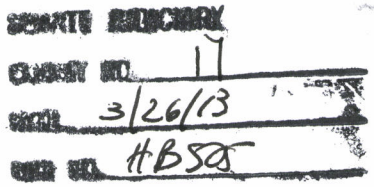

Philip Tummarello
1257 Iron Cap Drive
Stevensville, Montana 59870
406-381-1807
pjt803@hotmail.com

Education: Indiana University, Bloomington: French Horn & Comparative Religious Studies
B.S. 1977 Music Performance Scholarship Award
St. Mary's College; Moraga, Ca. Management B.A. 1995

Professional History: Henry Mancini Orchestra 1974-77 Barry White Orchestra 1975
San Francisco Chamber Orchestra 1979 Oakland East Bay Symphony 1980
San Francisco Pocket Opera 1980 Positions Offered: Jerusalem Symphony Israel ; Kassel Opera Germany; Stockholm Brass Quintet Sweden

New York Public Interest Research Group 1981-82 Canvass Supervisor

San Francisco Police Department 1982-2004
Patrol Division Mission Station 1982-1986
Narcotics Division 1987-1989 Organized Crime Drug Enforcement Task Force U.S. Attorney's Office
Bureau of Investigations 1989-2004 Sergeant/Inspector
Narcotics Division
Financial Crimes Section
Elder Abuse Task Force Inspector in Charge*
Homicide Section Elder Abuse Crimes
Child Abuse Section
Supervisor- Cargo Theft Task Force San Francisco Airport
Sexual Assault Section

P.O.S.T Certifications: Basic, Intermediary, Advanced, Supervisory
Narcotics Investigation
Financial Crimes Investigation
Homicide Investigation
Child Abuse Investigation
Sexual Assault Investigation

*Co-designed & Implemented Multi-Disciplinary Protocol for SFPD, Adult Protective Service, Public Guardians Office, District Attorney's Office response to Elder Abuse Allegations

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Assembly
California Legislature

Committee on Public Safety

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JUDITH M. GARVEY

COUNSELS
DAWN KUSUMOTO
JEROME McGUIRE

CONSULTANT
JAMES TOMA

COMMITTEE SECRETARY
SUE HIGHLAND

October 16, 1997

John Willett, Deputy Chief
San Francisco Police Department
Hall of Justice
850 Bryant Street
San Francisco, CA 94103

Dear Deputy Chief Willett:

The Assembly Committee on Public Safety will conduct an interim hearing relating to elder abuse at the State Capitol, Room 4202, Sacramento, on Tuesday, November 18, 1997, beginning at 9:30 a.m. This hearing will explore both financial and physical elder abuse.

As my staff has prepared for hearing, there is a strong statewide consensus that Inspector Phillip Tummarello be invited to participate on our panels. As you may know, Inspector Tummarello was very helpful to me this year securing the enactment of AB 870 (elder abuse training for law enforcement).

Your consideration of this request is appreciated.

Sincerely,

ROBERT M. HERTZBERG
Chair

RMH/jt/jg:slh

cc: Inspector Tummarello

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Assembly
California Legislature

Committee on Public Safety

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JEROME McGUIRE

CONSULTANT
JAMES TOMA

COMMITTEE SECRETARY
SUE HIGHLAND

INVISIBLE CRIMES:
What Can the Legislature Do to Prevent the Physical and Financial Abuse of the Elderly?

An Interim Hearing

Tuesday, November 18, 1997
9:00 a.m. – 1:00 p.m.
Room 4202 State Capitol
Sacramento, California

TENTATIVE AGENDA (11/12/97)

I. Introduction		**9:00 am**
1. **John Kehoe**, Executive Director, State Commission on Aging	Aging Population Profile: demographic trends, and available senior services.	
2. **Lisa Nerenberg**, San Francisco Consortium for Elder Abuse	*Framing the Issue of Elder Abuse: Scope of the problem, challenges, innovative practices, cultural factors*	*9:05 – 9:20*
Questions		**9:20 – 9:35**
II. Physical Abuse and Neglect	**Community and Institutional Settings**	**9:35 am**
	Panel 1: Elder Abuse in the Community	*9:35 – 10:25*
1. **Ardith Jarvan**, Los Angeles County District	Physical abuse in domestic and community settings	

[illegible] SACRAMENTO, CA [illegible]
[illegible]

Assembly Committee on Public Safety

Memo

To: **Presenters at the Elder Abuse hearing**

From: **James Toma, Assembly Committee on Public Safety staff**

Date: 11/12/97

Re: **Contacts, format, etc.**

Tuesday, November 18 - Elder Abuse Hearing

Thank you very much for coming to the State Capitol to testify at the Assembly Committee on Public Safety hearing on Elder Abuse.

1. **Contact Sheet.** I am attaching to this FAX a contact sheet for your information. These are your colleagues who will also be testifying at the hearing. You will see that most of you sit on a panel. You may want to contact another person before-hand to collaborate and avoid overlapping testimony.

2. **Roundtable Format.** We are holding the hearing in a roundtable format. When speakers are not on a panel to present, you'll have nameplates for you and a seat up on the dais with a microphone so that you can answer questions raised by the Chair or other Members. If you can make the entire hearing (9:00 a.m. to 1:00 p.m.) that would be great. If you can't, just let me know when you need to leave.

3. **Time Limits.** I'm asking everyone to exercise extraordinary self-discipline and limit themselves to their allotted 5 minutes. Lisa Nerenberg and Dr. Singer will have additional time for their special presentations. The subject we are addressing is a large one, and in order for the Members to be productive they need to be able to ask questions. If you go beyond the time limits that means less time for questions. It is also a courtesy to those who will present testimony later in the agenda. The Committee is holding another hearing in the afternoon and we can't afford to run late.

4. **Tips for Testifying.** Some of you have never testified before a Committee. There will be a raised dais where the Members of the Assembly sit. Down below, facing the dais is a podium for a speaker and a table with microphones next to the podium. When your panel is up, please sit as a group at the table next to the podium. Whoever is presenting will

Attorney's Office		
2 **Paul Greenwood**, San Diego County District Attorney's Office	[illegible] it, multi-disciplinary [illegible] in Diego County	
3 **Mike Decker**, County Welfare Directors Association, CAAAA	California Welfare Directors Association legislative proposal: Expanding Adult Protective Services	
4 **Irene Casanova**, San Mateo County Regional Adult Protective Services Subcommittee, CWDA	[illegible] Adult Protective Services in physical abuse cases and collaboration with law enforcement agencies	
5. **Peter Kellison**, California Association for Health Services at Home	Criminal background checks [illegible] care providers, steps already taken and gaps in the current coverage	
Questions		10:10 – 10:25
	Panel 2: Elder Abuse in Institutional Settings	*10:25 – 11:05*
1 **Phyllis Heath**, [illegible] Term Care Ombudsman	[illegible] the State Ombudsman program and elder abuse of institutional residents	
2 **Gabriel Vivas**, Attorney General's Office	Rapid Response Team, changes to the reporting law, conditional exams	
3 **Mark Reagan**, Foley Lardner, Weissburg & Aronson (*representing the California Association of Health Facilities*)	Need for a single centralized reporting system and clear and consistent definitions for purposes of reporting. Disincentives by citing facilities for reporting suspected abuse	
4 **Patricia McGinnis**, California Advocates for Nursing Home Reform	When substandard care becomes elder abuse and potential remedies to deter abuse in long term care	
Questions		10:50 – 11:05
III. Financial Abuse	**Undue Influence Over the Elderly**	**11:05 am**
1 Dr. Margaret Singer	*Special Presentation: "Undue Influence on the Elderly: Dementia and Medical Aspects"*	*11:05 – 11:30*
	Questions	11:30 –

		11:40
	Panel 3: Financial Abuse	*11:40 12:25*
1 **Philip Tummarello**, Inspector, San Francisco Police Department (unconfirmed)	Law enforcement perspective of financial abuse.	
2 **Chayo Reyes**, Detective, Los Angeles Police Department	Law enforcement and mental capacity. Fiduciary Abuse Specialist Team (FAST)	
3 **Marc Hankin**, Attorney, Law Offices of Marc Hankin	Urgent need for law enforcement intervention in fiduciary abuse cases; law enforcement authority to freeze accounts. Gatekeeping role of banking community. Financial Advance Directive	
4 **Kathleen Dorosz**, Director, Elder Abuse Prevention		
5 **Joan Donnellan**, Attorney, Leland, Parachini		
Questions		12:10 – 12:25
	Panel 4: Expanding Penal Code §368c	*12:25 – 12:50*
1 **Prescott Cole**, California Advocates for Nursing Home Reform	"Caretaker loophole" discourages prosecutors from pursuing criminals. Elder abuse law needs to be modified.	
2 **Dennis Morris**, San Francisco District Attorney's Office		
3 **Katherine Sher**, California Attorneys for Criminal Justice	Law extended to provide further punishment for abuse of trust given broad definition of "caretaker," no reason to expand heightened penalties.	
Questions		12:40- 12:50
IV Public Comment		12:50 – 1:00 pm

speak standing at the podium. When you are not presenting and your panel is not up, please sit up on the dais at one of the [illegible] and tea will be available to you throughout the day. Some tips on your testimony:

a. *Introduce yourself.* When you begin speaking, introduce yourself and your organization. [illegible] Members know briefly what your expertise is. We will have background [illegible] but the Members and the audience may not have read them. [illegible] please identify yourself first.

b. *Get to the point.* [illegible] Don't worry about formalities since they only eat up time. Recall the theme of this hearing is "what can the Legislature do to [illegible] Testimony from panelists should include the identification of problems and legislative solutions, whenever possible.

c. *Speak in [illegible] terms and avoid technical language.* For example, do not refer to CAAA [illegible] without explaining what it is. The Members [illegible] have any background in [illegible].

d. *Be flexible in your presentation.* The Members typically interrupt with questions before a person finishes his or her testimony. Take that into consideration and make sure you don't leave your most important points for the end of your testimony because you may never get there.

e. *You will be televised.* The hearing will be both televised and broadcast on the Capitol radio station so your audience will not be limited to the Members and those present in the hearing room. You must always speak into the microphones or the sergeants will badger you about it.

f. *Please no reading.* As much as possible, do not read your presentation. It is generally not an effective way to communicate what you have to say.

5. **Contact Information.** Here are some telephone numbers to keep with you: Assembly Committee on Public Safety (916) 445-3268; Assemblymember Robert Hertzberg (916) 445-7644; James Toma's pager (916) 819-4248.

I look forward to seeing you on the 18th!

Attachments: Agenda
Contact Sheet

Speakers

1. **Irene Casanova** [illegible] County, [illegible] FAX [illegible] (Eleanor Secretary)
2. **Prescott Cole** [illegible] Advocates for Nursing Home Reform, (415) 474-5171, FAX (415) 474-2904
3. **Mike Decker** [illegible] FAX [illegible] 891-3919 (see Debbie)
4. **John Donnellan** [illegible] FAX [illegible] Perachina, Steinberg [illegible] Task Force: Eeland@earthlink.net
5. **Roger Dorosz** [illegible] FAX [illegible] Abuse Prevention, 1015 Nevin #102, [illegible] CA 948[illegible] [illegible]@aol.com
6. **Paul Greenwood** [illegible] FAX [illegible] 513-8826
7. **Marc B. Hankin** [illegible] FAX [illegible] Marc-B.Hankin@worldnet.att.net [illegible] 90064-1611 (Joey Gossett, Asst.)
8. **Phyllis Heath** [illegible] State Long Term Care Ombudsman, [illegible] FAX 324-[illegible] (Armstrong)
9. **Judith Jarvan, Deputy District Attorney, Los Angeles County**, 201 N. Figueroa Street [illegible] PH. (213) 580-8792, FAX [illegible] 580-3399
10. **John Kellner** [illegible] Aging [illegible] Street [illegible]
11. **Peter Kellison**, [illegible] Peter Kellison, Legislative Advocate with California Advocates on Behalf of the California Association for Health Services at Home (CAHSAH) 925 L Street, Suite 350 Sacramento, CA 95814, 441-5050
12. **Pat McGinnis**, California Advocates for Nursing Home Reform, (415) 4[illegible] FAX (415) 474-2904
13. **Dennis Morris**, [illegible] Deputy District Attorney, [illegible] FAX [illegible] 552-[illegible]
14. **Lisa Nerenberg**, [illegible] Abuse [illegible] 4136 [illegible]@aol.com
15. **Mark Reagan** [illegible] Wellsburg and [illegible] Floor, SF [illegible] (415) [illegible] FAX (415) [illegible]
16. **Chavo Reyes, LAPD** [illegible] FAX [illegible]
17. **Kathy Sher** [illegible] 8965
18. **Dr. Margaret Singer**, [illegible] FAX [illegible] 848-8618
19. **Inspector Philip Tumm**[illegible] Street [illegible] San Francisco, CA [illegible]
20. **Gabriel Vivas** [illegible] Department of Justice, Bureau of Medical Fraud [illegible] Prosecution Unit [illegible] HDCDOPSI [illegible]

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CONSULTANT
JAMES TOMA

COMMITTEE SECRETARY
SUE HIGHLAND

November 24, 1997

Philip Tummarello, Inspector
Department of Justice
2720 Taylor Street, #300
San Francisco, CA 94133

Dear Inspector Tummarello:

Thank you for your valuable participation at our hearing, "Invisible Crimes: What Can the Legislature Do to Prevent the Physical or Financial Abuse of the Elderly."

Our Committee members and staff felt the hearing was extremely informative and educational, and provided the Committee with many ideas about ways in which to combat the problem of elder abuse. We believe were successful in creating significant awareness of the problem and in educating Assembly members and staff regarding the complexities of the issue.

I hope that you continue to work with us on solving problems in this very important area of public policy. If you have a legislative idea (or ideas), I urge you to submit them in writing to the Assembly Committee on Public Safety (P.O. box 942849, Sacramento, CA 94249-0001).

I hope you will stay in touch with Committee staff and keep us informed. I look forward to working with you in the future.

Sincerely,

ROBERT M. HERTZBERG
Chair

RMH/JT:slh

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SACRAMENTO OFFICE
STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0001
PHONE: (916) 445-7644
FAX: (916) 323-8459

DISTRICT OFFICE
6150 VAN NUYS BLVD., SUITE 305
VAN NUYS, CA 91401
PHONE: (818) 376-4040
FAX: (818) 902-0764

INTERNET ADDRESS
hertzbrm@assembly.ca.gov

Assembly
California Legislature

ROBERT M. HERTZBERG
ASSEMBLYMEMBER, FORTIETH DISTRICT

COMMITTEES
CHAIR, PUBLIC SAFETY
MEMBER, GOVERNMENTAL ORGANIZATION
MEMBER, HEALTH
MEMBER, INTERNATIONAL TRADE & DEVELOPMENT
MEMBER, LOCAL GOVERNMENT

March 14, 1997

Deputy Chief John Willett
Chief of Inspectors
Hall of Justice
850 Bryant Street Room 400
San Francisco, CA 94102

Dear Mr. Willett:

I wish to request the testimony of Sergeant Inspector Phillip Tummarello Star # 803 before the Assembly Public Safety Committee on Tuesday April 8, 1997. I am chair of the Committee and will be presenting AB 870, a measure to help prevent the increasing incidence of white collar crimes committed against the elderly. Attached is a copy of the bill and a brief summary of the legislation.

Mr. Tummarello's testimony would greatly contribute to the committee's understanding of the breadth of scams which are committed against the elderly in the San Francisco Bay Area and throughout California. Please inform Elise Thurau (916) 445-7644 of your decision concerning Mr. Tummarello's attendance and testimony at this upcoming hearing.

Thank you for your consideration.

Kindest regards,

Robert M. Hertzberg
Chairman, Assembly Public Safety Committee
Assemblymember, 40th District

RMH:et

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MONARCH OF THE DAILIES SINCE 1887

Francisco Examiner

[★★]
Friday afternoon
NOVEMBER 7, 1997
HOME DELIVERY EDITION
TWENTY-FIVE CENTS
NEWSSTAND PRICE

'Mad City'

Hoffman, Travolta star in remake by Costa-Gavras [C-1]

8 accused of plotting poison murders

FOXGLOVE from A-1

ght indicted in eath conspiracy

n arrested as of late Thursday. Department sources said investors and prosecutors had debated for years whether they could r convince a jury that any of the tims were actually murdered. ile traces of digitalis were found he bodies of five alleged victims, y all were originally determined have died of natural causes, according to law enforcement rces.

Coroner reports on all the vics have been sealed at the request of investigators for more an three years.

The five alleged victims were all friended not long before their aths by members of a group that cluded Angela Tene, also known Angela Bufford; her mother, ary Tene Steiner; her brother, anny Tene; and Angela's boyend, George Lama, police said.

Jail officials said George Lama, , and Angela Bufford, 37, were ch arrested on six counts of conpiracy to commit murder and ore than a dozen counts of stealg from a dependent adult. Mary ene Steiner, 57, was booked on vo charges of conspiracy to comit murder and two counts of cruty to a dependent adult.

Danny Tene, 35, was arrested n nine counts of stealing from a ependent adult and one count of rand theft of property.

Teddy Tene, 27, was booked on single count of stealing from a ependent adult. His involvement n the group and the alleged crimes as not clear late Thursday.

Police arrested Lama and Buford at 10:25 a.m. at their home at 9th Avenue and Moraga Street. Mary Tene Steiner, Danny Tene nd Teddy Tene were all taken into ustody just after noon at 22nd Avenue and Taraval Street.

All five were being held at the County Jail. No bail was set for Lama, Bufford and Steiner; Danny and Teddy Tene were each being held on $1 million bail.

Bufford's attorney, Robert Sheridan, said she is innocent.

"The poison murder story is fascinating but it's missing couple of things, like poison and murder," Sheridan said. "The booking sheet says that she is charged with conspiracy to commit murder — not murder. That shows they don't have a case. If they had a case, why didn't they prosecute her four years ago? Three years ago? Two years ago? Last year? Why now? ... This is completely political."

The attorneys for the others could not be reached for comment.

Because copies of the indictments were not made public, the identities of the other three people who were indicted were not known.

Law enforcement officials say all four Tenes are members of the Tene Bimbo clan, which gained notoriety in Peter Maas' best-selling slowly poisoned using the drug digitalis in a plot to acquire their estates, investigators said. Digitalis, a heart drug that can be fatal in higher doses, is derived from the foxglove plant.

The defendants allegedly won the confidence of their targets, getting access to each man's assets. The defendants decided not to wait for their elderly victims to die of natural causes and instead sped up the process, investigators believe.

The bodies of four men — Philip H. Steiner Jr., 93; Konstantin K. Liotweizen, 92; Nicholas C. Bufford, 87; and Stephen Storvick, 91 — were exhumed in 1994 for autopsies.

An autopsy also was conducted on a fifth man, Harry Glover Hughes, 94, when he died in March 1994. Police have not released the autopsy results.

The five San Francisco men died between 1984 and 1994. Two of the suspected victims were married shortly before they died, one to

bers of the clan also shared estates of three other elderl they had befriended, investi said.

The suspected ring has all acquired more than $1 mill cash, investments, real estat elry and automobiles, by eitl friending or marrying victir cording to private detectives ing on behalf of family mem the deceased.

The Foxglove investigati been very controversial witl Police Department. The c investigators were pulled case and later accused of i misconduct charges for al violating police procedural lines. For several years, th glove investigation was refe as the "Case from Hell" b who were close to it.

The two original insp Greg Ovanessian and Dani czak, were taken off the 1994 and now face interna misconduct charges. They

FOXGLOVE CHRONOLOGY

The alleged murder-for-profit scam in San Francisco goes back at least 14 years.

The following is based on court records and interviews with law enforcement agents:

▶ **APRIL 1983:** Mary Tene, 42, marries Philip H. Steiner Jr., 89, a former hotel maintenance employee, and becomes a joint tenant on the deed to Steiner's 33rd Avenue home.

▶ **MAY 1984:** Angela Tene, Mary Tene's daughter, goes with Nicholas Bufford to the county courthouse, where she registers as his granddaughter on the deed of trust for his 14th Avenue home. Three months later, Angela Tene, then 24, marries Bufford, 87, and is designated his sole beneficiary and executor of his estate. In November, Bufford dies of uremia, complicated by heart disease. Angela Tene inherits his entire estate, including savings of $125,000.

▶ **1986:** While still married to Steiner, investigators believe that Mary Tene moved in with Konstantin Liotweizen, an 89-year-old retired deli owner with a broken hip. She becomes a joint tenant on the deed to Liotweizen's Funston Avenue apartment complex, later valued at $937,000.

▶ **1987:** Steiner dies of cardiopulmonary arrest, brought on by pneumonia. Mary Tene inherits his Sunset District house, his stock investments and half of his bank accounts. George Lama, who has been called Angela's boyfriend by investigators, begins buying digitalis, a heart drug, from the West Portal Pharmacy, according to police records.

▶ **1989:** Liotweizen dies of heart failure, according to coroner's records. As the surviving joint tenant, Mary Tene inherits the building. Some $77,000 in other assets is split between Mary Tene and Liotweizen's son, Michael. Angela Tene and Lama meet Stephen Storvick, 88, and begin to bring him food in his apartment above the deli. Storvick receives numerous anonymous telephone threats and agrees to Angela Tene's suggestion to make her his heir.

▶ **MARCH 1991:** Storvick tells police he suspects that Angela Tene and Lama are trying to kill him by drugging his food. Later, suspecting he is being manipulated, Storvick alters his will again, designating his relatives in Norway as beneficiaries.

▶ **1992:** Storvick dies of respiratory failure brought on by pneumonia.

▶ **1993:** Lama and Angela Tene meet and befriend Harry Glover Hughes, 94, and begin bringing him food. Lama's name later appears on the title to Hughes' Mercedes. By March 1994, Lama and Angela Tene's names are discovered on at least three of Hughes' bank accounts. That year, police inspectors Gregory Ovanessian and Daniel Yawczak begin investigating, based on tips from informants and private investigators.

▶ **MARCH 1994:** Hughes' nephew David Payne wins conservatorship of his uncle and his $1.2 million estate. In court documents, Payne's attorney asserts Hughes "was being manipulated and controlled, and his assets stolen and converted by a young couple who were preying on him due to his age and infirmities." Two weeks later, Hughes dies of a cerebral hemorrhage. His death certificate lists the cause of death as "pending further investigation and/or testing."

▶ **JUNE 1994:** San Francisco police confirm the bodies of Liotweizen, Bufford, Storvick and Steiner have been exhumed for autopsies and toxicological tests. Steiner was exhumed in Oakland, A new autopsy is also arranged for Hughes, who had not yet been buried.

▶ **JULY 1994:** The Foxglove investigation is transferred to the homicide detail from the fraud unit. Ovanessian and Yawczak are taken off the case and soon are investigated for wrongdoing themselves by the department's internal affairs unit. Inspector Phil Tummarello joins the team, then headed by homicide Inspector Jim Bergstrom.

▶ **1995:** Tummarello takes over the case, working in the homicide office.

▶ **1996:** Police Department accuses Ovanessian and Yawczak of wrongdoing. They are later accused of jeopardizing the safety of a witness, failing to warn potential victims of danger and leaking a sealed request for a search warrant to private investigators. Both investigators have denied wrongdoing. Tummarello is transferred out of Hall of Justice, working alone to prevent leaks about the investigation.

▶ **JULY 1997:** District attorney's office begins presenting the case to the grand jury.

▶ **NOVEMBER 1997:** Grand jury indicts eight people on charges ranging from conspiracy to commit murder to fraud, theft and elder financial abuse.

–EXAMINER

ARREST from D-1

..A. cop allegedly ilked S.F. woman

ad Palladino's money.

"Price did admit to me that he elt she wasn't in a position to nake these sorts of decisions. He aid that he was not surprised she ad been diagnosed with Alzhei-ner's," Tummarello said.

The probe is led by Tummarello ut also includes police from Irvine nd Los Angeles as well as the state Department of Corporations. It ook so long to break because of the victim's poor health and the difficulty of tracking down financial records without tipping off the suspects. But Palladino's plight inspired San Francisco to form a unit dedicated to investigating the swindling of senior citizens.

The investigation began in December 1993, when Wright escorted Palladino to Paine Webber's San Francisco offices and tried to cash out her entire $140,000 account.

Her broker, Peter Keating, grew suspicious because Palladino, a 20-year client, seemed disoriented and Wright, whom they had never seen before, was doing the talking, Tummarello said.

At that meeting, Wright represented himself first as Palladino's investment advisor, then her attorney and then, when Paine Webber employees became suspicious, "He pulled out his LAPD shield and identified himself as an LAPD officer," Tummarello said. "Then he quickly hustled her into an elevator" and left.

Palladino returned to Paine Webber a few days later again escorted by Wright, Tummarello said, but Wright waited in the lobby. At that time she withdrew $5,000 from her account and then signed it over to Liberty International. She also wrote a check to Liberty for $25,000 — her entire account — from American Savings Bank, Tummarello said.

The money was almost immediately withdrawn from Liberty International's account by Wright, Tummarello said, and hasn't been seen since.

In January of last year, Paine Webber received a letter, signed by Palladino, demanding that her account be immediately closed.

"Paine Webber was suspicious," Tummarello said, because the letter was postmarked Santa Ana, and their client lives in San Francisco. "It was typed — when she didn't own a typewriter," said Tummarello.

But until April, Palladino continued to receive calls and visits from Wright and Price. The two took her out to lunch at the Cliff House while winning her trust.

"They found the mother lode and they were up here to drain it," Tummarello said. "She was totally helpless and these guys got wind of it and took advantage of it like sharks at a feeding frenzy."

L.A. cop held in bilking of S.F. woman

Officer allegedly swindled 79-year-old with Alzheimer's out of $70,000 in savings

By Jim Herron Zamora
OF THE EXAMINER STAFF

A Los Angeles police officer has been arrested for allegedly bilking $70,000 from an 80-year-old San Francisco woman with Alzheimer's disease by promising to invest her money in lucrative securities, investigators said.

After a 15-month investigation, Thomas Wright, 30, of Orange County, was arrested Friday in Irvine at the office where several of his allegedly bogus investment companies are based, said San Francisco police Fraud Inspector Phil Tummarello.

Wright and his partner, Anthony Price, 26, allegedly defrauded Mary Palladino (who has since died) of nearly half her life savings. The scam allegedly took place between December 1993 and last April.

Palladino, a childless widow with Alzheimer's dementia, lived in San Francisco's Ingleside District until her death in October.

"It's disgusting that they were preying on her," said her niece, Denise Meschi, of Fairfield. "The poor thing — they just took advantage of her when she was helpless and confused. These guys make me sick."

Wright and Price are being held in connection with only the Palladino case, but investigators say their work is continuing. Officials from several agencies are reviewing their records taken in a raid Friday in an office park in Irvine.

"It looks like they had contacts with potential investors all over the state," Tummarello said Saturday. "It looks like they were targeting retired people."

The suspects are accused of defrauding people with promises of safe investments with 11¾ percent returns, Tummarello said. Police said the two men ran three companies: Liberty International Acquisitions, Woodbury Financial and Consolidated Energy — none of which is registered with the state Department of Corporations, Tummarello said.

"Neither is licensed to sell securities in California," Tummarello said. "They acknowledge that she (Palladino) invested $70,000 with them and Price acknowledged that she has never been paid anything."

Wright served for nearly two years as a reserve or part-time police officer in the LAPD's Rampart station near downtown Los Angeles before he resigned Friday after his arrest, Tummarello said.

It is unclear if he used his police status to further the conspiracy, other than mentioning it to gain Palladino's trust, Tummarello said.

Wright and Price are being held at the Orange County Jail in lieu of $150,000 bail on charges of elder abuse, grand theft and conspiracy, Tummarello said. Price is on federal probation for mail fraud in Arizona, Tummarello said, and he had been ordered not to sell securities.

Since their arrest, both Wright and Price told police they no longer

[See ARREST, D-8]

Lonely widow bilked of savings

Homeless junkie swindled her out of $30,000, cops say

By Jim Herron Zamora
OF THE EXAMINER STAFF

An 81-year-old widow, who was tired of crying alone in her studio apartment every holiday, took in a homeless drug user she met on the street to keep her company and ended up being swindled out of her life savings, police said.

"This is a sweet, vulnerable woman who was terribly lonely, and she lost everything to this guy," San Francisco police Inspector Phil Tummarello said Wednesday. After the suspect was jailed in the case, he even called the woman asking for bail money, Tummarello said.

The woman was allegedly cajoled into withdrawing about $30,000 — virtually her entire life savings — from her bank over an eight-month period and giving it all to Monte Forgue, 43, whom she met while he was panhandling near her home on Van Ness Avenue in February, police said.

"He befriended her, and she appreciated the attention because she is all alone," Tummarello said. "She had only met him once, and she offered him a place to stay.

"She told us she got tired of crying all by herself on all the holidays."

Forgue pleaded not guilty Wednesday in San Francisco Municipal Court to charges of elder abuse, grand theft and burglary. Forgue, who allegedly spent much of the money to feed a heroin habit, is being held in City Jail in lieu of $10,000 bail.

"He denies doing anything wrong," Tummarello said. Forgue told police "he was just keeping her company."

Judge Donna Little ordered him not to contact the alleged victim. Forgue, who was arrested Friday, had phoned the woman twice from jail asking her to bail him out, Tummarello said.

She had gone to visit him in jail twice and both times gave him $20 but declined to bail him out because she could not afford it, Tummarello said.

Police were alerted to the case by tellers at the Wells Fargo Bank branch at 1560 Van Ness Ave. who noticed that the woman, accompanied by Forgue, was withdrawing large amounts of money almost daily.

On Sept. 12, Officer Ed Garcia was at the bank taking a report in a unrelated case, and a teller told him about the woman.

After questioning, "she indicated that she was being intimidated by this man," Tummarello said. "He would ask her to withdraw money almost every day."

The woman also told police that Forgue encouraged her to drink alcoholic beverages, Tummarello said.

"She would ask (him) later what happened to all of the money, and he would say, 'You had a lot to drink, and you must have lost it,'" Tummarello said.

After interviewing her, police arrested Forgue on the sidewalk near her home.

SENATE BILL NO. 134

INTRODUCED BY BRENDEN, ARTHUN, DEBBY BARRETT, BOULANGER, L. JONES, KEANE, LEWIS, OLSON, RIPLEY, ROSENDALE, THOMAS, VINCENT, WALKER, WEBB, ECK, MCCARTHY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA ELDER AND PERSONS WITH DEVELOPMENTAL DISABILITIES ABUSE PREVENTION ACT; CLARIFYING THE DEFINITION OF "OLDER PERSON"; ELIMINATING THE REQUIREMENT IN PROSECUTIONS THAT AN OLDER PERSON BE UNABLE TO PROVIDE PERSONAL PROTECTION DUE TO MENTAL OR PHYSICAL IMPAIRMENT OR FRAILTIES OR DEPENDENCIES BROUGHT ABOUT BY ADVANCED AGE; PROVIDING FOR A MINIMUM PRISON SENTENCE IN CERTAIN CIRCUMSTANCES; AMENDING SECTIONS 52-3-803 AND 52-3-825, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 52-3-803, MCA, is amended to read:

"52-3-803. Definitions. As used in this part, the following definitions apply:

(1) "Abuse" means:

(a) the infliction of physical or mental injury; or

(b) the deprivation of food, shelter, clothing, or services necessary to maintain the physical or mental health of an older person or a person with a developmental disability without lawful authority. A declaration made pursuant to 50-9-103 constitutes lawful authority.

(2) "Department" means the department of public health and human services provided for in 2-15-2201.

(3) "Exploitation" means:

(a) the unreasonable use of an older person or a person with a developmental disability or of a power of attorney, conservatorship, or guardianship with regard to an older person or a person with a developmental disability in order to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of or interest in the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of or interest in the person's money, assets, or property;

(b) an act taken by a person who has the trust and confidence of an older person or a person with a developmental disability to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of or interest in the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of or interest in the person's money, assets, or property;

(c) the unreasonable use of an older person or a person with a developmental disability or of a power of attorney, conservatorship, or guardianship with regard to an older person or a person with a developmental disability done in the course of an offer or sale of insurance or securities in order to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of the person's money, assets, or property.

(4) "Incapacitated person" has the meaning given in 72-5-101.

(5) "Long-term care facility" means a facility defined in 50-5-101.

(6) "Mental injury" means an identifiable and substantial impairment of a person's intellectual or psychological functioning or well-being.

(7) "Neglect" means the failure of a person who has assumed legal responsibility or a contractual obligation for caring for an older person or a person with a developmental disability or who has voluntarily assumed responsibility for the person's care, including an employee of a public or private residential institution, facility, home, or agency, to provide food, shelter, clothing, or services necessary to maintain the physical or mental health of the older person or the person with a developmental disability.

(8) "Older person" means a person who is at least 60 years of age. ~~For purposes of prosecution under 52-3-825(2) or (3), the person 60 years of age or older must be unable to provide personal protection from abuse, sexual abuse, neglect, or exploitation because of a mental or physical impairment or because of frailties or dependencies brought about by advanced age.~~

(9) "Person with a developmental disability" means a person 18 years of age or older who has a developmental disability, as defined in 53-20-102.

(10) "Physical injury" means death, permanent or temporary disfigurement, or impairment of any bodily organ or function.

(11) "Sexual abuse" means the commission of sexual assault, sexual intercourse without consent, indecent exposure, deviate sexual conduct, or incest, as described in Title 45, chapter 5, part 5."

Section 2. Section 52-3-825, MCA, is amended to read:

"52-3-825. Penalties. (1) A person who purposely or knowingly fails to make a report required by 52-3-811 or discloses or fails to disclose the contents of a case record or report in violation of 52-3-813 is guilty of an offense and upon conviction is punishable as provided in 46-18-212.

(2) (a) A person who purposely or knowingly abuses, sexually abuses, or neglects an older person or a person with a developmental disability is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed $10,000, or both.

(b) (i) A person who negligently abuses an older person or a person with a developmental disability is guilty of a misdemeanor and upon a first conviction shall be fined an amount not to exceed $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

(ii) Upon a second or subsequent conviction of the conduct described in subsection (2)(b)(i), the person is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed $10,000, or both.

(c) A person with a developmental disability may not be charged under subsection (2)(a) or (2)(b).

(3) (a) A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of $1,000 or less in value shall be fined an amount not more than $1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of more than $1,000 <u>but less than $25,000</u> in value shall be fined an amount not more than $50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both. <u>A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of $25,000 or more in value shall be fined an amount not more than $50,000 or be imprisoned in a state prison for a term of not less than 1 year and not more than 10 years, or both.</u>

(b) For purposes of prosecution under subsection (3)(a) in a case involving the same transaction or in a case prosecuted pursuant to a common scheme, the amounts may be aggregated in determining the value involved."

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 4. Applicability.** [This act] applies to offenses committed on or after [the effective date of this act].

- END -

The Average Net Worth at Retirement

By Vince Bethel, eHow Contributor

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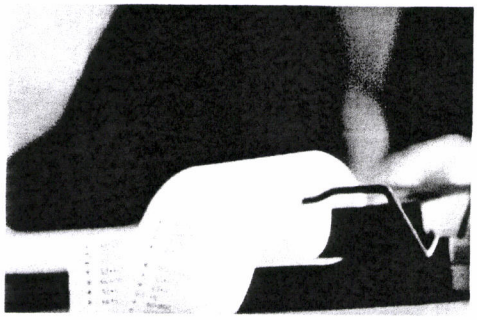

According to a 2011 U.S. Census Bureau report, the median net worth for family heads between the ages of 65 and 74 is $239,400. Your net worth is important because it is a measure of your financial health. It is an indicator of how well you have managed your debts, savings and investments. At retirement your financial health takes on added significance, because for most people, wealth accumulation has already taken place. Retirees often depend on the financial resources they have on hand to maintain their lifestyle

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Calculation

Your net worth consists of the value of all your property, savings and investments minus your debts. If your debts exceed the value of your property, you may be on the road to financial trouble. However, if the value of your property greatly exceeds your debts, you are considered financially healthy. Your net worth will change as the value of your property and debts increases or decreases. Because changes can occur on a regular basis, net worth is calculated as of a specific date.

Importance

Your net worth is an indicator of how well you are doing. Therefore, you can make better financial decisions if you have this information. For example, you will know if you can afford to take on additional debt. Based on your current net worth, you can set realistic goals and measure your progress. Calculating your net worth annually can help you determine if you are headed in the right direction. This exercise can also help you identify potential problems early and address them.

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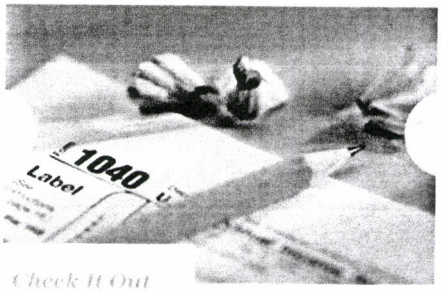

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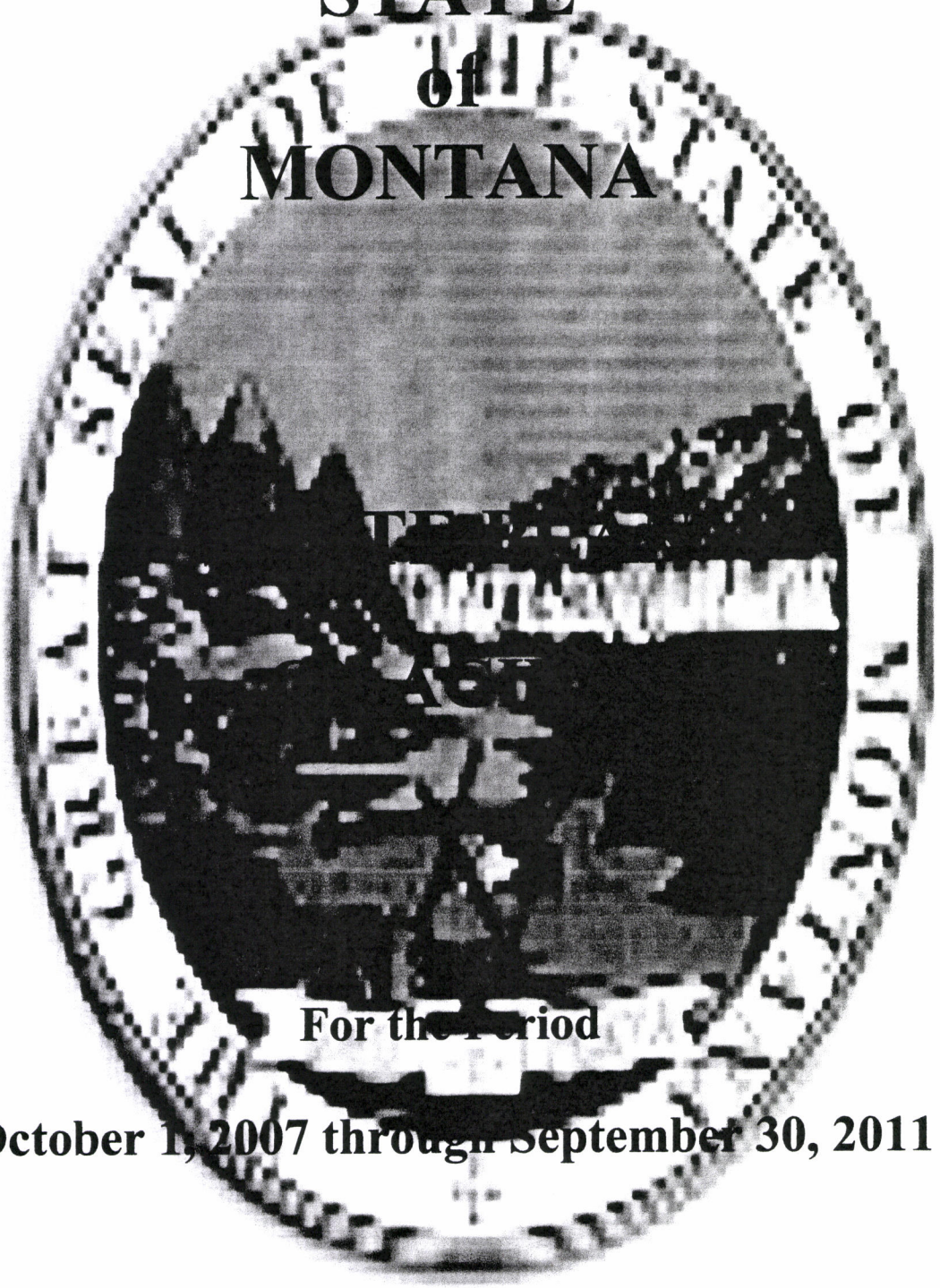

For the Period

October 1, 2007 through September 30, 2011

ISSUE # 6 – ELDER RIGHTS AND LEGAL SERVICES

Protecting the rights of older people and preventing their exploitation, abuse, and neglect both in and out of long term care facilities continues to be one of the most important goals of the Administration on Aging, the State Office on Aging, Area Agencies on Aging and others in the aging network. While predatory lending, home repair scams, and other types of financial exploitation can have tragic consequences for seniors, abuse and neglect also have major consequences that puts seniors at-risk and reduces their ability to live with dignity and as independently as possible. The aging network provides critical consumer information, training, technical assistance and funding for programs that advocate for and protect the rights of vulnerable, at-risk older persons.

One of the challenges facing our state and our nation as our society ages, whether they reside at home or in an institutional setting, is protecting our citizens against the threat of elder mistreatment. According to researchers, between 500,000 and 3.5 million seniors are abused, neglected, or exploited each year in domestic settings in the United States. Based on this, there are approximately 11,000 seniors in Montana that are abused, neglected or exploited each year. Studies also suggest that only one out of five cases of abuse are reported to the authorities. Montana's elder rights programs, which include the State Long Term Care Ombudsman and Legal Developer Services as well as Adult Protective Services, strive to protect seniors from known abuses to which they are vulnerable, while providing support to enhance older individuals' right to make choices about their future, to live independently, to participate fully in community life as well as to ensure they are protected and their rights are not violated in long term care facilities. Program activities conserve and extend personal resources, help avoid threats to financial security, and empower older Montanans to make informed decisions about planning for long-term care needs. Montana's elder rights programs aim to ensure that the dignity and independence of our older citizens is maintained, and to support their overwhelming desire to live in their own homes and communities for as long as possible.

Montana's Aging Network is dedicated to promoting consumer awareness, preventing elder victimization, and working to implement community partnerships to prevent fraud, neglect, and abuse. By informing and training senior volunteers, aging network personnel, and health care providers, the Office on Aging wants to make older Montanans and their families better consumers and advocates.

Developing advocates for the elderly is as important as being an advocate for the elderly. Over the past two to three years, the Legal Services Developer program has under gone several changes to help empower people regarding their rights and to advocate for themselves along with providing legal assistance and advocacy on their behalf when they need it.

There are situations and events that happen to people where they find themselves in need of legal assistance or legal advocacy. Sometimes the only assistance they need is the information and assistance to advocate for themselves and their rights. At other times they need legal assistance in order to maintain their independence and protect their rights.

organizations such as universities to offer educational and recreational opportunities that seniors want.

Senior centers have been the backbone of the Aging Network for 30 years. They have historically had a "can do" attitude: they have found a way to develop and deliver needed services in spite of funding limitations. Senior centers have become the first and the foremost source of vital community-based social and nutritional supports, as well as health promotion and health related activities, that help seniors remain independent in their communities. This is especially true in rural and frontier areas of Montana, where senior centers often may be the sole human services provider in their communities. However, senior centers are now at a crossroads. They are facing a number of issues that could alter their ability to meet current and future needs of the elderly.

The two major challenges facing senior centers are manpower issues and financial issues. Senior centers have been operated to a large extent by committed volunteers who first established centers, then developed an array of services provided through or by the centers. This is especially true in frontier and rural centers. There simply were not enough funds available for centers to afford hiring staff. If things were going to get done, members had to pitch in and get them done. Unfortunately, many of these volunteers are now aging and unable to provide the time and effort necessary to maintain center services. Many centers are struggling to attract the next generation of seniors to their centers, and just over the horizon lurks the baby boom generation - the largest population cohort of the last century. Their participation, or lack of participation, will be a key element in the continued success of senior centers.

So, what will tomorrow's senior center look like? What types of services will centers need to offer to attract the next generation of seniors? What will centers need to do to ensure they can remain an economically viable service provider? Where will they find the manpower (especially volunteers) to provide needed services?

The one issue senior centers won't have to contend with is a lack of potential customers. Between 2002 and 2030, the nation's 65 and over population will more than double, from 35.6 million to 71.5 million, which will mean that almost one in five people will be 65 or older. In Montana, the 65 and over population will go from 125,000 in 2002 to about 270,000 by 2030, which will mean that one in every four Montanans will be 65 or older. Instead, the dilemma facing senior centers will be trying to meet multiple expectations: meeting the needs of an increasing number of frail elderly, providing services to active seniors and developing strategies and services to attract the growing number of baby boomers.

In addition to funding woes, space and remodeling issues, questions remain as to how centers can attract young seniors who can provide leadership and volunteer services while at the same time respond to the needs of frequent users, who are increasingly frail. It has also been suggested that the baby boom generation will not view old age in the same way as previous generations. The young-old of the future will more likely be in the 65-70 age category as many boomers will work into their 70s. This is evident by the fact that some 4 million Americans over the age of 65