

STATE OF NEVADA
SUPREME COURT COMMISSION
GUARDIANSHIP COMMISSION
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Completed by Raquel Espinoza
Verbatim Public Comment

Justice James Hardesty: I wanted to cover a couple of things at the beginning of the meeting. First of all, I had asked Ms. Stephanie Heying to omit public comment from the agenda, as this meeting was intended to be a work session, but I am not certain we provided as much notice as we may have needed to, to alert the public to the fact that this meeting would be limited to a work session and not invite public comment. I am trying to meet folks halfway on this. There are a couple of folks who traveled here today, not realizing that we were not going to have public comment and I do not know if there are any people in Las Vegas who wish to make public comment. I think what I will do is invite folks to make public comment for three minutes, again, under the usual admonition that if they have addressed the Commission before that they not exceed one minute and not be duplicative of statements made by others and then I will let everybody know today in a moment, some additional items. We have the potential now for three additional meetings to complete our work, one I am anticipating would be in July, one in August, and one in September and the meetings that are scheduled for July and September, we will entertain public comment, but August is a work session and we will not. With that said, Chief Judge Gibbons, is there anybody in Las Vegas who wishes to make public comment?

Chief Judge Michael Gibbons: Anyone that would like to make public comment, could you please raise your hand? I only see one person.

Justice Hardesty: Okay, let's invite them to come forward and they can make public comment.

Ms. Lorraine Morgan: My name is Lorraine Morgan. This is the first time for me to attend any of these sessions and I am here representing my mother who died five years ago and her name is Mieko Morgan. She is another person whose life was ruined by the guardianship system here in Las Vegas. I wanted my voice to be heard, hopefully to prevent any other elderly people or disabled people from getting hurt by this system. To this day, it is really hard for me to believe that she is gone, but more so, how she died. I'm just going to give a little bit of a brief background. She and my father came to retire here in Las Vegas. They were small-time gamblers, loved to frequenting the local casinos, going to buffets, picking up their free gifts. Never did they realize that one day my mother, at her frailest, would be owned by someone who could care less about her but was more interested in her money. Sadly, what made this arrangement possible was that it was blessed upon by the Las Vegas family court system. With court orders, these so-called guardians could keep stealing from the weak again and again under the guise of guardianship. It was a perfect arrangement for thieves and I am sure kickbacks were involved for all that participated. That is why it has been going on for this long and still continues today. I hope this Committee can put an end to it. Had my parents known that my mother's last days of her golden years would have been hijacked by a greedy, evil man, they would have never come here.

They would have stayed in the small city where they came from, which had low crime rate and their house was paid off. There were no vultures there preying upon the elderly to steal their hard-earned money. The man who exploited my mother was Jared Shafer. He is supposed to be a respected and professional guardian with experience, at least that is what I heard when I attended the many family court hearings for my mother. But he is far, far from that. He is a corrupt man, a bad man, who is protected by many people in this corrupt system of guardianship. So he is still free, roaming around, exploiting the weak. My big question is, why, when his protégé, Patience Bristol was locked up and that was a clear signal that there is something wrong with this system. I tried to become my mother's guardian. I am an upstanding citizen with no criminal record and have always worked for a living with respectable careers. Commissioner Jon Norheim, at the time, decided that no one would be guardian from my family because there was sibling rivalry. That was a ridiculous and nonsensical decision because there was no rivalry. I was just trying to call attention to the fact that my sister...

Chief Judge Gibbons: Ms. Morgan, you are at the three minutes, you are going to have to wrap it up.

Ms. Morgan: Okay, I did not realize there was a time limit. How much more time do I have?

Chief Judge Gibbons: About ten seconds.

Ms. Morgan: Just ten seconds? Would you give me another minute?

Chief Judge Gibbons: Go ahead.

Ms. Morgan: Shortly after the decision, I tried to accept the guardianship. Right away when I tried to get money for my mother because she had no food, I was directed to Patience Bristol, who was on vacation as it turned out. My mother kept asking for money and she was always put off. They never allowed her to get her own money. Eventually my mother became very ill and she was near death and the hospital needed to put this pick-line in her arm and they had no way to contact the guardian, Jared Shafer, so I contacted him and I will never forget this, when I contacted that man Sunday afternoon, he was very angry that I bothered him and what he told me that day was "what are you calling me for," I said "my mother is dying and she needs a pick-line" and he said "well, you know it's Sunday," and I told him "she's dying, this is your job," and he told me to "get the (expletive) nurse on the line." I will never forget that, I will never, ever forget the evilness of this man. At different stages I saw different things that were not right at the hospitals and nursing homes. Jared Shafer and Patience Bristol was not there to see it, I was there every day. I am going to try to end this really fast because there is so much more I have to say. I do not believe my mother had to die the way that she did. She had no one to fight for better care for her while she was in the nursing home and slowly deteriorating. These people like Jared Shafer, they could care less, he never even met my mom and I loved my mom, I would have helped her, but I could not, I was limited. I tried to do whatever I could to help her in these nursing homes and hospitals because I did not see good treatment.

Chief Judge Gibbons: Ms. Morgan, please wrap it up.

Ms. Morgan: Can I just say one last thing? I am going to finish this. The exploitation of the elderly and disabled from court-appointed guardians needs to end here in Las Vegas. We need to stop these people from stealing from the most helpless of our society who cannot protect themselves. The fact that this has gone on this long is disgusting. Most of this will end when Jared Shafer, who clearly had the monopoly of these guardianship cases, which is very strange will end. And why did he have a monopoly? Didn't anyone find it strange and wrong? This man must be so well protected and will continue to be when people that worked closely with him are on this oversight panel, people like Ms. Arnold, Ms. Buchanan...and that is what is wrong with the system. Okay? This whole system is out of order. In the end it is hard for me to find peace. I wish I could have protected my mother, it is the biggest regret that I have. I hope there will be justice in the end to stop this systematic cycle of corruption, because that is what it is, it is corruption. You have people on this panel that are corrupt, they saw what he did. It is too late for my mother, but I am just hoping that you can do something for someone else. I needed more time and I am surprised that you have these people on this panel that worked right alongside Jared Shafer. How is it ever going to get better?

Chief Judge Gibbons: Ms. Morgan, we are all sorry for your loss, it is very heartbreaking. The members of the Commission are all here to try to work to improve this system. Is there anyone else that is here public commenting today? Ms. Morgan, you can submit written comments if you would like. Justice Hardesty, I do not see anyone else here to offer public comment. Wait. No, we have no one else.

Justice Hardesty: Okay. I understand we have someone here in Carson City who would like to make public comment to the Commission, is that right?

Ms. Jeanne Deaver: Yes.

Justice Hardesty: Okay, why don't you come back where Judge Walker is so they can see you in Las Vegas and give us your name and go ahead with your remarks.

Ms. Deaver: Thank you. My name is Jeanne Deaver and my issue is a little different than that one. I have a sister, Joanne Waltman...

Judge Frances Doherty: Excuse me, Justice Hardesty this is an active case pending in the Second, so do I need to excuse myself?

Justice Hardesty: Yes, you will Judge.

Ms. Deaver: I have no issue with any part of what you are doing.

Judge Doherty: I know, but I just do not want any information that might not be on the record heard.

Justice Hardesty: Go ahead Ms. Deaver.

Ms. Deaver: This gentleman got ahold of my sister and is conning her out of a lot of money, this started in 2013. He started out telling her that if she loaned him some money he could take a gentleman to small-claims court and he could get some money he owed. That turned into...he had a

court case against the gentleman and a court case against the state of Nevada and now my sister had been convinced that she was going to get 12.5 million dollars, if this case proceeds. She has given him so far about \$550,000, I think. My sister had one daughter. I'm sorry; I get nervous about all this. My sister had one daughter and she and I tried to stop this and my concern here are the steps we have had to take and how we still cannot get this gentleman criminally prosecuted. In the beginning we hired a private investigator and he prepared a case. He tried to talk to Reno Police Detectives, but he could not get any of them interested in the case. Then they suggested we call the Governor of Nevada, Sandoval's, Elder Abuse Hotline, so we did that. Somebody from Elder Abuse in Reno went to my sister's house, met with her, talked with her, and listened to her whole story on how she is going to get the 12.5 million dollars and she wrote a report saying that my sister was not competent and that my sister was delusional and did not understand what was going on. My sister refused to prosecute the man because she still wanted to give him more money, so that ended there. Then we filed a report with the Reno Police Department, a detective court master, and he met with my niece and my sister. My sister admitted to him that she gave this gentleman all this money and my sister admitted to him that she was going to get 12.5 million dollars back and the police agreed that she was being conned but they said that there is nothing they can do. Then they said maybe if we got a guardianship then we could have control and we could go to the police and get something done. Then we hired Michael Keane and we proceeded to get a guardianship. My niece got a temporary guardianship and now she and I combined are co-guardians. This was a nice judge. We went back with our guardianship papers to the police department and they said, "Well, you are the guardians but there is nothing we can do, we can't prosecute, we think maybe this is a civil case." \$550,000. We still did not know what to do so we went back to Michael and Michael made a binder, about this thick, about everything we have done. She has been to doctors who say that she is healthy but she is mentally off. We have done everything that we can think of to do. Michael prepared this really thick binder on everything that we have done so far; all the reports and everything, and we took it back to the police department and talked to the detective and the sergeant. They still do not know if they can prosecute him. I have a problem because people can rob a six-pack of beer and police go looking for them, people can take \$550,000 from my sister and there is no way we can criminally prosecute them. I think this is a big issue that needs to be addressed. It is not down to an individual case, I think this happens all the time, because the police department says "no, we can't do that" and they say "we have to take it to the District Attorney but we don't think it will get approved." Right now, I guess our big binder is with the District Attorney and they are trying to decide what to do. I do not think someone should have to go through all the steps we have had to go through and still not have an answer on if this man is going to jail. It is so bad, that my sister is still trying to give him money. She pawned her husband's, who died, guns and she pawned her wedding ring last week and now we are paying \$5,000 to go get them out and we are not going to give them back to her. My sister still thinks that this man is an honest man and that the state of Nevada and all the police and everybody is lying to her. I think there should be some way that people in our situation can have some kind of legal repercussions; I think this man needs to be in jail. We cannot do anything. I just want to make you aware of that issue.

Justice Hardesty: Okay. Ms. Deaver, thank you for your presentation today. For your benefit and for your counsel's benefit, I want you to know that the Commission voted unanimously last December to request all of Nevada's law enforcement to undertake prosecution of elder abuse cases and cases in which there was some evidence of criminality in guardianship proceedings.

Ms. Deaver: Everybody agrees there is.

Justice Hardesty: The Commission was informed, approximately a month and a half ago or two months ago, by the Attorney General's Office that a special prosecution team had been put together in Clark County and that the Attorney General's Office would be prosecuting cases throughout the rest of Nevada, through a special team organized for this purpose. I am happy to have our staff member refer you to the Attorney General's investigator who can take your information and consider the issues you have raised.

Ms. Deaver: I left a copy here and it lists all the police departments, detectives, elder abuse people, every single person that we deal with, I will be glad to leave a copy of that.

Justice Hardesty: That is fine; you are welcome to leave that with Ms. Heying. The one person who made a presentation to this Commission was the Chief Investigator for the Attorney General's Office, who reported to this Commission their commitment to investigate and prosecute these claims.

Ms. Deaver: One comment that had been made to me, maybe wrongly, but they said Washoe County does not do things the way they do things in Las Vegas. I'm not sure...

Justice Hardesty: I cannot speak to that, but I do know that Nevada's criminal laws apply equally across the state.

Ms. Deaver: I thought so.

Justice Hardesty: I do not think there is one set of criminal laws in one county and a different set in another county.

Ms. Deaver: I would like to have that person's name then and we will have to check into this. Thank you.

Justice Hardesty: Perfect. Thank you for being here. Anyone else in Carson City who would like to make public comment? Seeing none, I would like to go through a couple of informational items for the benefit of the Commission before we get into some of our work.