

# FOCUS ON FINANCIAL HEALTH

## PROTECTING YOUR IDENTITY & ASSETS



LACERA



**LACERA Retiree Wellness Program—Staying Healthy Together**  
**FALL 2019 WORKSHOP**

**Tuesday, September 17, 2019, 9:00 a.m. – 1:00 p.m.**  
**Carson Event Center, Carson, CA**

# Elder and Real Estate Frauds

Los Angeles County Sheriff's  
Department  
Fraud & Cyber Crimes  
Bureau



# Elder Real Estate Fraud



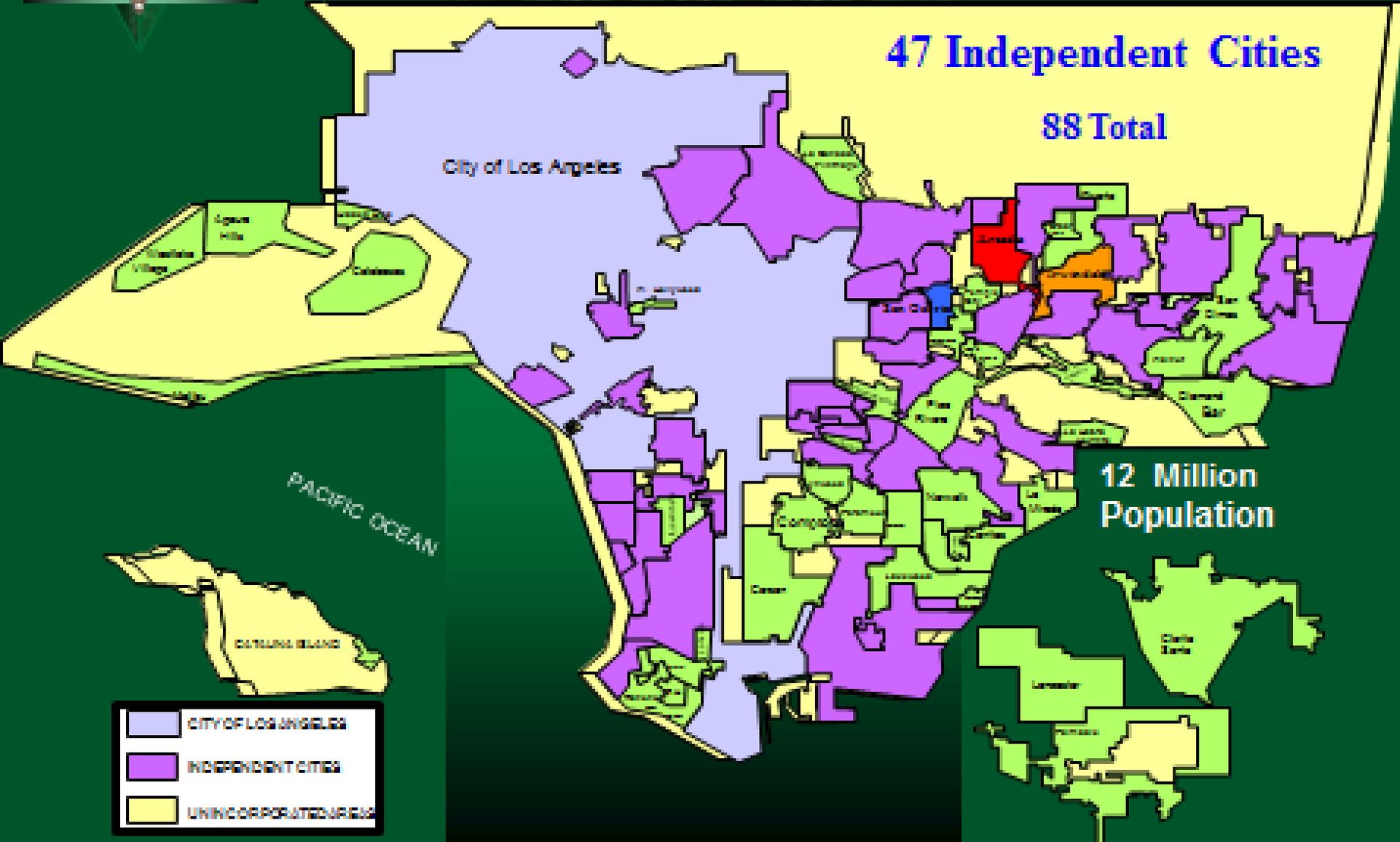
# Los Angeles County



**47 Independent Cities**

**88 Total**

**12 Million  
Population**



- CITY OF LOS ANGELES
- INDEPENDENT CITIES
- UNINCORPORATED AREAS



# Elder vs Dependent Adult

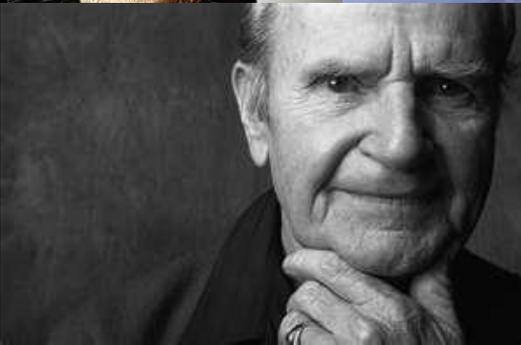
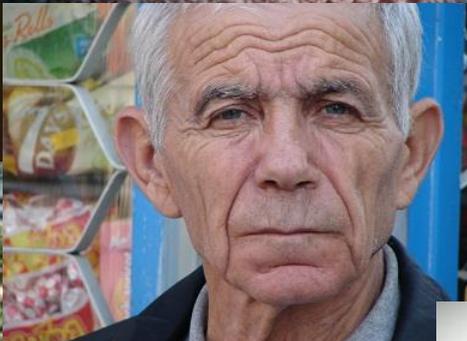
What is an Elder?

Anyone 65 years and older

What is a Dependent Adult

Anyone between 18 and 64 years of age.

Anyone between the ages of 18 and 64 years who is admitted as an inpatient to a 24-hour health facility.



**“It was once said that the moral test of government is how that government treats those who are in the dawn of life, the children, those in the twilight of life, the elderly, and those in the shadows of life, the sick, the needy and the handicapped.”**

**Hubert H. Humphrey**

















# WHAT DOES NOT CHANGE?



FIND THE LIES



FOLLOW THE MONEY



CATCH THE CROOKS

# Initial Response to a New Case

- STOP THE ACTIVITY
- PROTECT THE VULNERABLE ADULT
- ASSESS THE CRIME
- INTERVIEWING
- ASSESSING CAPACITY
- INTERPERTING/COLLECTING DOCUMENTS
- REPORT WRITING
- NOTIFICATION TO ADULT PROTECTIVE SERVICES (SOC 341)
- RESOURCES FOR THE VICTIM

# Who Commits These Crimes?

**Professional crooks**

**Family members**

**Caregivers**

**Friends and neighbors .....**

# Elder Fraud



KTLA  
5

TRAFFIC

Field, Mountain View Rd Between Malaga Rd and Edison Rd - Closed due to flood

85° 1:13P

# Possible Indicators of Financial Abuse

**Isolation of the Elder from Family and Friends**

**Recent Changes to Will, Living Trust, or  
Power of Attorney (POA)**

**Lack of Knowledge Regarding Their Finances**

**Unusual Banking Activity  
(Based on past activity)**

# Possible Indicators of Financial Abuse

**Unusual concern by caregiver regarding amount spent on care.**

**Unpaid bills, or lack of amenities that the estate can clearly afford.**

**Mental or Capacity Deficiencies**

# Lack of Cooperation by Elder

**Elder may be embarrassed, and reluctant to admit they were duped**

**Elder may fear:**

**Independence being taken away by court or family**

**Being placed into a home**

**They will lose the attention/affection of the suspect**

# Elder and Dependent Adult Fraud

**Determine age of victim at time of offense**

**Determine suspects relationship with victim**  
**- Child/Relative/Caretaker**

**Is victim willing to prosecute**

**Consider mental capacity**

**Is there a Power of Attorney or Conservatorship?**

# WHAT DOES NOT CHANGE?



FIND THE LIES



FOLLOW THE MONEY



CATCH THE CROOKS

+ TRIAGE +

PROTECT THE VICTIM

STOP ANY ONGOING CRIME



# LAWS



# Physical vs Financial

**§368(b) P.C.** Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult, **with knowledge that he/she is an elder or dependent adult**, to suffer, or inflict there upon unjustifiable pain or mental suffering.....

**§368(d) P.C.** Any person who violates any provision of law proscribing theft, embezzlement, forgery, fraud, or identity theft, **against any elder or dependent adult or person they reasonably should know** is an elder or dependent adult is punishable by .....

**IT'S A CIVIL  
MATTER**

**?????**

# Common Documents



**Just because they are civil documents,  
don't assume it's a "civil" case!**

# Common Documents

Wills  
Trusts

Power of Attorney

Letters of Conservatorship

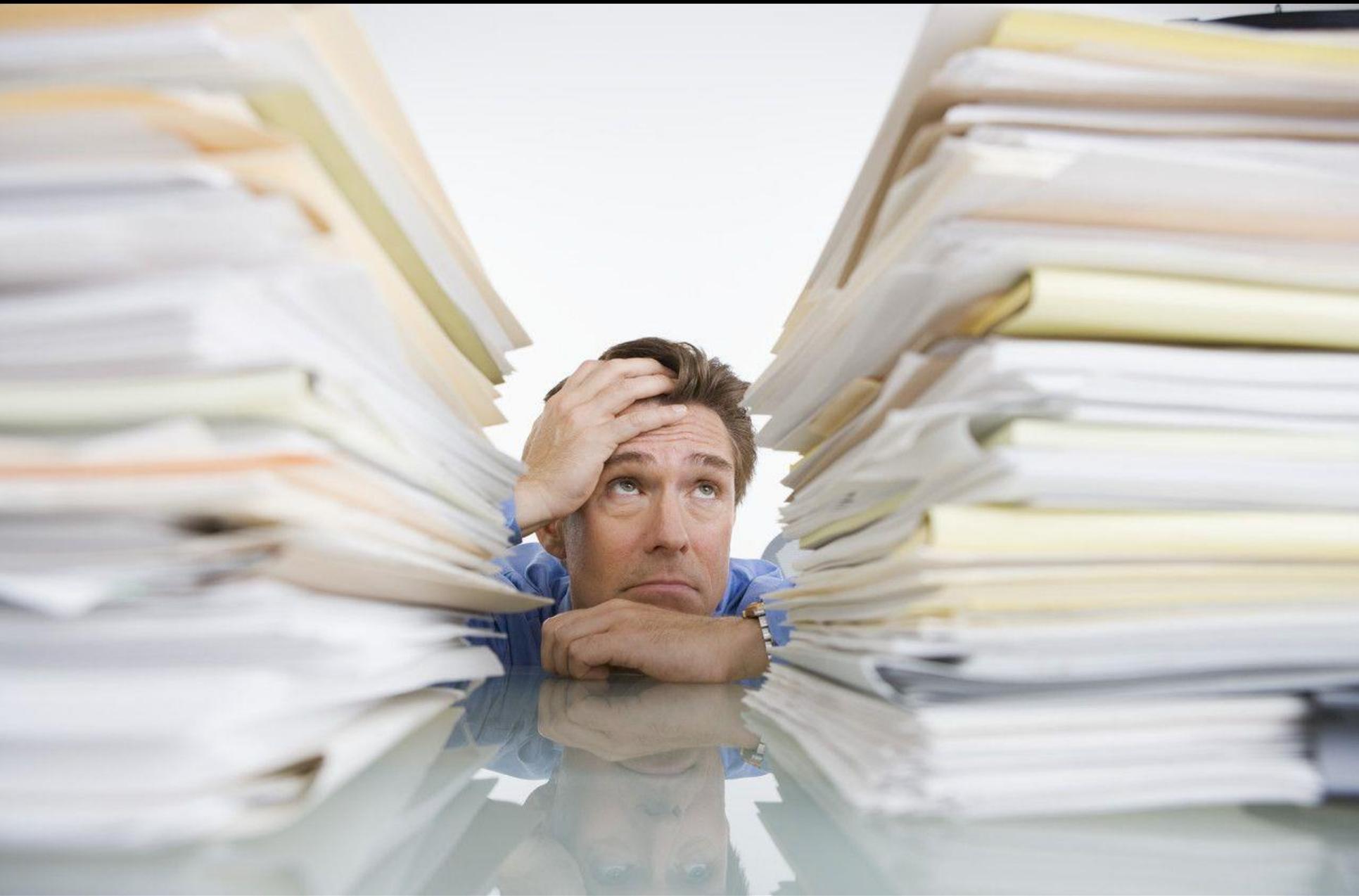
Private Contracts

“Life Contract”

“Care Contract”



**NONE OF THESE ARE A LICENSE TO STEAL!**



A Will or Testament is a legal declaration by which a person (the Testor) identifies the disbursement of their possessions and usually names a person to manage their affairs and estate.

Typically is accompanied by a Trust.

Typically does not include real property.



A Trust is a legal document detailing an arrangement under which one persons possessions (typically real estate or extremely valuable holdings) are held and controlled by a person, known as a Trustee.



Sometimes the Trustee is the original owner of the possessions.

Trusts can help avoid probate and reduce estate taxes upon the death, or set up long term estate management.

A Power of Attorney is a legal document wherein one person gives another person control of decision making for them (but not instead of them). They may be very narrow or very broad.

- Limited POA
- General POA
- Healthcare POA
- Financial POA
- Full POA
- “Springing” POA

You have to read it and determine what powers it authorizes



Conservatorship is a legal process done through the Probate Court, whereby a competent, suitable person is appointed by the court to manage the person, affairs, and/or estate of another (the ward).



A result of a court proceeding.

Can be wholly contested and very complicated.

Can be very narrow in focus, but the cases Law Enforcement typically get involved in are Full Conservatorship.

Individuals may enter into any type of contract they freely choose, as long as the activity is legal and all parties have capacity to understand the terms and conditions of the contract.

These are occasionally seen with elders who have no family to care for them.

Referred to as:  
“Life Contracts”  
“Care Contracts”  
various other names



# ASSESSING CAPACITY

**YOU BELIEVE THEY  
HAVE CAPACITY!**

**NOW WHAT?**

**YOU BELIEVE THEY  
LACK CAPACITY!**

**NOW WHAT?**





**EMERGENCY**

**DIAL**

**911**

**FIRE  
POLICE  
MEDICAL**





POLICE PATR

POLICE DEPT.

KEY

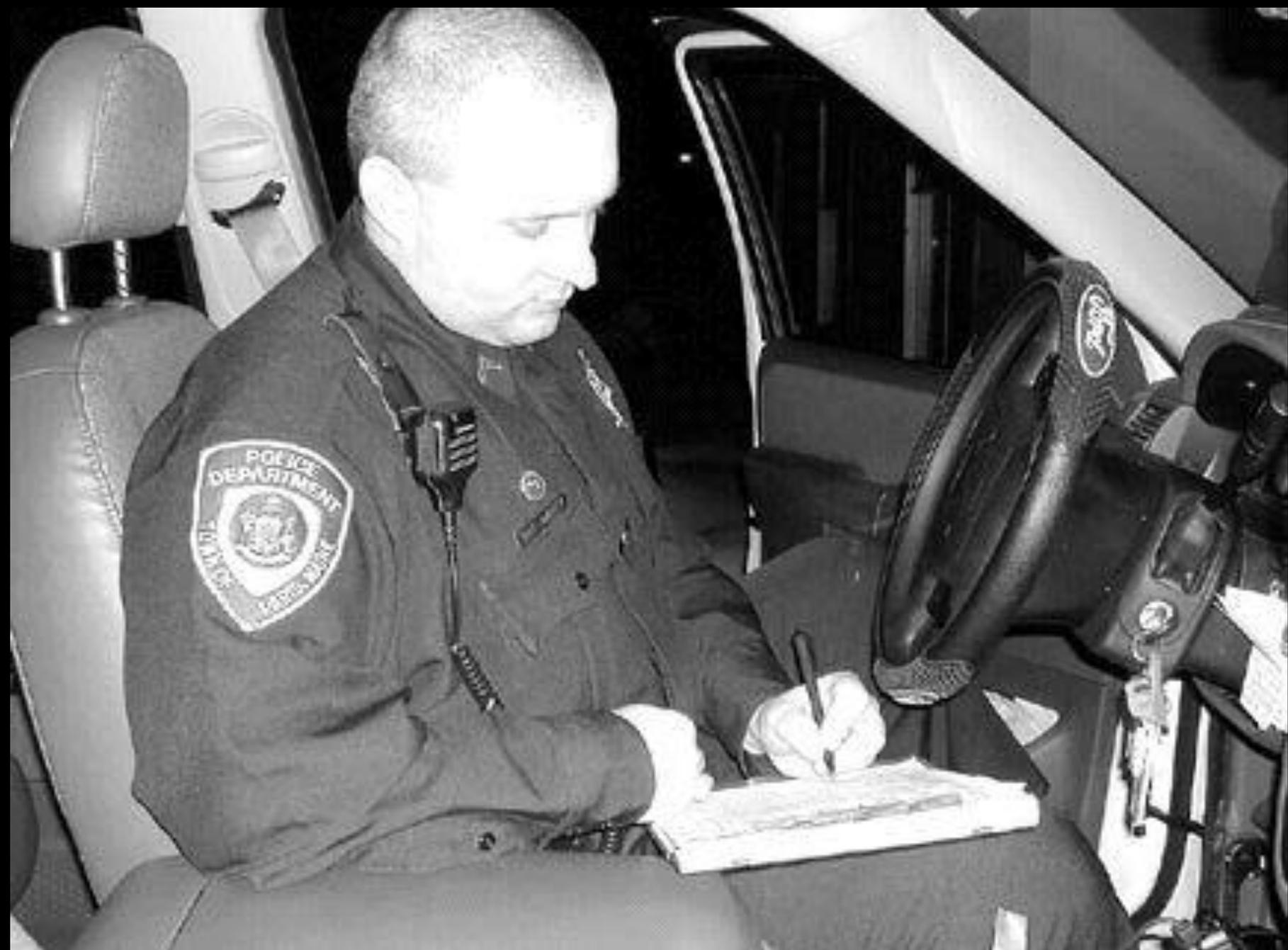






**SARASOTA COUNTY  
SHERIFF'S DEPARTMENT**

[www.mugshots.org](http://www.mugshots.org)

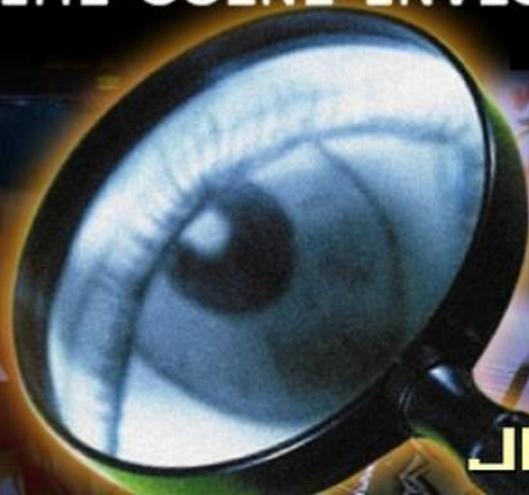




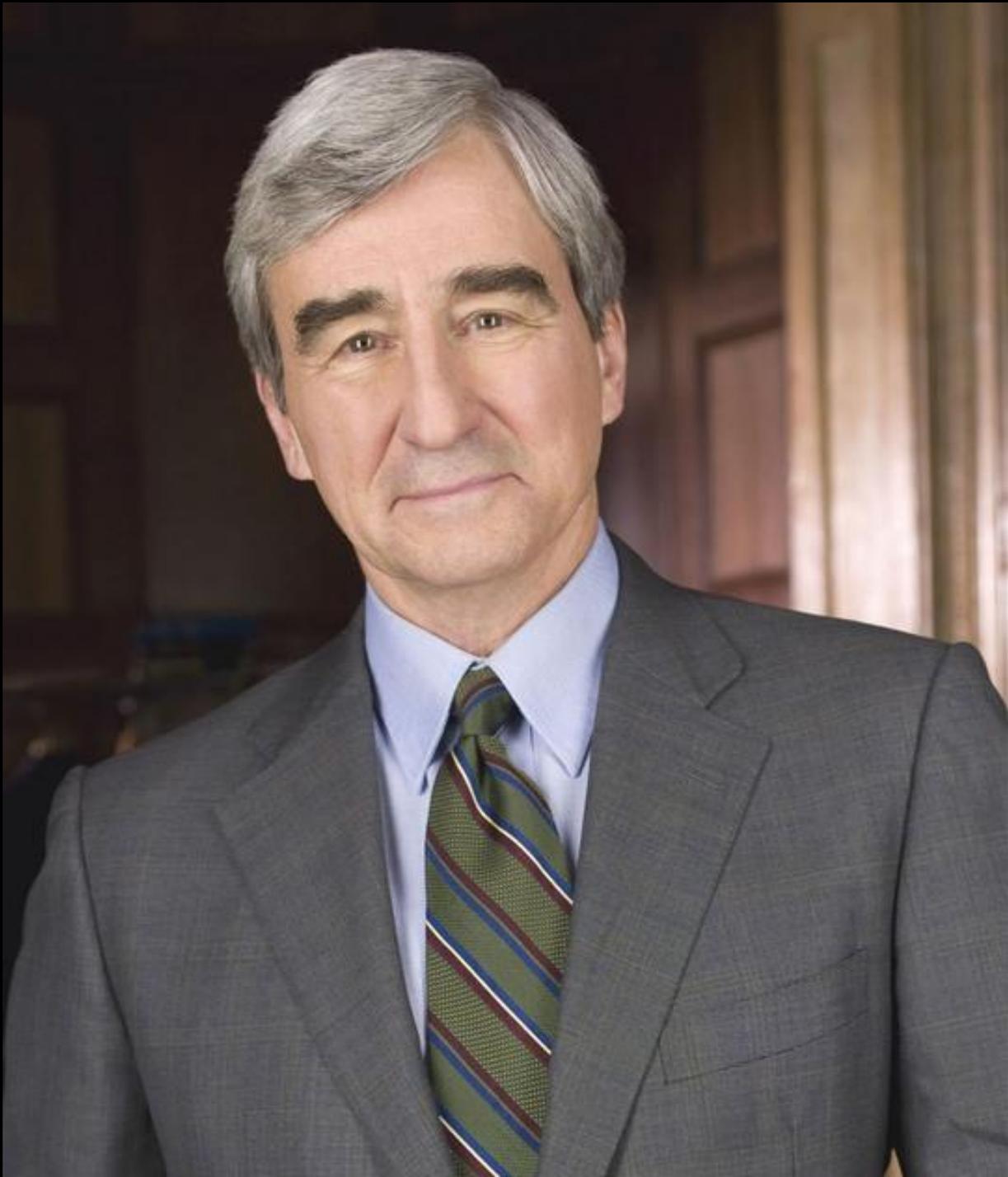


# CSI:

CRIME SCENE INVESTIGATION



Music By  
**JOHN M. KEARNE**











**What's missing  
from that story?**

- **Adult Protective Services**
- **Office of the Public Guardian**
- **EMTs / Fire / Rescue Personnel**
- **Long Term Care Ombudsman**
- **Hospitals, Nursing Staff, Doctors**
- **Department of Mental Health (GENESIS)**

- **In Home Support Services (IHSS)**
- **Regional Centers**
- **Probate Court**
- **Conservators (public, private, family, Pro-bono)**
- **Medical Doctors**
- **Neuro-Psychologists**
- **Financial Institutions (Particularly the Fraud Investigators)**

**LACK OF  
CAPACITY!**

**NOW WHAT?**

**Assessment by Investigator?**

**Medical Records?**

**Existing Capacity Declaration ?**

**Was the Doctor Qualified?**

**LA County Elder Abuse Forensic Center?**

**A Forensic Neuropsychological Exam?**

# Los Angeles County Elder Abuse Forensic Center

[www.lacelderabuse.org](http://www.lacelderabuse.org)

(323) 226-1470



# Los Angeles County Elder Abuse Forensic Center

bernatz experts

USC Davis

School of Gerontology

Keck School of  
Medicine of USC







**GOLDEN RULE**

**IF IT SOUNDS TOO  
GOOD TO BE TRUE**

**IT IS**



ROYAL BANK  
of  
NIGERIA

We continue to receive  
million or dollars, but  
alas My Prince, I still  
can not release the  
money to your relatives!



 Publishers Clearing House

**WIN**  
**\$1 MILLION**  
*every year for*  
**LIFE!**

**Enter Now**



Prize Event Winner  
Announced April 30th on NBC!

**CONGRATULATIONS,**  
**Sweepstakes**  
**Winners!**

Start the new year of the New 52 in style.



**DC ENTERTAINMENT**  
**P R E S E N T S**  
**THE COMIC BOOK**  
**COMPLETIONISTS'**  
**SWEEPSTAKES**

Enter for a chance to win **EVERY COMIC**  
in DC Comics' **ZERO MONTH**,

PLUS the DC COMICS: THE NEW 52 Omnibus, a massive hardcover collection  
that includes every single one of the New 52 #1 debut issues  
— a 1,216-page compilation!

**Win over \$1,000.00**  
**Instantly & Earn a Bonus**  
**\$10 MILLION**  
**SWEEPSTAKES ENTRY!**

**GET STARTED NOW!**



**WESTERN UNION** |  
**UNION** |

**MONEY TRANSFER**

Secure Payments by

**PayPal**

# Sweetheart scam

**SWEET  
HEART**



# Some Additional Elder Scams

- **Telemarketers**
- **Grandson in jail**
- **Jury Duty**
- **IRS**
- **Jamaican Switch**
- **Gypsy Home Improvement Scams**
- **Caregiver scams**

# Elder Fraud

**EXCLUSIVE**



# Elder Real Estate Fraud



# Characteristics of Real Estate Crime





# Documents

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

Mail Tax Statements to:  
Name: Trust Holding Service Co.  
Address: P.O. Box 3836  
Chatsworth, CA 91311



2

APN: 8250012034

## GRANT DEED

SPACE ABOVE THIS LINE FOR RECORDER'S USE

THE UNDERSIGNED GRANTOR(S) DECLARE(S):

- DOCUMENTARY TRANSFER TAX is \$0.00 CITY TAX is \$0.00
- computed on the full value of the property conveyed, or
- computed on full value less value of liens or encumbrances remaining at the time of sale,
- Realty not sold
- Unincorporated area  City of LOS ANGELES, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
[REDACTED] HUSBAND AND WIFE AS JOINT TENANTS

This conveyance transfers an interest into or out of a living Trust, R & T 11930"

hereby GRANT(S) to UCALA TRUST, TRUST HOLDING CO. AS TRUSTEE

the following described real property in the City of LA BENTE, County of LOS ANGELES, State of California:  
As shown in Exhibit "A" attached hereto and made a part hereof, and commonly known as

Dated: 10/1/08

STATE OF CALIFORNIA }  
COUNTY OF Los Angeles }SS

On Oct. 1 2008 before me

Peter B. Nam Notary Public,

personally appeared [REDACTED]

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Peter B. Nam

Grant Deed

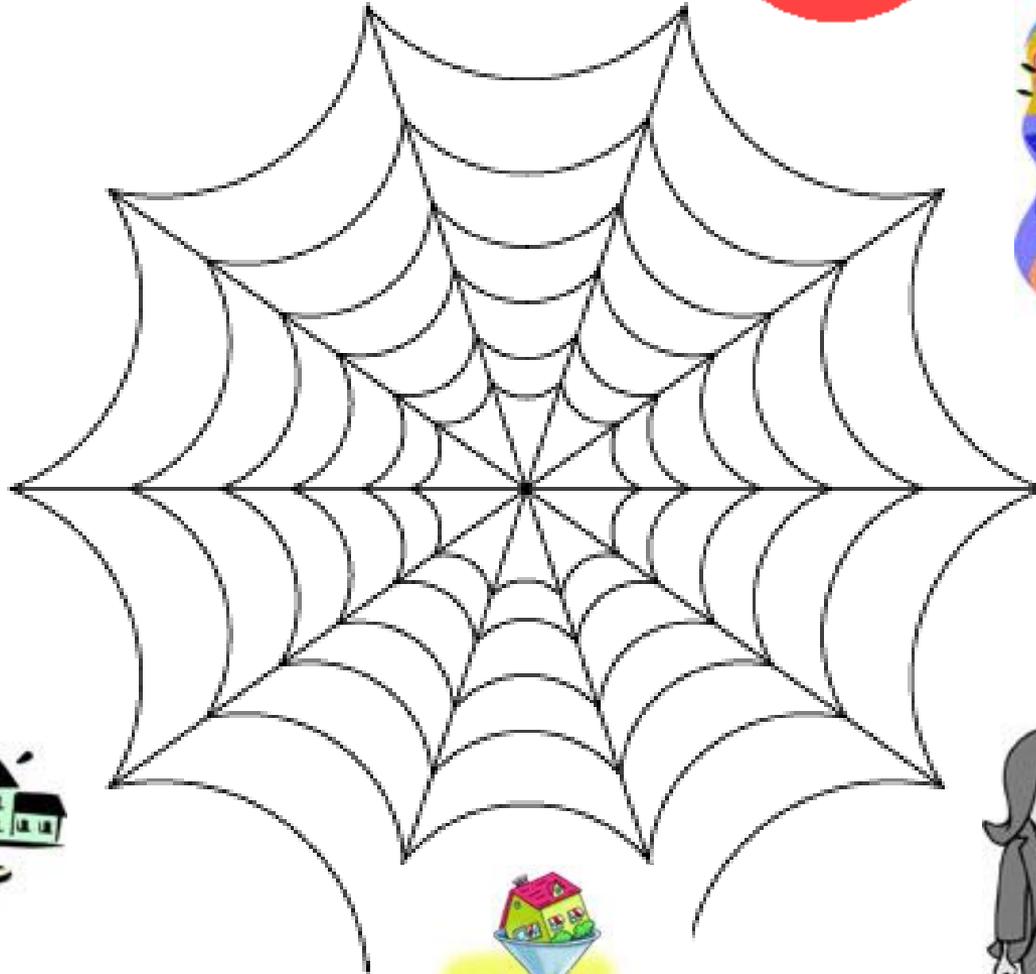
[Handwritten signatures and notary seal area]

SPACE BELOW RESERVED FOR NOTARY SEAL





**For Sale**



# WHAT DOES NOT CHANGE?



FIND THE LIES



FOLLOW THE MONEY



CATCH THE CROOKS

# Letter sent to Victim by Registrar Recorder



DEAN C. LOGAN  
Registrar-Recorder/County Clerk

A DOCUMENT  
Get Free

Dear Property Owner,

We are sending you  
important changes  
County is here to help

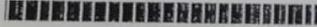
Please check the  
transaction, you

The enclosed

- Grant
- own
- the
- D

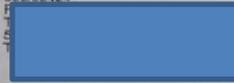
We s  
hor  
an  
a

8589-003-003  
DOC# 15-0931522-01-03



PLEASE READ YELLOW SHEET FIRST

00600424



## HOW THE PROPERTY TAX SYSTEM WORKS

### CITIES & COUNTY

Provides copies of all building permits issued.

### REGISTRAR-RECORDER/COUNTY CLERK

Website: <http://www.lavote.net/recorder>  
Provides copies of all deeds and other recorded documents.



### COUNTY ASSESSOR

Website: <http://assessor.lacounty.gov>  
Assesses all real estate and personal property (businesses, boats, and airplanes) located throughout the entire county.



### AUDITOR - CONTROLLER

Website: <http://auditor.lacounty.gov>  
Receives the assessments from the Assessor and applies the appropriate tax rate to determine the actual amount of property taxes owed.



### TREASURER - TAX COLLECTOR

Website: <http://tfc.lacounty.gov>  
Mails out the property tax bills, collects the money, and deposits it in the County Treasury.



### AUDITOR - CONTROLLER

Website: see above  
Allocates the money to over 900 local taxing agencies, including the County, cities, schools and special districts.



# Reverse Mortgages



# Builder Bust-Outs & Investments

**4 YEARS NO MORTGAGE PAYMENTS**

Buy in **Orlando** starting in the \$170s



[www.cisproperty.com/orlando](http://www.cisproperty.com/orlando)

**ABSOLUTELY EFFORTLESS OWNERSHIP™**  
IN THE HEART OF ORLANDO, FLORIDA!

- **4-YEARS NO MORTGAGE PAYMENTS** – Backed by Bank of America® Standby Letter of Credit
- **4-YEARS NO PROPERTY TAXES** or up to **\$25,000 CASH BACK**
- **4-YEARS NO HOA DUES** or up to **\$9,648 CASH BACK**
- **4-YEARS PROPERTY MANAGEMENT**
- **PERSONAL INVESTOR CONCIERGE SERVICE**
- **1-YEAR HOME WARRANTY**

## GRAND RESERVE

*at Kirkman Park*

### FEATURES

- Ceramic tile in kitchen and wet areas
- Plush carpet
- New lighting package in kitchen and dining rooms
- Microwave
- Crown molding in living areas (select homes)
- Vaulted ceilings (select homes)
- Nine-foot ceilings (select homes)
- Washers and dryers
- Garden rims and double sinks (select homes)
- Pre-wired for cable TV and up to six separate phone lines

### AMENITIES

- Sparkling pool with landscaped decks
- Limited access community with video monitoring
- Covered, heated spa
- Tennis court
- Car care center
- Business center
- State-of-the-art fitness center
- Aerobic area and tanning bed
- Garages

**CO-BROKERS WELCOME**  
Up to 5% in commission

call today  
**305-861-5500**  
Alex Kronfeld

**WaldenPacific™ Property Trust**  
Absolutely Effortless Ownership™



# • Examples of Solicitations



Dear Homeowner,

Re: Your home near West Covina

Our records indicate your home is scheduled to be auctioned very SOON  
- within next 3 weeks!

If you can reinstate your loan - I am Happy for YOU - **CONGRATULATIONS!!**

If YOU CAN NOT REINSTATE your loan, here are some **FREE** options for you:

- 1) Pretend to do a Short Sale to a "fictitious" buyer  
Bank will postpone the auction date until they review our short sale offer,  
- BUT they need about 5 business days to order a BPO - so don't wait til the last day!  
Once they postpone the sale, You can then reinstate or look into Options 2 or 3
- 2) Controlled Short Sale  
This is where a friend or family member Re-Buys your home at today's prices.  
Often you can re-buy your home at 50% to 60% of what is owed.  
YOU and I control which buyers' offer is shown to the bank!
- 3) Short Sale to Investor  
We work with investors looking to BUY homes with you remaining as a renter.  
Some investors will even agree to re-sell you the home as soon as you can qualify

It is NOT Too Late - I have submitted short sale packages as late as 3 business days before the auction, have gotten the auction postponed, and the short sale approved.

Do NOT let the bank take your home! All of these Options are **FREE** to you - **AND** you get more time in the house. Call me today for a **FREE** Consultation to discuss your options.

I look forward to hearing from you, and hope to be helping you soon.

Sincerely,

*Bill Mota*

Bill Mota - Broker / Owner  
Direct: 626) 233-0190  
E-mail: BillMota@Live.com  
Website: www.SHMRealty.com  
Servicio en Espanol

South Hills Midland Realty  
101 N. Orange Ave, Suite D  
West Covina, CA 91790  
626) 960-2244 Off  
626) 960-4644 Fax

\* If your property is currently listed this is not a form of solicitation.

If you are having trouble reading this e-mail View the online version in your web browser.

INVESTOR HERE, I BUY YOUR LISTINGS, SHORT SALES, REOS, PRE MLS, EXPIRED LISTINGS ETC.

GET PAID UP TO 9% Commission Guaranteed!!

[www.CaliforniaHomesRepos.com](http://www.CaliforniaHomesRepos.com)

562-805-4010

Here's What We Do:

1. You are about to list a home and realize the seller has no equity and is behind in their payments.
2. After your listing appointment, you call us and you write the offer for us.
3. We even provide you all of the additional short sale documents needed for the seller to sign & help you get the paperwork to us.
4. We sign a compensation agreement with you for a FULL 5% to 6% COMMISSION of the Short Sale Price and listing rights.(you represent, buyer and seller)
5. While we negotiate with the lender to take a discount and approve the sale, you help us to resale and get paid another FULL COMMISSION 3% for you bringing a buyer. Total of 9% for the same house.
6. We close on the short sale with CASH and sell it to an end buyer with you as our listing agent.
7. We do all the boring negotiation work , it is up to you.. Just Cashed your Check... Yes, up to 9%

REASONS TO DO BUSINESS WITH US:

- \* We have been in Real Estate investing for more than 12 years.
- \* We were doing short sales before anyone was talking about short sales
- \* We specialize in negotiation with banks
- \* We have long lasting relationships with banks
- \* We have a network of investors that will buy the homes when we get the short sale approved
- \* Your listing is SOLD the day you list it! WE BUY CASH.....

Please Visit my Site for my Deals and Call me if you have deals Now.

Christian Yopez, Trusted Advisor

562-805-4010 - [www.CaliforniaHomesRepos.com](http://www.CaliforniaHomesRepos.com)

We Buy only in Southern California

PS. Go to my site now, I have a Great Special Report for the latest California Foreclosures, F ree.

# Foreclosure Fraud Video

[PLAY](#)



“Always remember, the weak, meek and ignorant are always good targets.”

Charles Keating  
Internal Sales Memo, Lincoln Savings



**STOP ELDER ABUSE**  
**(877) 4 - R - SENIORS**  
**(877) 477-3646**  
TOLL-FREE  
LOS ANGELES COUNTY  
**ELDER ABUSE HOTLINE**

01/01/2007

# Mandated Reporters



# Mandated Reporters

- **Teachers**
- **Doctors**
- **Nurses**
- **Psychologists**
- **Long Term Health Caregivers**
- **Health Practitioners**
- **Law Enforcement**
- **Financial Institutions**



# Some Statistics to think about!

# Census Bureau Statistics



# Census Bureau Statistics

## Americans 65 years and older

1980 25,555,000

1990 31,084,000

2000 34,992,000

2010 40,267,000

2020 ?



**70,490 Centenarian** (as of 9-1-2010)

<http://www.census.gov/compendia/statab/2012/tables/12s0007.pdf>

<http://en.wikipedia.org/wiki/Centenarian>

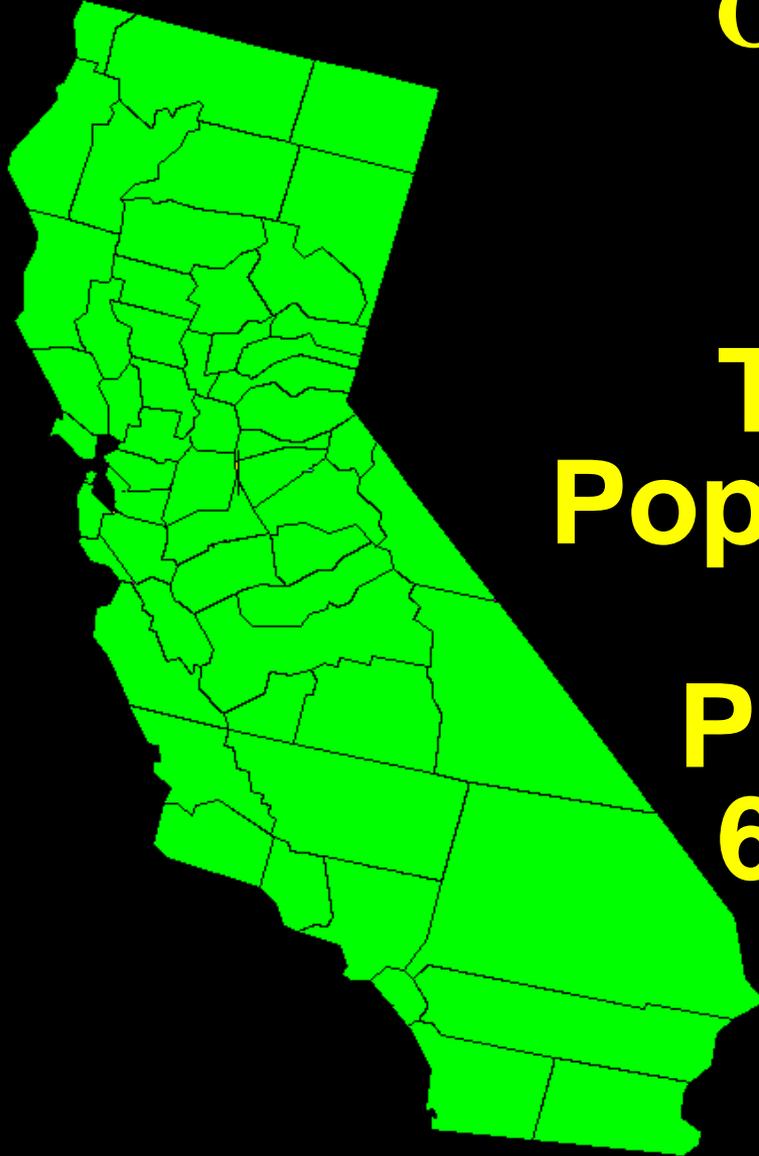
<http://www.dailymail.co.uk/sciencetech/article-2011425/The-person-reach-150-alive-soon->

# Census Bureau Statistics



## California

(2010 Census)



**Total  
Population 37,253,956**

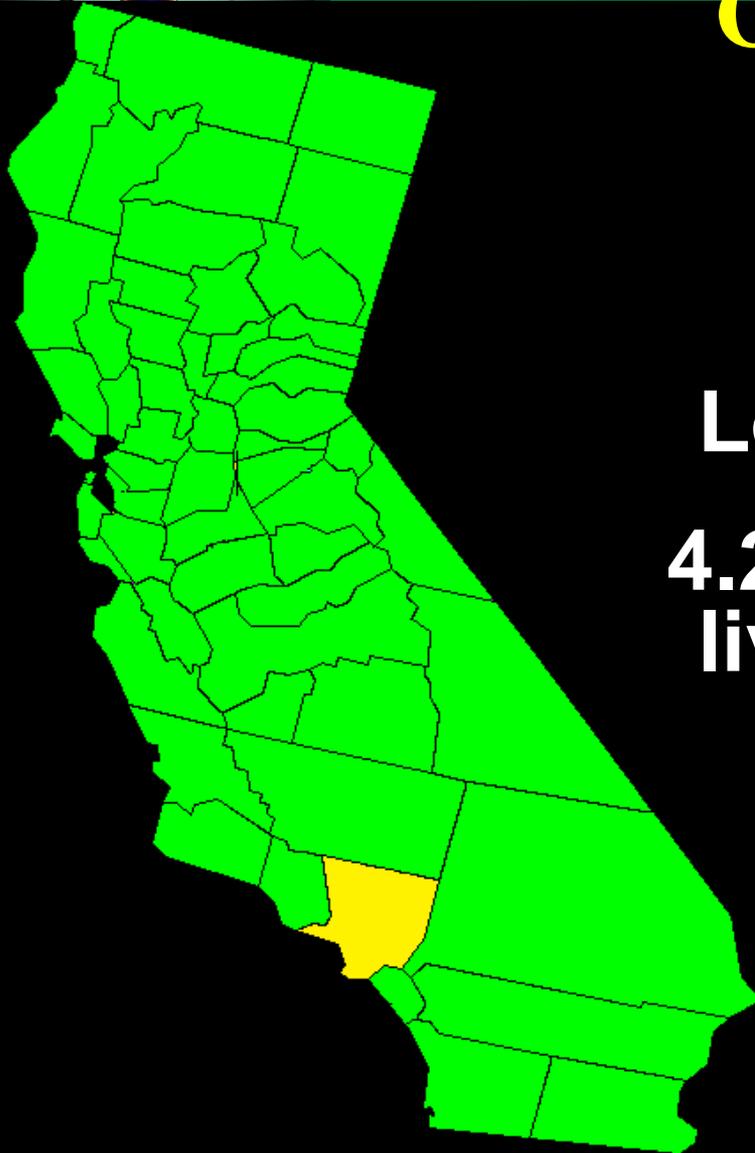
**Population  
65 or over 4,508,455**

# Census Bureau Statistics



## California

(2010 Census)



**Los Angeles County 10.9%**

**4.23% of all elder Americans  
live in Los Angeles County**

# Census Bureau Statistics



- Only 4 in every 100 cases of abuse gets reported.
- **In California, Elder and Dependent Adult Abuse has increased 8% per year since 2000.**
- Half of physical abuse has a financial basis.
- **Elders control about 70% of the nations wealth – primarily through real estate.**
- Half of all elders live alone. Half of those have some level of diminished capacity.



EVERY

8.1

SECONDS

**In the time we spent together today, about 900  
Americans became elders.  
(About 38 in Los Angeles County)**



# Keys to Success





# Partnerships





# Partnerships

**Law Enforcement and District Attorney**

**Department of Consumer Affairs**

**Registrar Recorder's Office**

**Bureau of Real Estate (Formerly DRE)**

**Assessors Office and State Bar**



# Partnerships

**Adult Protective Services**

**Bet Tzedek, Keep Safe & Aspire**

**Long Term Care Ombudsman**

**Public Guardian's Office**

**Los Angeles County Forensic Center**



# Partnerships

**Private Industry**

**Title Insurance**

**Escrow Associations**

**Notaries**

**Media and Public Outreach**



# Elder & Real Estate Fraud Teams



# Who You Gonna Call?

## LASD FRAUD and CYBER CRIMES BUREAU

- Sgt. Alex Gilinets 562-946-8250
- Sgt. Jacqueline Luna 562-946-7942
- Sgt. Dana McCants 562-906-5430
- Fraud & Cyber Crimes 562-946-7217

Who You Gonna Call?

**Los Angeles County  
Elder Abuse Hotline**

**877-4- R- Seniors**

**877-477-3646**