

Judge: Guardian Savitt out of bounds with \$54,000 email

COMMUNITY

By John Pacenti - Palm Beach Post Staff Writer



James Vassallo, left, with his father, Albert Vassallo Sr., at an adult day-care center in Deerfield Beach on Nov. 19, 2015. Vassallo Sr. was a senior "ward" of professional guardian Elizabeth "Betsy" Savitt, wife of then-Circuit Judge Martin Colin. (John Pacenti/The Palm Beach Post)

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A circuit judge ruled controversial professional guardian Elizabeth “Betsy” Savitt overstepped her role in offering to steer \$54,000 to the daughter of one of her elderly wards.

Circuit Judge Kathleen Kroll at a hearing June 30 denied Savitt’s request for sanctions against a son of her ward, the late Albert Vassallo Sr.

The son, James Vassallo, objected to an April 18 email Savitt sent to his five siblings — but not him — proposing everyone pitch in \$10,800 to reimburse their sister, Susan Mast, for care she said she had provided her father.

The hearing also included an unusual cross-examination of Savitt, in which she described her use of the word “I” in the email as a “figure of speech.”

“Looking at the big picture of it, you shouldn’t have gone beyond your role. Period,” Kroll told Savitt.

The judge also addressed The Palm Beach Post’s series focusing on Savitt and her husband, then-Circuit Judge Martin Colin. After publication of the initial stories, *Guardianships: A Broken Trust*, Colin announced he would retire and the circuit court enacted reforms addressing many concerns raised in the stories.

“The Post prompted some incredible legislation and some revisions, quite frankly, in the world of guardianship that the state needed to look at. So we should be grateful that happened,” Kroll said.

“One of the frustrating parts, when people start dealing with probate guardianship, it has been very unregulated — I guess is the word that one can say — for a long time and there were many families that were impacted, this one being much more public.”

Kroll noted, however, that no court or administrative body has found any wrongdoing by Savitt.

Savitt, 61, has characterized The Post's reporting about her as "fake news" and denies wrongdoing.

Albert Vassallo Sr. died at age 87 in November with an estate worth more than \$500,000.

James Vassallo, 57, of Deerfield Beach, said he had good reason to be upset by Savitt's email. Court documents show his sister, Susan Mast, took about \$130,000 from his father's accounts, forcing him in 2014 to seek the guardianship in which Savitt was appointed. Another sibling took about \$50,000, records show.

Savitt struck a settlement with both siblings to have them pay back roughly half the cash.

On April 18, Savitt sent an email to all of the Vassallo heirs except James, stating that Mast claimed she was owed \$128,000 for taking care of her father prior to the guardianship but she would accept \$54,000.

"Do you all agree to providing a one-fifth share of \$54,000 or \$10,800 each from the remaining assets," Savitt wrote to the five siblings but not James Vassallo. "I will prepare an agreement among beneficiaries and get it out to you."

On cross-examination by James Vassallo's attorney, Savitt denied his arguments that his client had reason to be worried about Savitt's actions, as reflected in the email.

"When I say 'I will prepare an agreement,' I don't prepare agreements. That is a generally 'I,'" she testified. "I don't prepare any legal agreements. I'm a guardian and a trustee. It's a figure of speech."

Savitt also said the proposal never contemplated a contribution from James Vassallo. She said Susan Mast would contribute \$10,800 to herself.

"That testimony is preposterous," attorney Thomas Dougherty, representing James Vassallo, told Kroll. "This would not have happened if she did not get involved in this and simply said, 'Not my job.'"

Kroll agreed, denying Savitt's request to sanction James Vassallo and force him to personally pay her legal fees of more than \$2,000. James Vassallo had filed an objection to the email proposal to give his sister more money.

Mast has had no comment on the case. Savitt's attorney, Ellen Morris, told Kroll that the professional guardian was trying to do the family a favor by sending the email.

While Kroll denied Savitt's request for sanctions, she did grant her request to be discharged from the guardianship.

There remains about \$200,000 in a trust account separate from the guardianship to be distributed to the heirs, documents show. The Palm Beach County Clerk and Comptroller's Office has also yet to approve Savitt's final accounting, according to the court docket.

Dougherty, given 15 minutes by Kroll to review accounting documents, told the judge he had at least one question concerning a \$5,000 check written by Savitt from the trust account to the guardianship — saying he did not see any receipt or credit for the money.

After the hearing, Dougherty said he was surprised Savitt was discharged as guardian before a final accounting had been approved.

“I’ve seen a non-professional guardian scrutinized over the purchase of dog biscuits and soda. Here, on a cursory glance, we have a professional guardian and a \$5,000 check not properly accounted for, yet she is discharged,” he said.

What The Post found

The savings of incapacitated seniors flowed into the household of former Palm Beach County Circuit Judge Martin Colin, courtesy of Colin’s wife — professional guardian Elizabeth “Betsy” Savitt. Fees often were approved by a family friend. After “Guardianship: A Broken Trust” ran, Colin opted not to seek reelection and the circuit enacted reforms addressing many concerns raised in the stories. **Read the stories at MyPalmBeachPost.com/guardianships-colin-savitt/**



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