

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

Justice Hardesty: Welcomed the public and said, as I have expressed before, I am going to open this for public comment, but I would request that members of the public who have spoken before limit their remarks to new items and no one exceeds three minutes. I do not mean to be disrespectful but it needs to be strictly enforced so we can get to the agenda and the matters that we need to cover today. If someone has not spoken before you will have three minutes, if someone has spoken before you will have one minute.

There was no public comment in Elko.

Public Comment from Carson City

Michael Keane: Good afternoon Commission. I want to thank you for the opportunity to speak to you today. I am an attorney here in Nevada, in Washoe County; I've been practicing since 2000. I've been involved in guardianship work, primarily adult guardianship work, for about ten years. I initially got into this...

Justice Hardesty: May I interrupt you...

Michael Keane: Yes.

Justice Hardesty: May I interrupt you briefly? Could you state and spell your name, please.

Michael Keane: Yes.

Justice Hardesty: Sorry, I know that but I want you to do that on the record please.

Michael Keane: My name is Michael Keane, K-E-A-N-E. Can you see me Judge, and hear me well enough?

Justice Hardesty: We can hear you fine. On the video it's a little challenging to see you at the end of the table, but we're doing fine. Go ahead.

Michael Keane: You're not missing anything.

Justice Hardesty: I don't have my glasses, reading or otherwise, so it really doesn't matter, for me anyway. But, go right ahead, I can see you Michael because you're always in my mind's eye.

Michael Keane: Thank you, your honor. I started doing guardianship work about ten years ago when I started volunteering my time for the Washoe County SAFE Program. After that, I was on the board with the SAFE Program and later, the president or the chair of the board, as SAFE lost its funding and we had

to close that program. The remainder of my practice is in litigation, trust, and estate work. I've had the privilege and the opportunity to represent clients in Washoe County and some of the northern rural counties in guardianship cases. From my experience, the work of this Commission was long overdue. I've seen lots of positive changes in the last ten years, but I've seen more changed since this Commission has started than I have in all the times previous. I've been told by several judges doing guardianship that the quality of the decision the judge makes is based directly on the quality of information and the quantity that's brought into the courtroom. I want to commend this Commission for making hard decisions and working to bring more resources into the courtroom. Every one of these cases is a case by case basis. Behind every guardianship is an individual who has done nothing wrong and yet is facing the full power of the court system. I want to show my support for the work the Commission has done to work to get attorneys for every Ward in the state, to get investigators available for the judges, advocates and SAFE programs appear to be being discussed throughout the state and I think that is wonderful. I also want to put my support behind mediation programs for guardianships. Many of these family law issues are not properly decided in litigation context and if a guardianship court does not have the ability to send parties to mediation, I think we are not doing our job. Guardians protect the most vulnerable people in our society and we need to bring resources to each and every case to make sure that the people under our care and our control are treated properly. I am very impressed by the work that this Commission has done and I think there's future work to be done. One of the areas I think that our law does not address properly is financial exploitation of elders and other vulnerable people in our society. I also think the Ward's Bill of Rights is long overdue and I think there needs to be some legislative statement providing in writing what rights Wards have and that alone will go a great distance to protecting Wards in the future. I thank you for your time.

Justice Hardesty: Thank you Mr. Keane and your comments today. Anyone else Judge Walker, in Carson City who would like to make public comment?

Judge Walker: I see no one else, your honor.

Justice Hardesty: Okay, great. Is there anybody in Las Vegas that would like to offer public comment? Yes sir, good afternoon.

(19:15 inaudible)

Justice Hardesty: Yes, sir.

Alex J. Cariaga: My name is Alex J. Cariaga. I'm under guardianship. I want to know how am I supposed to be notified when my people are going to put me under guardianship. I didn't get an attorney. I want to get an attorney. I don't have any money. They have all my money. (19:34 Inaudible) They sold some of my estate, got cash for it. I don't know nothing about it, you know. Where's my Constitutional rights protected? I don't see it. I don't see it. I want to know, what can I do? I went down there, I see you have things for guardianship, how to put people on guardianship. How about the ones that need protection, like me for instance? I worked hard all my life, you know, and they're going to find a Mickey Mouse way to take that all from me. I can't do anything? I don't even have money to take the bus to come down here. I got to go and, I hate to say it, beg people for money so I have enough to take the bus down here.

That's pretty bad shape. And, that's all I got to say. All these attorneys want big dollars, I don't have it. It's all tied up. They froze all my assets, they went through my mailbox, changed the locks on my doors and everything. I kept papers of what's going on, they grabbed the papers out, destroyed them. The doctors I go to gave me pills, sleeping pills that knocked me out for three hours. They go through the condo to take all my evidence away. (20:52 Inaudible) my tax return (Inaudible 20:54) I pay my taxes in advance so I don't get taxed every year. They owe me money. Is that being a dumb person, I don't think so. Well, I want to know, what are you, State of Nevada, going to do to protect my rights from going under guardianship. That's what I want to know because I don't see where you're doing that. I'm a U.S. citizen and I fight for my rights. Believe it or not, I know what impact fees are, I fought for that in Arizona. I thought it was bad in Arizona, I come to Nevada, it's even worse. I hate to say that. Well, anyway, thank you very much for hearing me.

Justice Hardesty: Before you sit down, could you tell...

Alex J. Cariaga: I got to say one thing, I'm hard of hearing.

Justice Hardesty: Oh, okay, I'll speak up then. I don't want you to think that I'm shouting at you. Can you give me the spelling of your last name?

Alex J. Cariaga: Okay, it's C-A-R-I-A-G-A, and I use Alex J. because I have another Alex out there and people get them mixed up. And I want you to be aware I do not have a computer. I am a computer novice. I got educated the old fashioned way, paper trail. Okay. Thank you very much.

Justice Hardesty: Wait a minute, if you could tell me the name of your guardian, if you know.

Alex J. Cariaga: I can't...

Justice Hardesty: Do you know the name of your guardian?

Alex J. Cariaga: Name of my guardian?

Justice Hardesty: Who is your guardian?

Alex J. Cariaga: Who lives with me right now?

Justice Hardesty: No sir, who is appointed to be your guardian?

Alex J. Cariaga: I'm going to be honest with you I cannot hear what you're saying. I can't understand you.

Justice Hardesty: Okay, I'm going to have one of my staff...

Alex J. Cariaga: Normally when I watch T.V. I've got it on full blast, that how bad my hearing is.

Justice Hardesty: That's okay; I'll have one of the staff members ask you okay? Thank you.

Alex J. Cariaga: Thank you for taking your time to hear me.

Justice Hardesty: You bet.

Alex J. Cariaga: And I'm sorry I left yesterday...

Justice Hardesty: Ms. Woodrum has the case number. Do you have the guardian name?

Unknown Speaker: Lupe Cariaga.

Alex J. Cariaga: My wife. (23:29 Inaudible)

Unknown Speaker: ...And his wife is his counsel.

Unknown Speaker: Your wife is your guardian?

Justice Hardesty: We have that number here...Okay, we have the case number. Would you give that to Stephanie? Thank you. Thank you, sir. Anybody else who would like to make public comment today to the Commission in Las Vegas?

Thomas Gaule: Thomas Gaule. My mother was a Ward of the State, Annamarie Gaule. One of the main situations our case was in Wells Fargo Bank, a very corrupt bank, considered the most corrupt bank in the world. There's 30 countries that will not do business with this bank. They took our family trust and took everything we had. I went through Judge Leavitt's court and despite testimony there on my character by the retired head of the FBI and the retired head of UNLV physics department, of which had 14 top secret clearances, and of whom I refused an honorary Ph.D. in physics for, the highest achievable scholar award there is. I just want to say that what's going on in the State of Nevada is a truly extraordinary story of crime, murder, and carnage, primarily through Jewish gangsters of which could only happen from a city corrupt from the top to the bottom, as the dog catcher caught up.

Justice Hardesty: Mr. Gaule, you've shared with us your views on this topic before. I'm going to have to ask you to wind up your comments, please.

Thomas Gaule: Okay. The courts are biased and in collusion of a political gambit of obvious corruption and chaos, chilling to the bone. Kick-backs, payoffs, and with the sole goal to lie, cheat, and steal as the "fix is in". A really bad situation of government-backed crime, a war of profit for gain, a government okay with all this. What is going on? I thought the government was here to stop this. I really, really find it hard to comprehend, catch 22 in a free-for-all of terrorism to seek and to destroy. All I can say is the Bible states in John, by the God of gods, to the Jews, you one of your father the devil, a murderer, a liar, and a thief from the beginning.

Justice Hardesty: Anybody else wanting to make worthwhile public comment to the Commission?

Amy Wilkening: Hello, my name is Amy Wilkening. Do you want me to spell that?

Justice Hardesty: Yes ma'am, please.

Amy Wilkening: W-I-L-K-E-N-I-N-G. I'm here on behalf of my father, Norbert Wilkening, his case number G13038438A, and my mother Barbara Wilkening who is deceased. My case is settled. My family was

victimized by April Parks; the story is similar to everyone else's. Prior to being appointed guardian I went before Commissioner Norheim explaining my reservations with the situation. He made me feel like not choosing April Parks as guardian was the biggest mistake I could make. I didn't realize at the time, I was entering myself and my family into a scam. As guardianship progressed I began to question the process and the responses that I received from April Parks made me feel undermined and intimidated, like I couldn't challenge her or press her for answers. At the time I didn't have the confidence to disagree with someone who is presented as a professional with a network of associates. I feel misled by the court approved guardianship system and particularly by April Parks. (27:55 inaudible) my parents and myself (27:58 inaudible).

Justice Hardesty: Okay. Thank you for your input today. Is there anybody else wanting to make public comment? Yes sir.

Brian Lech: Hello, I'm Brian Lech; B-R-I-A-N-L-E-C-H. I'm a licensed psychologist and licensed attorney here in Las Vegas. I just had some quick points. One is; I understand there is some concern, although I am not sure I fully understand the concern, about the use of the term Ward, but times do change and (28:30 inaudible). Anyway, the point is that I am not a big fan, with all due respect, to the term respondent. Perhaps we should follow the lead of the People First Movement and talk about a "person under guardianship" or "person under proposed guardianship". It's a little more cumbersome but I think it's less linguistic, more reflective of the situation and probably works better. The second point I'd like to make is clearly there's a need for people to have attorneys appointed during the time of the initial administration. There are times however, when there are people who perhaps want a voluntary guardianship and forcing them to take an attorney may not be the best idea. I do like the idea of having the judges be trained so that they clearly will appoint attorneys for people who need them. The other concern I have is if the attorneys stay with the case for many, many years, they are going to be ethically bound to advocate and to fight for many things that in the past may not have (29:48 Inaudible) in the contested kind of way. I think you run the risk of extending (29:55 inaudible) and actually increasing the legal fees for the Ward's estate as opposed to saving. I hope the Commission balances those things. That's all I have. Thank you for your work and thank you for (30:14 Inaudible).

Justice Hardesty: Thank you. Anyone else who would like to offer public comment?

Janet Cain: Good afternoon Judge Hardesty, Judge Steel, well she's not here right now which is probably good. My name is Janet Cain; I'm not involved with a family member currently over a guardianship, but I was contacted by a family member with a problem that they have. They haven't pursued a guardianship yet and at the last meeting I think we all kind of agreed maybe sometimes these guardianships are being overused, which I kind of go along with that theory. But I think the NRS statute is it 159 that governs the guardianship. I think what the Commission really needs to do is put some sort of penalties. I've been working with Metro and different agencies here in town that are looking into some of these problems and as they pointed out, there's no penalties. So that kind of ties the court's hands up and I think so many of the people that are victims or their families are victims need to understand that, you know, it's not the court that is (31:41 inaudible) it's just that they don't really have anything to back them up. I think that would be a prime thing that the Commission has got to get put in through the legislature. The

case that I'm working on right now; I know that there was a press release that just came out where Metro, and the AG's Office, and the District Attorney were going to be working together. Well, we filed a report with Metro and it seems after they took it they realized it wasn't their jurisdiction. They referred us to go to Boulder City. Well that's such a chaos out there right now. We went out there, on several days I called maybe three or four days, trying to get the person who was supposedly in charge. Finally, when we went the other day with the actual victim and family member, one of her sons, we were accused of agency shopping. I mean, where do you go? What is our next step? They're trying to avoid going into a guardianship because I don't think they need one. One of the sons took care of his mother through her illness and ultimate death, but that's kind of a question I'd like to get an answer. What should I do next?

Justice Hardesty: I believe Mr. Raman worked out an arrangement with Metro about where these complaints would be lodged and so perhaps at a break in the meeting or after the meeting you can check with Jay and he can clarify that issue for you.

Janet Cain: Well, he's kind of aware of the case and he's anxious to get it, but we first have to have some law enforcement agency refer it.

Justice Hardesty: Perhaps he can direct you to an officer who would best be in a position to address it.

Janet Cain: Okay. Well, thank you very much and I appreciate the work that you're doing. There's a monumental task ahead and I guess you're going to have to depend on the legislation to understand the issues that all these people are complaining about because Ruth Braslow happened to be my neighbor. What a travesty. It makes me cry because I think unto the grace of God go I. (33:05 inaudible). We're giving lawyers to the so-called guardians but there's nobody there representing...Ruth was never in court until after this Commission got involved and it became kind of more publicized, but it was all after the fact, too little too late. So I thank you for the work that you're doing and I hope that you continue on and come with some great success. Thank you.

Justice Hardesty: Thank you. Any other persons wanting to make public comment? All right, seeing none, we will...yes sir...yes sir.

Larry Braslow: Good afternoon Justice Hardesty and Commission members. For those of you who don't remember, I'm Larry Braslow. I am the son of Ruth Braslow, one of the victims of the Nevada guardianship system. And so I won't ramble by the way, I wrote it down so I can keep it as brief as I can. It's now been three years since my mother; an independent fully functional and lonely individual was forcibly taken from her home, drugged, imprisoned in a mental health facility, kept medicated, her home and property allegedly sold off... I am now her guardian. Now that I'm her guardian I have the right and legal authority to obtain documents, records, in order to bring to the light of day the truth about what really occurred to my mother. How the system designed years ago to protect our elders in our society has been perverted and corrupted. As of March 14th, 2016 Ruth Braslow owns 10 pairs of slacks, 18 blouses, 17 sweaters, no undergarments, no shoes, no nightgowns, nothing. The bank records state that there's only twenty-one thousand dollars and change, but she owes an excess of five thousand dollars as of that day for her care and lodging, way less than sixteen thousand dollars in

monies of this lady. The balance of the property consists of photographs that were dumped into tote bins, several file boxes of miscellaneous files, yet her address book with all the names and the full family history of my family is missing. My father's footlocker from World War II service had all his records and medals and everything from his (37:00 inaudible), missing. Photographic and video inventory of my mother's furnishings in that house, again, is missing. These are all real convenient (37:12 inaudible) missing. On January 23rd, you all know that Ruth Braslow owned a twenty-four hundred square foot home, fully furnished with very expensive furniture, her closet which was roughly six by twelve was fully stocked with clothes, shoes...Ruth had a car she drove regularly to go have her hair done once a week. (37:36 inaudible) her whole life. Nevada State Bank records, now that I got the opportunity to see them, revealed she had an excess of one hundred and twelve thousand dollars as of November 11th, 2012. And this list could go on and on and on, but these facts will come out I'm sure at another date. Justice Hardesty, I think you have good intentions, I think the organization of this Commission... but there's a proverb I've heard all my life, the road to hell is paved in good intentions. The Commission wants to revise guardianship laws but what is the purpose of you revising it all if no one has ever enforced the laws in Clark County that are already on the books. You have regulations, they've been disregarded. I asked this question I think the last time I was here and I don't mean to be disrespectful, but it's how I personally feel and the question is; whether the judges in Clark County in the Eighth Judicial District Court who are handling family court are they incompetent, they don't care, or are they corrupt? This is how all these people that have been taken advantage of feel and I'm trying to be just concise. One of my biggest concerns is that April Parks' records received by law enforcement September 2015, prior to that date the court had not approved the second annual account in report of guardian, but all of a sudden now we've got approved in December of 2015. And I've objected this from day one; no one wants to explain to me why it got approved if I'm still objecting to it after her records were seized. Yet, if anyone took the effort to read these documents you'll see how monies were stolen because the nominal records she provided show the truth.

Justice Hardesty: Mr. Braslow, I don't want to be disrespectful either, but I'm going to ask you...

Larry Braslow: Okay, I had written it up...

Justice Hardesty: Great, you want to submit it...

Larry Braslow: Yeah, I'll submit it to your gentleman to read the rest of it. This is the problem with this Commission. I don't understand why, and Janet Cain made the comment to me just now, why can't you appeal the ruling of the judge who approved the second annual accounting? I can't appeal it until it's approved.

Justice Hardesty: You said it was approved in December.

Larry Braslow: Yup, now we can appeal it. We were threatened originally that they (40:20 inaudible). I just want you to be aware.

Justice Hardesty: I appreciate your input; don't necessarily share your views about the integrity of judges currently serving. I think Judge Steel is doing an admirable job under challenging circumstances. I

think what people tend to overlook is that the Eight Judicial District made some systematic changes, even before this Commission began, and it's a continuing process. For sure what has happened to people in the system, at least from their perspective of the facts, provides good guidance to the Commission about reforms that are necessary. Those who have alleged victimization from passed acts are not within the jurisdiction of the Commission to remedy; certainly we can affect and hopefully prevent issues like this in the future.

Larry Braslow: That's what I hope you're going to do. Thank you for your time.

Justice Hardesty: Yes ma'am, did you want to make a comment? (41:30 Inaudible) No sir, Mr. Gaule.

Sandra Lewis: Good afternoon, my name is Sandra Lewis; L-E-W-I-S. The United Nations Office on Drugs and Crimes defines human trafficking in persons as having three elements; the act; recruitment, transportation, transfer, harboring, or receipt of persons, number two, the means; threat or use of force, coercion, fraud, abuse of power or vulnerability or giving payments of benefit to a person in control of the victim, third, the purpose, why it is done; for the purpose of exploitation. This court has already heard many instances where Wards are placed into private guardianship, have been removed from their homes, that's the act, they've had private guardians use questionable means to control the Ward's lives, that's the means, for the purpose of financial exploitation, the purpose. Therefore, I respectfully ask this court today to consider if the many acts of guardianship abuse exposed in the past year meet the criteria for criminal prosecution in human trafficking. Thank you. May I give a copy to your clerk?

Justice Hardesty: Of course.

Sandra Lewis: Thank you, sir.

Justice Hardesty: All right, any other public comment in Las Vegas? There was no further public comment.