle tried to moved Hardy Sr. to Indiana—a state where he has no family ties or previous residence. She then tried to say that the dad was four days away from death and she tried to put dad on hospice. Dad is now doing fine and Hardy Jr. has transferred Dad to a nicer facility. Fierle was supposed to let go of the financial records and give back the trust. She has still not done so and she has not filed a final accounting. She will not return phone calls to Hardy Jr. Hardy Jr. would like to see Fierle prosecuted for fraud. Fierle told Hardy Jr. that everything Angela Woodhull wrote about her on the Internet has been proven to be false and that “Angela Woodhull is a liar—it is proven.” James Hardy, Jr. stated that Fierle has not paid any of the regular bills which remain outstanding.

**CHARLES DEYOUNG** (Veteran)

Case No. 2012-CP-000194-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 1/27/2011

Guardianship is **open**.

**DOB:** 06/08/1931

**Change of venue to Seminole county on:** 3/28/2012

Note: DeYoung receives Veteran's Benefits.

Note: DeYoung has extensive bank assets.

[Note: Extensive report by this investigator on this case.]

**CLAUDIA M. DONNELL**

Case No. 2012-CP-000780-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 4/16/2012

Guardianship is **open**.

**DOB:** 05/14/1946

**Waiver and Consent**

*to Appointment of Plenary Guardian* 05/03/2012

**Waiver and Consent**

*to Appointment of Plenary Guardian*05/03/2012

**Waiver and Consent**

*to Appointment of Plenary Guardian*05/03/2012

*6-Letters of Emergency Temporary Guardianship*

04/25/2012 **Letters of Emergency Temporary Guardianship**

04/25/2012 **Order Appointing Emergency Temporary Guardian**

04/20/2012 **Formal Notice by Mail**

04/20/2012 **Cover Letter**

04/16/2012 **Notice of Confidential Information within Court Filing**

04/16/2012 **Petition Emergency Temporary Guardian**

04/16/2012 **Petition to Appoint Guardian**

04/16/2012 **Oath of Guardian, Designation of Res Agent & Acceptance**

04/16/2012 **Cover Letter**

04/16/2012 **Application for Appointment as Guardian**

[Fierle's name not showing up. Guardian's name is hidden from the record.]

## **Seminole County Guardianship Cases**

[Note: It is much more difficult for this investigator to report on Medicaid fraud in Seminole County Rebecca Fierle guardianship cases because (1) Seminole County never audits, and (2) the guardianship dockets are not online. However, there are extensive reports that accompany each of these 25 cases and where there is excessive attorney and guardian fee billing, it can be reasonably concluded there is Medicaid fraud. Marion Copley—Medicaid fraud verified because there was a claim against her estate for \$56,000.00. Likewise with the guardianship of Louise A. Falvo.]

**LOUISE A. FALVO** (08-GA-0509) (**Medicaid Fraud verified**)

**DOB:** 11/17/1915 or 1916

[Note: Extensive report by this investigator on this case.]

**ROBERT EARL GALLAGHER**

**DOB:** 1921

Guardianship is **closed**.

[Note: Extensive report by this investigator on this case.]

**ELSA MAY GALLAGHER**

**DOB:** 1926

Guardianship is **closed**.

[Note: Extensive report by this investigator on this case.]

**DEBORAH DUFFIELD** (2006-GA-001843)

**DOB:** 1951

Guardianship is **open**.

[Note: Extensive report by this investigator on this case.]

**CARLISLE H. BOSWORTH** (Veteran)

**DOB:** 02/20/1916

Guardianship is **closed**.

[Embezzlement—See Docket]

**BENJAMIN CHADA** (Veteran)

**DOB:** 1923

Guardianship is **closed**.

[embezzlement]

[Note: Extensive report available by this investigator on this case.]

**LAWRENCE LONG** (veteran)

**DOB:** 1930

Guardianship is **closed**.

[Note: Extensive report available by this investigator on this case.]

[Fierle found Long when he was in the hospital recovering from a stroke. Fierle then decided he needed a guardian and tried to have her favorite doctors declare Long “mentally incapacitated.” However, Long had a long-time psychiatrist who refused to go along with Fierle’s plan. As a result, Long was NOT placed under a Fierle guardianship. However, Fierle and her attorney Karen Goldsmith, then turned around and **sued Long for attorneys’ fees and guardian fees for the time they spent trying to taking away Long’s civil rights. Long died shortly after an article on the internet about this situation was published.**]

**ANTHONY MIECZYNSKI**

**DOB:** 1986

Guardianship is **open**.

[Note: Extensive report available by this investigator on this case. Parents have been trying to prosecute Fierle.]

**WILLIAM F. EBERHARD** (veteran)

**DOB:** 07/26/1922

Guardianship is **closed**.

[Evidence to suggest embezzlement.]

**MARION COPLEY** (Medicaid Fraud verified—claim of \$56,000.00)

**DOB:** 1925

Guardianship is **closed**.

[Note: Extensive report available by this investigator on this case.]

**JAMES E. DEATON**

**DOB:** 1944

Guardianship is **closed**.

[Note: Extensive report available by this investigator on this case.]

**VEDA JONES**

**DOB:** 1940

Guardianship is **closed**.

[Note: Extensive report available by this investigator on this case.]

**Bobbie Thompson**

Guardianship is **closed**.

[Thompson moved to Texas]

[Note: Extensive report available by this investigator on this case.]

**DOROTHY A. FLESHMAN** (59-2011 GA 000815)

**DOB:** 1919

Guardianship is **open**.

[Note: Extensive report available by this investigator on this case.]

**ANN FLESHMAN**

**DOB:** 1945

Guardianship is **open**.

[Note: Extensive report available by this investigator on this case.]

**MARGARET MARTIN** (59-2011-GA-1900/1902)

**DOB:**

Guardianship is **open**.

[Note: Extensive report available by this investigator on this case.]

**Christian Van Beekum (veteran)**

Guardianship is **closed**.

[Note: Extensive report available by this investigator on this case.]

**Julia S. Andon** (transferred to Seminole County from Orange County)

2011-GA-001555

Guardianship is **open**.

[Note: Extensive report available by this investigator on this case.]



**GEORGE CHAJET** 59-2011-001897 (transferred to Seminole County from Orange County)

**DOB:** 07/14/1924

Guardianship is **open**.

[Note: Extensive report available by this investigator on this case.]

**BRIDGETT BERGAN** (59-2011-GA 00604)

**DOB:** unknown

Guardianship is **open**.

**ANTHONY WASCHEVSKI** (59-2011-GA-002140) (transferred to Seminole County from Orange County)

**DOB:** 03/03/1931

Guardianship is **open**.

**HELEN KROKOSKI**

(switched from Orange to Seminole when the Orange Clerk discovered missing money)

48-2009-CP-001656-O

**DOB:** 06/29/1926

Guardianship is **open**.

[Note: Extensive report available by this investigator on this case.]

**Theophillus Billing (veteran)**

Guardianship is **closed**.

**Lee Eugene Clement**

Guardianship is **open**.

**DOB:** 4/13/1928

**Location:** Longwood Healthcare Center (veteran)

1520 S. Grant Street

Longwood, FL 32750

A-2

(407) 339-9200

**Barbara Jean Clement**

Guardianship is **open**.

**DOB:** 7/26/1930

**Location:** Longwood Healthcare Center  
1520 S. Grant Street  
Longwood, FL 32750  
Wing A  
(407) 339-9200  
(407) 260-6361 (cordless phone, she has no phone in her room)  
**Estimated Annual Income:** \$39,694.00

[The Clements are a married couple with substantive assets. The husband has multiple sclerosis and both the wife and husband appear to be mentally incapacitated, according to a witness. The couple had hired three in-home health care workers who were assisting them daily. However, wife Barbara Clement fell and broke a hip and ended up in the hospital. It was through the hospital social worker that Rebecca Fierle found the Clements, fired the three in-home health care workers, and moved them out of their home. They have been crying out for help, talking to complete strangers who come to visit the facility. They had enough money to stay in their own home with the arrangement they already had in place—three healthcare workers. They had lived at 3505 Shirley Avenue, Apopka, FL. The place where Fierle has dumped them has been described as “deplorable.”]

Monthly income consists of veteran’s cheque and social security income. Barbara, in a phone conversation with me, on Mary 1, 2012, gave me a breakdown, off the top of her head, of the most expensive, valuable items within her home:

(The couple had lived in Zirndorf, Germany for three years. They brought back many expensive items from Germany that are within their home.)

- Fancy German crystal for serving desert
- Safety deposit box at Bank of America Barbara had assumed from her mother filled with three packs of Indian head pennies
- Dining room table worth \$500 - \$600
- Two sets of real silver silverware from Germany
- Real silver tea pot set for a party, including creamer, etc.—all silver- an antique—bought as a wedding gift for her from her in-laws nearly 60 years ago.
- Three bank envelopes filled with real silver dollars she inherited from her mother
- Mother’s old antique bedroom set.
- Very expensive diamond wedding ring set

- Brand new van, straight from the factory with all the bells and whistles included (purchased in either 2006 or 2007)
- Expensive oil painting from a famous German painter who is the “Grandma Moses” of Germany—a mountain scene, very realistic
- Expensive China cabinet filled with crystal, Rosenthal China and her mother’s antique China set
- Another expensive oil painting in an expensive gold frame in the living room  
[None of this will be reported by Fierle. Fierle always states on the inventory that the contents of the house are worth less than \$200.]
- Home is valued at \$94,100.00 See:  
[http://www.zillow.com/homedetails/3505-Shirley-Dr-Apopka-FL-32703/47675271\\_zpid/](http://www.zillow.com/homedetails/3505-Shirley-Dr-Apopka-FL-32703/47675271_zpid/)

## Alachua County Guardianship Cases

**Noble Williams** (\$12,000.00 given to Attorney Ernest Sellers for an Ernest Sellers Trust—over and above attorney’s fees.)

Guardianship is **closed**.

[Note: Extensive report available by this investigator on this case.]

**Ignatious Koning** (\$300,000.00 missing in 26 days.)

[Note: Extensive report available by this investigator on this case.]

This is an Alachua County case in which Fierle petitioned for a guardianship 26 days before Koning died. On the PAPG, Fierle states there is \$1.5 million in Wachovia. Twenty-six days later, Fierle states there is \$1.2 million in Wachovia. (What happened to \$300,000.00 in 26 days?) Fierle then sold Koning’s house for way below market value—so low that the Alachua County Property Appraiser lists this as a “non-qualified” sale. After the sale of the house, there is no further activity in this file and no order of discharge, so the question is: What happened to the \$1.5 million? I “hired” a professor from the German department to write a letter to Koning’s brother in Kessel, Germany. The family has hired an attorney to do an accounting. They were told by Fierle that all of the money is gone.

**Ulita Edris Lopez** (case transferred to Orange County—Ionie’s Assisted

Living)

Guardianship is **open**.

[Note: Extensive report available by this investigator on this case.]

[Note: Son lives in the Philippines. Son would like to come get his mother and take her back to the Philippines, but he does not have \$6,000.00 to buy a tourist visa plus \$\$\$ for plane fare. Meanwhile, Fierle has paid for a cremation and has spent almost all of Lopez's \$150,000.00 settlement . Son is Joniel L. Calibo. Son is desperately trying to get a visa so he can come rescue his mother from this dangerous situation. He can be found on Facebook. His cell phone number is 011 63 907-532-7744. His e-mail address is: jlc6599@gmail.com]

**\*\*\*\*\*End of Report\*\*\*\*\***

Angela V. Woodhull, Ph.D.  
Licensed Private Investigator  
1920 S.W. 72<sup>nd</sup> Street  
Gainesville, Florida 32607  
(352) 327-3665

# REPORT TO PAM BONDI

## Table of Contents

	Page
<b>What is Guardianship Fraud? .....</b>	<b>2</b>
<b>[1] Missing money or property .....</b>	<b>2</b>
<b>[2] Suspicious loans, funds transfers,         opened or closed accounts/lines of credit .....</b>	<b>2</b>
<b>[3] Suspicious purchase or sale of real or personal property .....</b>	<b>3</b>
<b>[4] Violations of federal, state or local laws, rules or regulations ....</b>	<b>3</b>
<b>[5] Guardian has a conflict of interest or exhibits         signs of more expensive lifestyle .....</b>	<b>3</b>
<b>[6] Forced removal from their home or residence .....</b>	<b>5</b>
<b>Background for This Investigation .....</b>	<b>5</b>
<b>Rationale for Investigation by IRS and OIG .....</b>	<b>5</b>
<b>Overabundance of Orange County Clerk Audits; Strong Evidence of Fraud/Embezzlement .....</b>	<b>5</b>
<b>Example of Closing Out Audits Without Further Investigation or Prosecution .....</b>	<b>5</b>
<b>Fraudulent Medicaid Enrollment Activities Embezzlement, theft, and kickbacks     **Little actual prosecution is going on in Florida .....</b>	<b>6</b>
<b>EXAMPLE OF “MEDICAID FRAUD AND ABUSE THROUGH ENROLLMENT” COMMITTED BY REBECCA “FIERLE” .....</b>	<b>6</b>

<b>HOW THE FRAUDULENT GUARDIANSHIP COMMENCES: [generic example from a typical Fierle case] .....</b>	<b>7</b>
<b>STEP TWO OF SCHEME TO DEFRAUD AND MEDICAID FRAUD [generic example from a typical Fierle case] [SEE “f”] .....</b>	<b>8</b>
<b>“f” .....</b>	<b>10</b>
<b>A SAMPLING OF WARDS WITH SUBSTANTIVE ASSETS WHO WERE FRAUDULENTLY ENROLLED IN MEDICAID BY REBECCA FIERLE .....</b>	<b>10</b>
<b>SCHEME TO DEFRAUD Guardian Pooled Trust .....</b>	<b>11</b>
<b>15 FIERLE CASES WHERE THERE IS STRONG EVIDENCE OF EMBEZZLEMENT .....</b>	<b>12</b>
<b>CARLISLE BOSWORTH .....</b> (>\$100,000.00+ missing)	<b>12</b>
<b>DEBRA DUFFIELD .....</b> (>\$5 million missing)	<b>12</b>
<b>ANTHONY WASCHEVSKI .....</b> (>\$100,000.00+ missing)	<b>12</b>
<b>GLADYS SCHULTZ .....</b> (>\$100,000.00+ missing)	<b>13</b>
<b>FAYE ELIZABETH ARNOLD .....</b> (~\$39,000.00 - \$55,000.00 missing)	<b>19</b>
<b>LEROY BARNES .....</b> (>\$100,000.00+ missing)	<b>22</b>
<b>ULITA EDRIS LOPEZ .....</b> (>\$100,000.00+ missing)	<b>24</b>
<b>PATRICIAL ANN KRULL .....</b>	<b>28</b>

	(>\$100,000.00+ missing)	
<b>ARMAND SANTOIRE</b>	.....	<b>33</b>
	(>\$100,000.00+ missing)	
<b>FELIX VAZQUEZ ORTIZ</b>	.....	<b>38</b>
	(>\$100,000.00+ missing)	
<b>HELEN KROKOSKI</b>	.....	<b>39</b>
	(>\$500,000.00+ missing)	
<b>BRIDGETT BERGAN</b>	.....	<b>51</b>
	(~\$20,803.65 missing)	
<b>NOBLE WILLIAMS</b>	.....	<b>52</b>
	(>\$12,000.00 missing)	
<b>JULIA S. ANDON</b>	.....	<b>53</b>
	(>\$500,000.00+ missing)	
<b>ANGELINA RIDORE</b>	.....	<b>58</b>
	(>\$65,000.00+ missing)	
<b>Conclusion</b>	.....	<b>59</b>





**REPORT TO PAM BONDI REGARDING:**

- **SCHEME TO DEFRAUD**
  - **MEDICAID FRAUD**
  - **EMBEZZLEMENT**

**Committed by Professional Guardian**

**Rebecca “Fierle” et al.**

**Report Investigated for Four Years and Prepared by:**

**Angela V. Woodhull, Ph.D.  
Licensed Private Investigator  
AAAAA Investigative Services  
1920 S.W. 72<sup>nd</sup> Street  
Gainesville, FL 32607  
(352) 327-3665**

**[This Report Also Includes 15 Cases with Strong Proof of  
Embezzlement/Scheme to Defraud]**

**[See also accompanying “Docket Summaries” to support this report.]**

**[See also individual case files to support this report]**

## **What is Guardianship Fraud?**

The office for reporting Guardianship Fraud in West Palm Beach County defines “guardianship fraud” as:

- Missing money or property
- Suspicious loans, funds transfers, opened or closed accounts/lines of credit
- Suspicious purchase or sale of real or personal property
- Violations of federal, state or local laws, rules or regulations
- Guardian has a conflict of interest or exhibits signs of more expensive lifestyle
- Forced removal from their home or residence

This report proves strong evidence of a “Scheme to DeFraud” with examples of all of the above categories.

### **[1] Missing money or property:**

See, in particular, the guardianship files of:

- \*Charles DeYoung
- \*Marion Copley
- \*Benjamin Chada
- \*Angelina Ridore
- \*Louise A. Falvo
- \*Debra Duffield
- \*Armand Santoire
- \*Faye Elizabeth Arnold
- \*Richard Larkin
- \*Carlisle Bosworth
- \*Helen Krokoski
- \*Bridgett Bergan
- \*Noble Williams
- \*Julia Andon
- \*Angelina Ridore
- \*Any file in which there has been a “Report of Auditor” (see docket summaries)

### **[2] Suspicious loans, funds transfers, opened or closed accounts/lines of credit**

See, in particular, the guardianship files of:

- \*Louise A. Falvo
- \*Debra Duffield
- \*Noble Williams
- \*Charles DeYoung
- \*Helen Krokoski
- \*Julia Andon
- \*HAZEL LARUE SKJERSAA
- \*NORMAN SKJERSAA
- \*Armand Santoire
- \*Any file in which there has been a “Report of Auditor” (see docket summaries)

### **[3] Suspicious purchase or sale of real or personal property**

See, in particular, the guardianship files of:

- \*Ignatious Koning
- \*Marion Copley
- \*Herman Thornberg
- \*Richard Larkin
- \*Debra Duffield
- \*Elsa Gallagher
- \*Robert Gallagher
- \*James Deaton
- \*Dorothy Fleshman
- \*Any file in which there has been a “Report of Auditor” (see docket summaries)

### **[4] Violations of federal, state or local laws, rules or regulations**

See, in particular, the guardianship files of:

- \*Louise A. Falvo (due process violations)
- \*Richard Larkin (due process violations)
- \*Charles DeYoung (due process violations)
- \*All files in which there has been a “Report of Auditor” (see docket summaries)

### **[5] Guardian has a conflict of interest or exhibits signs of more expensive lifestyle**

Guardian “Fierle” has a serious conflict of interest. “Fierle” is paying “Geriatric Management” her company. “Fierle” also works for at least two hospitals (Florida Hospital in Orlando and Shands Hospital in Gainesville) as a “Medicaid Specialist.” (See file of “Ulita Lopez” PAPG as proof.)

“Fierle” then uses her position as a “Medicaid Specialist” to find victims to place under emergency temporary guardianships. See her docier as well. “Fierle” went from bankrupt in 1997 to multimillionaire by 2007. (Bankruptcy file is also available from this investigator upon request.)

### **[6] Forced removal from their home or residence**

This would include most of the 300+ victims. This investigator has interviewed at least 30 family members and victims over the last four years and not one was happily placed in a nursing home; all were involuntary guardianships.

See, in particular, the guardianship files of:

- \*Louise A. Falvo
- \*Richard Larkin
- \*Jennie Yeary
- \*James Hardy
- \*NORMAN SKJERSAA
- \*HAZEL LARUE SKJERSAA
- \*JOSEPH B. NIEDZIELSKI
- \*Herman Thornburg
- \*Patricia Krull
- \*Julia Andon
- \*Charles DeYoung
- \*Benjamin Chada
- \*Debra Duffield
- \*DOROTHY A. FLESHMAN
- \*ANN FLESHMAN
- \*Lee Eugene Clement
- \*Barbara Jean Clement
- \*Faye Elizabeth Arnold

### **Background for This Investigation**

Beginning in March 2008, this investigator began investigating Rebecca Fierle et al. after her mother, Louise A. Falvo, who had substantive cash assets totaling more than \$672,000.00 was curiously placed on Medicaid by professional guardian Rebecca “Fierle.” Investigator Woodhull then began searching the court records and interviewing Fierle’s wards in nursing homes as well as family members.

### **Rationale for Investigation by Pam Bondi’s AG Office**

“The State’s Efforts to Control Medicaid Fraud and Abuse” (report released December 2011 which can be found here:

[http://ahca.myflorida.com/Executive/Inspector\\_General/docs/2010\\_11\\_Fraud\\_and\\_Abuse\\_Annual\\_Report.pdf](http://ahca.myflorida.com/Executive/Inspector_General/docs/2010_11_Fraud_and_Abuse_Annual_Report.pdf)) reveals the following facts:

\* 1006 out of 3841 reports -- "no fraud or abuse found" (That's approximately 25% of the cases reported.)

\* 300 cases received "sanctions only" (approximately another 10%)

\* **NO professional guardians have been investigated or prosecuted for fraud or embezzlement whatsoever in the State of Florida.**

### **Overabundance of Orange County Clerk Audits; Strong Evidence of Fraud/Embezzlement**

Rebecca Fierle, however, has been audited by the Orange County Clerk of Court more than 250 times out of approximately 300 cases. While the clerk keeps finding strong evidence to suggest embezzlement and a scheme to defraud, once Fierle writes her response to the clerk, the entire investigation ceases.

Frequently, Fierle rewrites or amends the accounting.

### **Example of Closing Out Audits Without Further Investigation or Prosecution:**

A typical example in which the Orange Clerk Auditor finds discrepancies but does not follow up can be found in the recent audit of Dr. Richard Larkin’s file (March 15, 2012) in which the Orange clerk auditor inquired “why” the contents of Dr. Larkin’s bank safe deposit box had never been reported to the Court. (The Court had given Fierle permission to open the bank safe deposition box in both July and October of 2011.) Fierle’s response was to claim that she and a bank official went into the safe deposit box on February 22, 2012 and it was empty. This nonsensical response not only implies embezzlement but it warrants further investigation. No one rents a safe deposition box at a bank to keep it complete empty. Sincere Fierle had gained permission a year before, what happened to the contents of the box? Checking with the victim, Dr. Larkin, there were important papers, such as information about a fully paid off grave, as well as three gold tollars in that safe

deposition box. Since the Orange Clerk finds fraud but does not investigate any further once Fierle files a response, it appears that the OIG and IRS would then have jurisdiction to further investigate and prosecute.

\*In the State of Florida's December 2011 report, Medicaid "fraud and abuse" was defined as:

- **Fraudulent Medicaid Enrollment Activities** (Ms. Fierle has been working as a "Medicaid Specialist at Florida Hospital in Orlando and Shands Hospital in Gainesville, Florida. However, she is enrolling people with substantive assets into Medicaid who don't really qualify. Once on Medicaid, she is using their assets to pay herself and her attorneys. In many cases, as detailed in this report, monies are completely missing (**embezzled**))
- **Underutilization by Recipients of Necessary Care** (examples: Dr. Richard Larkin is in need of eye surgery following a fall in which contact implants were dislodged, leaving him partially blind; Faye Elizabeth Arnold is left with feet so terribly swollen that the bright red skin on her feet has tunnels in them; Veda Jones (now deceased) suffered from Parkinson's Disease but was not receiving proper medication for this disorder)
- **Embezzlement, theft, and kickbacks** (This report focuses mainly on embezzlement, theft, and kickbacks.)
  - Embezzlement**—monies completely missing from wards' accounts
  - Theft**—expensive items from the contents of the wards' home not reported on the inventories
  - Kickbacks**—real estate of wards is consistently undersold to real estate agents then resold at a higher price (See accompanying folder titled "Fierle properties, as a sampling)

## **I. EXAMPLE OF "MEDICAID FRAUD AND ABUSE THROUGH ENROLLMENT" COMMITTED BY REBECCA "FIERLE"**

**Rebecca Fierle and Constance M. Buchanan (employee of Rebecca Fierle at Geriatric Management, and now owner of her own two companies "Simply Medicaid," and "Simply Medicaid and Guardianships")** are employed by Florida Hospital in Orlando, Florida as "Medicaid Specialists." They go to patients' rooms to determine if the patient qualifies for Medicaid. Fierle is also employed by Shands Hospital in Gainesville, Florida as a "Medicaid Specialist" as verified on the PAPG for Ulita Edris Lopez. In several cases, when it is determined that the patient has substantive assets, a petition for guardianship is taken out immediately, even before it has been determined whether or not the

patient has family members. This modus operandi is used repeatedly in a plethora of Fierle guardianship cases. Following is what a typical PAPG (Petition for Appointment of Plenary Guardian) might state (example included from the guardianship file of veteran Charles DeYoung)\*

[\*Usually, these petitions and accompanying orders are fulfilled very quickly, ex parte, with the victim not even present in court for the judge to see whether or not the victim is truly mentally incompetent, under the pretext that there is an “emergency” going on, so that the guardianship over the person and property can be obtained very hastily. These petitions are never denied by the judges.]

**HOW THE FRAUDULENT GUARDIANSHIP COMMENCES:  
[generic example from a typical Fierle case]**

“Petition for Appointment of Emergency Temporary Guardian” (Charles DeYoung) (Orange County Case #48-2012-CP-194-O)

3. Petitioner is an adult interested in the welfare of the alleged incapacitated person.
4. There appears to be an imminent danger that the physical or mental health or safety of the alleged incapacitated person will be seriously impaired or that the property of that person is in danger of being wasted, misappropriated or lost unless immediate action is taken because: The proposed ward was admitted to the hospital with no family or surrogate to make medical decision for him and the hospital requires a medical decision maker. Further it has been discovered that the alleged incapacitated person has substantial assets and such assets are subject to risk as he is a vulnerable adult.

8. The proposed plenary emergency temporary guardian should be appointed because there is no family to serve. [January 27, 2012]

[Fierle later discovers a daughter, but Fierle mostly always alleges that there is no family, even if there is, or she puts down wrong addresses for family members so that they never learn that their loved one has been placed under guardianship or they learn too late, after the fact.]

Fierle lists a bank account as DeYoung’s only asset, although his neighbor friend and fellow veteran claims that DeYoung stored a substantive amount of cash in his apartment. [Verified by interviewing Robert D. Richardson, 1101 Lee Road, Apt.

22, Orlando, FL 32810, (407) 949-2354, long term friend and fellow veteran]. Fierle also failed to list social security, retirement, and Veteran's assets as other sources of DeYoung's annual income. [Typically, Fierle under-reports or does not report these sources of income.]

**STEP TWO OF SCHEME TO DEFRAUD AND MEDICAID FRAUD  
[generic example from a typical Fierle case] [SEE "f"]**

Prior to DeYoung even being declared "mentally incapacitated" (all victims are always found to be "incapacitated"—some truly are; however, several are not), Fierle was already at the bank moving DeYoung's money without Court authority.

Here is what Fierle filed into the court record on February 9, 2012 prior to even being appointed the ETG (Emergency Temporary Guardian). (Fierle was not appointed the ETG until February 13, 2012 and "Letters" of authority were not issued until March 7, 2012)

However, without court authority and without the status of even being the ETG, Fierle petitioned on February 9, 2012:

"Petition for Order Designating Depository for Assets (Investment Powers)"

Fierle had already discovered a Bank of America Money Market Account and already knew what this account was worth prior to being appointed as the ETG.

"Petitioner will receive assets of the Ward described as follows:

[How did Fierle know that she would be receiving these assets when she was not yet even appointed the ETG?]

"Bank of America Money Market Account #XXXXXXXXX which petitioner desires to deposit with a depository as provided by Section 69.031, Florida Statutes, and Section 744.351(6) Florida Guardianship Law, for safekeeping and prudent investment under Chapter 518, Florida Statutes, provided however the petitioner shall be authorized to withdraw \$50,000.00 from Bank of America Money Market Account #XXXXXXXXX to establish a standard guardianship account for the Ward with which to pay the Ward's bills and expenses. Petitioner has a blanket bond for \$50,000.000.



3. Because of the substantial value of the intangible assets of the Ward and requirements of the Internal Revenue Code, petitioner believes that it would be in the best interest of the Ward for the intangible assets of the Ward to be placed with a designated financial institution which can provide investment services as well as safekeeping of funds.

4. Merrill Lynch, whose address is 400 Park Avenue south, Suite 300, Winter Park, FL, 32789, is a financial institution doing business in this state which offers both safekeeping and investment services and is willing to act as the designated financial institution under Section 69.031, Florida Statutes and Section 744.351(6), Florida Guardianship Law, for safekeeping and investment of the intangible assets of the Ward.

Petitioner requests that an order be entered:

- (a) Designating Merrill Lynch as depository for the intangible assets belonging to the Ward, pursuant to the provisions of Section 69.031, Florida Statutes and Section 744.351(6) Florida Guardianship Law.
- (b) Directing that any person or corporation having possession or control of any intangible assets belong to the Ward shall pay and deliver such assets to the designated depository upon its demand and that the receipt of the depository shall relieve the person or corporation from further responsibility therefor.
- (c) Authorizing the depository to hold the assets of the Ward received by it in a fiduciary account for the benefit of the Ward and to **invest and reinvest** the assets in accordance with the standards set for in Section 518.11, Florida Statutes, and Section 744.444(10), Florida Guardianship Law.
- (d) Authorizing the depository to invest the assets of the Ward in one or more Consolidated funds in which separate fiduciary accounts have undivided interests, provided a separate account is maintained for assets of the Ward.
- (e) Directing the depository to hold all assets of the Ward received by it and all interest, dividends, principal and debts collected by it on account thereof in safekeeping, subject to instruction of petitioner authorized by order of the court directed to the depository, except that the depository shall pay directly

to the Internal Revenue Service all federal income tax incurred by the Ward, from time to time, without further order of the court.

**(f) \*Authorizing the depository from time to time to deduct a reasonable amount for its service and expenses from the assets held by it, pursuant to Section 69.031(4), Florida Statutes.**

(g) Directing the depository to file with the court its acceptance of the designation as depository as its receipts for all assets of the Ward received by it, and to serve a copy thereof on petitioner.

*“Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.”* [February 9, 2012]

[Please take notice of “f” in particular, above. Shortly after filing this petition, which was never granted by court order, instead, Fierle/Attorney Moss petitioned to have DeYoung transferred to Seminole County where there is no oversight and no court monitoring or auditing. Therefore, DeYoung’s money is being tampered with illegally at the present time.]

[At the present moment, Fierle has placed DeYoung in Arden Courts, which is not a Medicaid facility. However, Fierle’s records will double the amount of billing. For example, if the facility charges \$6,000.00 per month, Fierle will claim that she is paying the facility \$12,000.00 a month and shortly thereafter, she will say that there is no money left.]

**DOB for Charles DeYoung:** June 8, 1931

[Although it appears that DeYoung has not yet been enrolled in Medicaid, below are examples of wards with substantive assets who were enrolled in Medicaid while they had substantive assets and for which Medicaid later placed a claim against the estate:]

**\*A SAMPLING OF WARDS WITH SUBSTANTIVE ASSETS WHO WERE FRAUDULENTLY ENROLLED IN MEDICAID BY REBECCA FIERLE:**

**EUGENE ALLEN** (see “DOCKETS” accompanying this report for details)  
(DOB) 4/9/32) –Fierle’s docier indicates a deed and joint bank account with Allen)  
**LOUISE A. FALVO** (enrolled by Fierle into Medicaid while Falvo had more  
than \$700,000.00 in liquid assets—all converted into attorneys and guardian fees)  
**HELEN L. PHILLIPS** (**Complete** court file is available, upon request.)  
**MARION COPLEY** (Medicaid claim of more than \$53,000.00) (Extensive  
interviews with family members who suspect fraud.)  
**ANGELINA RIDORE** (Medicaid claim of more than \$82,000.00)  
**FELIX ORTIZ**  
**WILLIAM TROWBRIDGE**  
**ANNA H BAIRD**  
**HYACINTH LYNCH**

[\*For a complete list of wards with substantive assets who have been  
fraudulently enrolled into Medicaid, see the accompanying “docket  
summaries.”]

## **SCHEME TO DEFRAUD**

Another scheme used by Fierle and her attorneys is to place the assets of the ward  
in a “Guardianship Pooled Trust.” These trusts are specifically supposed to be  
used for the care of the ward. When applying for such a trust, Fierle typically  
writes that she needs the trust to pay for eyeglasses, doctor’s visits, hair  
appointments, outings, **guardian fees** and **attorneys’ fees**. Notice the last two  
categories because this is what the assets of the ward are converted into. In many  
cases, the assets of the ward go completely unaccounted for.

A copy of the contract that Fierle always signs (Guardian Pooled Trust) can be  
found here:

<http://www.guardianpooledtrust.org/file/document/Guardian%20Pooled%20Trust%20Joinder%20Agreement%20version%201.10%20Fillable.pdf>

**(Victims currently under the Guardian Pooled Trust include (but are not  
limited to): Ulita Lopez, Gladys Shultz, Patricia Krull, Julia Andon, Leroy  
Barnes)**

**II. 15 FIERLE CASES WHERE THERE IS STRONG EVIDENCE OF EMBEZZLEMENT, MONEY COMPLETELY MISSING/Scheme to Defraud (indicating that AG prosecution is warranted—additional files available upon request from this investigator)**

**EXAMPLES--WARD'S ASSETS COMPLETELY MISSING (STRONG EVIDENCE OF EMBEZZLEMENT/Scheme to Defraud)**

**1. CARLISLE BOSWORTH (Seminole County—deceased)**

**Guardianship is commenced on**

**Assets are noted to be approximately \$250,000.00**

**However, seven months later, assets are noted on the docket to be only \$150,000. (\$100,000.00 missing in four months.)**

**2. GUARDIANSHIP OF DEBRA DUFFIELD**

**2006-GA-001843 (Guardianship is open.) (Seminole County)**

**Most of Duffield's \$5 million have been converted into attorneys' fees and guardian fees with several millions completely missing. Duffield is a Medicaid recipient. Attorney Anthony Nardella took a piece of property that was in Duffield's name and gave to a corporation called "Red Herring Holdings" in Oviedo, Florida. I have visited the address listed for "Red Herring Holdings" in Oviedo, Florida and it is a P.O. Box in a UPS store. A good source of information on theft against Duffield is: Claire M. Coco Cell phone—(407) 860-0005 and Suzanne McCord. (McCord signed a sworn affidavit regarding the missing assets which I have in my possession.)**

**3. ANTHONY WASCHEVSKI (59-2011-GA-002140) (Seminole County case, transferred from Orange County). Verified missing assets and appearance of embezzlement by daughter Jan Rutkowski whom I interviewed on December 24, 2011. (407) 310-1787, 1970 Bentwood Drive, Winter Park, FL 32791**

[Waschevski has substantive assets which include oil stocks, Wells Fargo Checking Account, Wells Fargo Money Market, and a Mobile Home and contents of home (contents of home not listed). I spoke briefly with daughter Jane Rutkowski, 1970 Bentwood Drive, Winter Park, FL 32791 on December 24, 2011 at approximately 6 p.m. She stated that Rebecca Fierle told her she is NOT allowed to see her dad because he does not want to see her and that if she tries to go to the nursing home, she will be in trouble. Fierle had the entire file transferred from Orange to Seminole and then sealed up.]

**4. GLADYS SCHULTZ Orange County: 48-2010-CP-474-O**

**EVIDENCE OF MEDICAID FRAUD:** Billing statement of TPM (Attorney Thomas P. Moss) shows that there is a **Medicaid application** despite the fact that Shultz has substantive assets exceeding well over \$2,000.00 (9/12/11)

(9/28/11) Pooled trust—A copy of the agreement that Fierle signed naming herself as the trustee is here:

<http://www.guardianpooledtrust.org/file/document/Guardian%20Pooled%20Trust%20Joinder%20Agreement%20version%201.10%20Fillable.pdf>

**This is how the trust works:**

Upon the death of the Beneficiary, NNAD will retain 5% with a minimum of \$5,000 and a maximum of \$50,000. Then, to the extent that the law permits and sufficient funds remain, NNAD will fulfill the Medicaid Trust Lien and release remaining funds to the estate of the Beneficiary. **If there would be no funds for the estate, the trust retains all funds.**

This information can be found at:

<http://www.guardianpooledtrust.org/file/document/Guardian%20Trust%20Fee%20Schedule%20November%202011.pdf>

**Guardian Pooled Trust (d)(4)(C)**

Enrollment fee of \$500.00

Annual Administrative Fee – No  
Greater than \$500,000

Minimum  
Balance:

1.5 %

2.25 %        \$250,000 -  
                     \$500,000

3.0 %        Less than  
                     \$250,000

Here is the information from the website on what a Guardian Pooled Trust is all about: <http://www.guardianpooledtrust.org/available-trusts/guardian-pooled-trust/>

**\*Fierle and Moss then make sure that everything is spent down so that there is nothing left and they won't have to reimburse Medicaid.**

- 1. EVIDENCE OF EMBEZZLEMENT: Most likely fake bills (no actual receipts filed into the court record—just a grid with alleged bills and prices listed) were filed in by Fierle on May 13, 2011 in response to a report by the auditor.**

**It appears that most of these bills would be covered by Medicaid/Medicare, such Orlando Heart Center, First Response Ortho, Radiology Specialist of Florida, Florida Physicians Medical, Primary Care Specialists.**

- 2. EVIDENCE OF EMBEZZLEMENT: Fierle petitions for “retroactive” payment of her fees and expenses.  
“Retroactive” payment means that Fierle had to cook the books because she got caught.**

**Again, she puts into the record a list of alleged expenses (Exhibit A) with no actual receipts to verify, thus “satisfying” the auditor’s curiosity.**

**There is no explanation of what these fees and expenses actually mean.**

- 3. EVIDENCE OF EMBEZZLEMENT AND FRAUD: Read #17 on page three “As such, beneficiaries pursuant to the Ward’s estate plan will likely not receive any funds upon the Ward’s death.” (#16 states**



**7. EVIDENCE OF PERJURY/FRAUD UPON THE COURT/MAIL FRAUD/POSSIBLE TWO FORGERIES ON U.S. MAIL RETURN RECEIPTS:**

See: “Appoint of Successor Trustee” (Exhibit C) which states:

“Whereas Jack Edward Shultz and William Brad Shultz have declined to serve as co-trustees, and attached hereto are a copies of the declinations to serve as co-trustee.” **As clearly can be seen on this document, the signature of Jack Edward Shultz is completely missing (left blank) on this document. (Notice that the mail stamp is missing twice on the two certified mail documents to Jack Edward Shultz )**

**Investigator Woodhull’s Notes from the Court records of GLADYS SHULTZ**

**PAPG—filed on 3/8/2010**

**Shultz is alleged living at Ashton Palms at the current time. (Same place where 64 year old Anne Fleshman is located.) 36 W. Ester Street, Orlando, FL 32806. Shultz has been moved repeated, like Larkin.**

**87 years old at the time PAPG was filed.**

**DOB: 9/21/22**

Shultz was at the Rehab. Center of Winter Park, 1700 Monroe Ave., Winter Park 32751 when Fierle filed the PAPG.

PAPG—“dementia, cognitively impaired, confused and it is not safe for her to be in her home alone.”

ORDER—“limited” guardianship granted April 7, 2010

Order Approving Limited Guardianship—all rights removed except for social environment and social aspects of her life.

No bond required of Fierle.

Court Appointed Attorney = Heather C. Kirson

Report of Clerk: Audit Fee Missing April 29, 2010



Clerk's Report: May 10, 2010

Missing:

Physical and mental health care

Personal and social services

Residential setting

Application of Insurance

Physical/mental health exams

(all missing)

[Auditing Clerk: Mary Lynn Jewell]

### **REPORT OF AUDITOR [5/11/10]**

An administrative review of the file and review of the inventory file reveals the following:

1. It appears the Petition for Appointment of Plenary Guardian reflects a SunTrust bank account; however, there was no bank account listed on the inventory.
2. It appears the medical bills were not attached as reflected in the inventory.
3. The Inventory reflects there is a Trust in the name of the Ward. A copy of the Trust has not been filed with the court.

Respectfully submitted on this the 11th day of May 2010.

Mary Lynn Jewell, Deputy Clerk.

(submit your response no later than 6/11/2010, the clerk stated to Fierle)

9/27/11—Shultz moved (once again) to Ashton Palms because it is “less restrictive,” Fierle states on the petition.

(I would imagine it also costs less than the previous place and so Fierle can pocket the difference. She may also be attempting to hide Gladys from her son, Jack.)

Fierle appointed the Trustee by Judge Stroker on January 3, 2010 (no longer Shultz's two sons)

### **June 3, 2010 Order to Close Central Florida Credit Union Accounts**

[Note: Fierle states that she is the “guardian” rather than the “limited guardian” on this petition.]

“On the petition of Rebecca Fierle as Guardian of the person and property of Gladys M. Shultz, to be appointed successor trustee of Gladys M. Shultz, dated August 22, 1990, as amended and restated on December 19, 2003, the Court having examined the file in this proceeding and having considered the evidence presented, an finding that the material allegations of the petition are true and being fully advised, it is hereby adjudged and ordered:

1. Central Florida Education Credit Union is directed to close Share Savings Account #96 and deliver funds to Rebecca Fierle, Trustee of the Gladys M. Shultz Trust, with no penalty to the Ward.
2. Central Florida Education Credit Union is directed to close COD account # xxxx and deliver funds to Rebecca Fierle, Trustee of the Gladys M. Shultz Trust with no penalty to the Ward.
3. Central Florida Education Credit Union is directed to close COD account # xxxx and deliver funds to Rebecca Fierle, Trustee of the Gladys M. Shultz Trust with no penalty to the Ward.
4. Central Florida Education Credit Union is directed to close Money Market account suffix #5 and deliver funds to Rebecca Fierle, Trustee of the Gladys M. Shultz Trust with no penalty to the Ward.
5. Central Florida Education Credit Union is directed to close all accounts in the name of Gladys M. Shultz Trust and deliver funds to Rebecca Fierle, Trustee of the Gladys M. Shultz Trust with no penalty to the Ward.

6. Rebecca Fierle shall deposit all funds into an account in the name of the Gladys M. Shultz Trust with Rebecca Fierle as Trustee.
7. Rebecca Fierle shall have accounting obligations to file Trust Accountings annually with the guardianship courts.

Judge Stroker June 3, 2010

**[EXCERPTS FROM] PETITION FOR APPROVAL OF SALE OF PERSONAL PROPERTY**

4. The ward's health is such that she is not able to return to her home.
5. In order to have the home ready to list and sell, personal property needs to be disposed of and the Ward live in the Rehab. Center of Winter Park and does not need any of the property. (5/3/2010)

Order Granting Sale of Auto—June 3, 2010

Order Granting Sale of Personal Property—June 3, 2010

June 3, 2010—buyer of Shultz's home: Sharon Putnam, 1409 Cole Road 32803  
\$126,000.00

June 15, 2010—Order for Sale of House

(It appears that Putnam is either a real estate investor or realtor also associated with  
6854 Bittersweet Lane, Orlando

**Court records show a balance of \$50,000.00 of all of Shultz's assets by  
5/31/2011. (EMBEZZLEMENT: Note: House alone sold for \$126,000.00)**

**5. Faye Elizabeth Arnold**

Case No. 2003-CP-001043-O

Case No. 2007-CP-000991-O

**Attorney for Guardian:** Ian Leonard Gilden  
Guardianship is **open**.

**Petition/Motion for Guardian's Fees *Retroactive Payment* : 09/28/2011**

**Estimated Annual Income: \$44,455.00**

**DOB: 03/16/1927**

**MISSING: (at least) \$38,000.00 - \$56,000.00**

**EMBEZZLEMENT(STRONG EVIDENCE)**

**FINANCIAL EXPLOITATION OF THE ELDERLY**

**ELDER ABUSE (PHYSICAL NEGLECT) (VERY STRONG EVIDENCE)**

**(This report includes video Footage of Faye Elizabeth Arnold's swollen feet—  
medical neglect. Video footage ill be provided upon request.)**

1. On 8/31/2010, Fierle filed a four page document “Petition by Guardian for Authority to Establish and Fund a Special Needs Pooled Trust for the Benefit of the Ward.” This document states that the assets of the Arnold at that time were **\$55,486.38**.
2. On October 19, 2011, Fierle and Gilden filed a “Petition to Wave Annual and Future Accountings” claiming that there is now a ZERO balance of Arnold's assets.
3. An examination of expenses for Arnold during 8/31/2010 – 10/19/2010 are as follows:

First Petition for Attorneys' Fees = \$6,911.60 (3/20/07)

Personal needs = \$500.00

8/11/09 (Care costs) = \$4,967.66

1/4/08 (care cost) = \$1,239.30

Second Petition for Attorneys' Fees = \$1,428.82 on August 4, 2009

Third Petition for Attorneys' Fees = \$1,743.10 (for a total of \$10,083.52 altogether since 2007) (1/13/2010)

Fourth Petition for Attorneys' Fees = (August 12, 2010) \$2,738.48 for a grand total of \$12,822.00 in attorney's fees.

4. NONE of these attorneys' fees billing statements would be taken out of the **\$55,486.38** would be the last attorneys' fees billing statement was

filed on **8/12/2010** and the assets of **\$55,486.38** were reported on **8/31/2010**.

- 5. Since September 1, 2010, the only expense therefore of the Arnold would allegedly be the expense to Metro West of allegedly \$1,500 per month.**

**\$1,500.0 per month X 12 months = \$18,000.00**

**Therefore, ~\$56,000.00 minus \$18,000.00 = \$38,000.00 missing**

**The records also show there is \$1,547.00 a month in social security coming to Arnold which were therefore almost completely cover the monthly alleged living costs at Metro West of allegedly \$1,500.00**

**Therefore, there is actually a potential ~\$56,000.00 MISSING.**

- 6. There is also a “Report of Auditor” attached here to this report.**
- 7. Fierle’s response to the auditor includes an invoice with no receipts attached. This inventory of alleged expenses is attached to this report.**
- 8. On 8/28/11, Fierle ask for “retroactive” payment of these expenses.**

**Generally when Fierle asks to be “retroactively” paid, it means that she got caught by the auditor and has to cook the books.**

**FAYE ELIZABETH ARNOLD** was extensively researched in Investigator Woodhull’s First Wave Investigations. This is the case where Faye was put under guardianship back in 2003 but her son got her out of it and brought her back home. Then in 2007, William Harold Arnold was struck on his motorcycle by TINA HOLLAND who was charged with “running a red light” because she looked down at a bag of doughnuts she was eating. On that date that William Harold Arnold was struck on his motorcycle, Fierle goes ahead and files a death certificate on him. However, William does not die, so Fierle has to withdraw the death certificate and file a new one three months later. On the date that William Harld

Arnold is struck on his motorcycle, an ambulance is sent to the home of Faye Elizabeth Arnold and she is put under a Fierle guardianship for the second time.

**10. MISSING FROM THE INVENTORY:** Faye's jewelry, such as her **diamond wedding rings; a brand new piano** (which Fierle claimed she "donated" for free to a church), all of Faye's clothing, expensive furniture, and all contents of house. (These missing items were completely verified in an in-person interview with Faye Elizabeth Arnold.) Also missing (cruelty): All photos of her son, not even one was provided to Faye. The piano had just been purchased (paid for in full) just a few months before the motorcycle homicide. William played the piano for his church. When I interviewed Faye Elizabeth Arnold, she appeared to be totally mentally competent.

She was completely aware of what Fierle had done to her and her son.

Additionally, the court record of William Harold Arnold shows that Fierle did not pay his medical bills and instead published a "notice to creditors" in an obscure paper and then wrote a "too bad/so sad" letter to the creditors when it was past the 90 days.

## **6. LEROY BARNES**

Case No. 2011-CP-002047-O

**Attorney for guardian:** Thomas Moss

**Count appointed attorney:** Kyle Fletcher

**Guardianship commenced:** 09/30/2011

Guardianship is **open**.

**DOB:** 01/27/1927

**Order for Attorney's Fees Retroactive:** 12/07/2011

**Petition/Motion for Attorney's Fee Retroactive:** 12/02/2011

**Order for Attorney's Fees:** 04/19/2012

**Proposed Order(s) Sent to Judge *Order on Attorney's Fees*:** 04/18/2012

**Petition/Motion for Attorney's Fees:** 04/16/2012

### **EMBEZZLEMENT**

1. (PAPG) Leroy Barnes DOB: January 27, 1927 (age 84)

Already in a facility at time PAPG was filed: Orlando Health and Rehab., 830 W. 29<sup>th</sup> Street, Orlando, FL 32805

Alleged reasons (by Fierle) for PAPG: "hypertension, diabetes, lack of coordination, dementia and short term memory loss"

Relatives: Regina Barnes, daughter DOB: 9/1948

Park Towers  
133 Third Avenue  
Hutchinson, MN 55350  
Park Towers are HUD apartments for Seniors 133 3rd Avenue  
Southwest Hutchinson, MN 55350-2400  
(320) 587-2168

Property listed on PAPG: Mobile home and Wells Fargo bank account (SS not listed) (find out if he is also a veteran)

1. Observations by Clerk of Court filed on 12/2/11 noted no physical or mental health exams had ever been filed. **This has not been corrected. If corrected, there would be a second observation filed by the clerk. The docket shows no second observation sheet has been filed.**
2. **A pooled trust has been approved. A pooled trust means there are substantive assets. On the pooled trust, Fierle states she needs to spend the money on “trips out the building with activities department,” “dental care,” “eye care,” “hearing aides,” “caregiver,” “legal fees” and “support of homestead property.”**

**But keep in mind that on Fierle’s PAPG, it alleges that Barnes suffers from lack of coordination, dementia, hypertension, diabetes, and short term memory loss, so he is not in good enough physical shape to go on any outings with the activities director and also would be too great of a liability to the facility.**

3. The three doctors who declared Barnes mentally incapacitated:
  - Ballentine
  - \* Bob Decker
  - Mavrides
4. Fierle claims she is paying \$6,000.00 for Orlando Health and Rehab. In actuality, the month bill at Orlando health and Rehab. is: (Call Carolyn Jones on her cell phone at (407) 259-9262) Desk clerk says they accept insurance, so there could actually be a monthly payment of ZERO if Fierle put Barnes on Medicaid, there is a bill of ZERO for his living expenses per month, not \$6,000.00. Orlando Health and Rehab. accepts Medicaid.

## **7. Investigation of the file of INVESTIGATION OF THE GUARDIANSHIP OF ULITA EDRIS LOPEZ (age 60)**

**This is a guardianship that was opened in Alachua County because Lopez had been living in Gainesville, Florida. The petition says that she had been running to catch a bus when she was struck by a car and consequently suffered extreme brain damage to the point that she will need 24 hour supervised care for the rest of her life and that she must wear a helmet.**

**A Gainesville attorney who, Steve Turnage, for some reason, had *already* been representing this Philippine woman even PRIOR to the car accident occurred. (Steve Turnage—I believe the reason why Lopez had already contacted Turnage is because she needed some type of legal assistance with getting back to the Phillipines.) While they were waiting for the settlement, the attorney, Steve Turnage, claimed he was keeping all of Lopez’s belongings, including a couch, dining room table, etc. stored at his office. (Do you believe it?) I have actually been to Steve Turnage’s office and it is quite small and it is upstairs. Would movers have hauled furniture (dining room table, couch, etc.) up the stairs and into his cramped, little office? I think not. After the settlement cheque of \$150,000.00 arrived, it was divvied out to all the attorneys involved, and to Fierle, with \$23,000.00 that was then put in one of those pooled trusts from the Guardian Trust Account company in Clearwater, Florida. At that time, Fierle petitioned to put transfer Lopez to Orange County so that Fierle could better take care of her. Lopez is now located in Ionie’s Assisted Living Facility, which according to victim Richard Larkin, only holds about eight people and it would not be suitable for a person with total brain damage. Attorney Moss is now representing Fierle and when Fierle obtained the Trust for Lopez, she also simultaneously petitioned for a cremation on Lopez.**

**The attorney billing statements for Turnage clearly show that Lopez begged them on several occasions to go back to the Phillipines. Perhaps this is why she contacted Turnage in the first place because the inventory shows “16 suitcases filled with clothing.” Also, if she was a complete vegetable, she could not be stating repeatedly that she wishes to move back to the Phillipines.**

Here are some of the documents I copied word for word from the Orange County court file—the court records that were transferred from Alachua County.



January 30, 2011. The court document is titled: “**Inventory of items held at Attorney Steve Turnage’s Office**”

[Do you believe it?? This is really hard to believe—“all within his office”]

**16 suitcases**—filled with clothing [sounds like she was getting ready to leave the country to me when suddenly she is struck by a car and then held hostage in a guardianship, transferred to Orlando]

2 empty plastic clothing bags

1 wooden plate

1 couch

1 stuff [sic] chair

2 mirrors-wooden

1 aluminum toiletry box

1 brief case – paperwork

2 large boxes of clothing

1 large clear bag of clothing

1 glass cake plate

2 ceramic vases

1 dining room table with 4 chairs

6 large garbage bags—household linens, towels, sheets

e-mail for Fierle: [rfierle@gmail.com](mailto:rfierle@gmail.com)

Social security # listed for Fierle: 593-20-3367

DOB for Fierle: 6/19/67

(407) 895-0504

SS# for Lopez: 767-03-4788

Medicaid # for Lopez: 9469773179

On the trust application, Fierle stated that Lopez suffers from “**dementia and physical limitations.**”

When listing what she will spend the trust on, Fierle stated:

--private duty caregiver [There is no private duty caregiver at Ionie’s Assisted Living for Lopez. I have been there and videotaped Lopez who seems competent and self sufficient.]

--dental  
--eyeglasses  
--transportation  
--personal items  
--hair cuts  
--hearing aids  
--**legal fees**  
--**guardian fees**

Application for trust filed September 14, 2010

“I, Jennifer Ruiz, the undersigned duly appointed representative of the Guardian Pooled Trust, hereby acknowledge receipt and affirm deposit of \$23,038.03 in the Pooled Trust sub-account G1556 established and administered for the **sole benefit** of Ulita Lopez on Sept. 23, 2010.”

Jennifer Ruiz, Adm.  
The Guardian Pooled Trust

The insurance claim and people who hit Lopez with their car:  
Akintola Shenbanjo, Felicia M. Shabango  
Progressive American Ins. Co.  
Policy number 76762879-000  
Policy limits of \$100,000 and \$50,000 (#28486463-000)

### **ORDER**

Steven. D. Turnage, Esq. is authorized to distribute the settlement proceeds as follows:

Attny’s fee to Turnage \$30,160.40

Attny’s fee to Earnest Sellers (Fierle’s attorney) \$4,603.92

Attorney James E. Hendricks, Esq—court appointed ad linem \$1,650.00

Fierle--\$1,739.98

Alachua County Fire and Rescue \$350.00

Blue Cross/Blue Shield \$35,326.65

Gulf Coast Collections for UF Physicians \$1,198.32

**\*Medicaid (c/o ACS Recovery Services) \$51,932.20**

(\*doubtful—I would ask that the HHS look into this and see if such a bill was really paid.)

Net Recovery to Guardianship = \$23,038.03

3. “All net settlement proceeds after payment of the sums above shall be disbursed to the ward’s sub-account in the Guardian Pooled Trust as established pursuant to a separate order of this court. No disbursements of said funds will be allowed except pursuant to court order.”

Son of Lopez:

Jonie L. Calibo

Blk 11 Lt.16 M. Phase 3

Alta Subd. Tiguma

Pagadian City

7016 Mindanao, Phillipines [I have spoken by phone with Mr. Calibo who would like to come to the United States and rescue his mother. His cell phone is: 011 63 907 532-7744]

#### **SUMMARY OF FACT PATTERN**

“On March 25, 2008, the ward was running across a highway attempting to catch a bus. She was struck by a vehicle and sustained severe head injuries, resulting in

Multiple surgeries and her current incapacity. A copy of the accident report is attached hereto as Exhibit A. The vehicle was owned by Akintola Shenbanjo and driven by Felician M. Shenbango. Ins. Coverage was available through Progressive American ins. Policy # 76762879-000 and 28486463-000 policy limits of \$150,000 . . . .

There is no action pending in any court in Florida concerning this case.

Cause of action = negligence

Committee who determined Lopez to be mentally incapacitated:

Scully, RN (same as in the Louise A. Falvo case)

Alene O. Nicols, RN received \$300

Tonia Werner, psychiatrist received \$500 (same as in the Louise A. Falvo case)

Deborah Brunagin, Director of Social Services, Parkland (same place where Louise A. Falvo died)

**PAPG FOR LOPEZ STATES:**

**“Petitioner (Rebecca Fierle) was originally retained and paid by Shands at UF to enroll Ms. Lopez in Medicaid disability and long term care and to apply for SS Disability. Petitioner has completed that work.”**

**[This is very important to know. This is proof that Rebecca Fierle works for Shands at UF; this is where Louise A. Falvo was overmedicated and this is where Fierle filled out illegal paperwork to put Louise A. Falvo on Medicaid. This is proof of MEDICAID FRAUD in the Louise A. Falvo case.]**

Ionie’s Assisted Living  
3447 Alissa Court  
Orlando, FL 32808  
(407) 293-7967

She has been there since June 29, 2011.

Lopez stated repeatedly that she wants to go back to the Phillipines.

PAPG was filed on May 22, 2009

Funeral expenses \$905 cremations was paid for on April 21, 2010. (11 months after guardianship was commenced.) (What will happen to Lopez with the remaining \$23,000.00 runs out?)

## **8. Investigation of the Court File of Patricia Ann Krull**

**EMBEZZLEMENT**

**MEDICAID FRAUD**

Case No. 2005-CP-002888-O

**Attorney for Guardian:** Ian Leonard Gilden

**Guardianship commenced:** 1/14/2005

Guardianship is **open**.

**Report of Auditor:** 4/29/2008

**Response to Auditor:** 5/19/2008

**Report of Auditor:** 5/19/2009

**Response to Auditor:** 6/16/2008

Petition Exempting Guardian from filing future accountings: 10/19/2010

Observation: 10/29/2010

“The proposed Order Waiving Annual Accounting and Future Accountings is being returned because the court **denied** your Petition.”

Petition for *retroactive* attorney's fees: 6/10/2011

DOB: 12/12/1941

[Extensive report on this file by this investigator.]

**Location of ward:** Sanjean Assisted Living

### **REPORT OF CLERK (3/7/2007)**

“The annual guardianship report was not timely filed.”

One of the three doctors who declared Krull mentally incapacitated:

Dr. Bobek 2/15/07

First bill of Attorney Gilden: \$4,685.92

Order on March 5, 2007

### **REPORT OF THE CLERK RE: ANNUAL GUARDIANSHIP REPORT**

Missing from annual Guardianship report:

Physical and mental health care

Personal and social services

Residential setting

Application of Insurance

Physical/Mental Health Exams

June 20, 2007

Yet, on June 21, 2007—with all of this missing, the **judge approves the annual guardianship report anyway.**

On March 5, 2008—Gilden pays \$15 for an audit fee and sends a letter to the clerk of court.

### **REPORT OF CLERK [4/29/2008]**

Missing:

Service

Annual financial return

Audit Fee

### **REPORT OF AUDITOR [4/29/2008]**

An administrative review of the file and review of the annual accounting filed for period 2007-2008 reveals the following:

1. It appears that disbursement was made on 2/5/07 in the amount of \$208.41 toward Geriatric Care Management which states invoice attached. Statement reflecting guardian's detailed activity was omitted.
  
2. It appears that bank overdraft fee in the amount of \$35.00 was withdrawn on 5/7/07 from ward's checking account. Please reimburse funds back into ward's account. [April 29, 2008]

There is a cheque from Geriatric Management, Inc.

BOA account # 003902: 063000047: 898001565442

Check # 3902 for \$35.00.

Response filed May 16, 2008.

Invoice "paid" writes Fierle.

(no actual receipts attached, as usual)

Bill to:

ATG Trust Company  
 15 Wacker Driver, Suite 240  
 Chicago, IL 60606-4650  
 FBO Patricia Krull

DESCRIPTION	AMOUNT
Water	4.19
Shopping Walgreens	40.55
Total Reimbursable expenses	44.24
Guardianship service @ \$50.00	162.50
Postage	1.17
Total:	208.41
12/1/06            PC to attorney	12.50

12/14/06	facility visit	39.50
	Phone call	12.50
	Shopping and delivery	25.00
12/21/06	delivery	12.50
	Facility visit	12.50
	Expense recovery	40.55
12/31/06	expense recovery	1.17
12/21/06	expense recover	4.19
12/3/06	clerical	50.00
TOTAL		208.41

WALGREEN'S RECEIPT ATTACHED with the name "Patricia Krull" scribbled on top of it by Fierle

UNO CARD GAME	5.99	Note: Fierle has small children.
DOMINOE	6.99	
R/A ROLL DESK believe it?	5.99	This is a curious item to buy for a "ward." Do you believe it?
C/C/B SET	3.99	
PRES/MOM'S PLUS for the W?	7.99	Do you really believe Fierle bought Mom's vitamins for the W?
BUTTERFINGER 13 OZ.	3.29	
CHEESE NIP 12.5	2.29	
Pringles 6 oz. Believe it??	1.79	Junk food purchased for an elderly woman???
Subtotal	38.32	

Sales tax	2.23
TOTAL	40.55
DEBIT CARD	40.55

Receipt dated: December 20, 2008 (Did she actually visit Azalea Manor on December 20<sup>th</sup>, 2008? There should be a record at the facility—a sign in sheet)

[According to Krull, she never received any of these items.]

Patricia Krull was allegedly located at: Azalea Manor  
150 Willow Drive  
Orlando, FL 32807  
March 2, 2009

### **REPORT OF CLERK**

Clerk Reports the following items as Missing:

Service to ward (since it's a "limited" guardianship, the "ward" is supposed to get all copies)

Annual financial return

Audit fee

### **REPORT OF AUDITOR**

An administrative review of the file 2008-2009:

1. It appears SS income was deposited monthly; however, sporadic payments were made to the nursing facility without explanation (5/08-7/08) (\$1,460.00 each payment) Evidence the nursing home facility is current should be filed.
2. It appears a pre-need funeral contract was purchased without prior court approval. Documents for retroactive approval should be filed.
3. It appears service of copy of the accounting to the ward was omitted, required pursuant to the limited capacity. [May 19, 2009]

### **OBSERVATION BY CLERK**



Copies of billing statements for guardian's fees payable to Geriatric Mngt. For the following were omitted from the annual accounting:

5/19/2009	\$467.89
9/8/2009	\$1,534.97
9/24/2009	\$264.45

[Reviewed 5/19/2010]

## **RESPONSE TO OBSERVATIONS**

1. The guardian has attached Exhibit A copies of the billing statements for guardian's fees payable to Geriatric Management for the payments made on May 19, 2009 in the amount of \$467.89, Sept. 8, 2009, in the amount of \$1,534.97 and on 9/24/09 in the amount of \$264.45.

“Under penalties of perjury . . . .” June 2, 2010

KRULL is now at Sanjeans where LARKIN is also located. Krull claims she was kidnapped. Larkin wrote about this in his own personal notes, which are attached to this report. Krull says she was taken by either helicopter or small aircraft from South Carolina or George and brought back to the State of Florida with Edward Santoian as pilot. If you look at his docier, you will see evidence that he has a pilot's license and there is a corporation listed for him and Fierle regarding aircraft.

**[Curious Note: “limited” incapacity of person but “total” incapacity of property—see docket]**

### **9. Investigation of the Court File of GUARDIANSHIP OF ARMAND SANTOIRE GRAND LARCENY; EMBEZZLEMENT; FINANCIAL EXPLOITATION OF THE ELDERLY; MEDICAID FRAUD; FRAUD UPON THE COURT; PERJURY**

2/12/10—PAPG

10/4/10—Petition for Cremation

6/20/11—Petition for Discharge due to death of “ward”

Here is yet another example of Fierle and Moss taking as much as they can as fast as they can and leaving as little as possible for the only heir, Gertrude Bush. The first question to ask is, “How was Mr. Santoire unlucky enough to befall upon Fierle and Moss?”

It all started with a “kind” (Margaret Minnon) next door neighbor who dialed 911 a few days after Santoire’s 90<sup>th</sup> birthday celebration when she noticed he was going off in his car with the lights off at 5 a.m. Consequently, it was determined that he needed to be checked out and the hospital facility in New Smyrna was not considered adequate for his needs, so he was helicoptered into Orlando and then transferred to Colonial Lakes Rehab. in Winter Haven who appears to have a very strong relationship with Fierle. (This is where James Hardy was also sent after heart surgery; there have also been guardianship petitions initiated on several of the Colonial Lakes Rehab. residents as of lately by Fierle on those with little assets, although Fierle always manages to find \$\$\$\$\$ to pay for a cremation and within the year, the ward always uses the pre-paid cremation that Fierle has pre-arranged).

1/27/12 (9:30 p.m.)--I spoke at length by phone with the chatty next door neighbor woman, **Margaret Minnon**, mid-sixties, who says she has rented 840 10<sup>th</sup> Avenue, New Smyrna Beach, from Tony Messina, the owner, for the last seven years. Santoire had always lived alone and had no children, but he took care of himself and always kept the house in good shape with **regular maintenance of the air conditioning**, etc.

You will notice in the letter to the judge written by Remax Realtor Bob Barker that he estimates that Santoire’s home would be worth about \$125,000.00—taking off \$25,000.00 for needed repairs and A/C repair, according to Barker. But according to Minnon, the A/C was not in need of any repair; it was regularly serviced by Santoire.

On the Motion to Sell Property, you will notice (as usual) that Fierle states it will be an arms length sale. However, in reality, the home was sold for ~\$101,000.00 to a builder/realtor—about \$50,000.00 below market value. “Other houses in this neighborhood have sold for \$300,000.00,” Minnon stated. “It was rumored that the attorney, judge, and guardian were in cahoots,” Minnon stated.

Fierle also failed to mention that there is a **vacant lot** adjacent to Santoire’s home that was part of the deal. **And the extra \$110,000.00 for the adjacent lot alone was not mentioned in the court records and therefore has been unaccounted**

**for.** Verification that there is an extra lot adjacent to this house that was sold for \$110,000.00 can be viewed here:

<http://webserver.vcgov.org/cgi-bin/mainSrch3.cgi>

As far as the contents of Santoire's home being worth about \$228.70, according to Fierle and Moss, Minnon was shocked. "Artie owned many valuable antiques, including a **cane with a gold top from the Civil War**. That cane alone would be worth more than two hundred dollars." As you can see from Fierle's inventory, the Civil War cane does not even show up on the inventory at all. As far as the marble topped table that Fierle claims sold for \$75, Minnon stated that this was a Victorian piece and that "the marble alone is worth more than \$75." Checking on Google for a Victorian Marble Hall Table, I found three here:

[http://www.google.com/#hl=en&sugexp=pfwl&cp=29&gs\\_id=62&xhr=t&q=marble+topped+Victorian+hall+table&pf=p&scient=psy-ab&source=hp&pbx=1&oq=marble+topped+Victorian+hall+table&aq=f&aqi=&aql=&gs\\_sm=&gs\\_upl=&bav=on.2,or.r\\_gc.r\\_pw.,cf.osb&fp=588b3e7678b699e9&biw=1024&bih=629](http://www.google.com/#hl=en&sugexp=pfwl&cp=29&gs_id=62&xhr=t&q=marble+topped+Victorian+hall+table&pf=p&scient=psy-ab&source=hp&pbx=1&oq=marble+topped+Victorian+hall+table&aq=f&aqi=&aql=&gs_sm=&gs_upl=&bav=on.2,or.r_gc.r_pw.,cf.osb&fp=588b3e7678b699e9&biw=1024&bih=629)

valued at \$585.00, \$585.00. and \$2,450.00.

As far as the antique spindle back chairs that were allegedly **donated to charity** for zero dollars, I found here:

[http://www.google.com/#pq=marble+topped+victorian+hall+table&hl=en&sugexp=pfwl&cp=19&gs\\_id=7k&xhr=t&q=antique+spindle+back+chairs&pf=p&scient=psy-ab&source=hp&pbx=1&oq=antique+spindle+bac&aq=0&aqi=g1g-v3&aql=&gs\\_sm=&gs\\_upl=&bav=on.2,or.r\\_gc.r\\_pw.,cf.osb&fp=588b3e7678b699e9&biw=1024&bih=629](http://www.google.com/#pq=marble+topped+victorian+hall+table&hl=en&sugexp=pfwl&cp=19&gs_id=7k&xhr=t&q=antique+spindle+back+chairs&pf=p&scient=psy-ab&source=hp&pbx=1&oq=antique+spindle+bac&aq=0&aqi=g1g-v3&aql=&gs_sm=&gs_upl=&bav=on.2,or.r_gc.r_pw.,cf.osb&fp=588b3e7678b699e9&biw=1024&bih=629)

that one is listed for \$72.88 on Ebay, \$199.99 at GoAntiques, and \$457.60 at Home Gallery stores. Minnon verified that these chairs were antiques. Minnon stated that Santoire owned a house full of antiques – antiques that he had inherited from his parents.

Antique crystal candle holders seem to sell for about \$40 to \$50 to \$500 and can be viewed here:

[http://www.google.com/#pq=antique+spindle+back+chairs&hl=en&sugexp=pfwl&cp=8&gs\\_id=6x&xhr=t&q=antique+crystal+candle+holders&pf=p&scient=psy-ab&source=hp&pbx=1&oq=antique+crystal+can&aq=0&aqi=g4&aql=&gs\\_sm=&](http://www.google.com/#pq=antique+spindle+back+chairs&hl=en&sugexp=pfwl&cp=8&gs_id=6x&xhr=t&q=antique+crystal+candle+holders&pf=p&scient=psy-ab&source=hp&pbx=1&oq=antique+crystal+can&aq=0&aqi=g4&aql=&gs_sm=&)

[gs\\_upl=&bav=on.2,or.r\\_gc.r\\_pw.,cf.osb&fp=588b3e7678b699e9&biw=1024&bih=629](http://www.flickr.com/photos/jeffsclocks/4159378370/)

Fierle claims they were “donated to charity.”

As far as the Manning Bowman Mantle Clock, which Fierle claims she sold for \$20, this clock is an antique from the 1920s and 1930s and a picture of it can be seen here:

<http://www.flickr.com/photos/jeffsclocks/4159378370/>

Even cheap, plastic Wal\*Mart clocks sell for \$20, so, again, the price was greatly undervalued.

There are ten Roy Croft jugs listed on Ebay here:

[http://www.ebay.com/sch/i.html?\\_nkw=roycroft+jug](http://www.ebay.com/sch/i.html?_nkw=roycroft+jug)

selling from \$10 to \$100, with the average price being about \$35 for one of these jugs. Fierle claims she got \$7.50.

There is a pressed glass basket for sale on Ebay for \$1,085.00. Fierle claims she got a mere \$11.00 for Santoire’s pressed glass basket.

[http://www.ebay.com/sch/i.html?\\_nkw=pressed+glass+basket&\\_sacat=0&\\_odkw=roycroft+jug&\\_osacat=0&\\_trksid=p3286.c0.m270.11313](http://www.ebay.com/sch/i.html?_nkw=pressed+glass+basket&_sacat=0&_odkw=roycroft+jug&_osacat=0&_trksid=p3286.c0.m270.11313)

An antique cedar chest might sell for about \$300 - \$500 and can be viewed here:

[http://www.ebay.com/sch/i.html?\\_nkw=antique+cedar+chest&\\_sacat=0&\\_odkw=pressed+glass+pitcher&\\_osacat=0&\\_trksid=p3286.c0.m270.11311](http://www.ebay.com/sch/i.html?_nkw=antique+cedar+chest&_sacat=0&_odkw=pressed+glass+pitcher&_osacat=0&_trksid=p3286.c0.m270.11311)

Fierle claims she sold it for \$35.00.

Minnon recalled other valuable antiques that don’t even show up on Fierle’s inventory, such as antique twin beds with matching antique dressers and a maple dining room set from the 1940s or 1950s.

Santoire also owned a Freudian-style leather couch—doesn’t show up on the list.

And he also owned **100 real silver dollars** that he liked to show to people who would drop by to visit, according to Minnon.

In other words, Santoire had some “class” and the contents of his home would be worth far more than \$228.70. “He had been a fisherman up in Alaska; he was a WWII veteran,” Minnon said.

Computer and printer also do not show up on the inventory.

### Overbilling

Fierle billed two hours @ \$55 per hour to complete the online Medicaid application form. To see just how long it takes to complete this form, I completed the form just now using made up information and then pressed “save and quit” at the very end so that the bogus name, etc., would not get process. I began working on the online Medicaid application form at 3:42 and finished completing it (It seems like a long, slow process) at 4:07, which means that the entire form took approximately 20 minutes to complete.

Fierle (see her billing statement) claims she saw Santoire on multiple, multiple occasions. By law, she is supposed to see a client once every six months. With more than 50 wards, it unlikely that she saw Santoire multiple times per month.

Fierle also states that she spent a lot of time shopping for clothes for Mr. Santoire on multiple occasions., buying him everything from sweat pants and sweat shirts to more formal shirts and pants. However, if you look on the inventory of things that Mr. Santoire owned, it mentions a closet of clothes. Why, then, would an entire brand new wardrobe of clothing have to be purchased? I believe that Fierle purchases clothes items and then returns them so that she’ll have the receipts. In this case, however, no receipts from Target are actually included with Fierle’s bills.

According to Master Guardian, Irene Rausch, Clearwater, all receipts must be entered into the court record. Additionally, according to Rausch, all antiques need to be appraised. It appears that Fierle did neither of these things.

Fierle also bills for a lengthy phone call from “neighbor” “Lillian DeRosa” who was expressing her “concerns” for Mr. Santoire in this lengthy billed for conversation of 2/18/10. Lillian DeRosa lives at 2846 Turnbull Estates in New Smyrna, which is about **five miles** from 10<sup>th</sup> Avenue. I therefore phone Lillian DeRosa and told her I was a private investigator investigating Rebecca Fierle and she said, “I do not wish to speak with you,” and she hung up on me. Whoever “Lillian DeRosa” really is, in relationship to Armand “Artie” Santoire, she is **certainly not a neighbor**. For all I know, DeRosa could simply be a name that shows up on whitepages.com that Fierle used in a billing statement. Fierle is quite

imaginative when it comes to her billing invoices. Minnion said she had never heard of a Lillian DeRosa and Minnion appears to be the neighborhood nibby nose who knows everything about everyone. She even knew about Gertrude Bush and has phoned her. Minnion claims that Bush was going to fight the whole guardianship, but due to her age (mid sixties) and distance (New York), she withdrew and stopped paying an attorney. I have been unable to reach Bush by phone and I have left several messages for her.

### **Medicaid Fraud**

Fierle mentions in her billing statement that Santoire receives \$2,455.01 from the VA per month and \$1,364.20 from social security. With this type of monthly income, I'm not quite sure how Santoire would have qualified for Medicaid.

### **Guardianship of Armand Santoire:**

### **NOTEWORTHY ENTRIES ON MOSS' BILLING STATEMENTS**

Moss mentions several assets that belong to Santoire, including a brokerage account noted on 2/24/10 and a Wells Fargo investment statement on 2/25/10.

[Apparently, a brokerage account can be tapped into, especially with Fierle naming herself as the personal representative. "Lately, a lot of brokerages have begun offering Visa Check Cards which work exactly like a credit card."

<http://beginnersinvest.about.com/od/choosingabroker/a/brokeraccount.htm>]

### **10. Investigation of the File of GUARDIANSHIP OF FELIX ORTIZ—Strong Evidence of Embezzlement**

**FELIX VAZQUEZ ORTIZ** (claim by Medicaid for \$80,837.17)

Case No. 2009-CP-000467-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 03/04/2009

Guardianship is **closed**.

**Order of Discharge:** 9/22/2011

**DOB:** 08/27/1931

**DOD:** 4/26/2011

**Order ESTABLISHING A SPECIAL NEEDS TRUST:** 10/26/2009

**Order for Attorney's Fees Retroactive:** 07/29/2011

**Petition/Motion for Attorney's Fee Retroactive:** 07/22/2011

**Estimated Annual Income:** \$55,056.00

**10/22/09—Pooled Trust**

**9/21/09—Cremation**

**4/26/11—Death of Ortiz**

There appears to be strong embezzlement evidence in this file, as evidenced in the September 12, 2011 filing of the Orange County Clerk of Court. Fierle is usually given 30 days to respond when missing monies have been discovered, but, in this case, she instead, received an “Order of Discharge” on 9/22/2011 and has never had to respond. See “Accountant Report to Guardianship Auditor Regarding Annual Accounting” which states “cannot verify \$1,000.00 transfer into PA Trust account and three subsequent disbursements from PA Trust account totaling \$1,000.00—statements were not provided.”

There is also a petition for retroactive attorneys fees, which usually means that Fierle and Moss had to “cook the books” after getting caught by the Orange County Clerk of Courts or the Orange County auditor.

Also curious in this file, Fierle never bills at all for her “services to the ‘ward,’” Ortiz.

It appears that Ortiz was receiving VA benefits, as witnessed from Moss’ billing statement, but it also appears that Fierle put Ortiz on Medicaid.

**Estate of FELIX ORTIZ**

In the follow up Estate of Felix Ortiz, Medicaid has put in a claim of \$80,837.17, so Fiele had placed Ortiz on Medicaid. Medicaid filed their claim July 7, 2010 and there is no evidence in the file that this claim has been paid.

There is allegedly \$19,000.00 left from the guardianship account, but Fierle allegedly put Ortiz’s brother in Puerto Rico on “notice” and for not responding, he somehow forfeits his right to this money. So who gets the \$19,000.00? Fierle (and Moss) who has declared herself as the Personal Representative or Medicaid??

**[\*\*\*Note: Fierle never bills in three years’ time for her “services” to Ortiz.]**

**11.GUARDIANSHIP OF HELEN KROKOSKI—**

**\*\*\*\*\*MAJOR EMBEZZLEMENT\*\*\*\*\***

**(switched from Orange to Seminole when the Orange Clerk discovered missing money)**

**48-2009-CP-001656-O (Orange)**

**2011-GA-1562 (Seminole)**

**DOB: June 29, 1926  
(age 83)**

**PAPG filed on 7/30/2009**

**Nature of Property: TBD**

**No next of kin.**

**Self-Neglect, open APS, Baker Acted**

**On 8/20/09, another person petitioned to become the guardian: “Lee French.”  
(long term friend of 50 years along with his parents of Helen Krokoski)  
French was represented by Attorney Kathleen Flammia.**

**French listed property on his PAPG as:**

**1993 Dodge (unknown value)**

**Burial plot at St. Anthony’s (unknown value) in Larksville, PA.**

**Bank of America account #1856 (unknown value)**

**Health care surrogate was supposed to be Wilbur French (father of Lee French, but too told to do it.)**

**Lee French was a former fireman and CPA so he felt he’d make a good guardian.**

**Helen Krokoski listed with dementia and unpaid bills. Baker Acted. Not competent to make her own medical decisions, said French on PAPG.**

**Lee French then filed in the oath to be the guardian on 8/20/09.**

**Fierle then filed in an ETG, listing the property as:**

**BOA (TBD)**

**Regions (TBD)**

**Washington Mutual Bank (now Chase) (TBD)**

**On 8/25/09**

**A waiver and consent for Lee French by Wilbur French was then signed on 8/24/09**

**Notice of Hearing—9/2/09 for ETG filed by Moss**



**The very next day, an ETG was then filed by Lee French.**

**“The alleged incapacitated person is in arrears of paying her bills and will need placement upon her release from the hospital.” (8/26/09)**

**8/26/09—Notice of Cancellation of Hearing by Moss**

**8/26/09—Notice of Hearing filed by Moss for PAPG**

**8/29/09—“Stipulation to Admission of Examining Committee Reorts.” (Moss)**

**No objection to reports of:**

**Dr. Luis G. Allen**

**Dr. L. Russell Mavrides**

**Dr. Raine Rouse**

**(These were the three doctors used to declare Krokoski mentally incapacitated.)**

**9/3/09—Notice of Hearing—Both competing petitions for PAPG were noticed by Moss to occur on 9/11/09 at 10 a.m.**

**Judge Kirkwood (Orange county), who was also Fierle’s divorce granting judge, selects Fierle over French. (9/11/09)**

**(When later transferred to Seminole County, the file # becomes 2011 GA 1562.**

**Letters of Guardianship (to Fierle) were also approved by Kirkwood on 9/11/09.**

**Settlement agreement (9/11/09) “Stipulation”**

**“Rebecca Fierle and her agents at Geriatric Care Management shall be entitled for fees and services in relation to the Petition to Determine Incapacity and the PAPG acting as Guardian of the Property at \$55 per hour.**

**Lee French was appointed as Guardian of the Property but Fierle was appointed Guardian of the Person.**

**Attorney Meredith Motslinger was the Court Appointed Attorney.**

**The “stipulation” was that French would be the Guardian of the property and Rebecca Fierle as Guardian of the PROPERTY ONLY.**

**Lee French then became Guardian of the Property on 9/1//09.**

**Moss then filed in a billing statement of \$10,542.36 for two months of “work” No sooner was this stipulation filed, this outrageous bill was filed.**

**OAPA—for Attorney Moss signed/granted by Judge Kirkwood on 9/23/09**

**Then French resigned as the guardian on October 7, 2009**

**Fierle then filed another PAPG on 10/1/09**

**For “Nature of Property,” Fierle only lists “Old Southern Bank Checking Account.” (\$110,000.00) That’s it.**

**Krokoski was listed this time as having “paranoid psychosis” and “dementia” on the PAPG.**

**10/5/09—Kirkwood appoints Fierle as plenary guardian.**

**French’s attorney (Kathleen Flammia) then bills on 10/2/09 for \$14,002.50 (Flammia mentions a “trust account” in her billing statements.)**

**Fierle then puts in a change of address for Krokoski on 10/9/09, switching Krokoski to Arden Courts in Winter Springs stating it’s “a facility that could better meet her needs.”**

**10/8/09--The invoice of Lee French (for being paid as his short “gig” as the guardian) lists Bank accounts at:**

**Bank of America (Alafaya Trail)**

**Wachovia (Alafaya Trail)**

**First Commercial Bank (Colonial Drive)**

**Colonial Bank (Lake Underhill)**

**Mercantile Bank (Kirkman)**

**Old Southern Bank (Turkey Lake)**

**Rebecca Fierle was appointed successor guardian of the property on 10/5/09**

**Additional accounts were noted at Fairwinds Credit Union  
Regions Bank  
WaMu/Chase**

**11/16/09—another bill for attorney Flammia for \$1,849.78**

**p. 175/326—Revocable Trust (blank order)  
Rebecca Fierle becomes the trustee**

**In her will, Krokoski wanted her assets to go to Dolores and Wilbur French.**

**List of assets as of 10/5/09**

**Wachovia Bank—ending in 439--\$117,872.59 (POD to Clint Waddell 12%)**

**Ending in 787 \$78,244.68 date it matures: 3/20/10—POD to Nancy Rexroat)**

**Chase WaMu, ending in 697 \$2,308.06 (as of: 10/5/09)**

**Ending in 554 \$438,026.59 (as of 10/5/09)**

**Enging in 421 \$672.63 checking account (these three all POD to Nancy  
Rexroat)**

**10/5/09—Mercantile 550 \$1,201.62 POD to Nancy**

**10/5/09—POD to Nancy ending in 5001 \$11,355.57**

**1/9/10—ending in 9001 \$140,510.48 POD to Nancy**

**Regions Bank ending in 748 \$12,656.71 (as of 10/5/09) POD to Nancy**

**Fairwinds ending in 895 \$36,446.14 (as of 10/5/09)**

**320 \$5.02 to Genn**

**Subtotal \$960,073.09**

**Non POD accounts:**

**Old Southern Bank ending in 710 \$109,734.46 checking as of 9/28/09**

**BOA ending 856 \$6,282.64 as of 10/5/09**

**Exxon Mobil Corp. ending in 639 \$41,088.64**

**608—Certicated shares in possession value as of 10/5/09**

**Subtotal = \$157.105.74**

**Total POD and non-POD =**

**\$1,117,178.83**

**According to will, Krokoski wanted her lifetime friends, Dolores and Wilbur French, to have it all.**

**HERE’S WHERE THE FRUAD COMMENCES:  
FIERLE’S PETITIONS TO TAKE ALL THIS MONEY AND PUT IT IN A  
TRUST:**

**“The law requires a guardian to preserve the estate plan of the ward including but not limited to preserving POD beneficiaries interest in the Estate of the Ward.”**

**“The law requires the Guardian to first extinguish assets that are not specifically designated to POD beneficiaries and upon extinguishing other assets the guardian should use the assets designated as POD.”**

**The guardian has a duty to safeguard the assets of the Ward.**

**Due to numerous accounts designated as POD owned by the Ward and the expectation the Ward will need those accounts for her care and support, the Petitioner is seeking authority to establish a revocable trust for the sole benefit of the ward during her lifetime.**

**The purpose of establishing a revocable trust is to [1] limit the fees and costs of the guardianship, [2] prevent having to constantly monitor and safeguard numerous accounts, and pay fees associated with the accounts, [3] to prevent the time and expenses of seeking court authority and to petition all beneficiaries of the POD accounts each time money is needed for the care and support of the ward [4] to ensure the assets are properly managed [5] to ensure there are proper amounts left on the trust to pay final expenses of the guardianship, to pay funeral expenses and pay taxes due at death and to pay creditors at death.**

**“The petitioner proposed that she be appointed as the trustee of the revocable trust for the ward as she will have a duty to account for the funds of the trust with the guardianship court. The accounts to be titled in the name of the trust will be only accounts with a payable on death beneficiary named. The Guardian will spend all non-payable on death beneficiary accounts funds trust and keep these funds in a guardianship account separate from the trust assets. All accounts, guardianship and trust, will be accounted for annually by the Court.**

**The beneficiary of the Trust during the ward’s lifetime will be solely the ward. Upon the death of the Ward, the beneficiaries of the trust will be POD beneficiaries calculated by the following formula: the specific amount a respective POD beneficiary would be entitled to at the time of the funding of the trust if the Ward had passed divided by the total amount of the POD account used to fund the trust. For example, if the total amount of the POD accounts was one million and “Jim Jones” was the designated beneficiary on a POD account hold \$400,000.00 in assets, “Jim Jones” would be entitled to 40% of the residue of the trust upon the death of the ward.**

**In the event the ward dies before utilizing the POD accounts, the ward’s last will controls guardianship assets and the trust will control trust assets.**

**By establishing a revocable trust for the ward, the guardian will be able to take care of any expenses of the ward. Upon the ward’s death and distribute the remaining assets to the appropriate beneficiaries.**

**[This Petition was filed on 12/15/09]**

**Motion to set bond—filed by Moss on 1/12/10**

**Addresses of beneficiaries:**

**Lee French  
5142 Sun Palm Drive  
Windemere, FL**

**Nancy Rexroat  
12808 Eyrn Blvd.  
Clermont, FL**

**Clint Waddell  
4629 Casa Cove Drive 32811**

**Glenn A. Pfaff, MD 7300 Sand Lake Commons, Suite 315, Orlando**

**[They all got notice of the “trust” hearing.]**

**“Order to Set Bond”**

**(This is a very strange order because it is “set at” but never obtained.)**

**“This cause came before the Court on the Guardian’s Motion to Set a Bond for Helen Krokoski and the Court after review . . . .**

**Ordered and adj. that the Guardian’s Motion to set Bond is GRANTED in the amount of the bond now set at the total amount of assets shown on the inventory filed by Rebecca Fierle on 12/2/09.**

**This bond order was granted by Orange County Judge Stroker on 1/19/10.**

**“You have 20 days to object to the trust.” (the four beneficiaries were told)**

**No one objected.**

**1/12/10—Moss “Formal Notice” that a Petition for a Revokable Trust has been filed.**

**Proof of Service, Moss to all beneficiaries**

**Notice of Hearing was filed on 2/14/10 for 2/24/10**

**Nobody objected within the 20 days.**

**Fierle then filed in her surety bond, issued to Rebecca Fierle Bond # RSB8006710 FLI Surety Peoria, IL (309) 692-1000**

**2/16/10—As soon as Bond was obtained, Fierle bought a CREMATION.**

**Order for Revokable Trust on 2/24/10 by Judge Stroker**

**Then, Fierle went to town:**

**Order to close Mercantile Bank CDs  
Mercantile # 96035919900  
Checking acct. #8601868550  
CD #960359155001**

**2/24/10 Stroker**

**Order to close Fairwinds  
Money Market #58671895  
Saving #57060320  
2/24/10 Order—Stroker (with Fierle as Trustee)**

**Order to close Chase/WaMu  
CD 9414942697  
CD 6716399554  
Checking Account 4214197421  
2/24/10 Stroker**

**Order to Close Regions  
Checking Account #0076772748  
2/24/10 Stroker**

**Order to close Wachovia  
CD 012242042861439  
CD 012242053426787  
2/24/10 Stroker**

**Waiver and Consent Glenn Pfaff on 2/5/10  
Clint Waddell 2/23/10  
Nancy Rexroat 2/5/10  
2/10/10 Lee French**

**Motion for Petty Cash of \$100/ month to Helen Krokoski  
Allegedly commencing 11/1/10; filed 11/18/10.**

**Order authorizing petty cash –11/124/10—Judge Bek Perry**

**Reimbursement cheque from Fierle for \$46.25 for BOA on 12/23/10**

**Fierle billed for an internet search of Computershare (stock); Fed. Ex. Stock**

**Online charge of Computershare (11/4/09)—direct deposits to guardianship account.**

**See page 99 of 326 --- Fierle transferred Exxon stock to Wachovia on 12/1/09**

**10/27/09 – Computershare online access setup. So, she used the online setup only two months but billed Krokoski for it.**

**Donated all personal belongings to “Mustard Seed” donations. (Fierle is supposed to, by law, list all the personal effects of Krokowski—she never does. Fierle is also supposed to have the most expensive items appraised and sold and the money used to benefit Krokowski—she never follows the statutes.)**

**“Order granting retroactive approval of attorney’s fees to Moss of \$18,650.00 plus costs for a total of \$19,687.59 on 2/1/11.” This guardianship took no more time than others but the attorneys costs were much higher. Retroactive payment is *always* applied for AFTER the Orange Clerk catches fraud.**

## **REPORT OF ORANGE COUNTY AUDITOR (Orange Clerk Jewell)**

**(see page 26/326 in Seminole file to view this “Report of Auditor”)**

### **Report of Auditor**

- 1. It appears an Order Authorizing Payment of Fees of Attorney was entered 10/15/09 for \$1,725.00 to the court appointed attorney, Mitzi Motsinger. It does not appear payment of these fees were made in the accounting.**
- 2. It appears the guardian disbursed the following to Sawyer and Sawyer for attorneys’ fees without prior court approval:**
  - a. 11/16/09--\$2,483.87**
  - b. 1/7/10--\$2,422.74**
  - c. 1/15/10--\$1,673.54**
  - d. 2/22/10--\$1,328.42**



- e. 3/17/10--\$1,465.56
- f. 4/15/10--\$132.30
- g. 6/8/10--\$375.00
- h. 6/15/10--\$264.00

3. It appears the guardian disbursed the following to Geriatric Management as guardian fees without prior court approval pursuant to FS 744.108.

- a. 2/2/10--\$2,048.37
- b. 2/12/10--\$1,114.41
- c. 2/9/10--\$859.18
- d. 2/25/10--\$1,114.44
- e. 4/16/10--\$41.25
- f. 4/16/10--\$1,281.30
- g. 4/27/10--\$904.97
- h. 5/21/10--\$529.92
- i. 6/22/10--\$654.10
- j. 8/17/10--\$434.42
- k. 8/17/10--\$409.13
- l. 9/16/10--\$784.54
- m.10/5/10--\$625.17

4. It appears the 3/10 trust account bank statement was omitted from the annual accounting.

5. It appears the balance of the Regions Bank #2748 as of the inventory was \$12,656.71. This account amount appears to have been transferred to Mercantile Bank #550 on the annual accounting. The accounting also reflects \$3,745.72 was transferred to Band of America #6037 from Regions Bank on 4/20/10. An explanation as to the difference in value of the Regions Bank account should be filed with the court.

6. It appears \$24,082.51 was transferred to Bank of America #6037 from Mercantile Bank on 11/10/09. However, it appears all Mercantile Bank accounts listed on the Inventory were transferred to Wells Fargo Bank #8378 on 3/9/10. An explanation as to where the \$24,082.51 came from should be provided to the court.

(filed on 4/19/11 by Clerk Jewell, Orange County)

**Bank deposit sweep**

**3/31/10 #381,498.96 (living trust)**

(\*Look how little is left from the more than one million—see page nine of this report for original total.)  $\$1,117,178.83$  minus  $\$381,498.96 = \$735,679.87$   
**MISSING**

**\*[Add up all closed accounts that put into trust and see if it is more than \$381,498.96. It is.]**

**May 11, 2011 “Response to Auditor”**

- 1. As to #1, Attorney Motsinger was paid by State of Florida and informs us she is not due any payment from the guardianship of the ward. [Then why was she paid by the guardian???? This answer is a *non*-answer. The answer is nonsensical. Motsinger was paid TWICE by Fierle.]**
- 2. As to #2, Petition or attorney’s fees and expenses and invoices were filed with the accounting. The clerk did not see them initially.**
- 3. In response to #3, Petition for Guardian’s fees and expenses and time sheets were filed with the accounting. The clerk did not see them initially. The invoice paid on 2/25/10 for \$1,114.44 is attached.**
- 4. In response to #4, the March 2010 statement for the Wells Fargo trust account is attached.**
- 5. In response to #5, the amount of \$12,656.71 was moved from Regions into Mercantile Bank and combined with the account that had a balance of \$1,201.62 to equal \$13,858.33 plus interest of \$1.80 to equal the amount of \$13,860.13 that was received into the Wells Fargo account from Mercantile Bank Account 8550.**

**6. In Response to #6, the sources of the \$24,082.51 was another Mercantile Bank account not listed on the inventory as the guardian did not have knowledge of this account at that time.**

**[As soon as Fierle and her attorney are caught, and since the above “explanation” makes no sense, they predictably transferred the case to Seminole County where no further or follow-up request would be made of them, since the Seminole Clerks and judges do not ever question or investigate guardianship files.]**

**MOTION FOR CHANGE OF VENUE –7/27/11**

**[Note: The whole scenario of this entire guardian was so predictable: (1) Petition for a Trust, (2) Obtain order from a trust, (3) Move around all the money assets and buy a cremation; (4) Get caught by the Orange clerk, (5) Write a bogus response to the Orange Clerk and then transfer the case to Seminole County so that no further explanation is needed, and since the Seminole Clerks do not investigate like the Orange clerks do.]**

**Judge Theontis Bronson issue the order for change of venue on 8/4/11**

**Seminole County court shows the file arrived on 8/9/11**

**The last entry was 10/5/11 and there has been no noted activity on this file ever since.**

**[Very, very strange reaction from Lee John French. I phoned him twice. On both occasions, he said, “Talk to my attorney” (which would be Kathleen Flammia) and then hung up on me. His phone number is [\(407\) 876-2827](tel:(407)876-2827) He is supposed to be one of the beneficiaries of the missing money.]**

**12.BRIDGETT BERGAN (59-2011 GA 00604)—EMBEZZLEMENT  
SEMINOLE COUNTY GUARDIANSHIP CASE**

**3/23/11—PAPG**

**4/28/11—Petition to donate contents of home to charity**

**5/24/11—Fierle petitioned for and received CREMATION**

**6/1/11--noted balance of \$20,803.65 in Bergan’s guardianship account**

**8/26/11—Certificate of Death**

**NO PROBATE OF ESTATE OPENED UPON THE DEATH OF THE WARD, SO WHAT HAPPENED TO THE \$20,803.65?????????**

**The original ETG also listed a house. What happened to the house???**

**Also, what happened to the contents of Bergan's home????**

**Fierle always states that the contents of the home are “worthless” and avoids listing the most expensive things on the inventory. The alleged inventory of Bergan's contents of her home are as follows:**

**1 twin bed**

**1 night stand**

**1 lamp**

**1 entertainment center**

**1 TV**

**2 walkers**

**Clothing**

**Linens**

**Personal photos**

**Ashtrays**

**Figurines**

**Framed prints**

**(That's it; seems very incomplete—such as kitchen stuff missing, living room sofa, etc. All personal belongings were allegedly “worthless” and donated to charity.)**

**Also, Bergan had a monthly income of \$2,630.58 consisting of a German pension of \$1,150.58 and SS of \$1,480.00. So, where did Bergan work all of her life to get that much in monthly income? It seems that over her lifetime she would have saved more than \$20,803.65.**

**Strong evidence of EMBEZZLEMENT in this case.**

**Bergan allegedly had no will and no next of kin. [Fierle always says this.]**

**13.Guardianship of Noble Williams (Alachua County)**

**Attorney Ernest Sellers ends up with \$12,000.00 put into an “Ernest Sellers Trust” after Williams died. Fierle/Sellers claim the \$12,000.00 was given to**

Gainesville Health and Rehab. It is highly doubtful since Williams was placed on Medicaid. The attorney is not allowed to create a trust in his own name. The Ernest Sellers Trust \$\$\$\$ was in addition to the attorneys' fees already received.

**14. JULIA S. ANDON (2011-GA-001555\*) (Seminole)  
(transferred from Orange: 48-2009-CP-000366)**

**\*\*\*\*\* Verified Theft and Embezzlement (approximately \$15,000.00 embezzled at a bare minimum) \*\*\*\*\***

**[1] Fake lease car payments totaling \$4,050.01**

**[2] Fake furniture payment of \$302.17**

**[3] Double billing by Fierle (\$282.61)**

**[4] Being paid prior fees *without court order* (Fierle)  
(\$4,399.96)**

**[5] Being paid prior fees *without court order* (Attorney Moss) (\$5,717.61)**

**[\*Andon Seminole Docket Claims 439 Pages of Sealed Documents in Seminole County. See Seminole Docket, attached to this report.]**

**[1] Embezzlement—verified (fake lease car payments totaling \$4,050.01)**

Fierle asked for retroactive permission to pay for an automobile (Mercury) that was leased to Julie S. Andon. (See court document, attached, as verification, titled “Petition for Retroactive Approval of Payments Made” filed 9/23/2010)

Fierle claimed she paid \$299.37 on 3/18/09 and \$299/37 on 4/20/0[9] and that she then paid off the entire lease on 6/5/09 in the amount of \$3,451.27. (for a total of \$4,050.01)

**Name:** Julia S. Andon

**Occupation:** Former Government Employee

**D.O.B:** 07/02/1925

**Age:** 86

- **Estimated Annual Income from PeopleFinders.Com:** \$50,389.00 and \$31,200.00

Julia S. Andon's last address before being put under guardianship: **2900 Monticello Pl, Orlando, FL 32835 Apt. 301**

**Verified Embezzlement:** The Ford Motor Credit Company account # for Andon was 3938906, paid off in full July 2008. Pretexting as Andon, I spoke with Ms. Reid in Tampa of the Ford Motor Credit Company at 1-800-727-7000, Ext. 85565 on December 27, 2011 at approximately 10 a.m. EST. The automobile that Julia S. Andon paid off in full in July 2008 was a 2005 Mercury Grand Marquis. **The beauty of finding this embezzlement is that Fierle billed for it THREE TIMES so it is “no accident.”**

[SEE RELATED COURT DOCUMENTS THAT ACCOMPANY THIS COUNT ONE EMBEZZLEMENT OF JULIA S. ANDON—(1) Report of Auditor filed 9/3/2010 and (2) Petition for Retroactive Approval of Payments Made filed 9/23/2010]

Additionally, paralegal, Mitzi Mulloy, for Attorney Thomas Moss, is aware of the lease car, as Mulloy bills on 6/25/10 “Update annual accounting with car lease information; e-mail client request for bill for final lease payment -- \$22.00”

[2] EMBEZZLEMENT #2 -- Fake payment of furniture bill to Kane's.

Fierle claims that she had an employee of hers (Julie Ehrlich) purchase furniture and a mattress on 3/24/09 “for the benefit of the Ward.” (i.e., Julia Andon) in the amount of \$302.17. (This claim is found on “Petition for Retroactive Approval of Payments Made” filed into the court on 9/23/2010). Notice that this petition for alleged retroactive payment is requested 18 months after the alleged payment of furniture occurred.

However, the Kane's furniture bill filed into the court record on 9/23/2010 is dated 3/25/09 for a total of \$759.17. It appears that Fierle should want to be reimbursed \$759.17 (the full amount), not \$302.17.

As with the lease car, it appears that Andon, herself, purchased this furniture prior to the guardianship being commenced. Additionally, in March 2009, when the guardianship was commenced, Andon resided at Sunny Days, according to Attorney Studer—not Eastbrooke Gardens Yet, the furniture and mattress were allegedly delivered to Eastbrooke Gardens and Andon did not live at Eastbrooke Gardens on March 25, 2009.

Additionally, on March 27, 2012 at 5:50 a.m., I phone Eastbrooke Gardens and spoke with an Eastbrooke Gardens employee who answered the phone (name unknown, sounded like an African American woman) who assured me that all residents of Eastbrooke Gardens *do not* have to provide their own furniture or mattresses. Eastbrooke Gardens provides furniture and mattresses for all of their residents.

Additionally, when Fierle purchases something for a ward, it would say on the bill “Geriatric Care Management and/or Rebecca Fierle” as the purchaser, not Julia Andon. As with the lease car, it appears that Andon, herself, is the account holder at Kane’s, since the customer code on the Kane’s bill is “ANDOJ201Z4.”

Additionally, the home phone (407) 252-838, which appears on the Kane’s furniture bill, is actually the cell phone of Julie Ehrlich, employee of Rebecca Fierle.

Additionally, the person who signed for the furniture and mattress on (allegedly) March 25, 2009 was “P. Viscuso.” Looking up this name, I discovered that Patrice Viscuso is actually a member of Case Management Society of America. The African American woman who answered the phone at 5:50 a.m. on March 27, 2012 at Eastbrooke Gardens had never heard of Patrice Viscuso as either an employee or resident of Eastbrooke Garden; instead, the case manager for Eastbrooke Garden is a woman named Maria, the African American woman stated.

Additionally, the Kane’s bill states that Julie Ehrlich paid \$106.49, not \$302.17.

[3] Embezzlement through double billing and other means.

1. See “Petition for Order Granting Retroactive Approval for Payment of Fees and Expenses of Guardian” filed 6/20/11. Paragraph 5 states, “The amount of **\$9,334.76** represents all prior fees and costs paid to petitioner.

However, according to the 9/23/2010 “Petition for Retroactive Approval of Payments Made,” Fierle requested and received only **\$4,934.80**. This is a discrepancy of \$4,399.96.

2. Fierle listed the following as “Geriatric Management Fees and Expenses” for Julia S. Andon from **4/1/10 to 3/31/11**

TOTAL	FEE	EXPENSES
-------	-----	----------

<b>\$282.61</b>	<b>261.25</b>	<b>21.36</b>
762.62	470.00	292.62
818.94	453.75	365.19
562.96	330.00	232.96
398.75	398.75	
232.44	220.00	12.44
235.75	235.75	
220.00	220.00	
220.00	220.00	
192.00	192.00	
131.38	123.75	
205.45	154.50	
203.37	187.50	
TOTAL: \$4,464.77		\$3,465.75 959.02

Less overpayment: \$16.25

TOTAL FEE: \$3,449.50

TOTAL FEE AND EXPENSES: \$4,448.52

“reimbursement of money spent”

3. In actuality, the first amount (**\$282.61**), which appears in **red**, above, of Fierle’s list, was already previously billed and paid for—invoice # 14870—dated **3/5/2010**, which lists fees and expenses for the time period of 2/4/2010 – 2/28/2010.



4. Fierle lists a receipt of \$99.95, claiming she bought a pair of shoes at zappos.com for Julia Andon on 3/16/10. However, if you look at Fierle's invoice and corrected invoice for that time period (\$746.37), there is no mention of Fierle reimbursing herself \$99.95 for Zappo's shoes or even the time she spent online purchased alleged Mary Jane stretch shoes. (Note: a visit to Andon will verify if Andon owns such shoes.)

5. On 6/20/2011, Fierle files "Petition for Order Granting Retroactive Approval for Payment of Fees and Expenses of Guardian."

Paragraph #3 states, "In one of the timesheets, Petitioner overcharged the Ward in error by using hourly rates of \$85.00 and \$90.00 instead of the rate of \$55.00 per hour resulting in a fee payment of \$3,311.25. The amount that should have been charged on the timesheets was \$3,295.00. The difference is \$16.25. A copy of the check payable to the Ward in the amount of \$16.25 is attached and has been deposited into the Ward's guardianship account. Petitioner is of the opinion that reasonable compensation for the time spent by petition for the benefit of the Ward is \$3,295.00."

This makes no sense. The difference between \$85.00 per hour and \$55.00 per hour is \$30.00. The difference between \$90.00 per hour and \$55.00 is \$35, so even if it were one hour overcharged (and it appears to be at least TWO hours overcharged, the difference would be \$65 overcharged—NOT \$16.25.

[5] On 6/20/2011, Attorney Thomas Moss petitions for attorney's fees and costs. Moss states, in paragraph #5, "Petitioner has received \$5,717.61 for payment of prior fees and expenses." However, there is no court order authorizing payment to attorney in the amount of \$5,717.61 for "prior fees."

[6] After being caught TWICE by the Clerk of Court, Orange County, Fierle and Moss transfer the Andon case to Seminole County where the Seminole clerks never audit. At that time, Fierle/Moss have the Seminole clerks illegally seal up the entire Orange County file (The file of 439 should not be completely sealed. Only the mental health and annual accounting records are to be sealed, which would not total 439 pages.)

[7] Two months before transferring the case from Orange to Seminole, Fierle/Moss filed in "Petition for Order Designating Depository for Assets" in which it is noted that **Andon possesses \$565,000.00**. Since 8/18/11 (transfer to Seminole County under Judge John D. Galluzzo) there has been no activity and the

Orange Clerk's questions on audit no longer need to be satisfied by Fierle/Moss. Andon also owns a **collection of gold coins**, as noted in the original records located in Orange County.

Andon appears to have no relatives, which makes her a perfect candidate for financial exploitation by Fierle/Moss et al.

## 15. GUARDIANSHIP OF ANGELINA RIDORE

Case No. 2009-CP-001506-O

**Attorney for guardian:** Thomas P. Moss

**Attorney for Ridore:** Roger Weeden

**Guardianship commenced:** 07/15/2009

Guardianship is closed. Estate is **closed**.

**House sold:** 5/19/2010 (\$65,000.00)

**DOB :** 08/16/1935

**DOD:** 05/25/2011

**Proposed Order(s) [on attorney's fees] Sent to Judge *retroactive approval***

*\$1,102.50 to show on next years accounting:* 12/10/2010

**Petition/Motion for Guardian's Fees *Retroactive Approval:*** 12/08/2010

**Judicial Review *Final Accounting:*** 04/02/2012

**Observation Sheet:** 04/02/2012

**Final Accounting (09/01/2010 – 03/31/2012):** 3/30/2012

**Order to Deposit Funds into Registry of Court:** 04/18/2012

**Proposed Order(s) Sent to Judge:** 04/17/2012

***Order on Attorney's Fees (Retroactive) and Order to Have Funds Held in Court Registry***

**Petition/Motion for Attorney's Fee:** 04/13/2012

**Petition/Motion to Deposit Funds to Registry of Court:** 04/13/2012

**Location of Ward:** Orlando Health and Rehab.

830 W. 29<sup>th</sup> Street

Orlando, FL 3280

**\*\$82,559.17 claim from Medicaid.**

**[Note: Ridore's house sold for allegedly \$65,000.00 on 5/19/2010 and Ridore was on Medicaid, indicating no monthly bills. Ridore died on 5/25/2011, so what happened to the \$65,000.00??]**

III. Kickbacks (See file titled "Fierle Properties." All properties are sold way below market value to real estate agents.)

#### IV. Forgery of prescriptions

##### **Evidence of Drug Overdosing at Facilities**

Larkin claims that while he was at Eastbrooke, the nursing staff (Cindy Hamilton) tried to get him to take Lexipro and Prozac. When the weekly doctor came to visit, Larkin questioned him ("a doctor of color") and asked him if he, in fact, had prescribed Lexipro and Prozac for Larkin. "No, No," The doctor then, according to Larkin, looked in his notes and saw that someone other than himself had scribbled these notes into Larkin's record. The doctor, allegedly horrified, stated, "I could lose my license for this! Somebody has written in my notes." Larkin stated, "He quit going there because of this incident. Four days later, Cindy was fired." And Larkin was, once again, transferred to yet another facility for being a "trouble maker."

One week after the incapacity hearing, Fierle went with Larkin to the bank and removed three gold bars, which do not show up on the inventory or the annual accounting.

#### V. Two Orlando ALFs Accepting Medicaid that Should be Included in this Investigation:

[1] Sanjean Assisted Living (where Krull, Larkin and perhaps other Fierle victims are located)

[2] Ionie's Assisted Living [I was told by both Dr. Larkin and also by the daughter of one of Fierle's wards (Paula Harriott) that the women who run Ionie's are illegal aliens from Jamaica who are being paid \$2 and hour and are there against their will and who want to go back home and who live there against their will and sleep there on the couches on the porch and live there 24/7. When I visited Ionie's, the woman on staff that evening appeared to be Jamaican. Currently, I have verified that at least four of eight residents at Ionie's are Fierle's wards: CHARLES LEDENBERGER, ULITA EDRIS LOPEZ, JASMINE SPENCE, DAVID POST.]

##### **CONCLUSION:**

This report, along with the accompanying "docket summaries" and individual guardianship files shows strong evidence of a "**scheme to defraud,**" embezzlement, and Medicaid Fraud committed by Rebecca "Fierle" et al. over the last ten years.

**\*\*\*\*\*END OF REPORT\*\*\*\*\***

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AAAAA Investigative Services  
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Gainesville, Florida 32607  
(352) 327-3665





Angela V. Woodhull  
1920 SW 72<sup>nd</sup> Street  
Gainesville, FL 32607-3752  
(352) 332-0515

1 June 16, 2009  
2  
3 RE: Florida Eighteenth Circuit Court  
4 File No. 2008-CP-0509  
5 Guardianship, Louise A. Falvo  
6  
7

8 State Attorney Norman R. Wolfinger  
9 Criminal Justice Center  
10 101 Bush Boulevard  
11 PO Box 8006  
12 Sanford, Florida 32772-8006  
13

14 Dear State Attorney Wolfinger:

15  
16 I file the attached complaints alleging violations of:

- 17  
18 1) Florida State Constitution Article I, Section 21, and  
19 2) 2008 Florida Statute 760.51(1), and  
20 3) 2008 Florida Criminal Statute 777.04 (2), and  
21 4) 1996-2008 Florida Criminal Statute 876.05 (1);  
22

23 and I require investigation of and prosecution for Complaint 1, Counts One through Three; and  
24 investigation of Complaint 2, Counts One through Three; both Complaints investigated by grand  
25 jury if prudent; regarding:

26  
27 **FLORIDA CONSTITUTION ARTICLE I, SECTION 21, Access to courts. –**

28 The courts shall be open to every person for redress of any injury, and justice shall be  
29 administered without sale, denial or delay.  
30

31 **2008 FLORIDA STATUTE 760.51 Violations of constitutional rights, civil action by the**  
32 **Attorney General; civil penalty. –**

33 (1) Whenever any person, whether or not acting under color of law, interferes by threats,  
34 intimidation, or coercion, or attempts to interfere by threats, intimidation, or coercion, with the  
35 exercise or enjoyment by any other person of rights secured by the State Constitution or laws of  
36 this state, the Attorney General may bring a civil or administrative action for damages, and for  
37 injunctive or other appropriate relief for violations of the rights secured. Any damages recovered  
38 under this section shall accrue to the injured person. The civil action shall be brought in the name  
39 of the state and may be brought on behalf of the injured person. The Attorney General is entitled  
40 to an award of reasonable attorney's fees and costs if the Department of Legal Affairs prevails in  
41 an action brought under this section.  
42

43 **2008 FLORIDA CRIMINAL STATUTE 777.04 Attempts, solicitation, and conspiracy. --**

44 (2) A person who solicits another to commit an offense prohibited by law and in the course of  
45 such solicitation commands, encourages, hires, or requests another person to engage in specific  
46 conduct which would constitute such offense or an attempt to commit such offense commits the  
47 offense of criminal solicitation, ranked for purposes of sentencing as provided in subsection (4).  
48

49 **1996 FLORIDA CRIMINAL STATUTE 876.05 Public employees; oath. --**

50 (1) All persons who now or hereafter are employed by or who now or hereafter are on the payroll  
51 of the state, or any of its departments and agencies, subdivisions, counties, cities, school boards  
52 and districts of the free public school system of the state or counties, or institutions of higher  
53 learning, and all candidates for public office, are required to take an oath before any person duly  
54 authorized to take acknowledgments of instruments for public record in the state in the following  
55 form: I, , a citizen of the State of Florida and of the United States of America, and being  
56 employed by or an officer of and a recipient of public funds as such employee or officer, do  
57 hereby solemnly swear or affirm that I will support the Constitution of the United States and of  
58 the State of Florida.

59 (2) Said oath shall be filed with the records of the governing official or employing governmental  
60 agency prior to the approval of any voucher for the payment of salary, expenses, or other  
61 compensation.

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85 **TABLE OF CONTENTS:**  
86  
87  
88 COMPLAINTS: 4  
89  
90 Complaint 1 4  
91 Complaint 2 7  
92  
93  
94 SUMMARY 10  
95  
96 SUPPLEMENTAL 13  
97  
98 Supporting Documents Attached: a, c, d, e, f, i, k, n, p  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
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112  
113  
114  
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116 **COMPLAINTS:**

117 **I identify the following person involved in alleged violations of Florida Constitution Article**  
118 **I, Section 21, and 2008 Florida Statute 760.51 (1), and 2008 Florida Criminal Statute 777.04 (2):**

119 RE: Florida Eighteenth Circuit Court  
120 File No. 2008-CP-0509  
121 Guardianship, Louise A. Falvo

122  
123 Rebecca Santoian  
124 aka Rebecca Fierle  
125 aka Rebecca Fierle Santoian  
126 aka Rebecca Dobbins  
127 Licensed Professional Guardian  
128 9380 S. Magnolia Avenue  
129 Ocala, FL 34476  
130 (352) 347-9235

131  
132 **Complaint 1**

133  
134 **Count One:**

135 On or about June 9, 2008, Rebecca Santoian did submit petition to Florida's Eighteenth Circuit  
136 Court as part of a legal proceeding, intending to seek immunity from prosecution prior to any act  
137 she may commit, subsequently obtaining a court Order on June 11, 2008 in the affirmative to  
138 such petition, with such Order granting Rebecca Santoian immunity from all prosecution in  
139 regard to her handling certain aspects of a guardianship case referenced above, thereby procuring  
140 such immunity to effectively close the courts and to deny and prevent justice to any person by  
141 the loss of such person's right of redress in court of any injury resulting from Rebecca Santoian's  
142 handling of such aspects, with such effective denial of justice and prevention of redress by any  
143 person of any injury in court, so done in violation of Florida's Constitution Article I, Section 21:

144 **Florida Constitution Article I, Section 21. Access to courts.**--The courts shall be open  
145 to every person for redress of any injury, and justice shall be administered without sale,  
146 denial or delay.

147  
148  
149 **Count Two:**

150 On or about June 9, 2008, Rebecca Santoian did submit petition to Florida's Eighteenth Circuit  
151 Court as part of a legal proceeding, intending to seek immunity from prosecution prior to any act  
152 she may commit, subsequently obtaining a court Order on June 11, 2008 in the affirmative to  
153 such petition, with such Order granting Rebecca Santoian immunity from all prosecution in

154 regard to her handling certain aspects of a guardianship case referenced above, thereby  
155 attempting to and effectively interfering with any other person's guaranteed right of redress in  
156 court of any injury resulting from Rebecca Santoian's handling of such aspects, with such  
157 effective denial of justice and prevention of redress by any person of any injury in court being  
158 contrary to Florida's Constitution Article I, Section 21; with said Order of immunity procured by  
159 Rebecca Santoian, under color of law, to provide known threats of punishments and intimidation  
160 by penalties for contempt of court against any person refusing to obey such Order, thereby  
161 interfering by threats and intimidation with any person's exercise of their rights secured by the  
162 Florida Constitution Article I, Section 21 or laws of the state of Florida as referenced in this  
163 complaint's Supplemental, so done in violation of Florida Statute 760.51 (1);

164 **760.51 Violations of constitutional rights, civil action by the Attorney General; civil penalty.--**

165 (1) Whenever any person, whether or not acting under color of law, interferes by threats,  
166 intimidation, or coercion, or attempts to interfere by threats, intimidation, or coercion,  
167 with the exercise or enjoyment by any other person of rights secured by the State  
168 Constitution or laws of this state, the Attorney General may bring a civil or  
169 administrative action for damages, and for injunctive or other appropriate relief for  
170 violations of the rights secured. Any damages recovered under this section shall accrue to  
171 the injured person. The civil action shall be brought in the name of the state and may be  
172 brought on behalf of the injured person. The Attorney General is entitled to an award of  
173 reasonable attorney's fees and costs if the Department of Legal Affairs prevails in an  
174 action brought under this section.

175 (2) Any person who interferes by threats, intimidation, or coercion, or attempts to interfere by  
176 threats, intimidation, or coercion, with the exercise or enjoyment by any other person of rights  
177 secured by the State Constitution or laws of this state is liable for a civil penalty of not more than  
178 \$10,000 for each violation. This penalty may be recovered in any action brought under this section  
179 by the Attorney General. A civil penalty so collected shall accrue to the state and shall be  
180 deposited as received into the General Revenue Fund unallocated.

181  
182 (FS 38.22 Power to punish contempts.--Every court may punish contempts against it whether  
183 such contempts be direct, indirect, or constructive, and in any such proceeding the court shall  
184 proceed to hear and determine all questions of law and fact.)

185  
186 (38.23 Contempts defined.--A refusal to obey any legal order, mandate or decree, made or given  
187 by any judge either in term time or in vacation relative to any of the business of said court, after  
188 due notice thereof, shall be considered a contempt, and punished accordingly. But nothing said or  
189 written, or published, in vacation, to or of any judge, or of any decision made by a judge, shall in  
190 any case be construed to be a contempt.)

191  
192  
193 **Count Three:**

194 On or about June 9, 2008, Rebecca Santoian as client did solicit and hire Anthony M. Nardella,  
195 Jr., a Florida attorney (Florida Bar No. 341274; One Landmark Center, Suite 600; 315 East

196 Robinson Street; Orlando, FL 32801; (407) 425-7010), to draft and submit petition to Florida's  
197 Eighteenth Circuit Court as part of a legal proceeding, intending to seek immunity from  
198 prosecution prior to any act she may commit, subsequently obtaining a court Order on June 11,  
199 2008 in the affirmative to such petition, with such Order granting Rebecca Santoian immunity  
200 from all prosecution in regard to her handling certain aspects of a guardianship case referenced  
201 above, thereby attempting to and effectively interfering with any other person's guaranteed right  
202 of redress in court of any injury resulting from Rebecca Santoian's handling of such aspects,  
203 with such effective denial of justice and prevention of redress by any person of any injury in  
204 court being contrary to Florida's Constitution Article I, Section 21; with said Order of immunity  
205 procured by Rebecca Santoian, under color of law, to provide known threats of punishments and  
206 intimidation by penalties for contempt of court against any person refusing to obey such Order,  
207 thereby interfering by threats and intimidation with any person's exercise of their rights secured  
208 by the Florida Constitution Article I, Section 21 or laws of the state of Florida as referenced in  
209 this complaint's Supplemental, contrary to Florida Statute 760.51 (1), so done in violation of  
210 Florida Criminal Statute 777.04 (2);

211 **777.04 Attempts, solicitation, and conspiracy.--**

212 (2) A person who solicits another to commit an offense prohibited by law and in the  
213 course of such solicitation commands, encourages, hires, or requests another person to  
214 engage in specific conduct which would constitute such offense or an attempt to commit  
215 such offense commits the offense of criminal solicitation, ranked for purposes of  
216 sentencing as provided in subsection (4).  
217

218  
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228

229 **I identify the following person involved in alleged violation of Florida Constitution Article**

230 **I, Section 21:**

231 RE: Florida Eighteenth Circuit Court

232 File No. 2008-CP-0509

233 Guardianship, Louise A. Falvo

234

235 Nancy F. Alley

236 Judge, Florida Eighteenth Circuit Court

237 (elected November, 1996)

238 Seminole County Court House

239 301 N. Park Avenue

240 Sanford, FL 32771-1292

241 407-665-4211

242

243 **Complaint 2**

244

245 **Count One:**

246 On or about June 11, 2008, Nancy F. Alley, a judge in Florida's Eighteenth Circuit Court did

247 sign a judicial Order as part of a legal proceeding, with such Order granting Rebecca Santoian

248 immunity from all prosecution in regard to her handling certain aspects of a guardianship case

249 referenced above, thereby effectively closing the courts and denying and preventing justice to

250 any person causing the loss of such person's right of redress in court of any injury resulting from

251 Rebecca Santoian's handling of such aspects, with such effective denial of justice and prevention

252 of redress by any person of any injury in court, so done in violation of Florida's Constitution

253 Article I, Section 21:

254 **Florida Constitution Article I, Section 21. Access to courts.**--The courts shall be open  
255 to every person for redress of any injury, and justice shall be administered without sale,  
256 denial or delay.

257

258

259 **Count Two:**

260 Determine in fact that Nancy F. Alley, being a 1996 candidate for and subsequently elected and

261 re-elected to the public office of Florida Circuit Court and on the payroll of the State of Florida

262 did execute an oath of office as required by Florida Criminal Statute 876.05, to wit:

263 876.05 Public employees; oath. -- (1) All persons who now or hereafter are employed by  
264 or who now or hereafter are on the payroll of the state, or any of its departments and  
265 agencies, subdivisions, counties, cities, school boards and districts of the free public  
266 school system of the state or counties, or institutions of higher learning, and all  
267 candidates for public office, are required to take an oath before any person duly

268 authorized to take acknowledgments of instruments for public record in the state in the  
269 following form: **I, , a citizen of the State of Florida and of the United States of**  
270 **America, and being employed by or an officer of and a recipient of public funds as**  
271 **such employee or officer, do hereby solemnly swear or affirm that I will support the**  
272 **Constitution of the United States and of the State of Florida.** (bold for emphasis)

273 (2) Said oath shall be filed with the records of the governing official or employing  
274 governmental agency prior to the approval of any voucher for the payment of salary,  
275 expenses, or other compensation.

276  
277 and, that failing to execute such oath shall result in actions required by Florida Criminal Statute

278  
279 876.06, to wit:

280  
281 876.06 Discharge for refusal to execute. -- If any person required by ss. 876.05-876.10 to  
282 take the oath herein provided for fails to execute the same, the governing authority under  
283 which such person is employed shall cause said person to be immediately discharged, and  
284 his name removed from the payroll, and such person shall not be permitted to receive any  
285 payment as an employee or as an officer where he or she was serving.

286  
287 **Count Three:**

288 On or about November, 1996, Nancy F. Alley, being a candidate for and subsequently elected  
289 and re-elected to the public office of Florida Circuit Court judge did expectedly swear or affirm  
290 to support\* the Constitution of the United States and of the State of Florida with said oath  
291 expectedly filed as required by law, and did, as recited in Complaint 2, Count One above, violate  
292 her oath of office by failing to support Florida's Constitution Article I, Section 21, so done in  
293 violation of 1996 (-2008) Florida Criminal Statute 876.05 (1):

294  
295 The 1996 Florida Criminal Statute recited:

296  
297 876.05 Public employees; oath. -- (1) All persons who now or hereafter are employed by  
298 or who now or hereafter are on the payroll of the state, or any of its departments and  
299 agencies, subdivisions, counties, cities, school boards and districts of the free public  
300 school system of the state or counties, or institutions of higher learning, and all  
301 candidates for public office, are required to take an oath before any person duly  
302 authorized to take acknowledgments of instruments for public record in the state in the  
303 following form: **I, , a citizen of the State of Florida and of the United States of**  
304 **America, and being employed by or an officer of and a recipient of public funds as**  
305 **such employee or officer, do hereby solemnly swear or affirm that I will support the**  
306 **Constitution of the United States and of the State of Florida.)** (bold for emphasis)

307  
308  
309 \* Cole v. Richardson, 405 U.S. 676 (1972)

310 "The oath of constitutional support requires an individual assuming public responsibilities to affirm, in entirely familiar and  
311 traditional language, that he will endeavor to perform his public duties lawfully." 401 U.S., at 192.

312 (2) Said oath shall be filed with the records of the governing official or employing  
313 governmental agency prior to the approval of any voucher for the payment of salary,  
314 expenses, or other compensation.  
315

316 (876.06 Discharge for refusal to execute. -- If any person required by ss. 876.05-  
317 876.10 to take the oath herein provided for fails to execute the same, the  
318 governing authority under which such person is employed shall cause said person  
319 to be immediately discharged, and his name removed from the payroll, and such  
320 person shall not be permitted to receive any payment as an employee or as an  
321 officer where he or she was serving.)

322 (876.07 Oath as prerequisite to qualification for public office. -- Any person  
323 seeking to qualify for public office who fails or refuses to file the oath required by  
324 this act shall be held to have failed to qualify as a candidate for public office, and  
325 the name of such person shall not be printed on the ballot as a qualified  
326 candidate.)  
327

328  
329 (FOR REFERENCE: 2008 FLORIDA CRIMINAL STATUTE CHAPTER 876)

330 **876.05** Public employees; oath.--

331 (1) All persons who now or hereafter are employed by or who now or hereafter  
332 are on the payroll of the state, or any of its departments and agencies,  
333 subdivisions, counties, cities, school boards and districts of the free public  
334 school system of the state or counties, or institutions of higher learning, and all  
335 candidates for public office, *except candidates for federal office*, are required to  
336 take an oath before any person duly authorized to take acknowledgments of  
337 instruments for public record in the state in the following form: (bold/italic above to  
338 indicate change)

339 I, \_\_\_\_\_, a citizen of the State of Florida and of the United States of America, and  
340 being employed by or an officer of \_\_\_\_\_ and a recipient of public funds as such  
341 employee or officer, do hereby solemnly swear or affirm that I will support the  
342 Constitution of the United States and of the State of Florida.

343 (2) Said oath shall be filed with the records of the governing official or  
344 employing governmental agency prior to the approval of any voucher for the  
345 payment of salary, expenses, or other compensation.

346 876.06 Discharge for refusal to execute.--If any person required by ss. 876.05-  
347 876.10 to take the oath herein provided for fails to execute the same, the  
348 governing authority under which such person is employed shall cause said person  
349 to be immediately discharged, and his or her name removed from the payroll, and  
350 such person shall not be permitted to receive any payment as an employee or as  
351 an officer where he or she was serving.

352 876.07 Oath as prerequisite to qualification for public office.--Any person  
353 seeking to qualify for public office who fails or refuses to file the oath required by  
354 this act shall be held to have failed to qualify as a candidate for public office, and  
355 the name of such person shall not be printed on the ballot as a qualified candidate.  
356

357 **End of Complaints;**

358 **Summary follows:**

359 **SUMMARY:**

360 On May 5, 2008 Rebecca Santoian received court appointment as professional guardian for the person  
361 and property of Louise A. Falvo.<sup>d</sup> On or about June 9, 2008 Rebecca Santoian, together with her hire  
362 Anthony Nardella, petitioned Florida's Eighteenth Circuit Court, probate division, for an Order  
363 concerning the disposition of cash assets belonging to Louise Falvo. This petition also sought two  
364 forms of immunity to her actions as a licensed professional guardian regardless of any decision or  
365 direction by the court, by petitioning for: **"23 h) Regardless of the option chosen by the court in**  
366 **letters f) and g) above, or otherwise, petitioner respectfully requests that the court's order finds**  
367 **that the petitioner is neither responsible for nor authorized to attempt to determine the true**  
368 **intentions of the Ward regarding her estate plan, and absolves her of any responsibility or liability**  
369 **either now or in the future for carrying out the order of this court."**<sup>c</sup> (underlined/bold for emphasis)

370

371 An estate plan, however complicated, is by its very nature a direct reflection of property and an  
372 intent by expression of how to protect and preserve that property.<sup>1</sup> The issued immunity Order  
373 voids, without foundation in law, the statutory requirement of 2008 Florida Statute 744.361(6)(a),  
374 which, as a licensed professional guardian of the property, Rebecca Santoian is responsible for  
375 and required to follow; i.e., to protect and preserve the property of the ward, with the estate plan  
376 of Louise Falvo reflecting such property:

377 FS 744.361 Powers and duties of guardian.-- (6) A guardian who is given authority over  
378 any property of the ward shall: (a) Protect and preserve the property and invest it  
379 prudently as provided in chapter 518, apply it as provided in s. 744.397, and account for  
380 it faithfully. (underlined for emphasis)

381 There is no legitimate way not to be bound by this law. But Rebecca Santoian attempts, under color  
382 of law, to ask for a judicial Order to ignore same, and then asks for a second Order to be held civilly  
383 and criminally harmless for such ignorance. Exploitation of a ward's property is a reasonably  
384 anticipated next step toward disintegration of an estate once the "protect and preserve" requirement is  
385 eliminated, so there is a reasonable assumption that the Florida Legislature intends to protect and  
386 preserve a ward's property [FS744.361(6)(a) above], and also intends for an incapacitated person to  
387 participate in managing their financial property [FS 744.1012-Legislative Intent].<sup>n</sup>

388 <sup>1</sup> The 2008 Florida Statutes Title XLII ESTATES AND TRUSTS PROBATE CODE: GENERAL PROVISIONS  
389 731.201 General definitions.--Subject to additional definitions in subsequent chapters that are applicable to specific chapters or  
parts, and unless the context otherwise requires, in this code, in s. 409.9101, and in chapters 736, 738, 739, and 744, the term:  
(14) "Estate" means the property of a decedent that is the subject of administration.  
(31) "Property" means both real and personal property or any interest in it and anything that may be the subject of ownership.



390 The following Order granting absolution of all liability and responsibility for not attempting to preserve  
391 an estate plan of a ward denies Florida’s Constitution Article I, Section 21 and FS 744.361(6)(a) without  
392 foundation in law, and could be deemed prima facie evidence of permission to exploit:

393 On June 11, 2008 Judge Nancy F. Alley of Florida’s Eighteenth Circuit Court issued an Order:

394  
395 Amended

396 **ORDER ON PETITION FOR ORDER AUTHORIZING LIQUIDATION OF BANK**  
397 **ACCOUNTS WITH VARYING BENEFICIARY DESIGNATIONS, DIRECTING IF**  
398 **NECESSARY THE DESIGNATION OF BENEFICIARIES IN THE DEPOSITORY’S**  
399 **ACCOUNTS AND DETERMINING THE ORDER OF PRIORITY FOR SPENDING**  
400 **MONEY FROM SAID ACCOUNTS FOR THE PAYMENT OF WARD’S EXPENSES,**  
401 **AND ABSOLVING THE GUARDIAN OF ALL RELATED LIABILITY**  
402

403 In this Order, Judge Alley granted item number: “**6. REBECCA FIERLE, the Plenary**  
404 **Guardian of the Property and Person of the Ward, is hereby absolved of all liability and**  
405 **responsibility for not attempting to preserve the alleged intentions or estate plan of the**  
406 **Ward, except that records of the accounts at liquidation be maintained for potential**  
407 **distribution should any remain at death.”<sup>a</sup> (underlined/bold for emphasis)**

408  
409 This immunity Order grants the petitioner’s request for immunity, which, conversely, the petitioner  
410 is under threat of criminal liability to lawfully perform – (see above) Florida State Statute  
411 744.361(6) Powers and Duties Of Guardian, sub.(a) Protect and Preserve the Property.... Rebecca  
412 Santoian, with the aid of her attorney knowledgeable in the benefits of such an Order, attempted to  
413 gain and successfully acquired the court’s umbrella of protection in order to also obtain the  
414 valuable and inherent threats of punishments and intimidation by penalties for anyone attempting  
415 to violate the provisions of the court’s protection. By obtaining such an Order, even under color of  
416 law, Rebecca Santoian denies all parties, including those of any civil litigator, professional  
417 licensing agency or prosecutor their right to civil and/or criminal prosecution, petition or redress  
418 for “all” relevant violations or injury; and compliance to this Order sought and issued (*do not sue*  
419 *civilly or charge criminally*) is knowingly, by the petitioner and the court, enforced by threats of  
420 punishments and intimidation by penalties for contempt of court for any person’s refusal to obey:

421 FS 38.22 Power to punish contempts.--Every court may punish contempts against it whether such contempts be  
422 direct, indirect, or constructive, and in any such proceeding the court shall proceed to hear and determine all  
423 questions of law and fact.

424 FS 38.23 Contempts defined.--A refusal to obey any legal order, mandate or decree, made or given by any judge  
425 either in term time or in vacation relative to any of the business of said court, after due notice thereof, shall be  
426 considered a contempt, and punished accordingly. But nothing said or written, or published, in vacation, to or of  
427 any judge, or of any decision made by a judge, shall in any case be construed to be a contempt.  
428

429 Louise Falvo died on July 21, 2008; eleven weeks under the guardianship of Rebecca Santoian.<sup>i</sup>  
430 The Final Report Of Guardian Of The Property, administered by Rebecca Santoian and attorney  
431 Anthony Nardella, revealed \$693,332.08<sup>e</sup> in beginning cash assets and a final disbursement of  
432 remaining cash to the Curator Of The Estate of \$457,237.09;<sup>f</sup> a loss of \$236,094.99.

433  
434 This court's ruling absolves<sup>2</sup> Rebecca Santoian of all liability and responsibility for not  
435 adhering to legislated law and intent. Since this Order's signing on June 11, 2008, Rebecca  
436 Santoian "transferred" a portion of Louise Falvo's cash assets under this immunity Order on June  
437 12, 2008,<sup>k</sup> so estoppel sufficiently insulated this ruling from reversal as Rebecca Santoian  
438 immediately relied upon and acted under its protection. Immunity from arrest, prosecution and  
439 incarceration extinguishes any compelling reason to investigate relevant violations of assets  
440 "transfer" involving Rebecca Santoian.

441  
442 I am an interested party to Louise Falvo's proceedings.<sup>p</sup> I personally fear the real threats of  
443 punishments that are the consequences of contempt of court charges. I also find the threats of  
444 penalties to be intimidating, compelling me to obey the court's Order that I cannot judicially  
445 redress Rebecca Santoian for fear that I be found in contempt of court. By attempting to hold  
446 Rebecca Santoian liable and responsible for relevant violations, I would violate her privilege of  
447 absolution that she petitioned for and received.

448  
449 This immunity Order sought and gained by Rebecca Santoian denies me access to court redress  
450 and forever damages my Florida Constitution right under Article I, Section 21 to the redress in  
451 court of any relevant violations perpetrated by Rebecca Santoian, which are permanently hidden  
452 by the court's Order under a blanket of absolution and immunity. My obedience to the court's  
453 Order is assured by threats of punishments and intimidation by penalties for contempt of court,  
454 which stops any actions I may desire concerning redress.

455  
456 <sup>2</sup> Ab'solve'  
457 Webster Dictionary  
458 1. To set free, or release, as from some obligation, debt, or responsibility, or from the consequences of guilt  
459 or such ties as it would be sin or guilt to violate; to pronounce free; as, to absolve a subject from his allegiance;  
460 to absolve an offender, which amounts to an acquittal and remission of his punishment.  
461 2. To free from a penalty; to pardon; to remit (a sin); - said of the sin or guilt.

462 **End of Summary;**  
463 **Supplemental follows:**

464 **SUPPLEMENTAL:**

465 Without foundation in Florida state law or Constitution, Rebecca Santoian is “...**hereby**  
466 **absolved of all liability and responsibility for not attempting to preserve the alleged**  
467 **intentions or estate plan of the Ward, ...”. Rebecca Santoian is thereby not required to  
468 “preserve” the property of the Ward’s estate plan in any way as required by FS744.361(6)(a)  
469 Protect and Preserve the Property.... Rebecca Santoian is then not liable or responsible for any  
470 violation of 2008 Florida Criminal Statute Chapter 825.103 Exploitation Of An Elderly Person  
471 Or Disabled Adult;**

472  
473 825.103 Exploitation of an elderly person or disabled adult; penalties.--  
474 (1) “Exploitation of an elderly person or disabled adult” means: (a) Knowingly, by  
475 deception or intimidation, obtaining or using, or endeavoring to obtain or use, an elderly  
476 person's or disabled adult's funds, assets, or property with the intent to temporarily or  
477 permanently deprive the elderly person or disabled adult of the use, benefit, or possession  
478 of the funds, assets, or property, or to benefit someone other than the elderly person or  
479 disabled adult, by a person who: 1. Stands in a position of trust and confidence with the  
480 elderly person or disabled adult; or 2. Has a business relationship with the elderly person  
481 or disabled adult; or (b) Obtaining or using, endeavoring to obtain or use, or conspiring  
482 with another to obtain or use an elderly person's or disabled adult's funds, assets, or  
483 property with the intent to temporarily or permanently deprive the elderly person or  
484 disabled adult of the use, benefit, or possession of the funds, assets, or property, or to  
485 benefit someone other than the elderly person or disabled adult, by a person who knows  
486 or reasonably should know that the elderly person or disabled adult lacks the capacity to  
487 consent.  
488 (2)(a) If the funds, assets, or property involved in the exploitation of the elderly person  
489 or disabled adult is valued at \$100,000 or more, the offender commits a felony of the first  
490 degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
491 (underlined for emphasis)

492  
493 Further, the immunity Order sought and gained by Rebecca Santoian denies all parties, including  
494 those of any civil litigator or prosecutor, their rights to prosecution, petition or redress that would  
495 routinely and expectedly be available under 2008 Florida Statute Chapter 772 Civil Remedies For  
496 Criminal Practices;

497  
498 772.104 Civil cause of action.-- (1) Any person who proves by clear and convincing  
499 evidence that he or she has been injured by reason of any violation of the provisions of s.  
500 772.103 shall have a cause of action for threefold the actual damages sustained and, in  
501 any such action, is entitled to minimum damages in the amount of \$200, and reasonable  
502 attorney's fees and court costs in the trial and appellate courts.  
503

504 (772.103 Prohibited activities.--It is unlawful for any person: (1) Who has with criminal intent  
505 received any proceeds derived, directly or indirectly, from a pattern of criminal activity or through  
506 the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such  
507 proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title  
508 to, or any right, interest, or equity in, real property or in the establishment or operation of any  
509 enterprise. (4) To conspire or endeavor to violate any of the provisions of subsection (1),  
510 subsection (2), or subsection (3).)

511  
512 and Florida State Statute 772 Civil Remedies For Criminal Practices;

513  
514 772.11 Civil remedy for theft or exploitation.-- (1) Any person who proves by clear and  
515 convincing evidence that he or she has been injured in any fashion by reason of any  
516 violation of ss. 812.012-812.037 or s. 825.103(1) has a cause of action for threefold the  
517 actual damages sustained and, in any such action, is entitled to minimum damages in the  
518 amount of \$200, and reasonable attorney's fees and court costs in the trial and appellate  
519 courts.... (4) The death of an elderly or disabled person does not cause the court to lose  
520 jurisdiction of any claim for relief for theft or exploitation when the victim of the theft or  
521 exploitation is an elderly or disabled person. (underlined for emphasis)

522  
523 (Chapter 812 Theft, Robbery, and Related Crimes)  
524 (Chapter 825 Abuse Neglect, and Exploitation Of Elderly Persons and Disabled Adults)

525  
526 and Florida State Statute 772 Civil Remedies For Criminal Practices;

527  
528 772.17 Limitation of actions.--Notwithstanding any other provision of law, a civil action  
529 or proceeding under this chapter may be commenced at any time within 5 years after the  
530 conduct in violation of a provision of this act terminates or the cause of action accrues. If  
531 a criminal prosecution or civil action or other proceeding is brought or intervened in by the  
532 state or by the United States to punish, prevent, or restrain any criminal activity or criminal  
533 conduct which forms the basis for a civil action under this chapter, the running of the  
534 period of limitations prescribed by this section shall be suspended during the pendency of  
535 such prosecution, action, or proceeding and for 2 years following its termination.

536  
537 and Florida State Statute 772 Civil Remedies For Criminal Practices;

538  
539 772.18 Cumulative remedy.--The application of one civil remedy under this chapter does  
540 not preclude the application of any other remedy, civil or criminal, under this chapter or  
541 any other provision of law. Civil remedies under this act are supplemental, and not  
542 mutually exclusive.

543  
544 and Florida State Statute Chapter 27 State Attorneys - Duties Before Court;

545  
546 27.02 Duties before court.-- (1) The state attorney shall appear in the circuit and county  
547 courts within his or her judicial circuit and prosecute or defend on behalf of the state all  
548 suits, applications, or motions, civil or criminal, in which the state is a party, except as  
549 provided in chapters 39, 984, and 985. The intake procedures of chapters 39, 984, and  
550 985 shall apply as provided therein. The state attorney shall appear in the circuit and  
551 county courts within his or her judicial circuit for the purpose of prosecuting violations of

552 special laws and county or municipal ordinances punishable by incarceration if the  
553 prosecution is ancillary to a state prosecution or if the state attorney has contracted with  
554 the county or municipality for reimbursement for services rendered in accordance with s.  
555 27.34(1).

556  
557  
558 I further request that the investigation be considered upon, but not limited to, the following:  
559

560 1) Petitioning for and obtaining pre-crime immunity from all civil and criminal liability by  
561 any civilian before a wrongful act is accomplished appears unprecedented within judicial  
562 circles. If petitioners are allowed to benefit from pre-crime immunity and orders of  
563 absolution, then rule of law and guarantee to constitutional redress becomes worthless.  
564 This Guardian is not petitioning for judicial immunity as an officer of the court, but instead,  
565 for personal protection and gain.

566  
567 2) For any prosecutor or civil litigator to be held at bay by first having to overcome pre-  
568 crime immunity and orders of absolution, prevents prosecution and creates a malicious  
569 obstacle to redress of wrong-doing.

570  
571 3) This immunity Order prevents civil proceeding(s) against any guardian guaranteed for  
572 3 years by FL Statute 744.531 Order Of Discharge, which states in pertinent part; “The  
573 discharge shall operate as a release from the duties of the guardianship and as a bar to any  
574 action against the guardian or the guardian’s surety unless the action is commenced  
575 within 3 years after the date of the order.” (underlined for emphasis)

576  
577 4) A grant of immunity from criminal prosecution of a person is retained by a  
578 prosecutor. In return, the recipient provides something of value to the giver. Immunity  
579 initiates an expected payback, and possession of this immunity by circumventing a  
580 prosecutor takes away a prosecutor’s options of criminal redress.

581  
582 5) Rebecca (Fierle) Santoian has history of legal conflict that may motivate her to seek  
583 immunities:

584  
585 [Wehrheim v. Golden Pond Assisted Living Facility,  
586 905 So. 2d 1002, 2005 WL 1537488 (Fla. App. 5 Dist. 2005).]

587  
588 IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH DISTRICT  
589 JANUARY TERM 2005 Case No. 5D04-2724

590 GARY M. WEHRHEIM, ET AL.,  
591 Appellants,  
592 v.  
593 GOLDEN POND ASSISTED LIVING FACILITY,  
594 Appellee.  
595

### 596 Facts and Procedural History 597

598 The decedent, Dorothy Wehrheim, died while residing at Golden Pond Assisted Living  
599 Facility. While Dorothy was a resident of Golden Pond, Rebecca Fierle, a geriatric care  
600 manager, was contacted by the administrator of Golden Pond to assist Dorothy with  
601 arranging her personal affairs.<sup>1</sup> After meeting with Fierle, Dorothy executed a contract  
602 and a power of attorney authorizing Fierle to act on her behalf regarding her personal  
603 affairs. Fierle reviewed Dorothy's previous will, suggested to Dorothy that she leave her  
604 estate to a charity, and made arrangements for the preparation of a new will. Once the  
605 will was prepared, Fierle brought it to Golden Pond, where Dorothy signed it on July 23,  
606 2002. This will names Golden Pond as the primary beneficiary of Dorothy's estate and  
607 Rebecca Fierle as personal representative.  
608

609 <sup>1</sup>The Wehrheims assert in their initial brief that "Rebecca Fierle's line of work is elder  
610 care, consisting of acting as a professional guardian, geriatric care through use of power  
611 of attorney and health care surrogate instruments, and the probate of decedent's estate.  
612 She networks with people in the elder care business (nursing homes, assisted living  
613 facilities, etc.) and obtains referrals from contacts in the industry."  
614

615 The Wehrheims are Dorothy's children. While Dorothy had executed wills in 1998, 1999,  
616 and 2000, none of these prior wills named her children as beneficiaries.<sup>2</sup> The children  
617 filed a petition for administration and a petition to deny admission of the 2002 will to  
618 probate on the grounds that it was the product of undue influence and executed by the  
619 decedent without testamentary capacity.  
620

621 <sup>2</sup>The 1998 will did name one child as a contingent beneficiary.  
622

623  
624 6) Denying access to the courts can be as complicated as the Florida Legislature creating  
625 the below unconstitutional requirement of bond before filing, (*Psychiatric Associates vs.*  
626 *Edward A. Siegel*, 567 So.2d 52 (Fla. 1<sup>st</sup> DCA 1990) and 610 So. 2d 419; December 3,  
627 1992) or as uncomplicated as in this case – attempting to gain and successfully denying  
628 total access.

629 (1987 Florida Statute 395.011 (10) (b): As a condition of any applicant bringing any action  
630 against any person or entity that initiated, participated in, was a witness in, or conducted any  
631 review as authorized by this section and before any responsive pleading is due, the applicant  
632 shall post a bond or other security, as set by the court having jurisdiction of the action, in an  
amount sufficient to pay the costs and attorney's fees.)

633 7) By filing these complaints as such, I desire to specifically charge the alleged violation  
634 of Florida's Constitution Article I, Section 21 and related laws. I am not here addressing  
635 any potential improper acts done by the petitioner under the cover of immunity, nor am I  
636 here addressing any appeal to a judicial order.

637  
638 8) Judge Nancy F. Alley of Florida's Eighteenth Circuit Court allegedly violated her  
639 oath of office by issuing an Order that does not support the Florida State Constitution  
640 Article I, Section 21, after so swearing or affirming to support the Constitution of the  
641 State of Florida.

642  
643 9) This abuse of our court system to seek pre-protection, especially under color of law, to  
644 absolve one's self of all legitimate liability and responsibility for past/present/future  
645 actions must be stopped and dealt with swiftly and firmly before this practice becomes  
646 more widespread and undermines the rule of law. This simple immunity act has far-  
647 reaching negative consequences and countless applications.

648  
649 Respectfully submitted,

650  
651  
652  
653 Angela V. Woodhull

654 Certified/Return Receipt U.S. Mail  
655 Attachments: Documents a,c,d,e,f,i, k, n, p  
656 Complaint on CD  
657