

Safe Seniors

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

Scam Victim Shares Story

Ana could barely see over the podium at the press conference and her voice was soft, but she was determined to get her message across. She had been a victim of what is called the “Grandma Scam,” and if it could happen to her, it could happen to many others. And it has.

District Attorney Bonnie Dumanis held a press conference on World Elder Abuse Awareness Day (June 15) to alert seniors to this growing scam. Ana agreed to share her story, even though she felt ashamed to be a victim. She wanted to prevent the same agony for someone else.

With this type of scam, the caller poses as a family member, saying that he/she is in trouble and needs money urgently. The caller also pleads with the older victim not to tell other family members, to avoid worrying them or to avoid embarrassment.

Ana (she didn’t want her real name used) is a very sharp 82-year-old who still works. Normally she wouldn’t have fallen for a phone caller’s manipulation for money. But this caller had so much inside family information that he had to be her grandson. It really sounded like him and he was in a bad situation in Mexico. She couldn’t afford this expense, but he was her grandson.

So she wired the caller \$2,900. Soon after, she found out she had been duped.

During the last two years, 25 older adults reported being



Ana at the Grandma Scam press conference with District Attorney Bonnie Dumanis and Nick Macchione (left), Director of the County’s Health and Human Services Agency.

victims of the Grandma Scam for a total loss of \$141,482, according to crime reports from the San Diego County Sheriff’s Department.

More recently, a Carlsbad grandmother was victimized and wired \$120,000 to an account in China. A San Diego couple just lost more than \$12,000 to another Grandma Scam, thinking that their nephew had been jailed in Mexico. In Oceanside, one victim paid \$66,000 in a similar hoax.

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Some Tips on Selecting a Residential Care Facility for the Elderly (RCFE)

By Shaun P. McGrady, Esq
Elder Law & Advocacy

One of the most difficult decisions faced by seniors and their loved ones is whether or not a Residential Care Facility for the Elderly (RCFEs) is right for their needs.

RCFEs are non-medical facilities that provide room, board, housekeeping, supervision, medication distribution, supervision and personal care. These facilities generally serve those age 60 and older. Unlike nursing homes,

RCFEs are considered non-medical facilities and typically do not have nurses, certified nursing assistants or doctors on staff. However, RCFEs are required to obtain a license to operate and are subject to inspections by the Department of Social Services, Community Care Licensing.

RCFEs are designed to serve seniors who are unable to live by themselves, but who do not require 24 hour nursing care. They differ from retirement communities and senior

villages as those communities and villages are not required to be licensed like RCFEs.

RCFEs are typically smaller facilities, ranging from 6 to 15 beds, however larger facilities do exist. The smaller facilities are often designed to operate with shared rooms, while the larger facilities generally offer private apartments.

It is important to inspect each potential facility carefully before

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These scammers have become more sophisticated in researching their targets, according to law enforcement. In Ana's case, she is sure that the crook saw her grandson's Facebook page and learned details about her and their family through this social network. That was how he could be so convincing. Now she knows she still should have checked with family members before wiring the money. She's not likely to see that \$2,900 again.

"Because the suspects are in another country, it's hard to track down, let alone prosecute, these telephone con artists," says Paul Greenwood, head of the District Attorney's Elder Abuse Prosecution Unit.

The best way to fight these scams is education, Dumanis says. "Make sure your friends and family members don't become victims. Explain how the scam works. Tell them to be suspicious of anyone who calls unexpectedly and wants them to wire money -- especially out of the country. Make sure they know to check out the situation with someone else in the family."

For organizations who cater to seniors, posters with slogans and the hotline phone number are available through the District Attorney's Office; call (619) 515-8654. To report possible elder abuse, call (800) 510-2020.

Study: Financial Elder Abuse Increasing

Victims of scams and other elder abuse are losing an estimated \$2.9 billion nationwide each year, a 12 percent increase from 2008, according to a study released recently by the MetLife Mature Market Institute and the National Committee for the Prevention of Elder Abuse (NCPEA).

Most victims are between the ages of 80 and 90, live alone and require some level of assistance.

In the most common scenarios, strangers targeted victims who were out shopping, driving or managing financial affairs, and often looked for particular flags of vulnerability like handicap tags on cars, walking canes or the display of confusion. Crimes included cons, purse snatchings and associated physical assaults. In cases involving a person known to the victim, trusted helpers like caretakers, handy-men, friends, "sweethearts," children, lawyers and others seized upon opportunities to forge checks, steal credit cards, pilfer bank accounts, transfer assets and generally decimate elders' financial safety nets, according to the study.

Scams perpetrated by strangers have increased from 9 percent to 28 percent over the past three years.

Robber Targets North County Seniors

A robber has been targeting older adults in North County, claiming to be a relative of the resident's housekeeper or gardener and asking for financial help to repair something. He knocks on the door, forces his way in and intimidates victims to obtain cash. To report a similar crime or any tips, contact Carlsbad Police Det. Darbie Ernst, (760) 931-2160.

choosing an RCFE for yourself or loved one. To assist in this process, here are some tips and questions you may want to consider:

1. Visit several facilities before the need is great; that way you will not have to make a quick decision should there be a crisis or emergency. It is also a good idea to visit at different times of the day, so that you are able to get an idea of how the facility normally functions.

2. During your visits, do the residents appear well cared for? Are they well groomed? Are the residents interacting with each other and the staff members, or do they seem medicated and isolated?

3. Inspect the food options. Is there a main dining area, or do the residents eat in their own rooms? Does the food look and smell appetizing? Are there food options and what is the meal schedule?

4. Are the beds comfortable? How are the bedrooms organized? Are there private or shared bathrooms? Do all the bathrooms have handgrips or rails? Is the overall design homelike or institutional?

5. Is the facility accessible? Will it be convenient for family and friends to come and visit? Is the facility close to the prospective resident's doctors and other potential appointments?

6. Is the facility's license current? Does it have a good reputation in the community? Has it been cited for any reason? Upon request, the RCFE is required to show you a copy of the most recent inspection report. Members of the public can also view a facility's file by contacting the local office of Community Care Licensing, (619) 767-2300.

7. Is the Long Term Care Ombudsman information and phone number posted in a conspicuous location? Failure to properly post this required information is a bad sign and a regulatory violation.

8. Do staff members appear engaged and concerned for the residents? Do they wear name tags and know the residents by name? Do they have special training or skills? Are they able to provide care for those with dementia?

9. The costs of an RCFE vary, so determine what is included in the basic rate and how these rates compare with other facilities in the area. Ask if the facility will provide a copy of its admission agreement to take home and look over before making a decision.

10. Ask for references and talk with your friends and family. Has anyone you know heard anything favorable or negative about the prospective RCFE? The transition to an RCFE from one's private home can be difficult, but it will go smoother if you find the facility that is right for you and your loved ones.

While this list is not exhaustive, it is a good start. The decision to move into an RCFE should not be taken lightly and the more information you have, the better the chances are that you will find a facility that meets your needs.

Update of California Elder Abuse Legislation

AB 40 (Yamada) -- Requires the mandated reporter to report elder abuse to both the local ombudsperson and the local law enforcement agency. *Passed the Assembly; now in the Senate Human Services Committee.*

AB 1293 (Blumenfield) -- Existing law specifies that a defendant needs to have repeat instances of embezzlement or fraud before that person's assets can be frozen. According to the bill's author, this measure will prevent predators from using ill-gotten gains for their defense. It will protect a victim's assets by allowing the courts to freeze the stolen assets when warranted. Upon conviction, a separate court action would determine the disposition of the forfeited property or funds. *Passed the Assembly; in the Senate Public Safety Committee.*

SB 558 (Simitian) -- Existing law provides for the award of attorney's fees and costs, and damages, to a plaintiff when it is proven by clear and convincing evidence that a defendant is liable for physical abuse or neglect of an elder or dependent adult and the defendant has also been guilty of recklessness, oppression, fraud, or malice in the commission of the abuse. This bill would revise these provisions to change the standard of proof to a preponder-

ance of evidence. *Passed the Senate; in the Assembly Judiciary Committee.*

SB 586 (Pavley) -- A signature stamp is used to accurately imitate the signature of an individual. This bill provides that a bank/credit union could only issue a signature stamp to an existing account holder, if either the accountholder is physically present to request the stamp and an employee of the bank witnesses and acknowledges in writing that the signature stamp was requested by the stamp holder, or a disabled account holder unable to come into a bank provides a letter from a physician attesting to the physical limitation and the accountholder's signature is notarized on a form approved and issued by the bank. *Passed the Senate; in the Assembly Banking Committee.*

SB 718 (Vargas) -- Would allow elder abuse reports from mandated reporters to be submitted to a county adult protective services agency through a confidential Internet reporting tool, if the county implements such a system, so long as the information gathered meets the existing requirements for written reports. *Passed the Senate; in the Assembly Aging and Long Term Care Committee.*



Elder Abuse Prosecutions

District Attorney's Office

The District Attorney's Office had 39 adjudicated elder abuse cases last quarter. Here are three of those cases, and seven cases from the San Diego City Attorney's Office:

Charlton Christian: Pled guilty to willful cruelty to elder/dependent adult and vandalism over \$400. The victim was the defendant's 67-year-old father. On the day of the incident, the defendant drank large amounts of alcohol, was disturbed, slamming doors, and yelling at the victim and his aunt, telling them he hated living with them. The defendant's father asked him to turn down his stereo and he became enraged, knocking down paintings and throwing furniture. He threatened to grind a stone coaster into his father's face and to kill him. The defendant was sentenced to 365 days in jail and 3 years formal probation.

Thad Barton: Pled guilty to willful cruelty to elder/dependent adult with great bodily injury or death. The defendant has a history of alcoholism and a 2009 conviction for drunkenness. He lives with his girlfriend and his 86-year-old mother. On the day of the incident, he was intoxicated when his mother, the victim, returned from church. He was angry and cursed at her. She told him to leave. He slapped her face so hard it gave her a black eye. She fell on the ground as the defendant said, "The only reason your

family cares about you is because of your checkbook." The victim did not immediately report the crime out of fear but did later when a friend urged her to. The victim also told police that the defendant had tried to keep her a prisoner in her room. The defendant was sentenced to 365 days in jail, and 3 years formal probation.

Julie Brown: Pled guilty to grand theft by employee. An elderly couple hired the defendant as a caregiver. Victim #1 is 76 years old and has major health problems keeping her bedridden. Victim #2 is the woman's 67-year-old husband. At the beginning of the year, the victims became concerned that money was being taken from their account. The defendant took victim #2 to the bank to make changes to the account. Victim #2 received a new ATM card and \$800 cash. Later, the money and ATM card went missing. The defendant was the only other person with access to the account. Shortly after those funds went missing, the defendant was arrested at the victims' home for another elder theft case. Because of that case, this couple discovered unauthorized transactions on their checking account. They noticed that personal items were missing, as well. They went through the defendant's personal items and found many of their belongings. She had also cleared out their bank account. The defendant was sentenced to 365 days in jail, 3 years formal probation and \$1,662.14 in restitution.

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San Diego City Attorney's Office

Adam Zeine: Pled guilty to battering an elder. The 30-year-old defendant had been homeless and was invited to stay in the spare bedroom of the 72-year-old victim. The defendant got mad at the victim and pushed him down. The defendant served 25 days in jail followed by 90 days in a residential rehab. A full protective order prevents the defendant from having further contact with the victim for a three-year term of probation.

William Beasley: Pled guilty to making a criminal threat. The defendant, 53, began cursing at his 80-year-old mother, throwing food, and threatening to harm his elderly parents and himself. Defendant served 120 days in jail.

Nathan Hendrickson: Pled guilty to committing battery with a serious bodily injury. The 67-year-old victim asked the defendant, 21, to buy his medication and bring it back. When the defendant returned, he did not have the victim's medication or money. When the victim asked the defendant to leave his residence, the defendant knocked him down and attacked him. The victim's adult son intervened and the defendant attacked him also. The elderly victim's head was cut as a result of the fall. The defendant was placed on three years probation, ordered to complete 52 weeks of counseling, perform 10 days of public works service, and to stay 100 yards away from the victim.

Loc Hoang: Pled guilty to battering an elder. Defendant, 39, argued with his elderly landlord and slapped him on the back of his head causing him to lose his balance and fall. The defendant was sentenced to 180 days in jail.

John Walker: Pled guilty to battering an elder. The defendant, 44, was supposed to serve 180 days in a rehabilitation setting and not have any contact with his parents because of physical and verbal abuse. The defendant instead returned to his parents' home after being released from jail and verbally harassed his father. The defendant was found guilty on two counts of violating the criminal stay away order and has yet to be sentenced.

Claudia Rodriguez: A jury found her guilty of elder abuse, battering an elder, and child abuse for physically attacking her grandmother in front of her 2-year-old grandchild. The 73-year-old victim sustained bruises from her head to her thighs. The victim was afraid to report the incident to police because she did not want to cause any problems in the family. Ultimately, the victim's daughter helped her report the abuse. The defendant has yet to be sentenced.

Stewart McIntosh: Pled guilty to two counts of violating a restraining order protecting his 87-year-old mother. He had been given a chance to find his own housing, but instead violated the order twice. The defendant has yet to be sentenced, but faces a maximum of 2 years in jail.