

**DOCKET SUMMARIES FOR ORANGE,  
SEMINOLE, AND ALACHUA COUNTIES  
GUARDIANSHIPS of  
Professional Corporate Guardian,  
Rebecca “Fierle”  
(a.k.a Rebecca Santoian, a.k.a Rebecca Fierle-  
Santoian, a.k.a. Becky Dobbins)**

Rebecca Fierle-Santoian (legal name on Florida driver's license; also the name used at banks to open guardianship accounts)

Rebecca Santoian (notarized name used in Marion County when buying and selling properties with current husband, cardiologist Dr. Edward Santoian)

Rebecca Fierle (name consistently used on court documents when petitioning for guardianships and when advertising Geriatric Management, Inc. and Geriatric Care Management, Inc. Name was obtained from first husband, Jeff Fierle with whom subject filed for bankruptcy in 1997)

Becky Dobbins – maiden name/family or origin name—last name of brother Michael Dobbins who is used by Fierle when creating bogus invoices on car repairs of wards' vehicles. Michael Dobbins owns Mickey's Auto Repair in Orlando, Florida.

**Date of Birth:** June 19, 1969

White, female

**Social Security Number:** 593-20-3369

**Home address:** 9380 S. Magnolia Avenue,  
Ocala, FL 34476

**Current business address:** Geriatric Management  
1646 East Hillcrest Street  
Orlando, FL 32803

**Background:**

Rebecca "Fierle" has had more than 300 guardianship in 13 Florida counties since commencing her career as a professional guardian. (Orange, Seminole, Lake, Alachua, Duval, Brevard, Polk, Osceola, Holmes, St. Lucie, Clay, and Pinellas, and Marion—although she is only legally registered in Lake, Marion, Polk, Orange, and Seminole.) The majority of guardianships have been obtained in Orange and Seminole Counties. During the late 90's, Fierle worked as a care manager for the greater Orlando Council on Aging (now known as "Seniors First") Fierle would approach elderly persons at their homes to see if they needed any free services, such as free transportation to doctors' appointments, new glasses, or Meals on Wheels.

Rebecca "Fierle" also used to man a hotline in Orlando where seniors in distress would call to report various incidents, according to Orlando police records. It is

through these various methods that Fierle has found her wards. Rebecca “Fierle” also is often referred by social workers at hospitals and nursing homes when they feel a patient needs a guardian. It appears that Fierle also checks with Fire and Rescue and police records to obtain wards. She also volunteers at Department of Children and Family Services and therefore it would not be likely that she would investigated by DCF, since she is a part of their team.

During the late 90’s and early 2000s, Fierle obtained powers of attorney over several elderly victims. For example, in the case of Florence Barbour, Fierle obtained a power of attorney over Barbour in May 2002. Fierle then sold Barbour house for \$80,000.00 and placed Barbour in Palm Gardens in Orlando. In November 2002, Barbour died and the court records indicate that there was approximately \$1,480.00 left in Barbour’s estate, which Fierle, as personal representative, wrote a cheque to the heirs, two long-time friends of Barbour who live in Ohio.

It appears that no one, outside of this investigator, has ever alerted law enforcement authorities to the fact that there appears to be missing almost \$80,000.00 in Florence Barbour’s case.

### **Evidence to Support Allegations of Medicaid Fraud**

Fierle is hired by Shands Hospital to place patients who “qualify” on Medicaid. Fierle also simultaneously petitions for guardianships on many of these individuals.

Once the Medicaid is obtained, and Fierle also had control over the ward’s assets, Fierle *claims* she is paying the monthly nursing home fees. The docket entries indicate, however, that Medicaid/Medicare are actually paying these monthly fees and expenses (See cases, below, where Medicaid fraud is noted due to claims against the estate.) since the guardian and attorneys continue billings and being awarded attorneys’ fees and guardian fees. **If the ward was truly destitute (which is the prerequisite requirement for qualifying for Medicaid), there should be no evidence of petitioning for attorneys’ fees and guardian fees in these dockets, but the dockets show repeated billing in most of the files.**

When the ward dies and Fierle then often becomes the personal representative, Fierle places a small ad, “Notice to Creditors” in an obscure newspaper. At that time, Medicaid then sometimes comes forward with a claim against the estate.

For example, in the Guardianship of Marion Copley, Fierle sold Copley's home for approximately \$250,000.00 but simultaneously placed Copley on Medicaid. Upon Copley's death, Medicaid filed a claim against the estate for \$53,000.00. In the Guardianship of Louise A. Falvo, Falvo had approximately \$672,000.00 in liquid assets when Fierle applied for and obtained Medicaid. Falvo died shortly after the guardianship was commenced against her—Medicaid filed a claim of **\$341.48** against Falvo's estate, indicating that Falvo should have never been placed on Medicaid in the first place.

### **Scheme to Defraud**

It is believed that the modus operandi is the same in all or most of Fierle's guardianships—(1) Finds wards with substantive assets and place them on Medicaid, (2) Alleges to the probate courts, through annual accountings, that she (Fierle) is paying the monthly bills out of the ward's assets, when, in fact, the facility is being reimbursed by Medicaid/Medicare. (3) Then pockets the money for herself and her attorneys, thereby creating actionable offenses for IRS fraud/tax evasion.

### **Modus Operandi**

For example, Noble Williams was placed in Gainesville Health and Rehab. Center for more than one year—a Medicaid/Medicare facility. Fierle claimed that the nursing home billed Williams more than \$30,000.00 and that she (Fierle) settled out with them, paying them approximately \$10,000.00 in back fees and that they then waived the remaining balance. The nursing home also has receipts for the year 2009 indicating the alleged payment of \$10,000.00 allegedly received from Fierle. However, it is believed, since this is a Medicaid/Medicare facility, that Medicaid and Medicare were paying the bills of Noble Williams—not Rebecca "Fierle."

### **Request for Investigation**

Given the above facts, it is requested that an investigation be conducted by the Medicaid Fraud Unit to determine if various nursing home facilities and/or Fierle were receiving payments for wards from Medicaid/Medicare while Fierle was simultaneously claiming to be paying those same bills out of the wards' assets. A list of wards and their dates of birth and dates of death and dates the guardianship were commenced appears below so that Medicaid can check and see if bills were actually being paid by Medicaid, and not by Rebecca "Fierle" during the durations of the guardianships. Some wards are truly destitute, as noted in the files. The guardianships most likely to represent fraudulent billings are from wealthy wards with substantive assets. When the accompanying

dockets show billing for attorney's fees and guardian fees, it can be logically concluded that the ward had enough assets to NOT qualify for Medicaid but was placed [fraudulently] on Medicaid anyway. This implies IRS fraud and tax evasion as well.

**Rationale for Investigations:** Medicaid fraud costs the state of Florida millions of dollars when elderly people with substantive assets are placed on Medicaid while their own assets are converted into attorneys' fees, guardian fees, or go completely unaccounted for. Since the State of Florida is not prosecuting Medicaid fraud committed by professional guardians, it is up to the jurisdiction of the OIG to do so.

Likewise, where there is fraud and embezzlement, the IRS has jurisdiction regarding the under-reporting or "no" reporting of income and resources—i.e., tax evasion and tax fraud.

These docket summaries accompany the main report in which 15 cases were detailed. Please see the main report, along with this file. There are also individual court documents for each of the 15 selected cases that accompany the main report.

## **Orange County Guardianship Cases**

**Jerry Benjamin Richardson**

Case No. 1982-CP-001017-O

**Attorney for Guardian:** Thomas P. Moss

**Guardianship commenced:** 08/11/1982

Guardianship is **closed**.

**Guardianship was closed on:** 2/23/1999

**DOB:** 9/1948

**HALSEY EARL PORONTO**

Case No. 1992-CP-000930-O

**Attorney for Guardian:** Randy C. Bryan

**Guardianship commenced:** 05/06/1992

Guardianship is **closed**.

**Guardianship was closed on:** 1/29/2007

**\*Certificate of Completion of Guardianship Training:** 3/22/2002

**DOB:** 2/18/1910

**DOD:** 1/22/2007

**FACILITY:** The Westchester  
558 N. Semoran Blvd.  
Winter Park, FL 32792

**ODIS A. LUMPKIN**

Case No. 1999-CP-000788-O

**Attorney for Guardian:** Cary L. Moss

**Court Appointed Attorney:** Ian L. Gilden

**Guardianship commenced:** 05/11/1999

Guardianship is **closed**.

**Guardianship was closed on:** 6/19/2000

**Report of Auditor:** 9/7/1999

**Amended Inventory:** 10/25/1999

**DOB:** 11/28/1921

**DOD:** 5/31/2000

[Fierle was not yet certified as a professional guardian when this guardianship commenced]

**REGINA C. SMARIDGE**

Case No. 2000-CP-002220-O

**Guardianship commenced:** 2/08/2000

Guardianship is **closed**.

**Guardianship was closed on:** 01/02/2008

**DOB:** 06/14/1928

**DOD:** 12/26/2007

**FACILITY:** Rio Pinar Health Care

7950 Lake Underhill Road, Unit 219

Orlando, FL 32822

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

**SADIE BATES**

Case No. 2001-CP-000146-O

**Attorney for Guardian:** RICHARD NEIL GREATWOOD

**Guardianship commenced:** 01/22/2001

**Voluntary Dismissal:** 3/13/2001

**DOB:** unknown

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

**FAYE G. LARSON**

Case No. 2001-CP-000147-O

**Attorney for Guardian:** RICHARD NEIL GREATWOOD

**Guardianship commenced:** 01/22/2001

**Voluntary Dismissal:** 3/13/2001

**DOB:** unknown

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

### **RICHARD HOLDEN**

Case No. 2001-CP-001018-O

**Attorney for Guardian:** Karen Goldsmith

**Guardianship commenced:** 05/21/2001

Guardianship is **closed**.

**Guardianship was closed on:** 5/11/2005

**DOB:** unknown

**DOD:** 8/06/2003

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

### **MINNIE C. EARLY**

See also: Case No. 2002-CP-001971-O

*Also known as* BIRCH, MINNIE C

*Also known as* GUNTER, MINNIE C

Case No. 2001-CP-001331-O

**Attorney for Guardian:** Karen Goldsmith

**Guardianship commenced:** 7/13/2001

Guardianship is **closed**.

**Guardianship was closed on:** 9/23/2003

**DOB:** 05/18/1921

**DOD:** 7/31/2002

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

### **NORMA J. BELLINGER**

Case No. 2001-CP-001564-O

**Attorney for Guardian:** Karen Goldsmith

**Guardianship commenced:** 8/16/2001

Guardianship is **closed**.

**Guardianship was closed on:** 1/16/2002

**DOB:** 1923

**DOD:** 11/30/2001

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

### **CLINTON R. BELLINGER**

Case No. 2001-CP-001603-O

**Attorney for Guardian:** Karen Goldsmith

**Guardianship commenced:** 08/22/2001

**Change of Venue to Seminole County:** 10/19/2004

**DOB:** 07/25/1922

**Report of Auditor:** 3/18/2003

**Report of Auditor:** 2/6/2004

**Report of Auditor:** 4/29/2004

Letter dated March 30, 2009 from Maytee Moxley to Maryann Morse:  
"Enclosed please find accounting for November 1, 2007 – October 31, 2008,  
case was transferred to your county in 2005; audit fee was not filed with  
accounting."

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

**\*JASMINE A. SPENCE**

**Attorney for Guardian:** Karen L. Goldsmith

Joint Stipulation of Counsel: Ian L. Gilden 6/1/2011

Case No. 2001-CP-002022-O

**Guardianship commenced:** 10/22/2001

Guardianship is **open**.

**Report of Auditor:** 3/13/2007

"A review of the annual accounting filed from the 1<sup>st</sup> day of December, 2005  
through the 30<sup>th</sup> day of November, 2006, reveals the following:

It appears the verification of the value as of 11/30/06 for the Prudential Financial  
Insurance and the IRA Account were not submitted with the Annual Financial  
Report.

Respectfully submitted this the 13<sup>th</sup> day of March, 2007

**Report of Auditor:** 3/26/2008

"An administrative review of the file, and review of the annual accounting, filed  
for the period from 12/01/06 – 11/30/07 reveals the following:

It appears statements from the Prudential Financial Insurance and the IRA have  
not been submitted to verify the activity in the accounting."

**DOB:** 11/28/1933

**Location of Ward:** Ionie's Assisted Living

[Note: Daughter, Paula Harriott, attempted to become guardian of her mother  
and filed a PAPG (3/29/07) but no hearing and nothing else from daughter. I  
spoke with daughter; there was no more action from her because she ran out of  
money. Fierle promised to let her become her mother's guardian when she  
moved to Florida. However, upon Harriott moving to Florida, Fierle changed  
her mind and would not allow Harriott to become her mother's guardian.

Harriott suspects that the women who work at Ionie's may be there against their  
will and working for below minimum wage. This same speculation was told to

me by Dr. Richard Larkin. The daughter would like to see Fierle prosecuted. Paula Harriott can be reached at (407) 281-0621. The daughter is a professional nurse who lives in an upscale gated community in a single family detached two story home.)**ANN H. RICHARDS**

Case No. 2000-CP-002220-O

**Attorney for Guardian:** Randy C. Bryan

**Guardianship commenced:** 10/31/2001

Guardianship is **closed**.

**Guardianship was closed on:** 5/6/2002

**DOB:** unknown

**DOD:** 03/25/2002

**Location of ward:** Manor Care Nursing Home

2075 Loch Lomond Drive

Winter Park, FL 32792

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

### **MICHAEL KIMBUR**

Case No. 2002-CP-000243-O

**Attorney for Guardian:** Karen L. Goldsmith

**Guardianship commenced:** 1/29/2002

**Change of Venue to Seminole County**

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

### **EVA HUSSEY**

Case No. 2002-CP-000565-O

**Attorney for Guardian:** Karen L. Goldsmith

**Voluntary Dismissal:** 3/27/2002

[Fierle was not yet certified as a professional guardian when this guardianship commenced].

### **ADELINE KNURR MCKIBBEN**

Case No. 2000-CP-002220-O

**Attorney for Guardian:** RANDY C. BRYAN

**Guardianship commenced:** 04/02/2002

Guardianship is **closed**.

**Guardianship was closed on:** 7/14/2006

**DOB:** 04/05/1915

**DOD:** 9/22/2005

**Order Regarding Sale of Real Estate:** 11/21/2002 *[AMENDED ORDER AUTHORIZING SALE OF REAL ESTATE]*

**CARLOS PAGAN**

Case No. 2002-CP-001514-O

**Attorney for Guardian:** Karen L. Goldsmith

**Guardianship commenced:** 6/13/2002

Guardianship is **closed**.

**Guardianship was closed on:** 12/17/2002

**DOB:**

**DOD:** 12/11/2002

**Certificate of Insolvency/Indigency:** 06/13/2002

**ATQUR KHAN**

Case No. 2002-CP-002562-O

**Attorney for Guardian:** Alex Finch

**Court Appointed Attorney:** Ian L. Gilden

**Guardianship commenced:** 10/08/2002

Guardianship is **closed**.

**Guardianship was closed on:** 03/28/2003

**Affidavit of Insolvency/Indigency:** 10/08/2002

**JULIA TAGLER**

Case No. 2002-CP-002585-O

Related Cases 2006-CP-000895-O (Incapacity/Guardianship)

2007-CP-002891-O (Incapacity/Guardianship)

**Attorney for Guardian:** Thomas P. Moss

**Guardianship commenced:** 0/10/2002

**Original Guardian:** Mayra Y. King 13846 Beauregard Pl Orlando, FL 32837-

7671

Guardianship is **closed**.

**Guardianship was closed on:** 6/30/2009

**DOB:** 02/19/1908

**DOD:** 9/04/2007

**HELEN L. PHILLIPS**

Case No. 2003-CP-000677-O

**Guardianship commenced:** 3/17/2003

**Attorney for guardian:** Cary L. Moss

**Guardianship was closed on:** 07/02/2010

**DOB:** 10/14/1919

**DOD:** 5/27/2010

**Report of Auditor:** 8/27/2009

**Response to Auditor:** 11/16/2009  
**Report of Auditor:** 11/17/2009  
**Response to Auditor:** 11/16/2009  
**Petition for Qualified Income Trust:** 7/28/08

**GRANT C. PHILLIPS** (Veteran)  
Case No. 2003-CP-000676-O  
**Attorney for Guardian:** Cary L. Moss  
**Guardianship commenced:** 03/17/2003  
Guardianship is **closed**.  
**Guardianship was closed on:** 2/11/2005  
**Report of Auditor:** 10/21/2004  
**Response to Auditor:** 12/08/2004  
**DOB:** 12/25/1917  
**DOD:** 1/04/2005

**MARY E. PETERSON**  
Case No. 2003-CP-000781-O  
**Attorney for Guardian:** Alex Finch  
**Guardianship commenced:** 03/27/2003  
Guardianship is **closed**.  
**Guardianship was closed on:** 7/12/2007  
**Copy of Pooled Trust Joinder:** 11/17/04  
**DOB:** 02/05/1917  
**DOD:** 07/03/2007  
**Report of Auditor:** 9/14/2004  
**Petition/Motion Authorizing PETITION AUTHORIZING EXTRAORDINARY EXPENDITURES, REPAIRS TO HOUSE & RETROACTIVE APPROVAL OF PURCHASE OF APPLIANCES:** 0/12/2004  
**Notice NOTICE OF VOLUNTARY WITHDRAWAL OF PET FOR GUARDIAN'S FEES:** 10/12/2004  
**Informal Request INFORMAL REQUEST TO FILE COPY OF THE WARD'S EXECUTED POOLE TRUST AND TRUSTEE'S RECEIPTS OF ASSETS:**  
0/15/2004

**LYMAN ANDREW HALL**  
Case No. 2003-CP-000781-O  
**Attorney for Guardian:** Carolyn H. Sawyer  
**Guardianship commenced:** 04/29/2003  
Guardianship is **closed**.

**Guardianship was closed on:** 4/6/2005

**DOB:** 04/16/1917

**DOD:** 02/11/2005

**Order to File Annual Reports:** 2/11/2005

**HAZEL LARUE SKJERSAA**

Case No. 2003-CP-001064-O

2008-CP-001592-O (Sibling Guardianship)

2009-CP-000009-O (Family Estate)

**Attorney for Guardian:** Carolyn H. Sawyer

**Guardianship commenced:** 04/29/2003

Guardianship is **closed**.

Guardianship was closed on: 12/02/2009

**DOB:** 10/04/1922

**DOD:** 12/11/2008

**Report of Auditor:** 9/04/2009

**Observation Sheet:** 0/12/2009

**Petition for Retroactive Approval** 10/27/2009

**Response to Auditor:** 10/27/2009

**Final Accounting AMENDED - 07/01/08-08/06/09:** 10/27/2009

**Final Report of Guardian AMENDED:** 10/27/2009

**Order Authorizing RETROACTIVE APPROVAL TO DONATE WARD'S  
TANGIBLE PERSONAL PROPERTY:** 11/02/2009

**Report REPORT OF AUDITOR:** 01/23/2007

**Response TO REPORT OF AUDITOR:** 03/05/2007

**Response TO REPORT OF AUDITOR:** 08/15/2007

**Petition for Retroactive Approval PETITION FOR RETROACTIVE  
APPROVAL OF PAYMENT OF ATTY'S FEES:** 08/15/2007

**Annual Accounting SECOND AMENDED ANNUAL ACCOUNTING 7/1/05-  
6/30/06:** 08/15/2007

**Order ORDER FOR RETROACTIVE APPROVAL OF PAYMENT OF ATTY'S  
FEES AND EXPENSES:** 09/11/2007

**Report of Auditor REPORT OF AUDITOR:** 10/24/2007

**Response TO REPORT OF AUDITOR:** 11/16/2007

**Observation Sheet OBSERVATION SHEET:** 11/24/2007

**NORMAN SKJERSAA**

Case No. Case No. 2003-CP-001390-O

**Attorney for Guardian:** Carolyn H. Sawyer

2008-CP-001592-O (Sibling Guardianship)

2009-CP-000009-O (Family Estate

**Guardianship commenced:** 6/05/2003

Guardianship is **closed**.

**Guardianship was closed on:** 02/17/2009

**DOB:** 03/09/1916

**DOD:** 06/03/2008

**Report of Auditor** *REPORT OF AUDITOR:* 02/22/2005

**Response TO REPORT OF AUDITOR:** 03/31/2005

**Response TO REPORT OF AUDITOR:** 05/12/2005

**Informal Request** *INFORMAL REQUEST:* 05/12/2005

**Report of Auditor** *REPORT OF AUDITOR:* 03/22/2006

**Annual Accounting** *AMENDED ANNUAL ACCOUNTING:* 05/05/2006

**Response TO REPORT OF AUDITOR:** 05/05/2006

**Report** *REPORT OF AUDITOR:* 01/23/2007

**Response TO REPORT OF AUDITOR:** 03/05/2007

**Report of Auditor** *2ND REPORT OF AUDITOR:* 05/01/2007

**Response TO REPORT OF AUDITOR:** 08/15/2007

**Petition for Retroactive Approval:** *PETITION FOR RETROACTIVE*

*APPROVAL OF PAYMENT OF ATTYS FEES:* 08/15/2007

**Annual Accounting** *SECOND AMENDED ANNUAL ACCOUNTING 7/1/05-6/30/06:* 08/15/2007

**Order** *ORDER FOR RETROACTIVE APPROVAL OF PAYMENT OF ATTYS FEES AND EXPENSES:* 09/11/2007

**Observation Sheet** *OBSERVATION SHEET:* 12/26/2007

**Response TO REPORT OF AUDITOR:** 01/23/2008

### **STEVEN L. SCHWARTZ**

4624 Windsor Lane

Bethesda, MD 20814

**Attorney for Guardian:** Alex Finch

Case No. 2003-CP-001545-O

Case No. 2005-CP-000273-O (summary estate)

**Guardianship commenced:** 06/23/2003

Guardianship is **closed**.

**Guardianship was closed on:** 11/23/2004

**DOB:** unknown

**DOD:** 01/31/2005

### **LOIS W. MCCONNELL**

Case No. 2003-CP-002033-O

**Attorney for Guardian:** Ian Leonard Gilden

**Guardianship commenced:** 08/15/2003

Guardianship is **closed**.

**Guardianship was closed on:** 3/18/2005

**Bond Approval Fee:** 2/27/2004

**DOB:**

**DOD:** 12/08/2004

**\*AVENELLE G. AMBROSE**

**Attorney for Guardian:** Karen Goldsmith

Case No. 2003-CP-002353-O

**Guardianship commenced:** 09/19/2003

Guardianship is technically not closed

A Petition for discharge was filed on: 04/03/2008

A Proposed Order for discharge was filed on: 04/03/2008 DOB: 10/31/1918

Petition/Motion for Discharge: 04/03/2008

Proposed Order: 04/03/2008

[No order of discharge actually appears.]

**\*\*\*BETTY TIERS**

Case No. 2003-CP-002437-O

**Attorney for Guardian:** Ian Leonard Gilden

**Guardianship commenced:** 09/29/2003

Guardianship is **closed**.

**Guardianship was closed on:** 07/29/2004

**DOB:** 11/17/1919

**DOD:** 3/10/2004

Location of Ward: Manor Care Skilled Nursing

3115 Seigneuary Drive

Windemere, FL 34786

**William B. Peden**

Case No. 2003-CP-002510-O

**Guardianship commenced:** 10/07/2003

Guardianship is **closed**.

**Guardianship was closed on:** 8/03/2007

**DOB:** 02/11/1922

**DOD:** 02/20/2007

**Report of Auditor REPORT OF AUDITOR:** 10/03/2005

**Petition for Retroactive Approval PETITION FOR RETROACTIVE**

**APPROVAL OF PAYMENTS MADE TO KILGORE, PEARLMAN:** 10/03/2005

**Petition for Retroactive Approval PETITION FOR RETROACTIVE APPROVAL OF PAYMENT OF FEES AND EXPENSES OF GUARDIAN:** 10/03/2005

**Petition for Retroactive Approval PETITION FOR RETROACTIVE APPROVAL OF PAYMENTS MADE TO DEAN, MEAD:** 10/03/2005

**Response TO REPORT OF AUDITOR:** 10/11/2005

**Per the Court:** SIGNATURE PAGE TO AMENDED ANNUAL ACCOUNTING: 10/11/2005

**Petition for Retroactive Approval**

**PETITION FOR RETROACTIVE APPROVAL OF PAYMENTS MADE TO DEAN, MEAD:** 10/11/2005

**Petition for Retroactive Approval PETITION FOR RETROACTIVE APPROVAL OF PAYMENTS MADE TO KILGORE, PEARLMAN:** 10/11/2005

**Petition for Retroactive Approval**

**PETITION FOR RETROACTIVE APPROVAL OF PAYMENT OF FEES AND EXPENSES OF GUARDIAN:** 10/11/2005

**Order to File Annual Reports ORDER TO FILE ANNUAL REPORTS:**

05/16/2006

**Order ORDER GRANTING RETROACTIVE APPROVAL OF PAYMENT OF FEES AND EXPENSES OF GUARDIAN:** 10/26/2005

**Order ORDER GRANTING RETROACTIVE APPROVAL OF PAYMENTS MADE TO KILGORE, PEARLMAN:** 10/26/2005

**Order ORDER GRANTING RETROACTIVE APPROVAL OF PAYMENTS MADE TO DEAN, MEAD:** 10/26/2005

**Order for Guardian's Fees ORDER GRANTING RETROACTIVE GUARDIAN FEES:** 08/07/2006

**Petition for Retroactive Approval PETITION FOR RETROACTIVE APPROVAL:** 06/18/2007

**JOSEPH B. NIEDZIELSKI**

Case No. Case No. 2003-CP-002836-O

**Attorney for Guardian:** SEAN FREDERICK BOGLE

**Attorney for Guardian:** Karen Goldsmith

**Guardianship commenced:** 11/14/2003

Guardianship is **closed**.

**Change of Venue to Duval County on:** 2/24/2009

**DOB:** 11/05/1962

**DOD:** unknown [2009 or 2010]

[Extensive report by this investigator on this case.]

**\*HENRY WEAVER McMURTRAY**  
Case No. 2004-CP-000088-O  
**Attorney for Guardian:** Thomas P. Moss  
**Guardianship commenced:** 1/12/2004  
Guardianship is **closed**.  
**Guardianship was closed on:** 07/06/2005  
**DOB:** 10/08/1917  
**DOD:** 12/30/2004  
**SS#:** 426-XX-1448

**Petition PETITION FOR ENTRY OF AN ORDER TRANSFERRING  
INSURANCE POLICIES TO TRUST:** 11/29/2004  
**Order of Discharge:** 07/06/2005  
**Order of Discharge:** 06/02/2005

**ANNETTE C. WALLACE**  
Case No. 2004-CP-000400-O  
**Attorney for Guardian:** Alex Finch  
**Guardianship commenced:** 02/09/2004  
Guardianship is **closed**.  
**Guardianship was closed on:** 04/11/2007  
**Order of Discharge:** 04/11/2007  
**DOB:** 05/26/1926  
**DOD:** 03/22/2007

**ANDRE HABA**  
Case No. 2004-CP-001091-O  
**Attorney for Guardian:** Thomas P. Moss  
**Guardianship commenced:** 4/14/2004  
Guardianship is **closed**.  
**Guardianship was closed on:** 03/14/2008  
**Order of Discharge:** 03/14/2008  
**DOB:** 12/1957  
**DOD:** 3/10/2008

**CURTIS HARRISON**  
Case No. 2004-CP-001635-O  
**Attorney for Guardian:** Ian Leonard Gilden  
**Guardianship commenced:** 6/14/2004  
Guardianship is **open**.

Pro Bono attorney appointed  
Special Needs Trust established.  
**DOB:** 10/1946

**JACKIE CALHOUN**  
Case No. 2004-CP-001835-O  
**Attorney for Guardian:** Karen Goldsmith  
**Guardianship commenced:** 7/06/2004  
Guardianship is **closed**.  
**Guardianship was closed on:** 3/12/2007  
**DOB:** 10/1946  
**DOD:** 02/12/2007

**RUTH M. TAYLOR**  
Case No. 2004-CP-002139-O  
**Attorney for Guardian:** Ian Leonard Gilden  
**Guardianship commenced:** 08/05/2004  
Guardianship is **closed**.  
**Guardianship was closed on:** 12/5/2008  
**Report of Auditor:** 4/3/07  
**Response to Auditor:** 4/30/2007  
**DOB:** 5/11/1907  
**DOD:** 9/15/08

(This is the very curious guardianship with a curious Last Will and Testament where Taylor leaves everything to Wachovia)

**Report of Auditor:** 10/7/2008  
“An administrative review of the file, and review of the Final Accounting reveals the following:

It appears the guardian paid funeral expenses without prior court approval.  
It appears the clerk audit fee and pharmerica account was paid from the ward's assets after the date of death.

It appears no supporting documents were attached to the final accounting.”

**Response to Auditor:** 10/20/08 (ordered)

**Order authorizing retroactive approval:** 10/23/08

[Note: Fierle paid \$1,036.50 to the Orange Clerk of Court to commence and maintain this guardianship.]

**SONJA ARCHIPOFF**  
Case No. 2004-CP-002224-O  
**Attorney for Guardian:** Ian L. Gilden

**Guardianship commenced:** 08/18/2004

Guardianship is **closed**.

**Order of discharge:** 03/31/2006

**DOB:** 05/21/1923

**DOD:** 2006

(This is the guardianship where husband filed a petition to have Fierle removed as guardian. Later, Fierle puts the husband under guardianship.)

### **ANTHONY W. ARCHIPOF**

Case No. 2004-CP-002467-O

**Attorney for Guardian:** Ian L. Gilden

**Guardianship commenced:** 09/21/2004

Guardianship is **closed**.

**Order of Dismissal:** 02/10/2005

**DOB:** 04/25/1922

### **FLORENCE CLEWELL**

Case No. 2004-CP-002658-O

**Attorney for Guardian:** Ian L. Gilden

**Guardianship commenced:** 10/08/2004

Guardianship is **closed**.

**Report of Auditor:** 7/6/06

**Response to Auditor:** 7/10/06

**Response to Auditor:** 9/20/2006

**Order of Discharge:** 10/23/2007

**DOB:** 05/25/1918

**DOD:** 03/08/2007

Location of Ward: Ionie's Assisted Living

### **ELSIE L DOWNEY**

Case No. 2005-CP-000951-O

**Attorney for Guardian:** Ian L. Gilden

**Guardianship commenced:** 04/12/2005

Guardianship is **closed**.

**Order of Discharge:** 05/31/2007

**DOB:** 05/05/1922

### **JOYE WILLIAMS**

Case No. 2005-CP-001423-O

**Attorney for Guardian:** Carolyn H. Sawyer

**Guardianship commenced:** 07/11/2005

Guardianship is **closed**.

**Order of Discharge:** 09/29/2006

**DOB:** 02/17/1938

**DAVID OSHEA**

Case No. 2005-CP-002169-O

**Attorney for Guardian:** JACK ERSKINE HOLT

**Guardianship commenced:** 09/19/2005

Guardianship is **closed**.

**Order of Discharge:** 01/20/2006

**DOB:** 10/25/1943

**DOD:** 1/11/2006

**Notice of Trust:** 09/15/2005

**ELIZABETH JANE JARVI**

Case No. 2005-CP-002282-O

**Attorney for Guardian:** Carolyn Holman Sawyer

**Guardianship commenced:** 09/19/2005

Guardianship is **closed**.

**Order of Discharge:** 03/28/2008

**Report of Auditor:** 5/10/2007

**Response to Auditor:** 5/29/2007 (order)

**Observation Sheet:** 12/07/07 ("File final accounting")

**Response to Report of Auditor:** 12/31/07 (on order)

**DOB:** 09/02/1955

**DOD:** 09/17/2007

**ELLA K. LAGANELLA**

Case No. 2005-CP-002553-O

**Attorney for Guardian:** Carolyn Holman Sawyer

**Court Appointed Attorney:** Ann Marie Giordano-Gilden

**Guardianship commenced:** 11/21/2005

Guardianship is **closed**.

**Order of Discharge:** 1/22/2010

**Report of Auditor:** 4/30/2007

**Response to Auditor:** 6/07/2007 (on order)

**DOB:** 02/01/1917

**RICHARD CLEMENS**

Case No. 2005-CP-002560-O

**Attorney for Guardian:** Karen L. Goldsmith

**Guardianship commenced:** 11/21/2005

Guardianship is **closed**.

**Order of Discharge:** 09/12/2007

**DOB:** 07/18/1902

**DOD:** 9/07/2007

**PATRICIA ANN KRULL**

Case No. 2005-CP-002888-O

**Attorney for Guardian:** Ian Leonard Gilden

**Guardianship commenced:** 1/14/2005

Guardianship is **open**.

**Report of Auditor:** 4/29/2008

**Response to Auditor:** 5/19/2008

**Report of Auditor:** 5/19/2009

**Response to Auditor:** 6/16/2008

**Petition Exempting Guardian from filing future accountings:** 10/19/2010

Observation: 10/29/2010

“The proposed Order Waiving Annual Accounting and Future Accountings is being returned because the court **denied** your Petition.”

**Petition for retroactive attorney's fees:** 6/10/2011

**DOB:** 12/12/1941

[Extensive report on this file by this investigator.]

**Location of ward:** Sanjean Assisted Living

**REPORT OF AUDITOR**

An administrative review of the file 2008-2009:

1. It appears SS income was deposited monthly; however, sporadic payments were made to the nursing facility without explanation (5/08-7/08) (\$1,460.00 each payment)  
Evidence the nursing home facility is current should be filed.
2. It appears a pre-need funeral contract was purchased without prior court approval.  
Documents for retroactive approval should be filed.
3. It appears service of copy of the accounting to the ward was omitted, required pursuant to the limited capacity.

May 19, 2009

## **OBSERVATION BY CLERK**

Copies of billing statements for guardian's fees payable to Geriatric Mngt. For the following were omitted from the annual accounting:

5/19/2009	\$467.89
9/8/2009	\$1,534.97
9/24/2009	\$264.45

Reviewed 5/19/2010

### **SHIRLEY MCKINNEY**

Case No. 2005-CP-002905-O

**Attorney for Guardian:** Thomas P. Moss

**Guardianship commenced:** 12/19/2005

Guardianship is **closed**.

**Order of Discharge:** 06/27/2007

**Report of Auditor:** 5/11/2007

**Response to Auditor:** 6/21/2007 (ordered)

**DOB:** 08/19/1924

**DOD:** 03/20/2006

**Petition for Retroactive Approval** *PETITION FOR RETROACTIVE*

*APPROVAL:* 06/21/2007

**Informal Request** *INFORMAL REQUEST:* 05/11/2007

### **ROSEMARY STANFIELD**

Case No. 2005-CP-002970-O

**Attorney for Guardian:** Ian Leonard Gilden

**Guardianship commenced:** 12/19/2005

Guardianship is **open**.

**Report of Auditor:** 5/10/2007

**Response to Auditor:** 5/22/07 (request for extension of time)

**Response to Auditor:** 6/4/2007

**Report of Auditor:** 6/22/2007

**Response to Auditor:** 7/13/2007 (request for extension of time)

**DOB:** 02/01/1923

**DOD:** 9/20/2011

### **PAULINE L. BRUBECK**

Case No. 2005-CP-002970-O

See also: Case No. 2006-CP-003166-O

**Attorney for Guardian:** Ian Leonard Gilden

**Guardianship commenced:** 1/18/2006

Guardianship is **closed**.

**Order of Discharge:** 09/06/2007

**DOB:** 01/20/1910

**DOD:** 5/11/2007

**HERMAN THORNBURG** (veteran)

Case No. 2005-CP-003110-O

**Attorney for Guardian:** Karen L. Goldsmith

**Guardianship commenced:** 02/13/2006

Guardianship *venue* was changed to Columbia County.

**Order to sell homesteaded property:** 5/30/2006

**Order Appointing Court Monitor:** 5/31/2006

**Report of Auditor:** 10/02/07

**Petition for retroactive approval of Attorney's Fees:** 12/31/07

**Petition for retroactive approval of Guardian's Fees:** 12/31/07

**DOB:** 9/27/1920

[Note: Fierle gained guardianship 2/13/06 (just four months before the yoga classes business commenced)

The Herman Thornberg Yoga Classes business commenced:  
February 27, 2006

Herman Thornburg Yoga Classes, instruction, 3024 Kelvington Drive, Orlando, 32810. Obtained from:

[http://articles.orlandosentinel.com/2006-02-27/business/NEWBIZ27\\_1\\_eustis-lady-lake-lawn-maintenance/3](http://articles.orlandosentinel.com/2006-02-27/business/NEWBIZ27_1_eustis-lady-lake-lawn-maintenance/3)

The house belonging to Herman Thornburg was sold on 6/8/2006—four months after Fierle had obtained guardianship.]

[Note: Someone registered with Orange County a "Herman Thornburg Yoga Classes" business permit at the ward's residence four months after this 86 year old man was placed under a Fierle guardianship! I spoke with Thornburg's former neighbor just to double check and, nope, there was never any yoga classes going on at Herman's house. The long time neighbor thought the question was rather preposterous being that Herman Thornburg was an Archie Bunker type!]

**SUSAN A. CELLA**

a.k.a. SUSAN HERMES CELLA

Case No. 2005-CP-003155-O

**Attorney for Guardian:** Thomas P. Moss

**Guardianship commenced:** 12/13/2005

Guardianship is **open**.

**DOB:** 02/24/1921

**Order Granting Retroactive Approval:** 04/26/2011

**Order for Guardian's Fees Retroactive:** 04/26/2011

**Order for Attorney's Fees Retroactive:** 04/26/2011

**Proposed Order(s) Sent to Judge**

*Order for guardian and attorney's fees and order granting retroactive approval for guardian to make payment:* 04/21/2011

**Certified Copies Mailed Order Establishing Special Needs Trust:** 08/13/2010

**Proposed Order(s) Sent to Judge Order establishing a special needs trust:**  
08/12/2010

**Order Establishing a Special Needs Trust:** 08/12/2010

**Order Approving Annual Accounting Report Amended Accounting:**

10/24/2008

**Observation Sheet:** 10/23/2008

**Response:** 10/17/2008

**Annual Accounting Amended 3/1/07 - 2/29/08:** 10/17/2008

**Observation Sheet:** 09/15/2008

**Report of Auditor Second:** 09/15/2008

**Order Authorizing Relocation:** 09/12/2008

**Response:** 09/03/2008

**Report of Auditor:** 08/05/2008

**Observation Sheet:** 08/05/2008

**\*ANNA H. BAIRD (Medicaid Claim—verified Medicaid fraud)**

Case No. 2005-CP-003262-O

**Attorney for Guardian:** Thomas P. Moss

**Guardianship commenced:** 12/13/2005

Guardianship is **closed**.

**Order of Discharge:** 05/24/2011

**DOB:** 02/24/1925

**DOD:** 01/14/2011

**Report of Auditor:** 05/16/2007

**Response to Auditor:** 06/13/2007

**Report of Auditor:** 06/25/2007

**Response to Auditor:** 08/01/2007

**Report of Auditor:** 08/15/2007

**Response to Auditor:** 09/10/2007

**Petition PETITION TO ESTABLISH A SPECIAL NEEDS TRUST:**

02/28/2006

**Order ORDER ESTABLISHING A SPECIAL NEEDS TRUST:** 02/28/2006

**Estimated Annual Income:** \$39,185.00

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 5/24/2011

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 01/21/2011

**Order Granting Retroactive Approval for Payment of Fee and Expenses of Attorney:** 05/24/2011

**MILO J. SLAVIK**

Case No. 2006-CP-000041-O

**Attorney for Guardian:** CAROLYN H SAWYER

**Guardianship commenced:** 02/06/2006

Guardianship is **closed**.

**Order of Discharge:** 06/17/2010

**DOB:** 04/21/1916

**DANIEL F. BLOCK**

Case No. 2006-CP-000104-O

Limited guardianship

**Attorney for Guardian:** Ian Gilden

**Guardianship commenced:** 02/15/2006

Guardianship is **closed**.

**Report of Auditor:** 7/13/2010

**Response to Auditor:** 7/30/2010

**Order of Discharge:** 12/28/2011

**DOB:** 02/21/1923

**FACILITY:** Azalea Manor

150 Willow Dr  
Orlando, FL 32807

AMERICAN AEROSPACE AND FLIGHT CAMP, INC. (Registered Agent)

Proposed Order(s) Sent to Judge *final order of discharge of guardian:*

04/12/2012

**WALTER L. BARNES**

Case No. 2006-CP-000144-O

**Attorney for Guardian:** Thomas P. Moss

**Guardianship commenced:** 02/22/2006

Guardianship is **closed**.

**Response to auditor:** 12/20/2007

**Order of Discharge:** 02/12/2008

**DOB:** 06/27/1924

**MYRTLE EVANS**

Case No. 2006-CP-000212-O

**Attorney for guardian:** Ian Gilden

**Guardianship commenced:** 03/06/2006

Guardianship is **closed**.

**Order of Discharge:** 02/8/2008

**Report of Auditor:** 06/13/2007

**Response to Auditor:** 7/5/2007

**DOB:** 1932

**DOD:** 08/30/2007

**\*BETTY LAMB**

Case No. 2006-CP-000299-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 03/06/2006

Guardianship is **closed**.

**Order of Discharge:** 04/5/2012

**Report of Auditor:** 08/04/2011

**Response to Auditor:** 8/10/2011

**DOB:** 05/06/1927

**DOD:** 08/10/2011

Reopened on 4/5/2012 for final accounting redone.

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 4/05/2012

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 01/04/2012

**JULIA TAGLER**

Case No. 2006-CP-000895-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 03/31/2006

Guardianship is **closed**.

**Order of Discharge:** 06/19/2008

**Report of Auditor:** 02/27/2008

**Response to Auditor:** 3/19/2008

**DOB:** 02/19/1908

**DOD:** 02/18/2008

**MARIE A RIDDLE**

Case No. 2006-CP-001042-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 06/30/2006

Guardianship is **closed**.

**Order of Discharge:** 11/17/2009

**DOB:** 04/15/1922

**DOD:** 08/20/2009

**LASHONDA SCARLETT**

Case No. 2006-CP-001259-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 06/19/2006

Guardianship is **closed**.

**Order of Discharge:** 04/14/2011

**DOB:** 04/18/1961

**DOD:** 04/05/2011

**WILLIAM TROWBRIDGE (Medicaid claim—verified Medicaid fraud)**

Case No. 2006-CP-001638-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 07/26/2006

Guardianship is **closed**.

**Order of Discharge:** 08/01/2011

**Report of Auditor:** 12/07/2007

**Response to Auditor:** 1/10/2008

**DOB:** 10/11/1941

**DOD:** 01/10/2011

**Estimated Annual Income:** \$63,639.00

**Eugene Allen (Medicaid Claim—verified Medicaid fraud)**

Case No. 2006-CP-001739-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 08/14/2006

Guardianship is **closed**.

**Order of Discharge:** 8/17/2007

**Report of Auditor:** 07/03/2007

**Response to Auditor:** 08/07/2007

**DOB:** 04/09/1932

**DOD:** 04/18/2007

**Estimated Annual Income:** \$42,313.00

**JERRY W. GRABLE**

Case No. 2006-CP-002125-O

**Attorney for guardian:** IAN LEONARD GILDEN

**Guardianship commenced:** 09/18/2006

Guardianship is **open**.

**DOB:** 01/19/1936

Grable and Associates

<http://www.ecnext.com/seocm/us/17112801-17112900>

**HELEN STEINFELD**

Case No. 2006-CP-002169-O

**Attorney for guardian:** IAN LEONARD GILDEN

**Guardianship commenced:** 03/26/2007

Change of venue to Palm Beach County: 3/26/07

Emergency Temporary Guardianship Only

**Report of Auditor:** 07/05/2007

**Response to Auditor:** 07/16/2007

**DOB:** 08/06/1952

[Son William Steinfeld became his mother's guardian in WPB.]

**DAVID A. HEAVNER**

Case No. 2006-CP-002313-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 10/09/2006

Guardianship is **closed**.

**Order of Discharge:** 01/04/2008

**Petition to Establish Trust:** 10/08/07

**DOB:** 03/15/1921

**DOD:** 12/20/2007

Facility: Orlando Lutheran Towers

300 E Church Street, Unit 1118

Orlando, FL 32801

**ROBERT M. APPENZELLER/APPENZELLAR/APPENZELLA**

Case No. 2006-CP-002422-O

**Attorney for guardian:** Ian Leonard Gilden

**Guardianship commenced:** 09/12/2006

Guardianship is **open**.

**Petition to relocate ward:** 4/12/07

**Report of Auditor:** 6/4/09

**Response to Auditor:** 7/7/09

**Pays for a Cremation:** 7/7/09

**Report of Auditor:** 04/15/2010

**Response to Auditor:** 5/21/2010

**Report of Auditor:** 6/21/2011

**Response to Auditor:** No answer. Instead, retroactive payment for attorney's and guardian's fees.

**DOB:** 06/00/1946

**VETERAN**

[Fierle claims she paid back \$14,000.00 to the V.A. as an overpayment. As proof, she shows the front of a cheque. It is doubtful this cheque ever made it to the V.A.]

### **ELSIE C. ROLAND**

Case No. 2006-CP-002514-O

**Attorney for guardian:** Thomas P. Moss

**Court appointed attorney:** Ann Marie Giordano-Gilden

**Guardianship commenced:** 10/30/2006

Guardianship is **closed**.

**Order of Discharge:** 5/19/2009

**Order to Appear and/or Show Cause:** 03/10/2009

**DOB:** 10/31/1906

**DOD:** 03/20/2009

Estimated Annual Income: \$42,313.00

**CANCELED Order to Show Cause (1:30 PM) () CancelledCancelled - ward died - filed for discharge:** 04/30/2009 Notice of Unavailability: 04/28/2009

### **JULE B. SWEETEN**

Case No. 2006-CP-002577-O

**Attorney for guardian:** RANDY C. BRYAN

**Guardianship commenced:** 9/28/2006

Guardianship is **closed**.

**Order of Discharge:** 03/06/2012

**Report of Auditor:** 4/13/2010

**Response to Auditor:** 5/06/2010

**DOB:** 03/28/1915

**DOD:** 01/31/2012

**Estimated Annual Income:** \$39,623.00

### **ED O. HENSLEY**

Case No. 2006-CP-003158-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 1/25/2007

Guardianship is **closed**.

**Order of Discharge:** 05/07/2008

**DOB:** 03/28/1915

**DOD:** 05/05/2008

**Estimated Annual Income:** \$26,006.00

**FRANCISCO PASTRANA**

Case No. 2007-CP-000007-O

**Attorney for guardian:** IAN LEONARD GILDEN

**Guardianship commenced:** 1/25/2007

Guardianship is **closed**.

**Order of Discharge:** 03/23/2009

**DOB:** 12/18/1945

**Estimated Annual Income:** \$77,273.00

**KIM M. KEANE**

Case No. 2007-CP-000308-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 03/12/2007

Guardianship is **closed**.

**Order of Discharge:** 02/12/2009

**DOB:** 06/21/1957

**DOD:** 11/07/2008

**Report of Auditor:** 07/28/2008

**Response to Rept. of Auditor:** 8/26/2008

**Report of Auditor:** 09/15/2008

**Response to Rept. of Auditor:** 10/2/2008

An administrative review of the file, and review of the annual accounting, filed for the period from 07/08, reveals the following:

1. It appears the disbursements are not per month in chronological order.
2. It appears the closing statement from the sale of the house and the time share have not been filed.
3. It appears the following disbursements may require further explanation:
  - a. 4/13/07--Bonner \$750.00
  - b. 4/30/07 House repairs \$960.00
  - c. 5/18/07 Southwood Industries \$104.50
  - d. 6/11/07 Revenue Management \$2,494.73

- e. 6/14/07 Unidentified \$46.69
- f. 7/3/07 Amenpath \$80.00
- g. 7/5/07 Unidentified \$90.00
- h. 7/13/07 Fiarwinds! palm air lot rent \$71.13
- i. 7/30/07 Unidentified \$776.54
- j. 9/18/07 Debt Collection \$141.66
- k. 9/27/07 Unidentified \$41.13
- l. 11/9/07 Unidentified \$50.00
- m. 2/28/08 Unidentified \$323.06

4. It appears the Statements for the credit union from 6/30/07 - 9/14/07 were omitted from the accounting.

It appears the Inventory reflects one time share. The file reflects the sale of a time share, but lists a time share as a remaining asset on hand. Were there two time shares? This may require further explanation and an Amended Inventory.

6. It appears all the pages of the Northwestern Mutual Investment services were not filed.

7. It appears Ameripath, Inc. Statements for the report period, including all pages, have not been submitted for review.

8. It appears the accounting reflects a Provident Life Insurance policy. This asset was not reflected in the Inventory, nor is there a Petition & Order to purchase a life insurance policy. A copy of the contract and court approval may need to be filed.

9. It appears the Prepaid funeral plan is not listed as an other than cash asset.

10. It appears the vehicle reflected in the Petition, but omitted from the Inventory is also not reflected in the accounting.

11. It appears the guardian is paying lot rent without court approval or an explanation of what the lot rent is for.

12. It appears the guardian has made repairs without prior court approval. July 28, 2008.

**TAMIKO POTTS**

Case No. 2007-CP-000007-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 3/26/2007

Guardianship is **open**.

**DOB:** 01/30/1923

**Estimated Annual Income:** \$64,447.00

**Report of Auditor:** 10/22/08

**Response to Auditor:** 02/09/09

**Retroactive approval of fees requested after being audited? YES.**

An administrative review of the file and review of the annual accounting, filed for the period from 03/26/07 - 03/31/08 reveals the following:

- 1) It appears the Order on Petition to Sell Ward's Automobile granted the Motion which requested a sales price of \$9,270.00; however, only \$6,500.00 was deposited in sales proceeds. It would appear an Amended Petition and Order for Approval to Sell Ward's Automobile needs to be filed.
- 2) The disbursement section indicates (2) payments of \$350.00 were paid to Dr. Daniels, with no payment made to Dr. Ballentine. This may require further explanation, along with proof of payment to Dr. Ballentine.
- 3) It appears the cash corpus ending 3/31/08 should be \$2,084.70, reduced by one-cent due to the 8/14/07 DCA reduction to close the prior account. It would further appear the loss reported in Sch-C is comprised from the sale of the car (\$2,770.00) and reduction of personal property at the nursing home (\$50.00), rather than car only.

4. It appears an excessive \$54.14 may have been paid in guardian's fees, 12/10/07 (\$2,568.17). The billing statements from 6/07 - 9/07 appear to total \$2,514.03

\*6/07 (\$443.92)  
\*7/07 (\$250.41)  
\*8/07 (\$310.88) - car repair  
\*8/07 (\$262.91)  
\* 9/07 (\$1,245.91)

5. It appears car repairs were paid without prior court approval, as reflected in the guardian's fee billing statements reimbursed to the guardian. A petition and order for retroactive approval for payment of repairs should be filed, along with copies of the invoices for repairs (8/31/07, \$310.88, 11/30/07, \$310.28).

6. The guardian's billing services may reflect duplicated services (3/30/07 and 4/22/07), both of which charge (1) hour to "Complete forms, etc. - initial plan and inventory). This may require further explanation and adjustment.
7. It appears the guardian may be defending or bringing a lawsuit re: accident claim reflected in inventory and guardian's services; however, no petition and order to bring or defend a lawsuit has been filed as required. [October 22, 2008.]

**JAMES CASAS**

Case No. 2007-CP-000467-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 3/26/2007

**Guardianship is closed.**

**Order of discharge:** 2/8/2010

**DOB:** 01/30/1923

**DOD:** 6/5/2008

**Report of Auditor:** 08/26/2009

**Response to Auditor:** 10/26/09

Related Cases:2008-CP-001404-O (decedent)

**ENRIQUE S. MARTINEZ**

Case No. 2007-CP-000897-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 5/03/2007

Guardianship is **open**.

**DOB:** 09/1954

**Petition/Motion for Discharge:** 07/29/2008

**Final Report of Guardian:** 07/29/2008

**Order of Discharge (property only):** 08/01/2008

**PETITION TO ESTABLISH A SPECIAL NEEDS TRUST:** 12/04/2007

**ORDER ESTABLISHING A SPECIAL NEEDS TRUST:** 12/04/2007

**\*\*\*\*\*Faye Elizabeth Arnold**

Case No. 2003-CP-001043-O

Case No. 2007-CP-000991-O

**Attorney for Guardian:** Ian Leonard Gilden

Guardianship is **open**.

**Petition/Motion for Guardian's Fees *Retroactive Payment* :** 09/28/2011

**Estimated Annual Income:** \$44,455.00

**DOB:** 03/16/1927

[Note: This file has been extensively researched by this investigator. Appearance of approximately \$50,000 missing. See details in REPORT.]

**VIOLA GOLDSMITH**

Case No. 2007-CP-001016-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 06/08/2007

Guardianship is **closed**.

**Order of Discharge:** 05/27/2011

**Estimated Annual Income:** \$26,006.00

**DOB:** 01/02/1923

**Order for Guardian's Fee *Retroactive*:** 05/27/2011

**Order for Attorney's Fees *Retroactive*:** 05/27/2011

**ALICE PICHARDO**

Case No. 2007-CP-001035-O

**Attorney for guardian:** Thomas P. Moss

**Voluntary Dismissal:** 6/5/07

**DOB:** 09/15/1960?

**DONALD KIZZEE**

Case No. 2007-CP-001054-O

**Attorney for guardian:** KAREN L. GOLDSMITH

**Guardianship commenced:** 06/6/2007

Guardianship is **closed**.

**Order of Discharge:** 1/05/2010

Affidavit of Insolvency/Indigency **AFFIDAVIT OF INSOLVENCY:** 05/07/2007

**Report of Auditor:** 11/20/2008

An administrative review of the file, and review of the annual accounting, filed for the period from 2007-2008, reveals the following:

1. It appears account ending in 7848 was included in the accounting (Trust account) without being included in the inventory; Perhaps an explanation should be filed.

2. It appears a copy of the entire trust is required if the guardian serves as a trustee.

A second amended inventory and or amended accounting should be filed to correct discrepancy. [November 20, 2008]

**DORIS J. WOODS**

Case No. 2007-CP-001060-O

**Attorney for guardian:** KAREN L GOLDSMITH,

**Guardianship commenced:** 06/6/2007

Guardianship is **closed**.

**Order of Discharge:** 9/27/2010

**Affidavit of Insolvency/Indigency AFFIDAVIT OF INSOLVENCY:**

05/11/2007

**DOB:** 11/01/1918

**Estimated Annual Income:** \$57,188.00

**SCOTT EDWARD JOHNSTON**

Case No. 2007-CP-001190-O

**Attorney for guardian:** THOMAS P. MOSS,

**Guardianship commenced:** 05/9/2007

Guardianship is **closed**.

Motion MOTION TO DISMISS PET. FOR APPPOINTMENT OF PLENARY

GDN & PET. FOR INCAPACITY: 06/26/2007

**DOB: 06/07/1971**

[Note: Fierle paid \$260.00 to try to obtain this guardianship plus attorney's fees.]

**ANNA NADA MIDDLETON**

Case No. 2007-CP-001351-O

**Attorney for guardian:** KAREN L GOLDSMITH\

**Guardianship commenced:** 05/29/2007

Guardianship is **closed**.

**Notice of Voluntary Dismissal:** 8/29/2011

**DOB:** 06/20/1920

**Estimated Annual Income:** \$40,199.00

[Note: Fierle paid \$255.00 to try to obtain this guardianship plus attorney's fees.]

**Dorothy T. Parker**

Case No. 2007-CP-001393-O

**Attorney for guardian:** KAREN L GOLDSMITH\

**Order of Discharge:** (Judicial Officer: Stroker, R. James) 06/16/2010

**DOB:** 04/22/1917

**LUCILLE ELAINE GRIFFITH**

Case No. 2007-CP-001396-O

**Attorney for guardian:** KAREN L GOLDSMITH\

**Guardianship commenced:** 06/04/2007

Guardianship is **closed**.

Order Granting RETROACTIVE APPROVAL OF REIMBURSEMENT OF EXPENSES OF GUARDIAN: 11/02/2009

**DOB:** 11/01/1919

**Estimated Annual Income:** \$26,006.00

Order Establishing Special Needs Trust: 09/11/2008

[Note: Fierle paid \$499.00 to commence and maintain this guardianship.]

**HENRY KASTRUP**

Case No. 2007-CP-001563-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 06/2/2007

Guardianship is **closed**.

**Order of Discharge:** 01/24/2011

**DOB:** 05/30/1935

**DOD:** 1/14/11

**Response to Auditor:** 12/15/2008

**Report of Auditor:** 11/19/2008

An administrative review of the file, and review of the annual accounting, filed for the period from 2007-2008 reveals the following:

1. It appears the bank statement for account ending in 9975 was omitted. (Is this a guardianship account?)
2. It appears there was a transfer in the amount of \$35,000.00 to the savings account; perhaps an explanation should be filed. [November 19, 2008]

**JUANITA BREEDLOVE**

Case No. 2007-CP-001606-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 08/10/2007

Guardianship is **closed**.

**Order of Discharge:** 09/20/2011

**DOB:** 03/19/1939

**DOD:** 09/12/2011

Copy of Trust: 06/09/2008

*Order to Have Funds Held in Court Registry:* 12/13/2011

Amended Petition *to Have Funds Held in Court Registry:* 12/08/2011

*Order to Reopen Guardianship:* 12/07/2011

Proposed Order(s) Sent to Judge *Order To Reopen Guardianship:* 12/06/2011

*Orange County Clerk of Courts check #06026765 in the amount of \$211.00:*

02/17/2012

*Correspondence Payment to Orlando Sentinel \$211.00:* 02/15/2012

Proof of Publication 12/29/2011 01/19/2012: (1/24/2012)

**RALEIGH NELSON**

Case No. 2007-CP-001683-O

**Attorney for guardian:** KAREN L GOLDSMITH

**Court appointed attorney:** Ann Marie Giordano-Gilden

**Guardianship commenced:** 07/06/2007

Guardianship is **closed**.

**Order of Discharge:** 05/04/2010

**DOB:** 10/20/40

Raleigh Nelson and Associates (**corporation commenced 4/21/08**) (currently listed active at sunbiz.gov since 2008)

“Plant Operations Consulting and Troubleshooting”

“The number of shares of stock is 1,000.”

This consulting business is not being advertised on the internet. There is no website advertising Raleigh Nelson and Associates consulting services.

5641 Old Road 37 Lakeland, FL 33811

But this property is owned, according to the Polk County property appraiser, by Betty and Harold Nichols.

(Note: PAPG uses both masculine and feminine pronouns to describe Nelson.)

(Raleigh Nelson and Associates corporation may or may not be the same Raleigh Nelson but given the facts here, further investigation seems warranted.)

**Estimated Annual Income:** \$43,270.00

**GEORGE W. WILLIAMS**

Case No. 2007-CP-002369-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 11/05/2007

Guardianship is open but ward is deceased.

**DOB:** 1/21/70

**DOD:** 03/13/2012

**Order for Guardian's *Retroactive* Fees:** 04/11/2012

**Order for Attorney's *Retroactive* Fees:** 04/11/2012

**Report of Auditor:** 04/20/2009

**Response to Auditor:** 05/11/09

**Report of Auditor:** 04/15/2010

**Response to Auditor:** 05/04/2010

Petition/Motion for Attorney's *Retroactive* Fees: 02/15/2011

Petition/Motion for Guardian's *Retroactive* Fees: 02/15/2011

An administrative review of the file and review of the annual accounting, filed for the period from 07/08 reveals the following:

1. It appears the guardian has filed for a Petition for Partician [sic] action without prior court approval.
2. It appears the guardian and the attorney are charging for completing the Inventory and the Initial Plan.
3. It appears the guardian may have entered into a prepaid burial contract without prior court approval.
4. It appears a Petition & Order to pay the attorney fees and the guardian fees may need to be

filed. [April 20, 2009]

**ELIZABETH MULLICA**

Case No. 2007-CP-002703-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 12/20/2007

Guardianship is **open**.

**DOB:** 04/14/1929

**LANNY AUSTIN**

Case No. 2007-CP-002908-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 12/20/2007

Guardianship is **open**.

**DOB:** 08/22/1953

**Report of Auditor:** 8/31/2009

**Response to Auditor:** 10/07/2009

**Report of Auditor SECOND:** 10/23/2009

**Response SECOND:** 11/02/2009

**Change of Venue:** 10/23/2009 **Petition/Motion for Change of Venue**

[NOTE: Venue was changed to Seminole County where there is no auditing.

Venue was then changed again to Pinellas County; Judge Galluzzo signed orders approving guardian and attorney's fees AFTER venue was changed to Pinellas County.]

**\*LEE BROWN WEBB**

Case No. 2007-CP-002951-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 1/22/2008

Guardianship is **closed**.

**DOB:** 06/28/1923

**DOD:** 11/14/08

(There were problems in the final accounting which needed to be redone; order to show cause was issued and second order of discharge.)

Amended Order of Discharge: 04/29/2009

**DISPOSITIONS** 04/29/2009

**Amended Order of Discharge** (Judicial Officer: Stroker, R. James) Reason: By Judge

04/06/2009 **Order of Discharge** (Judicial Officer: Stroker, R. James)

04/02/2009

**Order of Discharge** (Judicial Officer: Stroker, R. James)

**GLADYS DELGADO**

Case No. 2007-CP-003037-O

**Attorney for guardian:** KAREN L GOLDSMITH

**Guardianship commenced:** 1/22/2008

Guardianship is **closed**.

**DOB:** 11/10/1940

**DOD:** 11/14/08

**Report of Auditor:** 12/08/2008

**Response to report of auditor:** 01/09/2009

**Observation Sheet** (report of auditor): 09/08/2009

**Response to report of auditor:** 12/03/2009

**Petition for Retroactive Approval of Expenses of Guardian:** 12/03/09

**Order of Discharge:** 1/07/2011

1. It appears the guardian created a trust for the ward without prior court approval. It appears the guardian created this trust before Letters were issued without prior court approval.

2. It appears the balances of the liquid assets, per the copies of statements attached to the first Inventory, with account numbers, were omitted from the verified Inventory. It appears the balance for each of these accounts should be as of the date of the Letters of Guardianship.

3. It appears the trust is not reflected as an asset of the guardianship and a copy of the trust has not been filed.

4. It appears the trust is a guardianship asset and copies of the first bank statement and the trust were not reflected in the Amended Inventory. [December 18, 2008]

#### **HYACINTH GERLA LYNCH (Medicaid Claim/Medicaid Fraud)**

Case No. 2008-CP-000146-O

**Attorney for guardian:** IAN LEONARD GILDEN

**Guardianship commenced:** 1/22/2008

Guardianship is **closed**.

**Order of discharge:** 5/22/09

**DOB:** 07/05/1925

**DOD:** 04/16/07

**Order Sale of Real estate:** 9/16/08

**Report of Auditor:** 7/3/07

**Response to Auditor:** 8/07/07

**Estimated Annual Income:** \$32,984.00

**KIM A. TRUEX**

Case No. 2008-CP-000147-O

**Attorney for guardian:** IAN LEONARD GILDEN

**Guardianship commenced:** 2/21/2008

Guardianship is **open**.

**DOB :** 12/25/1945

**Report of Auditor:** 06/22/2009

**Response to Auditor:** 07/21/2009

**Report of Auditor:** 07/07/2010

**Response to Auditor:** 07/30/2010

**Estimated Annual Income:** \$55,313.00

### **ESTELA A. BULNES**

Case No. 2008-CP-000354-O

**Attorney for guardian:** IAN LEONARD GILDEN

**Guardianship commenced:** 2/21/2008

Guardianship is **closed**.

**Order of Discharge:** 9/25/2008

**DOB :** 10/26/1917

**DOD:** 6/2008

**Report of Auditor:** An administrative review of the file, and review of the annual accounting, filed on 05/22/2008 reveals the following:

\* **It appears \$50,000.00 was withdrawn from an ITF registered account three days prior to the Ward's death without an explanation.** (June 16, 2008)

Final Accounting *Amended First 3/31/08 – 7/28/08: 09/19/2008*

### **KATHRYN C. SULLIVAN**

### **KATHRYN J. SULLIVAN**

Case No. 2008-CP-000355-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 3/31/2008

Guardianship is **open**.

**DOB :** 07/30/1928

**Report of Auditor:** 07/18/2011

**Petition/Motion for Attorney's Fees Retroactive:** 08/12/2011

**Petition/Motion for Guardian's Fees Amended:** 08/12/2011

**Response to Report of Auditor:** 08/12/2011

**CASPER YOUNGCHILD** (Note: This name does not show up on any background check services.)

Case No. 2008-CP-000386-O

**Attorney for guardian:** Karen Goldsmith

**Joint Stipulation For Substitution of Counsel:** 6/14/2011

**Order ESTABLISHING A SPECIAL NEEDS TRUST:** 09/09/2008

**Guardianship commenced:** 2/18/2008

Guardianship is **open**.

**DOB :** unknown

**Proposed Order(s) Sent to Judge**

*Order for retroactive approval attorney's fees ( see notes):* 1/20/2010

**Petition for Retroactive Approval \$1,548.06:** 09/17/2009-

**DANIEL DECOSTA**

Case No. 2008-CP-000421-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 2/21/2008

Guardianship is **closed**.

**Order of discharge:** 11/24/2010

**DOB :** 01/15/1937

**DOD:** 11/08/2010

**Estimated Annual Income:** \$44,130.00

**KYON S. PECKHAM**

Case No. 2008-CP-000421-O

**Attorney for guardian:** Karen Goldsmith

**Guardianship commenced:** 2/25/2008

Guardianship is **open**.

**Order Denying Petition for reconsideration for order authorizing payments of compensation and expenses of guardian:** 07/28/2011

Proposed Order(s) Sent to Judge: 07/18/2011

*(Order on Petition for Reconsideration of Guardian's Fees; Order Approving Plan)*

**Order Denying Petition for order authorizing payments of compensation and expenses of guardian:** 01/24/2011

**PETITION FOR PAYMENT AND EXPENSES OF GUARDIAN:** 01/06/2011

**Report of Court Monitor:** 1/06/2011

**Order for Attorney's Fees Retroactive:** 12/06/2010

**DOB:** 2/15/50

**PAULA CAMILLUCCI**

Case No. 2008-CP-000521-O

**Attorney for guardian:** Thomas P. Moss

Limited Guardianship

**Guardianship commenced:** 3/3/2008

Guardianship is **closed**.

**Order of discharge:** 02/03/2010

**DOB :** 01/21/1928

**DOD:** 1/30/2009

**Estimated Annual Income:** \$26,006.00

**Report of Auditor:** 07/09/2009

**Response to Report of Auditor:** 08/07/2009

### **NORMAN BERNARD**

Case No. 2008-CP-000552-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 3/5/2008

Guardianship is **closed**.

**Order of discharge:** 06/02/2008

**DOB :** 02/23/1937

**DOD:** 5/29/2009

**Estimated Annual Income:** \$46,087.00

### **ELOI LIMONES**

Case No. 2008-CP-000587-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 4/14/2008

Guardianship is **closed**.

**Order of discharge:** 04/22/2008

**DOB :** 09/02/1943

*Petition to Return Ward to Mexico:* 01/28/2009

*Order to Return Ward to Mexico:* 01/28/2009

### **CLAIRE HEWES HAPPENER**

Case No. 2008-CP-000817-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 4/04/2008

Guardianship is **open**.

**DOB:** 09/17/1915

**Report of Auditor:** 11/09/2009

**Response to Report of Auditor:** 12/07/2009

**\*Danny M. Farrell**  
Case No. 2008-CP-000894-O  
**Attorney for guardian:** Thomas P. Moss  
**Guardianship commenced:** 4/16/2008  
Guardianship is **closed**.  
**Order of Discharge:** 09/15/2009  
**DOB:** 05/01/1950  
**DOD:** 7/27/09  
**Observation Sheet:** 7/29/2009  
**Response:** 8/24/2009

**Ovie Davis**  
Case No. 2008-CP-000895-O  
**Attorney for guardian:** Thomas P. Moss  
**Guardianship commenced:** 4/16/2008  
Guardianship is **closed**.  
**Order of discharge:** 11/18/08  
**DOB :** 01/28/1916  
**DOD:** 07/11/2008

**CHARLOTTE SAMSON**  
Case No. 2008-CP-000972-O  
**Attorney for guardian:** Thomas P. Moss  
**Guardianship commenced:** 4/24/2008  
Guardianship is **open**.  
**DOB:** 12/26/1951  
**Petition/Motion for Attorney's Fee Retroactive:** 09/02/2011  
**Petition/Motion for Guardian's Fees Retroactive:** 09/02/2011  
**Petition/Motion for Attorney's Fees:** 04/16/2012

**HAYWOOD CARDWELL**  
Case No. 2008-CP-001217-O  
**Attorney for guardian:** Thomas P. Moss  
**Guardianship commenced:** 5/22/2008  
**Change of Venue:** 11/24/2009  
**Petition/Motion Authorizing**  
**GUARDIAN TO MOVE WARD TO OKALOOSA COUNTY:** 7/20/2009  
**DOB :** 12/23/1928  
**Carl Junior Gorby**

Case No. 2008-CP-001438-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 6/17/2008

Guardianship is **closed**.

**Order of discharge:** 1/20/2010

**DOB:** 08/20/1936

**DOD:** 12/15/09

**Estela Hidalgogato**

Case No 2008-CP-001516-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 6/25/2008

Guardianship is **open**.

**DOB:** 03/18/1928

**Order ESTABLISHING A SPECIAL NEEDS TRUST:** 08/31/2009

**EDMOND HUBERT SENTENNE, JR.**

Case No. 2008-CP-001878-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 8/11/2008

Guardianship is **closed**.

**DOB:** 04/16/1918

**DOD:** 10/06/2010

**Order for Guardian's Fees Retroactive:** 02/10/2011

**Order for Attorney's Fees Retroactive:** 02/10/2011

**Order of Discharge:** 03/09/2012

**Report of Auditor:** 11/07/2008

**Response to Report of Auditor:** 12/05/2008

**VELMA KOSOLA**

Case No. 2008-CP-002037-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 09/02/2008

Guardianship is **open**.

**DOB :** 10/01/1921

**Report of Auditor:** 12/22/2010

**Response to Auditor:** 1/20/2011

**Petition/Motion for Attorney's Fee Retroactive:** 01/20/2011

**Petition/Motion for Guardian's Fee Retroactive:** 01/20/2011

**Order for Attorney's Fee Retroactive:** 01/25/2011

**Order for Guardian's Fee *Retroactive*:** 01/25/2011

**\*SUSAN A. HOFFMAN**

Case No. 2008-CP-002105-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 09/10/2008

Guardianship is **closed**.

**Order of Discharge:** 9/6/2011

**DOB:** 11/26/1954

**DOD:** 10/19/2010

**Observation Sheet:** 11/25/2008

**Response to Auditor:** 12/05/2008

Proposed Order(s) Sent to Judge *Order approving amended inventory:* 1/8/09

**Report of Auditor:** 2/26/2010

**Response to Auditor:** 3/08/2010

**Petition/Motion for Attorney's Fee *Retroactive*:** 03/25/2010

**Petition/Motion for Guardian's Fee *Retroactive*:** 03/25/2010

**Order for Attorney's Fee *Retroactive*:** 04/15/2010

**Order for Guardian's Fee *Retroactive*:** 04/15/2010

**PRICE ANDREW LACEY**

Case No. 2008-CP-002114-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 09/11/2008

Guardianship is **closed**.

**Order of Discharge:** 5/28/09

**DOB:** 08/25/1930

**DOD:** 05/26/2009

**VIOLA ELAINE ROWE**

Case No. 2008-CP-002122-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 10/15/2008

Guardianship is **open**.

**DOB:** 02/07/1923

**Report of Auditor:** 2/18/2010

**Response to Auditor:** 3/02/2010

**JOHN SCHMIDT**

Case No. 2008-CP-002736-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 12/03/2008

Guardianship is **open**.

**DOB:** 03/30/1961

**Order Approving Annual Plan Report:** 4/02/2012

### **LAWRENCE FITZGERALD**

Case No. 2008-CP-002834-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 12/17/2008

Guardianship is **closed**.

**Order of Discharge:** 4/27/09

**DOB:** 12/27/1918

**DOD:** 3/12/2009

### **BEAUREGARD BARANOSKI**

Case No. 2008-CP-002835-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 12/17/2008

Guardianship is **closed**.

**Order of Discharge:** 06/31/2010

**DOB :** 12/27/1960

### **MARY A. MITCHELL**

Case No. 2008-CP-002851-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 12/19/2008

Guardianship is **closed**.

**Order of Discharge:** 11/10/2009

**DOB:** 01/06/1939

**DOD:** 11/05/2009

### **HARRY J. CONOVER**

Case No. 2008-CP-002885-O

**Attorney for guardian:** IAN LEONARD GILDEN

**Guardianship commenced:** 12/24/2008

Guardianship is **closed**.

**Order of Discharge:** 06/02/2010

**DOB:** 03/30/1912

**DOD:** 2010

Inventory

\*Estate filed in Duval County case number 2009CP2490\* 05/28/2010

**THOMAS NELSON HARMON**

Case No. 2009-CP-000295-O

**Attorney for guardian:** CAROLYN HOLMAN SAWYER

Limited guardianship.

**Guardianship commenced:** 02/05/2009

Guardianship is **closed**.

**Order of Discharge:** 07/14/2011

**DOB:** 04/22/1954

**DOD:** 2010

**Report of Auditor:** 9/30/2010

**Response to Auditor:** 11/02/2010

**JULIA S. ANDON**

Case No. 2009-CP-000366-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 2/16/2009

Guardianship is **open**.

**Change of venue to Seminole County:** 7/28/2011

**DOB:** 07/02/1925

**Report of Auditor:** 9/3/2010

**Response to Auditor:** 9/23/2010

[Note: See extensive report by this investigator on Andon file.]

**REPORT OF AUDITOR**

An administrative review of the file and review of the annual accounting filed for the period from 2009-2010 reveals the following:

1. It appears the following were paid without prior court approval
  - a. 3/18/09 Ford Credit auto Lease Pmt (please explain)
  - b. 3/24/09 James Buchanan Removed **all belongings** from Apt, haul trash to dump \$357.62
  - c. 3/24/09 Julie Ehrlich, reimbursement for purchase of furniture/mattress at Kanes \$302.17
  - d. 3/30/09 James Buchanan, Removed personal property from apartment \$225.00  
**[Note: If “all belongings” were hauled to a trash dump on 3/24/09, then there would be nothing left to remove on 3/30/09]**
  - e. E. 4/20/09 Ford Credit auto lease Pmt (please explain)
  - f. Ford Motor Credit Company, Final Lease payment? \$3,451.27
2. It appears billing statement for Geriatric Management Guardian in the amount of

\$860.51 was omitted.

Respectfully submitted on this the on this the 3<sup>rd</sup> day of September, 2010.

Lydia Gardner  
Clerk of Court  
*Rebecca Fierle*

Deputy Clerk [9/3/2010 4:23 p.m. filed]

PETITION FOR RETROACTIVE APPROVAL OF PAYMENTS MADE

Petitioner, REBECCA FIERLE, alleges:

1. Petitioner is the guardian of the person and property of JULIA ANDON, (the Ward).
2. The Ward leased a 2009 Mercury car from Ford Credit before the guardianship was established. [Note: It was actually a 2005 Mercury paid off in full July 2008 by Andon herself—prior to a guardianship commencing.] Due to the Ward's physical and mental condition, the automobile was no longer needed. Monthly payments as required by the lease were made by the guardian in amount of \$299.37 on 3/18/09 and \$299/37 on 4/20/0. The payment of \$3,451.27 on 6/5/09 was to pay off the lease owed by the Ward after the auctioning off of the car. This was amount still owed to Ford Credit under the contract. [Not true. Account #3938906 was paid off in full July 2008—prior to a guardianship upon Andon even being initiated.]
3. The Ward required furniture and a mattress for her care. Julie Ehrlich, an employee of Rebecca Fierle, purchased furniture and a mattress on 3/24/09 in amount of \$302.17 for the benefit of the Ward. A copy of the Kane's receipt is attached.
4. The Ward's apartment required cleaning to abandon the lease. James Buchanan was paid \$357.62 for the removal of trash from Ward's apartment in order to eliminate the apartment expense as soon as possible. Mr. Buchanan also moved the Ward's personal property from her apartment to the facility and was paid \$225.00 for this service on 3/30/09.

Petitioner requests that an order be entered granting retroactive approval for the payment of the above mentioned items.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief. [Signed on 9-16, 2010]

**FELIX VAZQUEZ ORTIZ (claim by Medicaid for \$80,837.17)**

Case No. 2009-CP-000467-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 03/04/2009

Guardianship is **closed**.

**Order of Discharge:** 9/22/2011

**DOB:** 08/27/1931

**DOD:** 4/26/2011

**Order ESTABLISHING A SPECIAL NEEDS TRUST:** 10/26/2009

**Order for Attorney's Fees Retroactive:** 07/29/2011

**Petition/Motion for Attorney's Fee Retroactive:** 07/22/2011

**Estimated Annual Income:** \$55,056.00

**JEAN B. ELIASSEN**

Case No. 2009-CP-000481-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 03/05/2009

Guardianship is **closed**.

**Order of Discharge:** 04/09/2010

**DOB:** 01/05/1922

**DOD:** 4/6/2010

**JAMES HAROLD SMITH**

Case No. 2009-CP-000556-O

**Attorney for guardian:** IAN LEONARD GILDEN

**Guardianship commenced:** 03/16/2009

Guardianship is **open**.

**DOB:** 10/05/1941

**MARY HULSEY**

Case No. 2009-CP-000566-O

**Attorney for guardian:** Thomas P. Moss

**Attorney for guardian:** IAN LEONARD GILDEN

**Guardianship commenced:** 03/16/2009

Guardianship is **open**.

**DOB:** 02/17/1926

Petition/Motion for Attorney's Fee *Retroactive Approval*: 06/07/2011

**DAVE (DAVID) ALAN GRUBAUGH**

Case No. 2009-CP-000701-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 03/31/2009

Guardianship is **closed**.

**Order of Discharge:** 07/24/2009

**DOB:** 03/06/1950

**DOD:** 7/21/2009

**VILME MICHAUD**

Case No. 2009-CP-000702-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 04/01/2009

Guardianship is **open**.

**DOB:** 1945

**NATHALIE KRAUSS**

Case No. 2009-CP-000731-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 04/06/2009

Guardianship is **closed**.

**Order of Discharge:** 03/01/2010

**DOB:** 03/16/1918

**MILDRED MOORE**

Case No. 2009-CP-000732-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 04/06/2009

Guardianship is **open**.

**DOB:** 02/18/1919

**Report of Auditor:** 10/04/2010

**Response to Auditor:** 10/15/2010

**KATHLEEN AUBIN**

Case No. 2009-CP-000746-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 04/06/2009

Guardianship is **closed**.

**Order of Discharge:** 12/01/2009

**DOB:** unknown

**DOD:** 9/4/09

**JACK COOPER**

Case No. 2009-CP-000898-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 04/24/2009

Guardianship is **open**.

**DOB:** 12/10/1920

**ALFONZO OYOLA**

Case No. 2009-CP-000899-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 04/24/2009

Guardianship is **open**.

**DOB:** 08/10/1946

**DOB:** 05/25/1946

**\*STEVEN GAMBRELL**

Case No. 2009-CP-001095-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 05/15/2009

Guardianship is **closed**.

**Order of Discharge:** 5/10/2011

**DOB :** 07/06/1954

**DOD :** 04/29/2011

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 05/10/2011

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 05/05/2011

**MILTON O. PEREZ**

Case No. 2009-CP-001448-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 07/07/2009

Guardianship is **closed**.

**Order of Discharge:** 01/08/2010

**DOB:** 07/1958

**DOD:** 11/12/2009

**PAUL MOYNIHAN**

Case No. 2009-CP-001505-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 07/15/2009

Guardianship is **open**.

**DOB:** 05/21/1931

\*\*\*\*\***ANGELINA RIDORE**\*\*\*\*\* [Medicaid Fraud Verified \$82,559.17]

Case No. 2009-CP-001506-O

**Attorney for guardian:** Thomas P. Moss

**Attorney for Ridore:** Roger Weeden

**Guardianship commenced: 07/15/2009**

Guardianship is closed. Estate is **closed**.

**DOB : 08/16/1935**

**DOD: 05/25/2011**

**Proposed Order(s) [on attorney's fees] Sent to Judge retroactive approval/ \$1,102.50 to show on next years accounting:** 12/10/2010

**Petition/Motion for Guardian's Fees Retroactive Approval:** 12/08/2010

**Judicial Review Final Accounting:** 04/02/2012

**Observation Sheet:** 04/02/2012

**Final Accounting (09/01/2010 – 03/31/2012):** 3/30/2012

**Order to Deposit Funds into Registry of Court:** 04/18/2012

**Proposed Order(s) Sent to Judge:** 04/17/2012

**Order on Attorney's Fees (Retroactive) and Order to Have Funds Held in Court Registry**

**Petition/Motion for Attorney's Fee:** 04/13/2012

**Petition/Motion to Deposit Funds to Registry of Court:** 04/13/2012

**Location of Ward:** Orlando Health and Rehab.

830 W. 29<sup>th</sup> Street

Orlando, FL 3280

**\*\$82,559.17 claim from Medicaid.**

**\*VILEDA T. NICKLES**

Case No. 2009-CP-001570-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 07/22/2009

Guardianship is **open**.

**DOB: 01/08/1919**

**Order for Guardian's Fees:** 12/21/2010

*Retroactive Approval for Payment*

**Report of Accountant 08/31/2009-08/31/2010:** 12/20/2010

**Proposed Order(s) Sent to Judge:** 12/16/2010

*Order granting retroactive approval for payment*

**Petition/Motion for Guardian's Fees Retroactive – Amended:** 12/15/2010

**Petition/Motion for Guardian's Fees Retroactive Payment:** 11/16/2010

**Petition/Motion for Attorney's Fee Retroactive Approval for Payment:**  
11/16/2010

**Petition/Motion for Guardian's Fees Retroactive:** 10/27/2011

**Proposed Order(s) Sent to Judge:** 02/02/2012

*Order show cause, via ECF12/30/2011* Observation Sheet1

**Report of Accountant 09/10/2010-08/31/2011:** 2/28/2011

**Response to Observation:** 02/14/2012

**HELEN KROKOSKI**

Case No. 2009-CP-001656-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 07/22/2009

Guardianship is **open**.

**DOB :** 06/29/1926

**Venue changed to Seminole County: 06/05/2011**

[This file has been extensively researched by this investigator; there is the appearance of several thousands of dollars missing.]

**Petition TO ESTABLISH A REVOCABLE TRUST FOR THE WARD:**

01/13/2010

**Report of Auditor:** 04/19/2011

**Response to Report of Auditor:** 05/16/2011

**Report of Auditor**

1. It appears an Order Authorizing Payment of Fees of Attorney was entered 10/15/09 for \$1,725.00 to the court appointed attorney, Mitzi Motsinger. It does not appear payment of these fees were made in the accounting.
2. It appears the guardian disbursed the following to Sawyer and Sawyer for attorneys' fees without prior court approval:
  - a. 11/16/09--\$2,483.87
  - b. 1/7/10--\$2,422.74
  - c. 1/15/10--\$1,673.54
  - d. 2/22/10--\$1,328.42
  - e. 3/17/10--\$1,465.56
  - f. 4/15/10--\$132.30
  - g. 6/8/10--\$375.00
  - h. 6/15/10--\$264.00
3. It appears the guardian disbursed the following to Geriatric Management as guardian fees without prior court approval pursuant to FS 744.108.
  - a. 2/2/10--\$2,048.37
  - b. 2/12/10--\$1,114.41
  - c. 2/9/10--\$859.18
  - d. 2/25/10--\$1,114.44
  - e. 4/16/10--\$41.25
  - f. 4/16/10--\$1,281.30
  - g. 4/27/10--\$904.97
  - h. 5/21/10--\$529.92
  - i. 6/22/10--\$654.10

- j. 8/17/10--\$434.42
- k. 8/17/10--\$409.13
- l. 9/16/10--\$784.54
- m. 10/5/10--\$625.17

- 4. It appears the 3/10 trust account bank statement was omitted from the annual accounting.
- 5. It appears the balance of the Regions Bank #2748 as of the inventory was \$12,656.71. This account amount appears to have been transferred to Mercantile Bank #550 on the annual accounting. The accounting also reflects \$3,745.72 was transferred to Bank of America #6037 from Regions Bank on 4/20/10. An explanation as to the difference in value of the Regions Bank account should be filed with the court.
- 6. It appears \$24,082.51 was transferred to Bank of America #6037 from Mercantile Bank on 11/10/09. However, it appears all Mercantile Bank accounts listed on the Inventory were transferred to Wells Fargo Bank #8378 on 3/9/10. An explanation as to where the \$24,082.51 came from should be provided to the court.

(filed on 4/19/11 by Clerk Jewell, Orange County)

**Bank deposit sweep**  
3/31/10 #381,498.96 (living trust)

(\*Look how little is left from the more than one million—see page nine of this report for original total.) \$1,117,178.83 minus \$381,498.96 = \$735,679.87 MISSING

\*[Add up all closed accounts that put into trust and see if it is more than \$381,498.96. It is.]

**May 11, 2011 “Response to Auditor”**

- 1. As to #1, Attorney Motsinger was paid by State of Florida and informs us she is not due any payment from the guardianship of the ward. [Then why was she paid by the guardian???? This answer is a *non*-answer. The answer is nonsensical. Motsinger was paid TWICE by Fierle.]
- 2. As to #2, Petition or attorney's fees and expenses and invoices were filed with the accounting. The clerk did not see them initially.
- 3. In response to #3, Petition for Guardian's fees and expenses and time sheets were filed with the accounting. The clerk did not see them initially. The invoice paid on 2/25/10 for \$1,114.44 is attached.
- 4. In response to #4, the March 2010 statement for the Wells Fargo trust account is

**attached.**

5. In response to #5, the amount of \$12,656.71 was moved from Regions into Mercantile Bank and combined with the account that had a balance of \$1,201.62 to equal \$13,858.33 plus interest of \$1.80 to equal the amount of \$13,860.13 that was received into the Wells Fargo account from Mercantile Bank Account 8550.
6. In Response to #6, the sources of the \$24,082.51 was another Mercantile Bank account not listed on the inventory as the guardian did not have knowledge of this account at that time.

[As soon as Fierle and her attorney are caught, and since the above “explanation” makes no sense, they predictably transferred the case to Seminole County where no further or follow-up request would be made of them, since the Seminole Clerks and judges do not ever question or investigate guardianship files.]

**WILLIE JONES**

Case No. 2009-CP-001796-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 07/22/2009

Guardianship is **open**.

**DOB :** 08/04/1949

**GLADYS G. HERNANDEZ**

Case No. 2009-CP-001821-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 08/27/2009

Guardianship is **closed**.

**Order of Discharge:** 09/01/2010

**DOB :** 01/01/1945

**DOD :** 08/30/2010

**MARGUERITA RICHARDSON**

Case No. 2009-CP-001823-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 08/27/2009

Guardianship is **open**.

**DOB:** 10/17/1933

**Petition/Motion Authorizing and Directing Guardian to Create a Revocable Living Trust for Ward:** 02/17/2011

**Report of Auditor:** 02/18/2011

**Response to Report of Auditor:** 03/14/2011

**Order Authorizing Guardian to create Revocable Living Trust:** 05/02/2011  
**Petition/Motion for Attorney's Fee *Retroactive*:** 01/09/2012  
**Petition/Motion for Guardian's Fees Retroactive:** 01/09/2012  
**Order for Guardian's Fees *Retroactive Approval*:** 01/31/2012  
**Order for Attorney's Fees Retroactive Approval:** 01/31/2012  
**Observation Sheet:** 01/31/2012  
**Report of Accountant:** 03/13/2012  
**Response to Observation:** 03/29/2012

**\*DONALD L. PENNINGTON**

Case No. 2009-CP-001851-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 08/31/2009

Limited guardianship.

Guardianship is **closed**.

**Order of Discharge:** 08/26/2011

**DOB :** 09/03/1926

**Order for Guardian's Fees Retroactive:** 01/28/2011

**Petition/Motion for Guardian's Fees Retroactive:** 01/21/2011

**BEATRICE LONG BEYER**

**a.k.a. BEATRICE FINCH LONG**

Case No. 2009-CP-001903-O

**Attorney for guardian:** Ian Leonard Gilden

**Guardianship commenced:** 09/09/2009

Guardianship is **closed**.

**DOB:** 04/12/1916

**Order Approving Annual Accounting Report**

**Emergency Temporary Guardian:** 06/22/2010

**CANCELED Order to Show Cause (1:30 PM)**

**Cancelled (filed):** 08/26/2010

**Death Certificate:** 09/30/2011

I spoke with son Roland Long at approximately 7 p.m. on Friday April 20, 2012. (see report) (Fierle was put on as the ETG after Roland Long threatened to sue the nursing home (Ocoee Rehab.) for negligence. It cost Roland \$10,000.00 to get back custody of his mother who had no assets except for approximately \$1500 per month from social security. When Roland asked Fierle who was paying Fierle for her services, she replied, "The nursing home." This is similar to the Joseph Neidelski guardianship where Fierle was utilized by the hospital to ward off a potential lawsuit and the Barbara A. Dahman guardianship where the

husband threatened the nursing home (wife was dead within three months.) Elderly people from Ocoee Rehab. testified that they were “frightened” of Roland. His mom had been at Ocoee Rehab for five years without incident. It wasn't until Roland said, “I'm reporting you [Ocoee Rehab.] to state officials” that Fierle was called in as the ETG to foil off a potential lawsuit. [Roland thinks it was Moss, not Gilden, who represented Fierle. “It was a law firm from Windemere that represented her.”] As far as anything stolen by Rebecca Fierle, Roland says there was only a missing television that his mom had bought about five years before. Roland estimates the television was worth about \$200.00. When Fierle first took over as the ETG, she was in charge of making sure that mom's belongings were properly secured. Fierle's employee, Debbie Hooker, told Roland that the television was being stored while they were in the process of moving mom to another facility. However, once mom arrived at Metro West, Fierle and Hooker claimed they knew nothing about a television and had never heard about a television. “They lied to me,” Roland stated.

**FRANK ROBERSON**

Case No. 2009-CP-001989-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 09/23/2009

Guardianship is **closed**.

**Order of Discharge:** 7/12/2011

**DOB:** 12/18/1965

**Suggestion of Capacity:** 04/05/2011

**RONALD SANTELL**

Case No. 2009-CP-001990-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 09/23/2009

Guardianship is **open**.

**DOB:** 01/31/1954

**Observation Sheet:** 01/11/2012

**Report of Clerk:** 01/11/2012

**Motion to Transfer: of Records and Change in Venue:** 01/31/2012

**Change of Venue** (Judicial Officer: Bronson, Theotis): 02/03/2012

**ORLAND WINFREY**

Case No. 2009-CP-002204-O

Limited guardianship

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 10/26/2009

Guardianship is **open**.

**DOB:** 10/04/1930

**Petition/Motion for Guardian's Fees *Retroactive*:** 03/22/2011

**JOSEPH LAMURA**

Case No. 2009-CP-002251-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 11/2/2009

Guardianship is **open**.

**DOB:** 03/01/1922

**SINFORSOS REYES** (This name cannot be found in a background search.)

Case No. 2009-CP-002369-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 11/16/2009

Guardianship is **closed**.

**Order of Discharge:** 12/28/2011

**DOB:** unknown

**GLENN C. HOSKINS**

Case No. 2009-CP-002370-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 11/16/2009

Guardianship is **open**.

**DOB:** 07/20/1948 -or-

**DOB:** 08/12/1952

**Petition to Establish a Special Needs Trust:** 01/27/2010

**Order Granting Retroactive Approval:** 05/03/2010

**Petition for Retroactive Approval:** 04/29/2010

**Petition/Motion for Guardian's Fees Retroactive Approval:** 03/16/2011

**Petition/Motion for Attorney's Fee Retroactive Approval:** 03/16/2011

**Order for Attorney's Fees *Retroactive*:** 03/21/2011

**Order for Guardian's Fees Retroactive:** 03/21/2011

**Petition FOR ORDER DIRECTING GUARDIAN TO EXECUTE**

**QUALIFIED INCOME TRUST:** 12/08/2009

**Order DIRECTING GUARDIAN TO EXECUTE QUALIFIED INCOME TRUST:** 12/17/09

**Estimated Annual Income:** \$45,689.00

**\*ARMAND ROMUALD SANTOIRE**

Case No. 2010-CP-000333-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 02/12/2010

Guardianship is **closed**.

**Order of Discharge:** 08/24/2011

**DOB:** 01/22/1920

**DOD:** 2011

[Note: Extensive report by this investigator regarding missing personal property.]

**Order Granting Retroactive Approval of Sale/Donation/Disposal and Distribution of Ward's Personal Property:** 08/10/2010

Proposed Order(s) Sent to Judge *Order for retroactive approval:* 08/09/2010

**Petition for Retroactive Approval of Sale/Donation/Disposal and**

**Distribution of Personal Property:** 08/05/2010

**Petition/Motion for Attorney's Fee Retroactive:** 06/20/2011

**Petition/Motion for Guardian's Fees Retroactive Approval:** 06/20/2011

**Petition/Motion for Guardian's Fees:** 07/18/2011

*Retroactive Payment – Amended*

**Order for Guardian's Fees Retroactive Payment:** 07/18/2011

Inventory / Seminole County / Case No. 11CP1066

**Order for Attorney's Fees Retroactive:** 08/23/2011

Certificate of Service of Inventory / Seminole County / Case No. 11CP1066:  
07/19/2011

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 08/24/2011

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 03/17/2011

**Observation Sheet:** 7/28/2011

**GLADYS SHULTZ**

Case No. 2010-CP-000474-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 03/08/2010

Guardianship is **open**.

**DOB:** 09/22/1922

**Report of Auditor:** 05/11/2010

**Response to Report of Auditor:** 05/14/2010

**Petition DIRECTING GUARDIAN TO ESTABLISH A SPECIAL NEEDS TRUST:** 05/31/2011

**Petition/Motion for Attorney's Fee Retroactive Approval:** 06/07/2011

**Order Directing Guardian to Establish a Pooled Trust for the Ward:**

06/28/2011

**Order for Guardian's Fees *Retroactive Payment*:** 08/09/2011

**Order for Attorney's Fees *Retroactive Payment*:** 08/09/2011

[Note: Extensive report by this investigator on this case.]

**REPORT OF AUDITOR -- 5/11/10**

An administrative review of the file and review of the inventory file reveals the following:

1. It appears the Petition for Appointment of Plenary Guardian reflects a SunTrust bank account: however, there was no bank account listed on the inventory.
2. It appears the medical bills were not attached as reflected in the inventory.
3. The Inventory reflects there is a Trust in the name of the Ward. A copy of the Trust has not been filed with the court.

Respectfully submitted on this the 11th day of May 2010.

Mary Lynn Jewell, Deputy Clerk.

**RUTH BUTLER**

Case No. 2010-CP-000538-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 03/15/2010

Guardianship is **open**.

**DOB:** 06/19/1931

**\*RICHARD A. LARKIN**

Case No. 2010-CP-001179-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 03/15/2010

Guardianship is **open**.

**DOB:** 03/08/1937

**Report of Auditor:** 03/15/2012

**Response to Report of Auditor:** 04/13/2012

[Note: Extensive report by this investigator on this case.]

**Location of ward:** Sanjean Assisted Living

FL Assisted Living Facility

License No. 11563

Issued by Florida Agency For Health Care Administration

**REPORT OF AUDITOR**

An administrative review of the file and review of the annual accounting filed for the period from 2010-2011 reveals the following:

1. It appears the guardian discovered the Southbridge Credit Union Account after the Inventory was filed. The accounting indicates this account was closed; however, there was no bank statement attached to verify the amount as of date of Letters through closing.
2. It appears the guardian surrendered an annuity belonging to the ward; however, this asset was not disclosed on the Inventory, nor was there any documentation as to the surrendered value of the assets.
3. The court entered an Order to Open Safe Deposit Box on 7/12/11 which was subsequently amended on 10/24/11. An Inventory of the Safe Deposit Box contents has not been filed with the court pursuant to F.S. 744.365(4).
4. It appears the guardian disbursed \$449.42 in auto repairs without prior court approval.
5. It appears the guardian made minimal payments on a Capital One credit card and a WF credit card; however, the Inventory does not reflect any claims for credit cards. Perhaps further information should be provided to the court.
6. It appears an Amended Inventory may need to be filed.

Respectfully submitted on this the 15<sup>th</sup> day of March, 2012.  
Mary Lynne Jewell, Deputy Clerk

#### **REONSE TO REPORT OF AUDITOR**

REBECCA FIERLE, as Plenary Guardian of the Person and Property of Richard Larkin, alleges the following:

1. In response to Report of Auditor #1, attached please find copies of the bank statements for Southbridge Credit Union as Exhibit "A" for the period of date of guardianship until account closed.
2. In response to Report of Auditor #2, the entry should read surrender of VALIC accounts #XXXXXXX and #1463984. See attached statement as Exhibit "B."

3. In response to Report of Auditor #3, the guardian entered the safe deposit box on February 22, 2012 with a bank employee and found the safe deposit box empty. **[Dr. Larkin's response: Of course it's empty. Guardian Rebecca Fierle already removed long ago three gold tollars worth approximately \$1,2000.00 each and significant important papers, such as an already paid for grave. The Court gave permission to open the safe deposit box way back in July 2011, so the contents were already removed by Fierle long ago.]**
4. In response to Report of Auditor #4, a petition for retroactive approval for payment of auto repairs is filed concurrently with this response.
5. In response to Report of Auditor #5, the minimum credit card payments were automatic payments set up prior to the inception of the guardianship by the Ward.
6. In response to Report of Auditor #6, please advise if the court requires an amended inventory.

March 28, 2012. Rebecca Fierle/Thomas P. Moss

**[Dr. Larkin has further information regarding the three closed out bank accounts and the account at Wachovia and the amount of their contents at the time the involuntary guardianship was commenced upon him; Dr. Larkin also claims there was approximately \$20,000.00 hidden in a metal box underneath his bathroom sink that was taken by Debbie Hooker. You might also want to check and see why there is another name that appears on the foreclosure of Dr. Larkin's condo as Defendant. This alleged Defendant is actually an officer of the Time Share Store and the owner of the Time Share Store is Thomas Yeary, who placed his 44 year old daughter under an involuntary guardianship with Fierle as the guardian.]**

**\*JULIUS WILLIAMS**

Case No. 2010-CP-001227-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 06/17/2010

Guardianship is **closed**.

**Order of Discharge:** 05/10/2011

**DOB:** 09/27/1926

**DOD:** 4/29/2011

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 05/10/2011

**Order of Discharge** (Judicial Officer: Bronson, Theotis): 05/05/2011

**Order of Discharge** *Guardian of the Property:* 10/14/2010

**Observation Sheet:** 6/21/2010

**\*BARBARA A. DAHMEN**

Case No. 2010-CP-001686-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 08/23/2010

Guardianship is **closed**.

**Order of Discharge:** 12/23/2010

**DOB:** 1932

**DOD:** 11/03/2010

[Note: Extensive report by this investigator on this case.]

**Order of Discharge** (Judicial Officer: Perry, Belvin, JR): 12/23/2010

**Order of Discharge** (Judicial Officer: Perry, Belvin, JR): 11/16/2010

**Report of Accountant** 09/27/2010-10/10/2010: 12/16/2010

**DORIS FLETCHALL**

Case No. 2010-CP-001826-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 09/10/2010

Guardianship is **open**.

**DOB:** unknown

**MICHAEL JONES**

Case No. 2010-CP-002025-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 08/23/2010

Guardianship is **closed**.

**Order of Discharge:** 07/11/2011

**DOB:** unknown (1952?)

**Suggestion of Capacity:** 4/15/2011

**JENNIE F. YEARY**

Case No. 2010-CP-002523-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 12/22/2010

Guardianship is **open**.

**DOB:** 05/20/1967

[Note: Extensive report by this investigator on this case.]

### **MAJOR JOHNSON**

Case No. 2011-CP-000129-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 1/14/2011

Guardianship is **open**.

**DOB:** 04/15/1943

### **DENNIS DUKOVICH**

Case No. 2011-CP-000324-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 02/10/2011

Guardianship is **open**.

**DOB:** 10/14/1952

**Notice of Change of Address:** 3/20/2012

### **DORIS DETTIE WASHINGTON**

Case No. 2011-CP-001054-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 02/10/2011

Guardianship is **closed**.

**Order of Discharge:** 03/08/2012

**DOB:** 10/19/1934

### **BOBBY MCNAIR**

Case No. 2011-CP-001370-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 06/23/2011

Guardianship is **open**.

**DOB:** 04/06/1949

### **GEORGE CHAJET**

Case No. 2011-CP-001371-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 06/23/2011

Guardianship is **open**.

DOB: 07/14/1924

Note: Chajet owns two properties:

726 Humber Lane (homestead with wife)  
Orlando, FL 32807

ADDRESS 2:

919 S Solandra Dr  
Orlando, FL 32807

**Change of Venue to Seminole County:** 9/26/11

[Note: Extensive report by this investigator on this case.]

**ANTHONY L. WASCHEVSKI**

Case No. 2011-CP-001694-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 08/05/2011

Guardianship is **open**.

**DOB:** 03/03/1931

**Change of Venue to Seminole County:** 9/26/11

[Note: Extensive report by this investigator on this case.]

**LEROY BARNES**

Case No. 2011-CP-002047-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 09/30/2011

Guardianship is **open**.

**DOB:** 01/27/1927

**Order for Attorney's Fees Retroactive:** 12/07/2011

**Petition/Motion for Attorney's Fee Retroactive:** 12/02/2011

**Order for Attorney's Fees:** 04/19/2012

**Proposed Order(s) Sent to Judge *Order on Attorney's Fees:*** 04/18/2012

**Petition/Motion for Attorney's Fees:** 04/16/2012

**ANTONIO DUNOSO** (Name does not appear in any background checks.)

Case No. 2011-CP-002161-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 10/17/2011

Guardianship is **open**.

**DOB:** unknown

**Proposed Order(s) Sent to Judge Order approving initial plan:** 03/06/2012

**ULITA EDRIS LOPEZ**

Case No. 2011-CP-002336-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 2009 or 2008

Guardianship is **open**.

**DOB:** 1950

[Note: Extensive report by this investigator on this case.]

[Note: This case was transferred from Alachua Couonty. Edris had \$150,000.00 which has been mostly converted to attorney's fees. \$23,000.00 placed in guardian pooled trust.)

**Order Approving Annual Plan Report:** 01/20/2012

### **DAVID POST**

Case No. 2011-CP-002594-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 12/16/2011

Limited guardianship.

Guardianship is **open**.

**DOB:** 09/11/1952

**Judicial Review Petition for Attorney's Fees:** 04/18/2012

**Petition/Motion for Attorney's Fee:** 04/16/2012

**Order Approving Initial Plan:** 04/24/2012

**Order for Attorney's Fees:** 04/24/2012

### **RITA TUCKER ELLIS**

Case No. 2011-CP-002665-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 12/27/2011

Guardianship is **open**.

**DOB:** 03/18/1921

**Certified Copies Mailed:** 04/20/2012

**4-cc Letters of Guardianship Person and Property:** 04/19/2012

**Order for Attorney's Fees:** 04/19/2012

**Petition/Motion for Attorney's Fee:** 04/16/2012

**Order Approving Initial Plan:** 04/24/2012

### **JAMES E. HARDY**

Case No. 2011-CP-001350-O

**Attorney for guardian:** Thomas Moss

**Guardianship commenced:** 12/27/2011

Guardianship is **open**.

**DOB:** 1937

James Hardy, Jr. (son)—407-312-2428 (cell)

[Notes: Hardy went to hospital for heart bypass surgery. Son then began calling attorneys and was told by Attorney Ian Gilden that it would cost a retainer of \$30,000.00 to commence a guardianship upon his father. Hardy, Jr. did not have that kind of money. Next, Fierle surreptitiously applied to become Hardy, Sr.'s guardian, telling the court that there were no relatives who wanted to serve and providing fake addresses of the relatives. It was two months before Hardy, Jr. even knew that his father was now the ward of Rebecca Fierle. Hardy Jr. then hired Attorney Matt Rygh who got back custody of Hardy Sr. to Hardy Jr, but not without a fight. Fierle tried to move Hardy Sr. to Indiana—a state where he has no family ties or previous residence. She then tried to say that the dad was four days away from death and she tried to put dad on hospice. Dad is now doing fine and Hardy Jr. has transferred Dad to a nicer facility. Fierle was supposed to let go of the financial records and give back the trust. She has still not done so and she has not filed a final accounting. She will not return phone calls to Hardy Jr. Hardy Jr. would like to see Fierle prosecuted for fraud. Fierle told Hardy Jr. that everything Angela Woodhull wrote about her on the Internet has been proven to be false and that "Angela Woodhull is a liar—it is proven." James Hardy, Jr. stated that Fierle has not paid any of the regular bills which remain outstanding.

**CHARLES DEYOUNG (Veteran)**

Case No. 2012-CP-000194-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 1/27/2011

Guardianship is **open**.

**DOB:** 06/08/1931

**Change of venue to Seminole county on:** 3/28/2012

Note: DeYoung receives Veteran's Benefits.

Note: DeYoung has extensive bank assets.

[Note: Extensive report by this investigator on this case.]

**CLAUDIA M. DONNELL**

Case No. 2012-CP-000780-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 4/16/2012

Guardianship is **open**.

**DOB:** 05/14/1946

**Waiver and Consent**

*to Appointment of Plenary Guardian* 05/03/2012

**Waiver and Consent**

*to Appointment of Plenary Guardian* 05/03/2012

**Waiver and Consent**

*to Appointment of Plenary Guardian* 05/03/2012

*6-Letters of Emergency Temporary Guardianship*

04/25/2012 **Letters of Emergency Temporary Guardianship**

04/25/2012 **Order Appointing Emergency Temporary Guardian**

04/20/2012 **Formal Notice by Mail**

04/20/2012 **Cover Letter**

04/16/2012 **Notice of Confidential Information within Court Filing**

04/16/2012 **Petition Emergency Temporary Guardian**

04/16/2012 **Petition to Appoint Guardian**

04/16/2012 **Oath of Guardian, Designation of Res Agent & Acceptance**

04/16/2012 **Cover Letter**

04/16/2012 **Application for Appointment as Guardian**

[Fierle's name not showing up. Guardian's name is hidden from the record.]

## **Seminole County Guardianship Cases**

[Note: It is much more difficult for this investigator to report on Medicaid fraud in Seminole County Rebecca Fierle guardianship cases because (1) Seminole County never audits, and (2) the guardianship dockets are not online. However, there are extensive reports that accompany each of these 25 cases and where there is excessive attorney and guardian fee billing, it can be reasonably concluded there is Medicaid fraud. Marion Copley—Medicaid fraud verified because there was a claim against her estate for \$56,000.00. Likewise with the guardianship of Louise A. Falvo.]

**LOUISE A. FALVO** (08-GA-0509) (**Medicaid Fraud verified**)

**DOB:** 11/17/1915 or 1916

[Note: Extensive report by this investigator on this case.]

**ROBERT EARL GALLAGHER**

**DOB:** 1921

Guardianship is **closed**.

[Note: Extensive report by this investigator on this case.]

**ELSA MAY GALLAGHER**

**DOB:** 1926

Guardianship is **closed**.

[Note: Extensive report by this investigator on this case.]

**DEBORAH DUFFIELD** (2006-GA-001843)

**DOB:** 1951

Guardianship is **open**.

[Note: Extensive report by this investigator on this case.]

**CARLISLE H. BOSWORTH** (Veteran)

**DOB:** 02/20/1916

Guardianship is **closed**.

[Embezzlement—See Docket]

**BENJAMIN CHADA** (Veteran)

**DOB:** 1923

Guardianship is **closed**.

[embezzlement]

[Note: Extensive report available by this investigator on this case.]

**LAWRENCE LONG** (veteran)

**DOB:** 1930

Guardianship is **closed**.

[Note: Extensive report available by this investigator on this case.]

[Fierle found Long when he was in the hospital recovering from a stroke. Fierle then decided he needed a guardian and tried to have her favorite doctors declare Long “mentally incapacitated.” However, Long had a long-time psychiatrist who refused to go along with Fierle’s plan. As a result, Long was NOT placed under a Fierle guardianship. However, Fierle and her attorney Karen Goldsmith, then turned around and **sued Long for attorneys’ fees and guardian fees for the time they spent trying to taking away Long’s civil rights. Long died shortly after an article on the internet about this situation was published.**]

**ANTHONY MIECZYNSKI**

**DOB:** 1986

Guardianship is **open**.

[Note: Extensive report available by this investigator on this case. Parents have been trying to prosecute Fierle.]

**WILLIAM F. EBERHARD** (veteran)

**DOB:** 07/26/1922

Guardianship is **closed**.

[Evidence to suggest embezzlement.]

**MARION COPLEY** (**Medicaid Fraud verified—claim of \$56,000.00**)

**DOB:** 1925

Guardianship is **closed**.

[Note: Extensive report available by this investigator on this case.]

**JAMES E. DEATON**

**DOB:** 1944

Guardianship is **closed**.

[Note: Extensive report available by this investigator on this case.]

**VEDA JONES**

**DOB:** 1940

Guardianship is **closed**.

[Note: Extensive report available by this investigator on this case.]

**Bobbie Thompson**

Guardianship is **closed**.

[Thompson moved to Texas]

[Note: Extensive report available by this investigator on this case.]

**DOROTHY A. FLESHMAN (59-2011 GA 000815)**

**DOB:** 1919

Guardianship is **open**.

[Note: Extensive report available by this investigator on this case.]

**ANN FLESHMAN**

**DOB:** 1945

Guardianship is **open**.

[Note: Extensive report available by this investigator on this case.]

**MARGARET MARTIN (59-2011-GA-1900/1902)**

**DOB:**

Guardianship is **open**.

[Note: Extensive report available by this investigator on this case.]

**Christian Van Beekum (veteran)**

Guardianship is **closed**.

[Note: Extensive report available by this investigator on this case.]

**Julia S. Andon** (transferred to Seminole County from Orange County)

2011-GA-001555

Guardianship is **open**.

[Note: Extensive report available by this investigator on this case.]

**GEORGE CHAJET** 59-2011-001897 (transferred to Seminole County from Orange County)

**DOB:** 07/14/1924

Guardianship is **open**.

[Note: Extensive report available by this investigator on this case.]

**BRIDGETT BERGAN** (59-2011-GA 00604)

**DOB:** unknown

Guardianship is **open**.

**ANTHONY WASCHEVSKI** (59-2011-GA-002140) (transferred to Seminole County from Orange County)

**DOB:** 03/03/1931

Guardianship is **open**.

**HELEN KROKOSKI**

(switched from Orange to Seminole when the Orange Clerk discovered missing money)

48-2009-CP-001656-O

**DOB:** 06/29/1926

Guardianship is **open**.

[Note: Extensive report available by this investigator on this case.]

**Theophilus Billing (veteran)**

Guardianship is **closed**.

**Lee Eugene Clement**

Guardianship is **open**.

**DOB:** 4/13/1928

**Location:** Longwood Healthcare Center (veteran)

1520 S. Grant Street

Longwood, FL 32750

A-2

(407) 339-9200

**Barbara Jean Clement**

Guardianship is **open**.

**DOB:** 7/26/1930

**Location:** Longwood Healthcare Center  
1520 S. Grant Street  
Longwood, FL 32750  
Wing A  
(407) 339-9200  
(407) 260-6361 (cordless phone, she has no phone in her room)

**Estimated Annual Income:** \$39,694.00

[The Clements are a married couple with substantive assets. The husband has multiple sclerosis and both the wife and husband appear to be mentally incapacitated, according to a witness. The couple had hired three in-home health care workers who were assisting them daily. However, wife Barbara Clement fell and broke a hip and ended up in the hospital. It was through the hospital social worker that Rebecca Fierle found the Clements, fired the three in-home health care workers, and moved them out of their home. They have been crying out for help, talking to complete strangers who come to visit the facility. They had enough money to stay in their own home with the arrangement they already had in place—three healthcare workers. They had lived at 3505 Shirley Avenue, Apopka, FL. The place where Fierle has dumped them has been described as “deplorable.”]

Monthly income consists of veteran's cheque and social security income. Barbara, in a phone conversation with me, on May 1, 2012, gave me a breakdown, off the top of her head, of the most expensive, valuable items within her home:

(The couple had lived in Zirndorf, Germany for three years. They brought back many expensive items from Germany that are within their home.)

- Fancy German crystal for serving dessert
- Safety deposit box at Bank of America Barbara had assumed from her mother filled with three packs of Indian head pennies
- Dining room table worth \$500 - \$600
- Two sets of real silver silverware from Germany
- Real silver tea pot set for a party, including creamer, etc.—all silver—an antique—bought as a wedding gift for her from her in-laws nearly 60 years ago.
- Three bank envelopes filled with real silver dollars she inherited from her mother
- Mother's old antique bedroom set.
- Very expensive diamond wedding ring set

- Brand new van, straight from the factory with all the bells and whistles included (purchased in either 2006 or 2007)
- Expensive oil painting from a famous German painter who is the “Grandma Moses” of Germany—a mountain scene, very realistic
- Expensive China cabinet filled with crystal, Rosenthal China and her mother’s antique China set
- Another expensive oil painting in an expensive gold frame in the living room  
[None of this will be reported by Fierle. Fierle always states on the inventory that the contents of the house are worth less than \$200.]
- Home is valued at \$94,100.00 See:  
[http://www.zillow.com/homedetails/3505-Shirley-Dr-Apopka-FL-32703/47675271\\_zpid/](http://www.zillow.com/homedetails/3505-Shirley-Dr-Apopka-FL-32703/47675271_zpid/)

## Alachua County Guardianship Cases

**Noble Williams** (\$12,000.00 given to Attorney Ernest Sellers for an Ernest Sellers Trust—over and above attorney’s fees.)

Guardianship is **closed**.

[Note: Extensive report available by this investigator on this case.]

**Ignatious Koning** (\$300,000.00 missing in 26 days.)

[Note: Extensive report available by this investigator on this case.]

This is an Alachua County case in which Fierle petitioned for a guardianship 26 days before Konig died. On the PAPG, Fierle states there is \$1.5 million in Wachovia. Twenty-six days later, Fierle states there is \$1.2 million in Wachovia. (What happened to \$300,000.00 in 26 days?) Fierle then sold Koning’s house for way below market value—so low that the Alachua County Property Appraiser lists this as a “non-qualified” sale. After the sale of the house, there is no further activity in this file and no order of discharge, so the question is: What happened to the \$1.5 million? I “hired” a professor from the German department to write a letter to Koning’s brother in Kessel, Germany. The family has hired an attorney to do an accounting. They were told by Fierle that all of the money is gone.

**Ulita Edris Lopez** (case transferred to Orange County—Ionie’s Assisted

Living)

Guardianship is **open**.

[Note: Extensive report available by this investigator on this case.]

[Note: Son lives in the Philippines. Son would like to come get his mother and take her back to the Philippines, but he does not have \$6,000.00 to buy a tourist visa plus \$\$\$ for plane fare. Meanwhile, Fierle has paid for a cremation and has spent almost all of Lopez's \$150,000.00 settlement. Son is Joniel L. Calibo.

Son is desperately trying to get a visa so he can come rescue his mother from this dangerous situation. He can be found on Facebook. His cell phone number is 011 63 907-532-7744. His e-mail address is: [jl6599@gmail.com](mailto:jl6599@gmail.com)]

\*\*\*\*\***End of Report**\*\*\*\*\*

Angela V. Woodhull, Ph.D.  
Licensed Private Investigator  
1920 S.W. 72<sup>nd</sup> Street  
Gainesville, Florida 32607  
(352) 327-3665

# REPORT TO PAM BONDI

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## **REPORT TO PAM BONDI REGARDING:**

- **SCHEME TO DEFRAUD**
  - **MEDICAID FRAUD**
  - **EMBEZZLEMENT**

**Committed by Professional Guardian**  
**Rebecca “Fierle” et al.**

**Report Investigated for Four Years and Prepared by:**

**Angela V. Woodhull, Ph.D.**  
**Licensed Private Investigator**  
**AAAAA Investigative Services**  
**1920 S.W. 72<sup>nd</sup> Street**  
**Gainesville, FL 32607**  
**(352) 327-3665**

**[This Report Also Includes 15 Cases with Strong Proof of  
Embezzlement/Scheme to Defraud]**

**[See also accompanying “Docket Summaries” to support this report.]**

**[See also individual case files to support this report]**

## **What is Guardianship Fraud?**

The office for reporting Guardianship Fraud in West Palm Beach County defines “guardianship fraud” as:

- Missing money or property
- Suspicious loans, funds transfers, opened or closed accounts/lines of credit
- Suspicious purchase or sale of real or personal property
- Violations of federal, state or local laws, rules or regulations
- Guardian has a conflict of interest or exhibits signs of more expensive lifestyle
- Forced removal from their home or residence

This report proves strong evidence of a “Scheme to DeFraud” with examples of all of the above categories.

### **[1] Missing money or property:**

See, in particular, the guardianship files of:

\*Charles DeYoung  
\*Marion Copley  
\*Benjamin Chada  
\*Angelina Ridore  
\*Louise A. Falvo  
\*Debra Duffield  
\*Armand Santoire  
\*Faye Elizabeth Arnold  
\*Richard Larkin  
\*Carlisle Bosworth  
\*Helen Krokoski  
\*Bridgett Bergan  
\*Noble Williams  
\*Julia Andon  
\*Angelina Ridore  
\*Any file in which there has been a “Report of Auditor” (see docket summaries)

### **[2] Suspicious loans, funds transfers, opened or closed accounts/lines of credit**

See, in particular, the guardianship files of:

\*Louise A. Falvo  
\*Debra Duffield  
\*Noble Williams  
\*Charles DeYoung  
\*Helen Krokoski  
\*Julia Andon  
\*HAZEL LARUE SKJERSAA  
\*NORMAN SKJERSAA  
\*Armand Santoire  
\*Any file in which there has been a “Report of Auditor” (see docket summaries)

### **[3] Suspicious purchase or sale of real or personal property**

See, in particular, the guardianship files of:

\*Ignatious Koning  
\*Marion Copley  
\*Herman Thornberg  
\*Richard Larkin  
\*Debra Duffield  
\*Elsa Gallagher  
\*Robert Gallagher  
\*James Deaton  
\*Dorothy Fleshman  
\*Any file in which there has been a “Report of Auditor” (see docket summaries)

### **[4] Violations of federal, state or local laws, rules or regulations**

See, in particular, the guardianship files of:

\*Louise A. Falvo (due process violations)  
\*Richard Larkin (due process violations)  
\*Charles DeYoung (due process violations)  
\*All files in which there has been a “Report of Auditor” (see docket summaries)

### **[5] Guardian has a conflict of interest or exhibits signs of more expensive lifestyle**

Guardian “Fierle” has a serious conflict of interest. “Fierle” is paying “Geriatric Management” her company. “Fierle” also works for at least two hospitals (Florida Hospital in Orlando and Shands Hospital in Gainesville) as a “Medicaid Specialist.” (See file of “Ulita Lopez” PAPG as proof.)

“Fierle” then uses her position as a “Medicaid Specialist” to find victims to place under emergency temporary guardianships. See her docier as well. “Fierle” went from bankrupt in 1997 to multimillionaire by 2007. (Bankruptcy file is also available from this investigator upon request.)

## **[6] Forced removal from their home or residence**

This would include most of the 300+ victims. This investigator has interviewed at least 30 family members and victims over the last four years and not one was happily placed in a nursing home; all were involuntary guardianships.

See, in particular, the guardianship files of:

- \*Louise A. Falvo
- \*Richard Larkin
- \*Jennie Yeary
- \*James Hardy
- \*NORMAN SKJERSAA
- \*HAZEL LARUE SKJERSAA
- \*JOSEPH B. NIEDZIELSKI
- \*Herman Thornburg
- \*Patricia Krull
- \*Julia Andon
- \*Charles DeYoung
- \*Benjamin Chada
- \*Debra Duffield
- \*DOROTHY A. FLESHMAN
- \*ANN FLESHMAN
- \*Lee Eugene Clement
- \*Barbara Jean Clement
- \*Faye Elizabeth Arnold

## **Background for This Investigation**

Beginning in March 2008, this investigator began investigating Rebecca Fierle et al. after her mother, Louise A. Falvo, who had substantive cash assets totaling more than \$672,000.00 was curiously placed on Medicaid by professional guardian Rebecca "Fierle." Investigator Woodhull then began searching the court records and interviewing Fierle's wards in nursing homes as well as family members.

## **Rationale for Investigation by Pam Bondi's AG Office**

"The State's Efforts to Control Medicaid Fraud and Abuse" (report released December 2011 which can be found here:

[http://ahca.myflorida.com/Executive/Inspector\\_General/docs/2010\\_11\\_Fraud\\_and\\_Abuse\\_Annual\\_Report.pdf](http://ahca.myflorida.com/Executive/Inspector_General/docs/2010_11_Fraud_and_Abuse_Annual_Report.pdf)) reveals the following facts:

- \* 1006 out of 3841 reports -- "no fraud or abuse found" (That's approximately 25% of the cases reported.)
- \* 300 cases received "sanctions only" (approximately another 10%)
- \* **NO professional guardians have been investigated or prosecuted for fraud or embezzlement whatsoever in the State of Florida.**

## **Overabundance of Orange County Clerk Audits; Strong Evidence of Fraud/Embezzlement**

Rebecca Fierle, however, has been audited by the Orange County Clerk of Court more than 250 times out of approximately 300 cases. While the clerk keeps finding strong evidence to suggest embezzlement and a scheme to defraud, once Fierle writes her response to the clerk, the entire investigation ceases. Frequently, Fierle rewrites or amends the accounting.

## **Example of Closing Out Audits Without Further Investigation or Prosecution:**

A typical example in which the Orange Clerk Auditor finds discrepancies but does not follow up can be found in the recent audit of Dr. Richard Larkin's file (March 15, 2012) in which the Orange clerk auditor inquired "why" the contents of Dr. Larkin's bank safe deposit box had never been reported to the Court. (The Court had given Fierle permission to open the bank safe deposition box in both July and October of 2011.) Fierle's response was to claim that she and a bank official went into the safe deposit box on February 22, 2012 and it was empty. This nonsensical response not only implies embezzlement but it warrants further investigation. No one rents a safe deposition box at a bank to keep it complete empty. Sincere Fierle had gained permission a year before, what happened to the contents of the box? Checking with the victim, Dr. Larkin, there were important papers, such as information about a fully paid off grave, as well as three gold tollars in that safe

deposition box. Since the Orange Clerk finds fraud but does not investigate any further once Fierle files a response, it appears that the OIG and IRS would then have jurisdiction to further investigate and prosecute.

\*In the State of Florida's December 2011 report, Medicaid "fraud and abuse" was defined as:

- **Fraudulent Medicaid Enrollment Activities** (Ms. Fierle has been working as a "Medicaid Specialist at Florida Hospital in Orlando and Shands Hospital in Gainesville, Florida. However, she is enrolling people with substantive assets into Medicaid who don't really qualify. Once on Medicaid, she is using their assets to pay herself and her attorneys. In many cases, as detailed in this report, monies are completely missing (**embezzled**)
- **Underutilization by Recipients of Necessary Care** (examples: Dr. Richard Larkin is in need of eye surgery following a fall in which contact implants were dislodged, leaving him partially blind; Faye Elizabeth Arnold is left with feet so terribly swollen that the bright red skin on her feet has tunnels in them; Veda Jones (now deceased) suffered from Parkinson's Disease but was not receiving proper medication for this disorder)
- **Embezzlement, theft, and kickbacks** (This report focuses mainly on embezzlement, theft, and kickbacks.)

**Embezzlement**—monies completely missing from wards' accounts

**Theft**—expensive items from the contents of the wards' home not reported on the inventories

**Kickbacks**—real estate of wards is consistently undersold to real estate agents then resold at a higher price (See accompanying folder titled "Fierle properties, as a sampling)

## **I. EXAMPLE OF "MEDICAID FRAUD AND ABUSE THROUGH ENROLLMENT" COMMITTED BY REBECCA "FIERLE"**

**Rebecca Fierle and Constance M. Buchanan (employee of Rebecca Fierle at Geriatric Management, and now owner of her own two companies "Simply Medicaid," and "Simply Medicaid and Guardianships")** are employed by Florida Hospital in Orlando, Florida as "Medicaid Specialists." They go to patients' rooms to determine if the patient qualifies for Medicaid. Fierle is also employed by Shands Hospital in Gainesville, Florida as a "Medicaid Specialist" as verified on the PAPG for Ulita Edris Lopez. In several cases, when it is determined that the patient has substantive assets, a petition for guardianship is taken out immediately, even before it has been determined whether or not the

patient has family members. This modus operandi is used repeatedly in a plethora of Fierle guardianship cases. Following is what a typical PAPG (Petition for Appointment of Plenary Guardian) might state (example included from the guardianship file of veteran Charles DeYoung)\*

[\*Usually, these petitions and accompanying orders are fulfilled very quickly, ex parte, with the victim not even present in court for the judge to see whether or not the victim is truly mentally incompetent, under the pretext that there is an “emergency” going on, so that the guardianship over the person and property can be obtained very hastily. These petitions are never denied by the judges.]

## **HOW THE FRAUDULENT GUARDIANSHIP COMMENCES: [generic example from a typical Fierle case]**

“Petition for Appointment of Emergency Temporary Guardian” (Charles DeYoung) (Orange County Case #48-2012-CP-194-O)

3. Petition is an adult interested in the welfare of the alleged incapacitated person.
4. There appears to be an imminent danger that the physical or mental health or safety of the alleged incapacitated person will be seriously impaired or that the property of that person is in danger of being wasted, misappropriated or lost unless immediate action is taken because: The proposed ward was admitted to the hospital with no family or surrogate to make medical decision for him and the hospital requires a medical decision maker. Further it has been discovered that the alleged incapacitated person has substantial assets and such assets are subject to risk as he is a vulnerable adult.
8. The proposed plenary emergency temporary guardian should be appointed because there is no family to serve. [January 27, 2012]

[Fierle later discovers a daughter, but Fierle mostly always alleges that there is no family, even if there is, or she puts down wrong addresses for family members so that they never learn that their loved one has been placed under guardianship or they learn too late, after the fact.]

Fierle lists a bank account as DeYoung’s only asset, although his neighbor friend and fellow veteran claims that DeYoung stored a substantive amount of cash in his apartment. [Verified by interviewing Robert D. Richardson, 1101 Lee Road, Apt.

22, Orlando, FL 32810, (407) 949-2354, long term friend and fellow veteran]. Fierle also failed to list social security, retirement, and Veteran's assets as other sources of DeYoung's annual income. [Typically, Fierle under-reports or does not report these sources of income.]

## **STEP TWO OF SCHEME TO DEFRAUD AND MEDICAID FRAUD [generic example from a typical Fierle case] [SEE "f"]**

Prior to DeYoung even being declared "mentally incapacitated" (all victims are always found to be "incapacitated"—some truly are; however, several are not), Fierle was already at the bank moving DeYoung's money without Court authority.

Here is what Fierle filed into the court record on February 9, 2012 prior to even being appointed the ETG (Emergency Temporary Guardian). (Fierle was not appointed the ETG until February 13, 2012 and "Letters" of authority were not issued until March 7, 2012)

However, without court authority and without the status of even being the ETG, Fierle petitioned on February 9, 2012:

"Petition for Order Designating Depository for Assets (Investment Powers)"

Fierle had already discovered a Bank of America Money Market Account and already knew what this account was worth prior to being appointed as the ETG.

"Petitioner will receive assets of the Ward described as follows:

[How did Fierle know that she would be receiving these assets when she was not yet even appointed the ETG?]

"Bank of America Money Market Account #XXXXXXX which petitioner desires to deposit with a depository as provided by Section 69.031, Florida Statutes, and Section 744.351(6) Florida Guardianship Law, for safekeeping and prudent investment under Chapter 518, Florida Statutes, provided however the petitioner shall be authorized to withdraw \$50,000.00 from Basnk of America Money Market Account #XXXXXXX to establish a standard guardianship account for the Ward with which to pay the Ward's bills and expenses. Petitioner has a blanket bond for \$50,000.000.

3. Because of the substantial value of the intangible assets of the Ward and requirements of the Internal Revenue Code, petitioner believes that it would be in the best interest of the Ward for the intangible assets of the Ward to be placed with a designated financial institution which can provide investment services as well as safekeeping of funds.

4. Merrill Lynch, whose address is 400 Park Avenue south, Suite 300, Winter Park, FL, 32789, is a financial institution doing business in this state which offers both safekeeping and investment services and is willing to act as the designated financial institution under Section 69.031, Florida Statutes and Section 744.351(6), Florida Guardianship Law, for safekeeping and investment of the intangible assets of the Ward.

Petitioner requests that an order be entered:

- (a) Designating Merrill Lynch as depository for the intangible assets belonging to the Ward, pursuant to the provisions of Section 69.031, Florida Statutes and Section 744.351(6) Florida Guardianship Law.
- (b) Directing that any person or corporation having possession or control of any intangible assets belong to the Ward shall pay and deliver such assets to the designated depository upon its demand and that the receipt of the depository shall relieve the person or corporation from further responsibility therefor.
- (c) Authorizing the depository to hold the assets of the Ward received by it in a fiduciary account for the benefit of the Ward and to **invest and reinvest** the assets in accordance with the standards set for in Section 518.11, Florida Statutes, and Section 744.444(10), Florida Guardianship Law.
- (d) Authorizing the depository to invest the assets of the Ward in one or more Consolidated funds in which separate fiduciary accounts have undivided interests, provided a separate account is maintained for assets of the Ward.
- (e) Directing the depository to hold all assets of the Ward received by it and all interest, dividends, principal and debts collected by it on account thereof in safekeeping, subject to instruction of petitioner authorized by order of the court directed to the depository, except that the depository shall pay directly

to the Internal Revenue Service all federal income tax incurred by the Ward, from time to time, without further order of the court.

**(f) \*Authorizing the depository from time to time to deduct a reasonable amount for its service and expenses from the assets held by it, pursuant to Section 69.031(4), Florida Statutes.**

(g) Directing the depository to file with the court its acceptance of the designation as depository as its receipts for all assets of the Ward received by it, and to serve a copy thereof on petitioner.

***“Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief. “*** [February 9, 2012]

[Please take notice of “F” in particular, above. Shortly after filing this petition, which was never granted by court order, instead, Fierle/Attorney Moss petitioned to have DeYoung transferred to Seminole County where there is no oversight and no court monitoring or auditing. Therefore, DeYoung’s money is being tampered with illegally at the present time.]

[At the present moment, Fierle has placed DeYoung in Arden Courts, which is not a Medicaid facility. However, Fierle’s records will double the amount of billing. For example, if the facility charges \$6,000.00 per month, Fierle will claim that she is paying the facility \$12,000.00 a month and shortly thereafter, she will say that there is no money left.]

**DOB for Charles DeYoung:** June 8, 1931

[Although it appears that DeYoung has not yet been enrolled in Medicaid, below are examples of wards with substantive assets who were enrolled in Medicaid while they had substantive assets and for which Medicaid later placed a claim against the estate:]

**\*A SAMPLING OF WARDS WITH SUBSTANTIVE ASSETS WHO WERE FRAUDULENTLY ENROLLED IN MEDICAID BY REBECCA FIERLE:**

**EUGENE ALLEN** (see “DOCKETS” accompanying this report for details) (DOB) 4/9/32) –Fierle’s docier indicates a deed and joint bank account with Allen)

**LOUISE A. FALVO** (enrolled by Fierle into Medicaid while Falvo had more than \$700,000.00 in liquid assets—all converted into attorneys and guardian fees)

**HELEN L. PHILLIPS** (Complete court file is available, upon request.)

**MARION COPLEY** (Medicaid claim of more than \$53,000.00) (Extensive interviews with family members who suspect fraud.)

**ANGELINA RIDORE** (Medicaid claim of more than \$82,000.00)

**FELIX ORTIZ**

**WILLIAM TROWBRIDGE**

**ANNA H BAIRD**

**HYACINTH LYNCH**

[\*For a complete list of wards with substantive assets who have been fraudulently enrolled into Medicaid, see the accompanying “docket summaries.”]

## **SCHEME TO DEFRAUD**

Another scheme used by Fierle and her attorneys is to place the assets of the ward in a “Guardianship Pooled Trust.” These trusts are specifically supposed to be used for the care of the ward. When applying for such a trust, Fierle typically writes that she needs the trust to pay for eyeglasses, doctor’s visits, hair appointments, outings, **guardian fees** and **attorneys’ fees**. Notice the last two categories because this is what the assets of the ward are converted into. In many cases, the assets of the ward go completely unaccounted for.

A copy of the contract that Fierle always signs (Guardian Pooled Trust) can be found here:

<http://www.guardianpooledtrust.org/file/document/Guardian%20Pooled%20Trust%20Joinder%20Agreement%20version%201.10%20Fillable.pdf>

**(Victims currently under the Guardian Pooled Trust include (but are not limited to): Ulita Lopez, Gladys Shultz, Patricia Krull, Julia Andon, Leroy Barnes)**

**II. 15 FIERLE CASES WHERE THERE IS STRONG EVIDENCE OF EMBEZZLEMENT, MONEY COMPLETELY MISSING/Scheme to Defraud (indicating that AG prosecution is warranted—additional files available upon request from this investigator)**

**EXAMPLES--WARD'S ASSETS COMPLETELY MISSING (STRONG EVIDENCE OF EMBEZZLEMENT/Scheme to Defraud)**

**1. CARLISLE BOSWORTH (Seminole County—deceased)**

Guardianship is commenced on

Assets are noted to be approximately \$250,000.00

However, seven months later, assets are noted on the docket to be only \$150,000. (\$100,000.00 missing in four months.)

**2. GUARDIANSHIP OF DEBRA DUFFIELD  
2006-GA-001843 (Guardianship is open.) (Seminole County)**

Most of Duffield's \$5 million have been converted into attorneys' fees and guardian fees with several millions completely missing. Duffield is a Medicaid recipient. Attorney Anthony Nardella took a piece of property that was in Duffield's name and gave to a corporation called "Red Herring Holdings" in Oviedo, Florida. I have visited the address listed for "Red Herring Holdings" in Oviedo, Florida and it is a P.O. Box in a UPS store. A good source of information on theft against Duffield is: Claire M. Coco Cell phone—(407) 860-0005 and Suzanne McCord. (McCord signed a sworn affidavit regarding the missing assets which I have in my possession.)

**3. ANTHONY WASCHEVSKI (59-2011-GA-002140) (Seminole County case, transferred from Orange County). Verified missing assets and appearance of embezzlement by daughter Jan Rutkowski whom I interviewed on December 24, 2011. (407) 310-1787, 1970 Bentwood Drive, Winter Park, FL 32791**

[Waschevski has substantive assets which include oil stocks, Wells Fargo Checking Account, Wells Fargo Money Market, and a Mobile Home and contents of home (contents of home not listed). I spoke briefly with daughter Jane Rutkowski, 1970 Bentwood Drive, Winter Park, FL 32791 on December 24, 2011 at approximately 6 p.m. She stated that Rebecca Fierle told her she is NOT allowed to see her dad because he does not want to see her and that if she tries to go to the nursing home, she will be in trouble. Fierle had the entire file transferred from Orange to Seminole and then sealed up.]

#### 4. GLADYS SCHULTZ Orange County: 48-2010-CP-474-O

**EVIDENCE OF MEDICAID FRAUD:** Billing statement of TPM (Attorney Thomas P. Moss) shows that there is a **Medicaid application** despite the fact that Shultz has substantive assets exceeding well over \$2,000.00 (9/12/11)

(9/28/11) Pooled trust—A copy of the agreement that Fierle signed naming herself as the trustee is here:

<http://www.guardianpooledtrust.org/file/document/Guardian%20Pooled%20Trust%20Joinder%20Agreement%20version%201.10%20Fillable.pdf>

This is how the trust works:

Upon the death of the Beneficiary, NNAD will retain 5% with a minimum of \$5,000 and a maximum of \$50,000. Then, to the extent that the law permits and sufficient funds remain, NNAD will fulfill the Medicaid Trust Lien and release remaining funds to the estate of the Beneficiary. If there would be no funds for the estate, the trust retains all funds.

This information can be found at:

<http://www.guardianpooledtrust.org/file/document/Guardian%20Trust%20Fee%20Schedule%20November%202011.pdf>

#### **Guardian Pooled Trust (d)(4)(C)**

Enrollment fee of \$500.00

Annual      Greater  
Administra    than  
tive Fee –    \$500,000  
No

Minimum Balance:	
1.5 %	
2.25 %	\$250,000 -
	\$500,000
3.0 %	Less than \$250,000

Here is the information from the website on what a Guardian Pooled Trust is all about: <http://www.guardianpooledtrust.org/available-trusts/guardian-pooled-trust/>

**\*Fierle and Moss then make sure that everything is spent down so that there is nothing left and they won't have to reimburse Medicaid.**

1. **EVIDENCE OF EMBEZZLEMENT:** Most likely fake bills (no actual receipts filed into the court record—just a grid with alleged bills and prices listed) were filed in by Fierle on May 13, 2011 in response to a report by the auditor.

It appears that most of these bills would be covered by Medicaid/Medicare, such Orlando Heart Center, First Response Ortho, Radiology Specialist of Florida, Florida Physicians Medical, Primary Care Specialists.

2. **EVIDENCE OF EMBEZZLEMENT:** Fierle petitions for “retroactive” payment of her fees and expenses.  
“Retroactive” payment means that Fierle had to cook the books because she got caught.

Again, she puts into the record a list of alleged expenses (Exhibit A) with no actual receipts to verify, thus “satisfying” the auditor’s curiosity.

There is no explanation of what these fees and expenses actually mean.

3. **EVIDENCE OF EMBEZZLEMENT AND FRAUD:** Read #17 on page three “As such, beneficiaries pursuant to the Ward’s estate plan will likely not receive any funds upon the Ward’s death.” (#16 states

**“Counsel did not receive any response from the Ward’s sons to the December 22, 2010 letter.”**

4. **EVIDENCE OF EMBEZZLEMENT:** It appears that Fierle greatly undersold (probably did not; just fraudulently claiming she did to the court) Gladys Shultz’s 1994 Saturn SL2 Sedan. Fierle claims, under penalties of perjury, that the car was sold for \$675. The blue book value for this car, with standard equipment, as of the writing of this report date, is

#### **Standard Equipment**

- Air Conditioning
- Power Steering
- Tilt Wheel
- AM/FM Stereo
- Steel Wheels

**Retail Value \$2,167**

[http://usedcars.kbb.com/detail/cars/ob-N7w5w7u8u7TQsBsE0LZLg7t7e2uzkQaHVp29G9w0MRw9Zg==/?pl=1&cse\\_arch=1&v\\_ref=aHR0cDovL3VzZWRjYXJzLmtiYi5jb20vY2Fycy9jYXJzLWZvc1zYWxILVNhdHVybi95ZWFrLTE5OTAuMTk5NA%3D%3D&v\\_user=a2JidWNp#kbbretail](http://usedcars.kbb.com/detail/cars/ob-N7w5w7u8u7TQsBsE0LZLg7t7e2uzkQaHVp29G9w0MRw9Zg==/?pl=1&cse_arch=1&v_ref=aHR0cDovL3VzZWRjYXJzLmtiYi5jb20vY2Fycy9jYXJzLWZvc1zYWxILVNhdHVybi95ZWFrLTE5OTAuMTk5NA%3D%3D&v_user=a2JidWNp#kbbretail)

5. **EVIDENCE OF MAIL FRAUD:** Again, the stamp on the certified mail to Jack Edward Shultz shows NO STAMP—STAMP MISSING. Signature included on an unstamped document.
6. **EVIDENCE OF EMBEZZLEMENT:** On the “Petition Directing Guardian to Establish a Special Needs Trust,” Fierle claims that the monthly living expenses of the Ward are \$3,500.00 when, in fact, the cost of living at Eastbrooke Gardens is \$972 per month. (See redacted inventory, annual report of Richard Larkin who also was warehoused at Eastbrooke Gardens—the actual monthly cost of living for Eastbrooke Gardens is right on Larkin’s annual report.) Additionally, Medicaid was applied for and therefore the monthly expense would be **ZERO**.

**7. EVIDENCE OF PERJURY/FRAUD UPON THE COURT/MAIL FRAUD/POSSIBLE TWO FORGERIES ON U.S. MAIL RETURN RECEIPTS:**

See: "Appoint of Successor Trustee" (Exhibit C) which states:

"Whereas Jack Edward Shultz and William Brad Shultz have declined to serve as co-trustees, and attached hereto are a copies of the declinations to serve as co-trustee." **As clearly can been seen on this document, the signature of Jack Edward Shultz is completely missing (left blank) on this document. (Notice that the mail stamp is missing twice on the two certified mail documents to Jack Edward Shultz )**

**Investigator Woodhull's Notes from the Court records of GLADYS SHULTZ**

**PAPG—filed on 3/8/2010**

**Shultz is alleged living at Ashton Palms at the current time. (Same place where 64 year old Anne Fleshman is located.) 36 W. Ester Street, Orlando, FL 32806. Shultz has been moved repeated, like Larkin.**

**87 years old at the time PAPG was filed.**

**DOB: 9/21/22**

Shultz was at the Rehab. Center of Winter Park, 1700 Monroe Ave., Winter Park 32751 when Fierle filed the PAPG.

PAPG—"dementia, cognitively impaired, confused and it is not safe for her to be in her home alone."

ORDER—"limited" guardianship granted April 7, 2010

Order Approving Limited Guardianship—all rights removed except for social environment and social aspects of her life.

No bond required of Fierle.

Court Appointed Attorney = Heather C. Kirson

Report of Clerk: Audit Fee Missing April 29, 2010

Clerk's Report: May 10, 2010

Missing:

Physical and mental health care

Personal and social services

Residential setting

Application of Insurance

Physical/mental health exams

(all missing)

[Auditing Clerk: Mary Lynn Jewell]

**REPORT OF AUDITOR [5/11/10]**

An administrative review of the file and review of the inventory file reveals the following:

1. It appears the Petition for Appointment of Plenary Guardian reflects a SunTrust bank account: however, there was no bank account listed on the inventory.
2. It appears the medical bills were not attached as reflected in the inventory.
3. The Inventory reflects there is a Trust in the name of the Ward. A copy of the Trust has not been filed with the court.

Respectfully submitted on this the 11th day of May 2010.

Mary Lynn Jewell, Deputy Clerk.

(submit your response no later than 6/11/2010, the clerk stated to Fierle)

9/27/11—Shultz moved (once again) to Ashton Palms because it is “less restrictive,” Fierle states on the petition.

(I would imagine it also costs less than the previous place and so Fierle can pocket the difference. She may also be attempting to hide Gladys from her son, Jack.)

Fierle appointed the Trustee by Judge Stroker on January 3, 2010 (no longer Shultz's two sons)

**June 3, 2010 Order to Close Central Florida Credit Union Accounts**

[Note: Fierle states that she is the “guardian” rather than the “limited guardian” on this petition.]

“On the petition of Rebecca Fierle as Guardian of the person and property of Gladys M. Shultz, to be appointed successor trustee of Gladys M. Shultz, dated August 22, 1990, as amended and restated on December 19, 2003, the Court having examined the file in this proceeding and having considered the evidence presented, and finding that the material allegations of the petition are true and being fully advised, it is hereby adjudged and ordered:

1. Central Florida Education Credit Union is directed to close Share Savings Account #96 and deliver funds to Rebecca Fierle, Trustee of the Gladys M. Shultz Trust, with no penalty to the Ward.
2. Central Florida Education Credit Union is directed to close COD account # xxxx and deliver funds to Rebecca Fierle, Trustee of the Gladys M. Shultz Trust with no penalty to the Ward.
3. Central Florida Education Credit Union is directed to close COD account # xxxx and deliver funds to Rebecca Fierle, Trustee of the Gladys M. Shultz Trust with no penalty to the Ward.
4. Central Florida Education Credit Union is directed to close Money Market account suffix #5 and deliver funds to Rebecca Fierle, Trustee of the Gladys M. Shultz Trust with no penalty to the Ward.
5. Central Florida Education Credit Union is directed to close all accounts in the name of Gladys M. Shultz Trust and deliver funds to Rebecca Fierle, Trustee of the Gladys M. Shultz Trust with no penalty to the Ward.

6. Rebecca Fierle shall deposit all funds into an account in the name of the Gladys M. Shultz Trust with Rebecca Fierle as Trustee.
7. Rebecca Fierle shall have accounting obligations to file Trust Accountings annually with the guardianship courts.

Judge Stroker June 3, 2010

**[EXCERPTS FROM] PETITION FOR APPROVAL OF SALE OF PERSONAL PROPERTY**

4. The ward's health I such that she is not able to return to her home.
5. In order to have the home ready to list and sell, personal property needs to be disposed of and the Ward live in the Rehab. Center of Winter Park and does not need any of the property. (5/3/2010)

Order Grating Sale of Auto—June 3, 2010

Order Granting Sale of Personal Property—June 3, 2010

June 3, 2010—buyer of Shultz's home: Sharon Putnam, 1409 Cole Road 32803

\$126,000.00

June 15, 2010—Order for Sale of House

(It appears that Putnam is either a real estate investor or realtor also associated with 6854 Bittersweet Lane, Orlando

**Court records show a balance of \$50,000.00 of all of Shultz's assets by 5/31/2011. (EMBEZZLEMENT: Note: House alone sold for \$126,000.00)**

**5.Faye Elizabeth Arnold**

Case No. 2003-CP-001043-O

Case No. 2007-CP-000991-O

**Attorney for Guardian:** Ian Leonard Gilden  
Guardianship is open.

**Petition/Motion for Guardian's Fees *Retroactive Payment* : 09/28/2011**

**Estimated Annual Income: \$44,455.00**

**DOB: 03/16/1927**

**MISSING: (at least) \$38,000.00 - \$56,000.00**

**EMBEZZLEMENT(STRONG EVIDENCE)**

**FINANCIAL EXPLOITATION OF THE ELDERLY**

**ELDER ABUSE (PHYSICAL NEGLECT) (VERY STRONG EVIDENCE)**

**(This report includes video Footage of Faye Elizabeth Arnold's swollen feet—medical neglect. Video footage ill be provided upon request.)**

1. On 8/31/2010, Fierle filed a four page document “Petition by Guardian for Authority to Establish and Fund a Special Needs Pooled Trust for the Benefit of the Ward.” This document states that the assets of the Arnold at that time were **\$55,486.38**.
2. On October 19, 2011, Fierle and Gilden filed a “Petition to Wave Annual and Future Accountings” claiming that there is now a ZERO balance of Arnold’s assets.
3. An examination of expenses for Arnold during 8/31/2010 – 10/19/2010 are as follows:

First Petition for Attorneys’ Fees = \$6,911.60 (3/20/07)

Personal needs = \$500.00

8/11/09 (Care costs) = \$4,967.66

1/4/08 (care cost) = \$1,239.30

Second Petition for Attorneys’ Fees = \$1,428.82 on August 4, 2009

Third Petition for Attorneys’ Fees = \$1,743.10 (for a total of \$10,083.52 altogether since 2007) (1/13/2010)

Fourth Petition for Attorneys’ Fees = (August 12, 2010) \$2,738.48 for a grand total of \$12,822.00 in attorney’s fees.

4. NONE of these attorneys’ fees billing statements would be taken out of the **\$55,486.38** would be the last attorneys’ fees billing statement was

filed on **8/12/2010** and the assets of **\$55,486.38** were reported on **8/31/2010**.

5. **Since September 1, 2010, the only expense therefore of the Arnold would allegedly be the expense to Metro West of allegedly \$1,500 per month.**

**\$1,500.0 per month X 12 months = \$18,000.00**

**Therefore, ~\$56,000.00 minus \$18,000.00 = \$38,000.00 missing**

**The records also show there is \$1,547.00 a month in social security coming to Arnold which were therefore almost completely cover the monthly alleged living costs at Metro West of allegedly \$1,500.00**

**Therefore, there is actually a potential ~\$56,000.00 MISSING.**

6. **There is also a “Report of Auditor” attached here to this report.**
7. **Fierle’s response to the auditor includes an invoice with no receipts attached. This inventory of alleged expenses is attached to this report.**
8. **On 8/28/11, Fierle ask for “retroactive” payment of these expenses.**

**Generally when Fierle asks to be “retroactively” paid, it means that she got caught by the auditor and has to cook the books.**

**FAYE ELIZABETH ARNOLD** was extensively researched in Investigator Woodhull’s First Wave Investigations. This is the case where Faye was put under guardianship back in 2003 but her son got her out of it and brought her back home. Then in 2007, William Harold Arnold was struck on his motorcycle by TINA HOLLAND who was charged with “running a red light” because she looked down at a bag of doughnuts she was eating. On that date that William Harold Arnold was struck on his motorcycle, Fierle goes ahead and files a death certificate on him. However, William does not die, so Fierle has to withdraw the death certificate and file a new one three months later. On the date that William Harld

Arnold is struck on his motorcycle, an ambulance is sent to the home of Faye Elizabeth Arnold and she is put under a Fierle guardianship for the second time.

**10. MISSING FROM THE INVENTORY:** Faye's jewelry, such as her **diamond wedding rings; a brand new piano** (which Fierle claimed she "donated" for free to a church), all of Faye's clothing, expensive furniture, and all contents of house. (These missing items were completely verified in an in-person interview with Faye Elizabeth Arnold.) Also missing (cruelty): All photos of her son, not even one was provided to Faye. The piano had just been purchased (paid for in full) just a few months before the motorcycle homicide. William played the piano for his church. When I interviewed Faye Elizabeth Arnold, she appeared to be totally mentally competent.

She was completely aware of what Fierle had done to her and her son.

Additionally, the court record of William Harold Arnold shows that Fierle did not pay his medical bills and instead published a "notice to creditors" in an obscure paper and then wrote a "too bad/so sad" letter to the creditors when it was past the 90 days.

## **6. LEROY BARNES**

Case No. 2011-CP-002047-O

**Attorney for guardian:** Thomas Moss

**Count appointed attorney:** Kyle Fletcher

**Guardianship commenced:** 09/30/2011

Guardianship is **open**.

**DOB:** 01/27/1927

**Order for Attorney's Fees Retroactive:** 12/07/2011

**Petition/Motion for Attorney's Fee Retroactive:** 12/02/2011

**Order for Attorney's Fees:** 04/19/2012

**Proposed Order(s) Sent to Judge *Order on Attorney's Fees:*** 04/18/2012

**Petition/Motion for Attorney's Fees:** 04/16/2012

## **EMBEZZLEMENT**

1. (PAPG) Leroy Barnes DOB: January 27, 1927 (age 84)

Already in a facility at time PAPG was filed: Orlando Health and Rehab., 830 W. 29<sup>th</sup> Street, Orlando, FL 32805

Alleged reasons (by Fierle) for PAPG: "hypertension, diabetes, lack of coordination, dementia and short term memory loss"

Relatives: Regina Barnes, daughter DOB: 9/1948

Park Towers  
133 Third Avenue  
Hutchinson, MN 55350

Park Towers are HUD apartments for Seniors 133 3rd Avenue  
Southwest Hutchinson, MN 55350-2400  
(320) 587-2168

Property listed on PAPG: Mobile home and Wells Fargo bank account (SS not listed) (find out if he is also a veteran)

1. Observations by Clerk of Court filed on 12/2/11 noted no physical or mental health exams had ever been filed. **This has not been corrected. If corrected, there would be a second observation filed by the clerk. The docket shows no second observation sheet has been filed.**
2. **A pooled trust has been approved. A pooled trust means there are substantive assets. On the pooled trust, Fierle states she needs to spend the money on “trips out the building with activities department,” “dental care,” “eye care,” “hearing aides,” “caregiver,” “legal fees” and “support of homestead property.”**

**But keep in mind that on Fierle’s PAPG, it alleges that Barnes suffers from lack of coordination, dementia, hypertension, diabetes, and short term memory loss, so he is not in good enough physical shape to go on any outings with the activities director and also would be too great of a liability to the facility.**

3. The three doctors who declared Barnes mentally incapacitated:
  - Ballentine
  - \* Bob Decker
  - Mavrides
4. Fierle claims she is paying \$6,000.00 for Orlando Health and Rehab. In actuality, the month bill at Orlando health and Rehab. is: (Call Carolyn Jones on her cell phone at (407) 259-9262) Desk clerk says they accept insurance, so there could actually be a monthly payment of ZERO if Fierle put Barnes on Medicaid, there is a bill of ZERO for his living expenses per month, not \$6,000.00. Orlando Health and Rehab. accepts Medicaid.

## 7. Investigation of the file of INVESTIGATION OF THE GUARDIANSHIP OF ULITA EDRIS LOPEZ (age 60)

This is a guardianship that was opened in Alachua County because Lopez had been living in Gainesville, Florida. The petition says that she had been running to catch a bus when she was struck by a car and consequently suffered extreme brain damage to the point that she will need 24 hour supervised care for the rest of her life and that she must wear a helmet.

A Gainesville attorney who, Steve Turnage, for some reason, had already been representing this Philippine woman even PRIOR to the car accident occurred. (Steve Turnage—I believe the reason why Lopez had already contacted Turnage is because she needed some type of legal assistance with getting back to the Phillipines.) While they were waiting for the settlement, the attorney, Steve Turnage, claimed he was keeping all of Lopez's belongings, including a couch, dining room table, etc. stored at his office. (Do you believe it?) I have actually been to Steve Turnage's office and it is quite small and it is upstairs. Would movers have hauled furniture (dining room table, couch, etc.) up the stairs and into his cramped, little office? I think not. After the settlement cheque of \$150,000.00 arrived, it was divvied out to all the attorneys involved, and to Fierle, with \$23,000.00 that was then put in one of those pooled trusts from the Guardian Trust Account company in Clearwater, Florida. At that time, Fierle petitioned to put transfer Lopez to Orange County so that Fierle could better take care of her. Lopez is now located in Ionie's Assisted Living Facility, which according to victim Richard Larkin, only holds about eight people and it would not be suitable for a person with total brain damage. Attorney Moss is now representing Fierle and when Fierle obtained the Trust for Lopez, she also simultaneously petitioned for a cremation on Lopez.

The attorney billing statements for Turnage clearly show that Lopez begged them on several occasions to go back to the Phillipines. Perhaps this is why she contacted Turnage in the first place because the inventory shows "16 suitcases filled with clothing." Also, if she was a complete vegetable, she could not be stating repeatedly that she wishes to move back to the Phillipines.

Here are some of the documents I copied word for word from the Orange County court file—the court records that were transferred from Alachua County.

January 30, 2011. The court document is titled: **“Inventory of items held at Attorney Steve Turnage’s Office”**

[Do you believe it?? This is really hard to believe—“all within his office”]

**16 suitcases—filled with clothing [sounds like she was getting ready to leave the country to me when suddenly she is struck by a car and then held hostage in a guardianship, transferred to Orlando]**

2 empty plastic clothing bags

1 wooden plate

1 couch

1 stuff [sic] chair

2 mirrors-wooden

1 aluminum toiletry box

1 brief case – paperwork

2 large boxes of clothing

1 large clear bag of clothing

1 glass cake plate

2 ceramic vases

1 dining room table with 4 chairs

6 large garbage bags—household linens, towels, sheets

e-mail for Fierle: [rfierle@gmail.com](mailto:rfierle@gmail.com)

Social security # listed for Fierle: 593-20-3367

DOB for Fierle: 6/19/67

(407) 895-0504

SS# for Lopez: 767-03-4788

Medicaid # for Lopez: 9469773179

On the trust application, Fierle stated that Lopez suffers from **“dementia and physical limitations.”**

When listing what she will spend the trust on, Fierle stated:

--private duty caregiver [There is no private duty caregiver at Ionie’s Assisted Living for Lopez. I have been there and videotaped Lopez who seems competent and self sufficient.]

--dental  
--eyeglasses  
--transportation  
--personal items  
--hair cuts  
--hearing aids  
**--legal fees**  
**--guardian fees**

Application for trust filed September 14, 2010

“I, Jennifer Ruiz, the undersigned duly appointed representative of the Guardian Pooled Trust, hereby acknowledge receipt and affirm deposit of \$23,038.03 in the Pooled Trust sub-account G1556 established and administered for the **sole benefit** of Ulita Lopez on Sept. 23, 2010.”

Jennifer Ruiz, Adm.  
The Guardian Pooled Trust

The insurance claim and people who hit Lopez with their car:  
Akintola Shenbanjo, Felicia M. Shabango  
Progressive American Ins. Co.  
Policy number 76762879-000  
Policy limits of \$100,000 and \$50,000 (#28486463-000)

## **ORDER**

Steven. D. Turnage, Esq. is authorized to distribute the settlement proceeds as follows:

Attny's fee to Turnage \$30,160.40

Attny's fee to Earnest Sellers (Fierle's attorney) \$4,603.92

Attorney James E. Hendricks, Esq—court appointed ad linem \$1,650.00

Fierle--\$1,739.98

Alachua County Fire and Rescue \$350.00

Blue Cross/Blue Shield \$35,326.65

Gulf Coast Collections for UF Physicians \$1,198.32

**\*Medicaid (c/o ACS Recovery Services) \$51,932.20**

**(\*doubtful—I would ask that the HHS look into this and see if such a bill was really paid.)**

Net Recovery to Guardianship = \$23,038.03

3. “All net settlement proceeds after payment of the sums above shall be disbursed to the ward’s sub-account in the Guardian Pooled Trust as established pursuant to a separate order of this court. No disbursements of said funds will be allowed except pursuant to court order.”

Son of Lopez:

Jonie L. Calibo

Blk 11 Lt.16 M. Phase 3

Alta Subd. Tiguma

Pagadian City

7016 Mindanao, Phillipines [I have spoken by phone with Mr. Calibo who would like to come to the United States and rescue his mother. His cell phone is: 011 63 907 532-7744]

## **SUMMARY OF FACT PATTERN**

“On March 25, 2008, the ward was running across a highway attempting to catch a bus. She was struck by a vehicle and sustained severe head injuries, resulting in

Multiple surgeries and her current incapacity. A copy of the accident report is attached hereto as Exhibit A. The vehicle was owned by Akintola Shenbanjo and driven by Felician M. Shenbango. Ins. Coverage was available through Progressive American ins. Policy # 76762879-000 and 28486463-000 policy limits of \$150,000 . . . .

There is no action pending in any court in Florida concerning this case.

Cause of action = negligence

Committee who determined Lopez to be mentally incapacitated:

Scully, RN (same as in the Louise A. Falvo case)

Alene O. Nicols, RN received \$300

Tonia Werner, psychiatrist received \$500 (same as in the Louise A. Falvo case)

Deborah Brunagin, Director of Social Services, Parkland (same place where Louise A. Falvo died)

**PAPG FOR LOPEZ STATES:**

**“Petitioner (Rebecca Fierle) was originally retained and paid by Shands at UF to enroll Ms. Lopez in Medicaid disability and long term care and to apply for SS Disability. Petitioner has completed that work.”**

**[This is very important to know. This is proof that Rebecca Fierle works for Shands at UF; this is where Louise A. Falvo was overmedicated and this is where Fierle filled out illegal paperwork to put Louise A. Falvo on Medicaid. This is proof of MEDICAID FRAUD in the Louise A. Falvo case.]**

Ionie's Assisted Living  
3447 Alissa Court  
Orlando, FL 32808  
(407) 293-7967

She has been there since June 29, 2011.

Lopez stated repeatedly that she wants to go back to the Phillipines.

PAPG was filed on May 22, 2009

Funeral expenses \$905 cremations was paid for on April 21, 2010. (11 months after guardianship was commenced.) (What will happen to Lopez with the remaining \$23,000.00 runs out?)

#### **8. Investigation of the Court File of Patricia Ann Krull**

EMBEZZLEMENT  
MEDICAID FRAUD  
Case No. 2005-CP-002888-O

**Attorney for Guardian:** Ian Leonard Gilden

**Guardianship commenced:** 1/14/2005

Guardianship is open.

**Report of Auditor:** 4/29/2008

**Response to Auditor:** 5/19/2008

**Report of Auditor:** 5/19/2009

**Response to Auditor:** 6/16/2008

Petition Exempting Guardian from filing future accountings: 10/19/2010

Observation: 10/29/2010

“The proposed Order Waiving Annual Accounting and Future Accountings is being returned because the court **denied** your Petition.”

Petition for *retroactive* attorney's fees: 6/10/2011

DOB: 12/12/1941

[Extensive report on this file by this investigator.]

**Location of ward:** Sanjean Assisted Living

## **REPORT OF CLERK (3/7/2007)**

“The annual guardianship report was not timely filed.”

One of the three doctors who declared Krull mentally incapacitated:

Dr. Bobek 2/15/07

First bill of Attorney Gilden: \$4,685.92

Order on March 5, 2007

## **REPORT OF THE CLERK RE: ANNUAL GUARDIANSHIP REPORT**

Missing from annual Guardianship report:

Physical and mental health care

Personal and social services

Residential setting

Application of Insurance

Physical/Mental Health Exams

June 20, 2007

Yet, on June 21, 2007—with all of this missing, the **judge approves the annual guardianship report anyway.**

On March 5, 2008—Gilden pays \$15 for an audit fee and sends a letter to the clerk of court.

## **REPORT OF CLERK [4/29/2008]**

Missing:

Service

Annual financial return

Audit Fee

## **REPORT OF AUDITOR [4/29/2008]**

An administrative review of the file and review of the annual accounting filed for period 2007-2008 reveals the following:

1. It appears that disbursement was made on 2/5/07 in the amount of \$208.41 toward Geriatric Care Management which states invoice attached.  
Statement reflecting guardian's detailed activity was omitted.
2. It appears that bank overdraft fee in the amount of \$35.00 was withdrawn on 5/7/07 from ward's checking account. Please reimburse funds back into ward's account. [April 29, 2008]

There is a cheque from Geriatric Management, Inc.

BOA account # 003902: 063000047: 898001565442

Check # 3902 for \$35.00.

Response filed May 16, 2008.

Invoice "paid" writes Fierle.

(no actual receipts attached, as usual)

Bill to:

ATG Trust Company  
15 Wacker Driver, Suite 240  
Chicago, IL 60606-4650  
FBO Patricia Krull

DESCRIPTION	AMOUNT	
Water	4.19	
Shopping Walgreens	40.55	
Total Reimbursable expenses	44.24	
Guardianship service @ \$50.00	162.50	
Postage	1.17	
Total:	208.41	
12/1/06	PC to attorney	12.50

12/14/06	facility visit	39.50
	Phone call	12.50
	Shopping and delivery	25.00
12/21/06	delivery	12.50
	Facility visit	12.50
	Expense recovery	40.55
12/31/06	expense recovery	1.17
12/21/06	expense recover	4.19
12/3/06	clerical	50.00
<b>TOTAL</b>		<b>208.41</b>

WALGREEN'S RECEIPT ATTACHED with the name "Patricia Krull" scribbled on top of it by Fierle

UNO CARD GAME	5.99 Note: Fierle has small children.
DOMINOE	6.99
R/A ROLL DESK believe it?	5.99 This is a curious item to buy for a "ward." Do you
C/C/B SET	3.99
PRES/MOM'S PLUS for the W?	7.99 Do you really believe Fierle bought Mom's vitamins
BUTTERFINGER 13 OZ.	3.29
CHEESE NIP 12.5	2.29
Pringles 6 oz. Believe it??	1.79 Junk food purchased for an elderly woman???
<b>Subtotal</b>	<b>38.32</b>

Sales tax	2.23
<b>TOTAL</b>	<b>40.55</b>
<b>DEBIT CARD</b>	<b>40.55</b>

Receipt dated: December 20, 2008 (Did she actually visit Azalea Manor on December 20<sup>th</sup>, 2008? There should be a record at the facility—a sign in sheet)

[According to Krull, she never received any of these items.]

Patricia Krull was allegedly located at: Azalea Manor  
150 Willow Drive  
Orlando, FL 32807  
March 2, 2009

### **REPORT OF CLERK**

Clerk Reports the following items as Missing:

Service to ward (since it's a "limited" guardianship, the "ward" is supposed to get all copies)

Annual financial return

Audit fee

### **REPORT OF AUDITOR**

An administrative review of the file 2008-2009:

1. It appears SS income was deposited monthly; however, sporadic payments were made to the nursing facility without explanation (5/08-7/08) (\$1,460.00 each payment) Evidence the nursing home facility is current should be filed.
2. It appears a pre-need funeral contract was purchased without prior court approval. Documents for retroactive approval should be filed.
3. It appears service of copy of the accounting to the ward was omitted, required pursuant to the limited capacity. [May 19, 2009]

### **OBSERVATION BY CLERK**

Copies of billing statements for guardian's fees payable to Geriatric Mngt. For the following were omitted from the annual accounting:

5/19/2009	\$467.89
9/8/2009	\$1,534.97
9/24/2009	\$264.45

[Reviewed 5/19/2010]

## **RESPONSE TO OBSERVATIONS**

1. The guardian has attached Exhibit A copies of the billing statements for guardian's fees payable to Geriatric Management for the payments made on May 19, 2009 in the amount of \$467.89, Sept. 8, 2009, in the amount of \$1,534.97 and on 9/24/09 in the amount of \$264.45.

“Under penalties of perjury . . . .” June 2, 2010

KRULL is now at Sanjeans where LARKIN is also located. Krull claims she was kidnapped. Larkin wrote about this in his own personal notes, which are attached to this report. Krull says she was taken by either helicopter or small aircraft from South Carolina or George and brought back to the State of Florida with Edward Santoian as pilot. If you look at his docier, you will see evidence that he has a pilot's license and there is a corporation listed for him and Fierle regarding aircraft.

**[Curious Note: “limited” incapacity of person but “total” incapacity of property—see docket]**

## **9. Investigation of the Court File of GUARDIANSHIP OF ARMAND SANTOIRE GRAND LARCENY; EMBEZZLEMENT; FINANCIAL EXPLOITATION OF THE ELDERLY; MEDICAID FRAUD; FRAUD UPON THE COURT; PERJURY**

2/12/10—PAPG

10/4/10—Petition for Cremation

6/20/11—Petition for Discharge due to death of “ward”

Here is yet another example of Fierle and Moss taking as much as they can as fast as they can and leaving as little as possible for the only heir, Gertrude Bush. The first question to ask is, “How was Mr. Santoire unlucky enough to befall upon Fierle and Moss?”

It all started with a “kind” (Margaret Minnon) next door neighbor who dialed 911 a few days after Santoire’s 90<sup>th</sup> birthday celebration when she noticed he was going off in his car with the lights off at 5 a.m. Consequently, it was determined that he needed to be checked out and the hospital facility in New Symrna was not considered adequate for his needs, so he was helicoptered into Orlando and then transferred to Colonial Lakes Rehab. in Winter Haven who appears to have a very strong relationship with Fierle. (This is where James Hardy was also sent after heart surgery; there have also been guardianship petitions initiated on several of the Colonial Lakes Rehab. residents as of lately by Fierle on those with little assets, although Fierle always manages to find \$\$\$\$\$ to pay for a cremation and within the year, the ward always uses the pre-paid cremation that Fierle has pre-arranged).

1/27/12 (9:30 p.m.)--I spoke at length by phone with the chatty next door neighbor woman, **Margaret Minnon**, mid-sixties, who says she has rented 840 10<sup>th</sup> Avenue, New Symrna Beach, from Tony Messina, the owner, for the last seven years. Santoire had always lived alone and had no children, but he took care of himself and always kept the house in good shape with **regular maintenance of the air conditioning**, etc.

You will notice in the letter to the judge written by Remax Realtor Bob Barker that he estimates that Santoire’s home would be worth about \$125,000.00—taking off \$25,000.00 for needed repairs and A/C repair, according to Barker. But according to Minnon, the A/C was not in need of any repair; it was regularly serviced by Santoire.

On the Motion to Sell Property, you will notice (as usual) that Fierle states it will be an arms length sale. However, in reality, the home was sold for ~\$101,000.00 to a builder/realtor—about \$50,000.00 below market value. “Other houses in this neighborhood have sold for \$300,000.00,” Minnon stated. “It was rumored that the attorney, judge, and guardian were in cahoots,” Minnon stated.

Fierle also failed to mention that there is a **vacant lot** adjacent to Santoire’s home that was part of the deal. **And the extra \$110,000.00 for the adjacent lot alone was not mentioned in the court records and therefore has been unaccounted**

**for.** Verification that there is an extra lot adjacent to this house that was sold for \$110,000.00 can be viewed here:

<http://webserver.vcgov.org/cgi-bin/mainSrch3.cgi>

As far as the contents of Santoire's home being worth about \$228.70, according to Fierle and Moss, Minnon was shocked. "Artie owned many valuable antiques, including a **cane with a gold top from the Civil War**. That cane alone would be worth more than two hundred dollars." As you can see from Fierle's inventory, the Civil War cane does not even show up on the inventory at all. As far as the marble topped table that Fierle claims sold for \$75, Minnon stated that this was a Victorian piece and that "the marble alone is worth more than \$75." Checking on Google for a Victorian Marble Hall Table, I found three here:

[http://www.google.com/#hl=en&sugexp=pfwl&cp=29&gs\\_id=62&xhr=t&q=marble+topped+Victorian+hall+table&pf=p&sclient=psy-ab&source=hp&pbx=1&oq=marble+topped+Victorian+hall+table&aq=f&aqi=&aql=&gs\\_sm=&gs\\_upl=&bav=on.2,or.r\\_gc.r\\_pw.,cf.osb&fp=588b3e7678b699e9&biw=1024&bih=629](http://www.google.com/#hl=en&sugexp=pfwl&cp=29&gs_id=62&xhr=t&q=marble+topped+Victorian+hall+table&pf=p&sclient=psy-ab&source=hp&pbx=1&oq=marble+topped+Victorian+hall+table&aq=f&aqi=&aql=&gs_sm=&gs_upl=&bav=on.2,or.r_gc.r_pw.,cf.osb&fp=588b3e7678b699e9&biw=1024&bih=629)

valued at \$585.00, \$585.00. and \$2,450.00.

As far as the antique spindle back chairs that were allegedly donated to charity for zero dollars, I found here:

[http://www.google.com/#pq=marble+topped+victorian+hall+table&hl=en&sugexp=pfwl&cp=19&gs\\_id=7k&xhr=t&q=antique+spindle+back+chairs&pf=p&sclient=psy-ab&source=hp&pbx=1&oq=antique+spindle+bac&aq=0&aqi=g1g-v3&aql=&gs\\_sm=&gs\\_upl=&bav=on.2,or.r\\_gc.r\\_pw.,cf.osb&fp=588b3e7678b699e9&biw=1024&bih=629](http://www.google.com/#pq=marble+topped+victorian+hall+table&hl=en&sugexp=pfwl&cp=19&gs_id=7k&xhr=t&q=antique+spindle+back+chairs&pf=p&sclient=psy-ab&source=hp&pbx=1&oq=antique+spindle+bac&aq=0&aqi=g1g-v3&aql=&gs_sm=&gs_upl=&bav=on.2,or.r_gc.r_pw.,cf.osb&fp=588b3e7678b699e9&biw=1024&bih=629)

that one is listed for \$72.88 on Ebay, \$199.99 at GoAntiques, and \$457.60 at Home Gallery stores. Minnon verified that these chairs were antiques. Minnon stated that Santoire owned a house full of antiques – antiques that he had inherited from his parents.

Antique crystal candle holders seem to sell for about \$40 to \$50 to \$500 and can be viewed here:

[http://www.google.com/#pq=antique+spindle+back+chairs&hl=en&sugexp=pfwl&cp=8&gs\\_id=6x&xhr=t&q=antique+crystal+candle+holders&pf=p&sclient=psy-ab&source=hp&pbx=1&oq=antique+crystal+can&aq=0&aqi=g4&aql=&gs\\_sm=&gs\\_upl=&bav=on.2,or.r\\_gc.r\\_pw.,cf.osb&fp=588b3e7678b699e9&biw=1024&bih=629](http://www.google.com/#pq=antique+spindle+back+chairs&hl=en&sugexp=pfwl&cp=8&gs_id=6x&xhr=t&q=antique+crystal+candle+holders&pf=p&sclient=psy-ab&source=hp&pbx=1&oq=antique+crystal+can&aq=0&aqi=g4&aql=&gs_sm=&gs_upl=&bav=on.2,or.r_gc.r_pw.,cf.osb&fp=588b3e7678b699e9&biw=1024&bih=629)

[http://www.google.com/search?hl=en&q=gs\\_upl=&bav=on.2,or.r\\_gc.r\\_pw.,cf.osb&fp=588b3e7678b699e9&biw=1024&bih=629](http://www.google.com/search?hl=en&q=gs_upl=&bav=on.2,or.r_gc.r_pw.,cf.osb&fp=588b3e7678b699e9&biw=1024&bih=629)

Fierle claims they were “donated to charity.”

As far as the Manning Bowman Mantle Clock, which Fierle claims she sold for \$20, this clock is an antique from the 1920s and 1930s and a picture of it can be seen here:

<http://www.flickr.com/photos/jeffsclocks/4159378370/>

Even cheap, plastic Wal\*Mart clocks sell for \$20, so, again, the price was greatly undervalued.

There are ten Roy Croft jugs listed on Ebay here:

[http://www.ebay.com/sch/i.html?\\_nkw=roycroft+jug](http://www.ebay.com/sch/i.html?_nkw=roycroft+jug)

selling from \$10 to \$100, with the average price being about \$35 for one of these jugs. Fierle claims she got \$7.50.

There is a pressed glass basket for sale on Ebay for \$1,085.00. Fierle claims she got a mere \$11.00 for Santoire’s pressed glass basket.

[http://www.ebay.com/sch/i.html?\\_nkw=pressed+glass+basket&\\_sacat=0&\\_odkw=roycroft+jug&\\_osacat=0&\\_trksid=p3286.c0.m270.l1313](http://www.ebay.com/sch/i.html?_nkw=pressed+glass+basket&_sacat=0&_odkw=roycroft+jug&_osacat=0&_trksid=p3286.c0.m270.l1313)

An antique cedar chest might sell for about \$300 - \$500 and can be viewed here:

[http://www.ebay.com/sch/i.html?\\_nkw=antique+cedar+chest&\\_sacat=0&\\_odkw=pressed+glass+pitcher&\\_osacat=0&\\_trksid=p3286.c0.m270.l1311](http://www.ebay.com/sch/i.html?_nkw=antique+cedar+chest&_sacat=0&_odkw=pressed+glass+pitcher&_osacat=0&_trksid=p3286.c0.m270.l1311)

Fierle claims she sold it for \$35.00.

Minnon recalled other valuable antiques that don’t even show up on Fierle’s inventory, such as antique twin beds with matching antique dressers and a maple dining room set from the 1940s or 1950s.

Santoire also owned a Freudian-style leather couch—doesn’t show up on the list.

And he also owned **100 real silver dollars** that he liked to show to people who would drop by to visit, according to Minnon.

In other words, Santoire had some “class” and the contents of his home would be worth far more than \$228.70. “He had been a fisherman up in Alaska; he was a WWII veteran,” Minnon said.

Computer and printer also do not show up on the inventory.

### **Overbilling**

Fierle billed two hours @ \$55 per hour to complete the online Medicaid application form. To see just how long it takes to complete this form, I completed the form just now using made up information and then pressed “save and quit” at the very end so that the bogus name, etc., would not get process. I began working on the online Medicaid application form at 3:42 and finished completing it (It seems like a long, slow process) at 4:07, which means that the entire form took approximately 20 minutes to complete.

Fierle (see her billing statement) claims she saw Santoire on multiple, multiple occasions. By law, she is supposed to see a client once every six months. With more than 50 wards, it unlikely that she saw Santoire multiple times per month.

Fierle also states that she spent a lot of time shopping for clothes for Mr. Santoire on multiple occasions., buying him everything from sweat pants and sweat shirts to more formal shirts and pants. However, if you look on the inventory of things that Mr. Santoire owned, it mentions a closet of clothes. Why, then, would an entire brand new wardrobe of clothing have to be purchased? I believe that Fierle purchases clothes items and then returns them so that she'll have the receipts. In this case, however, no receipts from Target are actually included with Fierle's bills.

According to Master Guardian, Irene Rausch, Clearwater, all receipts must be entered into the court record. Additionally, according to Rausch, all antiques need to be appraised. It appears that Fierle did neither of these things.

Fierle also bills for a lengthy phone call from “neighbor” “Lillian DeRosa” who was expressing her “concerns” for Mr. Santoire in this lengthy billed for conversation of 2/18/10. Lillian DeRosa lives at 2846 Turnbull Estates in New Symrna, which is about **five miles** from 10<sup>th</sup> Avenue. I therefore phone Lillian DeRosa and told her I was a private investigator investigating Rebecca Fierle and she said, “I do not wish to speak with you,” and she hung up on me. Whoever “Lillian DeRosa” really is, in relationship to Armand “Artie” Santoire, she is **certainly not a neighbor**. For all I know, DeRosa could simply be a name that shows up on whitepages.com that Fierle used in a billing statement. Fierle is quite

imaginative when it comes to her billing invoices. Minnion said she had never heard of a Lillian DeRosa and Minnion appears to be the neighborhood nibby nose who knows everything about everyone. She even knew about Gertrude Bush and has phone her. Minnion claims that Bush was going to fight the whole guardianship, but due to her age (mid sixties) and distance (New York), she withdrew and stopped paying an attorney. I have been unable to reach Bush by phone and I have left several messages for her.

### **Medicaid Fraud**

Fierle mentions in her billing statement that Santoire receives \$2,455.01 from the VA per month and \$1,364.20 from social security. With this type of monthly income, I'm not quite sure how Santoire would have qualified for Medicaid.

### **Guardianship of Armand Santoire:**

#### **NOTEWORTHY ENTRIES ON MOSS' BILLING STATEMENTS**

Moss mentions several assets that belong to Santoire, including a brokerage account noted on 2/24/10 and a Wells Fargo investment statement on 2/25/10.

[Apparently, a brokerage account can be tapped into, especially with Fierle naming herself as the personal representative. "Lately, a lot of brokerages have begun offering Visa Check Cards which work exactly like a credit card."]

<http://beginnersinvest.about.com/od/choosingabroker/a/brokeraccount.htm>]

### **10. Investigation of the File of GUARDIANSHIP OF FELIX ORTIZ—Strong Evidence of Embezzlement**

**FELIX VAZQUEZ ORTIZ** (claim by Medicaid for \$80,837.17)

Case No. 2009-CP-000467-O

**Attorney for guardian:** Thomas P. Moss

**Guardianship commenced:** 03/04/2009

Guardianship is **closed**.

**Order of Discharge:** 9/22/2011

**DOB:** 08/27/1931

**DOD:** 4/26/2011

**Order ESTABLISHING A SPECIAL NEEDS TRUST:** 10/26/2009

**Order for Attorney's Fees Retroactive:** 07/29/2011

**Petition/Motion for Attorney's Fee Retroactive:** 07/22/2011

**Estimated Annual Income:** \$55,056.00

**10/22/09—Pooled Trust**

**9/21/09—Cremation**

**4/26/11—Death of Ortiz**

There appears to be strong embezzlement evidence in this file, as evidenced in the September 12, 2011 filing of the Orange County Clerk of Court. Fierle is usually given 30 days to respond when missing monies have been discovered, but, in this case, she instead, received an “Order of Discharge” on 9/22/2011 and has never had to respond. See “Accountant Report to Guardianship Auditor Regarding Annual Accounting” which states “cannot verify \$1,000.00 transfer into PA Trust account and three subsequent disbursements from PA Trust account totaling \$1,000.00—statements were not provided.”

There is also a petition for retroactive attorneys fees, which usually means that Fierle and Moss had to “cook the books” after getting caught by the Orange County Clerk of Courts or the Orange County auditor.

Also curious in this file, Fierle never bills at all for her “services to the ‘ward,’ ” Ortiz.

It appears that Ortiz was receiving VA benefits, as witnessed from Moss’ billing statement, but it also appears that Fierle put Ortiz on Medicaid.

### **Estate of FELIX ORTIZ**

In the follow up Estate of Felix Ortiz, Medicaid has put in a claim of \$80,837.17, so Fiele had placed Ortiz on Medicaid. Medicaid filed their claim July 7, 2010 and there is no evidence in the file that this claim has been paid.

There is allegedly \$19,000.00 left from the guardianship account, but Fierle allegedly put Ortiz’s brother in Puerto Rico on “notice” and for not responding, he somehow forfeits his right to this money. So who gets the \$19,000.00? Fierle (and Moss) who has declared herself as the Personal Representative or Medicaid??

**[\*\*\*Note: Fierle never bills in three years’ time for her “services” to Ortiz.]**

**11.GUARDIANSHIP OF HELEN KROKOSKI—  
\*\*\*\*\*MAJOR EMBEZZLEMENT\*\*\*\*\***

**(switched from Orange to Seminole when the Orange Clerk discovered missing money)**

**48-2009-CP-001656-O (Orange)  
2011-GA-1562 (Seminole)**

**DOB: June 29, 1926**  
**(age 83)**

**PAPG filed on 7/30/2009**

**Nature of Property: TBD**

**No next of kin.**

**Self-Neglect, open APS, Baker Acted**

**On 8/20/09, another person petitioned to become the guardian: “Lee French.”  
(long term friend of 50 years along with his parents of Helen Krokoski)  
French was represented by Attorney Kathleen Flammia.**

**French listed property on his PAPG as:**

**1993 Dodge (unknown value)**

**Burial plot at St. Anthony’s (unknown value) in Larksville, PA.**

**Bank of America account #1856 (unknown value)**

**Health care surrogate was supposed to be Wilbur French (father of Lee French, but too told to do it.)**

**Lee French was a former fireman and CPA so he felt he’d make a good guardian.**

**Helen Krokoski listed with dementia and unpaid bills. Baker Acted. Not competent to make her own medical decisions, said French on PAPG.**

**Lee French then filed in the oath to be the guardian on 8/20/09.**

**Fierle then filed in an ETG, listing the property as:**

**BOA (TBD)**

**Regions (TBD)**

**Washington Mutual Bank (now Chase) (TBD)**

**On 8/25/09**

**A waiver and consent for Lee French by Wilbur French was then signed on 8/24/09**

**Notice of Hearing—9/2/09 for ETG filed by Moss**

**The very next day, an ETG was then filed by Lee French.**

**“The alleged incapacitated person is in arrears of paying her bills and will need placement upon her release from the hospital.” (8/26/09)**

**8/26/09—Notice of Cancellation of Hearing by Moss**

**8/26/09—Notice of Hearing filed by Moss for PAPG**

**8/29/09—“Stipulation to Admission of Examining Committee Reorts.” (Moss)**

**No objection to reports of:**

**Dr. Luis G. Allen**

**Dr. L. Russell Mavrides**

**Dr. Raine Rouse**

**(These were the three doctors used to declare Krokoski mentally incapacitated.)**

**9/3/09—Notice of Hearing—Both competing petitions for PAPG were noticed by Moss to occur on 9/11/09 at 10 a.m.**

**Judge Kirkwood (Orange county), who was also Fierle’s divorce granting judge, selects Fierle over French. (9/11/09)**

**(When later transferred to Seminole County, the file # becomes 2011 GA 1562.**

**Letters of Guardianship (to Fierle) were also approved by Kirkwood on 9/11/09.**

**Settlement agreement (9/11/09) “Stipulation”**

**“Rebecca Fierle and her agents at Geriatric Care Management shall be entitled for fees and services in relation to the Petition to Determine Incapacity and the PAPG acting as Guardian of the Property at \$55 per hour.**

**Lee French was appointed as Guardian of the Property but Fierle was appointed Guardian of the Person.**

**Attorney Meredith Motslinger was the Court Appointed Attorney.**

**The “stipulation” was that French would be the Guardian of the property and Rebecca Fierle as Guardian of the PROPERTY ONLY.**

**Lee French then became Guardian of the Property on 9/1/09.**

**Moss then filed in a billing statement of \$10,542.36 for two months of “work” No sooner was this stipulation filed, this outrageous bill was filed.**

**OAPA—for Attorney Moss signed/granted by Judge Kirkwood on 9/23/09**

**Then French resigned as the guardian on October 7, 2009**

**Fierle then filed another PAPG on 10/1/09**

**For “Nature of Property,” Fierle only lists “Old Southern Bank Checking Account.” (\$110,000.00) That’s it.**

**Krokoski was listed this time as having “paranoid psychosis” and “dementia” on the PAPG.**

**10/5/09—Kirkwood appoints Fierle as plenary guardian.**

**French’s attorney (Kathleen Flammia) then bills on 10/2/09 for \$14,002.50 (Flammia mentions a “trust account” in her billing statements.)**

**Fierle then puts in a change of address for Krokoski on 10/9/09, switching Krokoski to Arden Courts in Winter Springs stating it’s “a facility that could better meet her needs.”**

**10/8/09--The invoice of Lee French (for being paid as his short “gig” as the guardian) lists Bank accounts at:**

**Bank of America (Alafaya Trail)**

**Wachovia (Alafaya Trail)**

**First Commercial Bank (Colonial Drive)**

**Colonial Bank (Lake Underhill)**

**Mercantile Bank (Kirkman)**

**Old Southern Bank (Turkey Lake)**

**Rebecca Fierle was appointed successor guardian of the property on 10/5/09**

**Additional accounts were noted at Fairwinds Credit Union  
Regions Bank  
WaMu/Chase**

**11/16/09—another bill for attorney Flammia for \$1,849.78**

**p. 175/326—Revocable Trust (blank order)  
Rebecca Fierle becomes the trustee**

**In her will, Krokoski wanted her assets to go to Dolores and Wilbur French.**

**List of assets as of 10/5/09**

**Wachovia Bank—ending in 439--\$117,872.59 (POD to Clint Waddell 12%)**

**Ending in 787 \$78,244.68 date it matures: 3/20/10—POD to Nancy Rexroat)**

**Chase WaMu, ending in 697 \$2,308.06 (as of: 10/5/09)**

**Ending in 554 \$438,026.59 (as of 10/5/09)**

**Ening in 421 \$672.63 checking account (these three all POD to Nancy  
Rexroat)**

**10/5/09—Mercantile 550 \$1,201.62 POD to Nancy**

**10/5/09—POD to Nancy ending in 5001 \$11,355.57**

**1/9/10—ending in 9001 \$140,510.48 POD to Nancy**

**Regions Bank ending in 748 \$12,656.71 (as of 10/5/09) POD to Nancy**

**Fairwinds ending in 895 \$36,446.14 (as of 10/5/09)**

**320 \$5.02 to Genn**

**Subtotal \$960,073.09**

**Non POD accounts:**

**Old Southern Bank ending in 710 \$109,734.46 checking as of 9/28/09  
BOA ending 856 \$6,282.64 as of 10/5/09**

**Exxon Mobil Corp. ending in 639 \$41,088.64**

**608—Certicated shares in possession value as of 10/5/09**

**Subtotal = \$157.105.74**

**Total POD and non-POD =  
\$1,117,178.83**

**According to will, Krokoski wanted her lifetime friends, Dolores and Wilbur French, to have it all.**

**HERE'S WHERE THE FRUAD COMMENCES:  
FIERLE'S PETITIONS TO TAKE ALL THIS MONEY AND PUT IT IN A TRUST:**

**“The law requires a guardian to preserve the estate plan of the ward including but not limited to preserving POD beneficiaries interest in the Estate of the Ward.”**

**“The law requires the Guardian to first extinguish assets that are not specifically designated to POD beneficiaries and upon extinguishing other assets the guardian should use the assets designated as POD.”**

**The guardian has a duty to safeguard the assets of the Ward.**

**Due to numerous accounts designated as POD owned by the Ward and the expectation the Ward will need those accounts for her care and support, the Petitioner is seeking authority to establish a revocable trust for the sole benefit of the ward during her lifetime.**

**The purpose of establishing a revocable trust is to [1] limit the fees and costs of the guardianship, [2] prevent having to constantly monitor and safeguard numerous accounts, and pay fees associated with the accounts, [3] to prevent the time and expenses of seeking court authority and to petition all beneficiaries of the POD accounts each time money is needed for the care and support of the ward [4] to ensure the assets are properly managed [5] to ensure there are proper amounts left on the trust to pay final expenses of the guardianship, to pay funeral expenses and pay taxes due at death and to pay creditors at death.**

**“The petitioner proposed that she be appointed as the trustee of the revocable trust for the ward as she will have a duty to account for the funds of the trust with the guardianship court. The accounts to be titled in the name of the trust will be only accounts with a payable on death beneficiary named. The Guardian will spend all non-payable on death beneficiary accounts funds trust and keep these funds in a guardianship account separate from the trust assets. All accounts, guardianship and trust, will be accounted for annually by the Court.**

**The beneficiary of the Trust during the ward’s lifetime will be solely the ward. Upon the death of the Ward, the beneficiaries of the trust will be POD beneficiaries calculated by the following formula: the specific amount a respective POD beneficiary would be entitled to at the time of the funding of the trust if the Ward had passed divided by the total amount of the POD account used to fund the trust. For example, if the total amount of the POD accounts was one million and “Jim Jones” was the designated beneficiary on a POD account hold \$400,000.00 in assets, “Jim Jones” would be entitled to 40% of the residue of the trust upon the death of the ward.**

**In the event the ward dies before utilizing the POD accounts, the ward’s last will controls guardianship assets and the trust will control trust assets.**

**By establishing a revocable trust for the ward, the guardian will be able to take care of any expenses of the ward. Upon the ward’s death and distribute the remaining assets to the appropriate beneficiaries.**

**[This Petition was filed on 12/15/09]**

**Motion to set bond—filed by Moss on 1/12/10**

**Addresses of beneficiaries:**

**Lee French  
5142 Sun Palm Drive  
Windemere, FL**

**Nancy Rexroat  
12808 Eyrn Blvd.  
Clermont, FL**

**Clint Waddell  
4629 Casa Cove Drive 32811**

**Glenn A. Pfaff, MD 7300 Sand Lake Commons, Suite 315, Orlando**

**[They all got notice of the “trust” hearing.]**

**“Order to Set Bond”**

**(This is a very strange order because it is “set at” but never obtained.)**

**“This cause came before the Court on the Guardian’s Motion to Set a Bond for Helen Krokoski and the Court after review . . . .**

**Ordered and adj. that the Guardian’s Motion to set Bond is GRANTED in the amount of the bond now set at the total amount of assets shown on the inventory filed by Rebecca Fierle on 12/2/09.**

**This bond order was granted by Orange County Judge Stroker on 1/19/10.**

**“You have 20 days to object to the trust.” (the four beneficiaries were told)**

**No one objected.**

**1/12/10—Moss “Formal Notice” that a Petition for a Revokable Trust has been filed.**

**Proof of Service, Moss to all beneficiaries**

**Notice of Hearing was filed on 2/14/10 for 2/24/10**

**Nobody objected within the 20 days.**

**Fierle then filed in her surety bond, issued to Rebecca Fierle Bond # RSB8006710 FLI Surety Peoria, IL (309) 692-1000**

**2/16/10—As soon as Bond was obtained, Fierle bought a CREMATION.**

**Order for Revokable Trust on 2/24/10 by Judge Stroker**

**Then, Fierle went to town:**

**Order to close Mercantile Bank CDs**  
**Mercantile # 96035919900**  
**Checking acct. #8601868550**  
**CD #960359155001**

**2/24/10 Stroker**

**Order to close Fairwinds**  
**Money Market #58671895**  
**Saving #57060320**  
**2/24/10 Order—Stroker (with Fierle as Trustee)**

**Order to close Chase/WaMu**  
**CD 9414942697**  
**CD 6716399554**  
**Checking Account 4214197421**  
**2/24/10 Stroker**

**Order to Close Regions**  
**Checking Account #0076772748**  
**2/24/10 Stroker**

**Order to close Wachovia**  
**CD 012242042861439**  
**CD 012242053426787**  
**2/24/10 Stroker**

**Waiver and Consent Glenn Pfaff on 2/5/10**  
**Clint Waddell 2/23/10**  
**Nancy Rexroat 2/5/10**  
**2/10/10 Lee French**

**Motion for Petty Cash of \$100/ month to Helen Krokoski**  
**Allegedly commencing 11/1/10; filed 11/18/10.**

**Order authorizing petty cash –11/124/10—Judge Bek Perry**

**Reimbursement cheque from Fierle for \$46.25 for BOA on 12/23/10**

**Fierle billed for an internet search of Computershare (stock); Fed. Ex. Stock**

**Online charge of Computershare (11/4/09)—direct deposits to guardianship account.**

**See page 99 of 326 --- Fierle transferred Exxon stock to Wachovia on 12/1/09**

**10/27/09 – Computershare online access setup. So, she used the online setup only two months but billed Krokoski for it.**

**Donated all personal belongings to “Mustard Seed” donations. (Fierle is supposed to, by law, list all the personal effects of Krokowski—she never does. Fierle is also supposed to have the most expensive items appraised and sold and the money used to benefit Krokowski—she never follows the statutes.)**

**“Order granting retroactive approval of attorney’s fees to Moss of \$18,650.00 plus costs for a total of \$19,687.59 on 2/1/11.” This guardianship took no more time than others but the attorneys costs were much higher. Retroactive payment is always applied for AFTER the Orange Clerk catches fraud.**

#### **REPORT OF ORANGE COUNTY AUDITOR (Orange Clerk Jewell)**

**(see page 26/326 in Seminole file to view this “Report of Auditor”)**

##### **Report of Auditor**

- 1. It appears an Order Authorizing Payment of Fees of Attorney was entered 10/15/09 for \$1,725.00 to the court appointed attorney, Mitzi Motsinger. It does not appear payment of these fees were made in the accounting.**
- 2. It appears the guardian disbursed the following to Sawyer and Sawyer for attorneys’ fees without prior court approval:**
  - a. 11/16/09--\$2,483.87**
  - b. 1/7/10--\$2,422.74**
  - c. 1/15/10--\$1,673.54**
  - d. 2/22/10--\$1,328.42**

- e. 3/17/10--\$1,465.56
- f. 4/15/10--\$132.30
- g. 6/8/10--\$375.00
- h. 6/15/10--\$264.00

**3. It appears the guardian disbursed the following to Geriatric Management as guardian fees without prior court approval pursuant to FS 744.108.**

- a. 2/2/10--\$2,048.37
- b. 2/12/10--\$1,114.41
- c. 2/9/10--\$859.18
- d. 2/25/10--\$1,114.44
- e. 4/16/10--\$41.25
- f. 4/16/10--\$1,281.30
- g. 4/27/10--\$904.97
- h. 5/21/10--\$529.92
- i. 6/22/10--\$654.10
- j. 8/17/10--\$434.42
- k. 8/17/10--\$409.13
- l. 9/16/10--\$784.54
- m. 10/5/10--\$625.17

**4. It appears the 3/10 trust account bank statement was omitted from the annual accounting.**

**5. It appears the balance of the Regions Bank #2748 as of the inventory was \$12,656.71. This account amount appears to have been transferred to Mercantile Bank #550 on the annual accounting. The accounting also reflects \$3,745.72 was transferred to Bank of America #6037 from Regions Bank on 4/20/10. An explanation as to the difference in value of the Regions Bank account should be filed with the court.**

**6. It appears \$24,082.51 was transferred to Bank of America #6037 from Mercantile Bank on 11/10/09. However, it appears all Mercantile Bank accounts listed on the Inventory were transferred to Wells Fargo Bank #8378 on 3/9/10. An explanation as to where the \$24,082.51 came from should be provided to the court.**

(filed on 4/19/11 by Clerk Jewell, Orange County)

**Bank deposit sweep**  
**3/31/10 #381,498.96 (living trust)**

(\*Look how little is left from the more than one million—see page nine of this report for original total.)  $\$1,117,178.83 - \$381,498.96 = \$735,679.87$   
**MISSING**

\*[Add up all closed accounts that put into trust and see if it is more than \$381,498.96. It is.]

**May 11, 2011 “Response to Auditor”**

1. As to #1, Attorney Motsinger was paid by State of Florida and informs us she is not due any payment from the guardianship of the ward. [Then why was she paid by the guardian???? This answer is a *non-answer*. The answer is nonsensical. Motsinger was paid TWICE by Fierle.]
2. As to #2, Petition or attorney's fees and expenses and invoices were filed with the accounting. The clerk did not see them initially.
3. In response to #3, Petition for Guardian's fees and expenses and time sheets were filed with the accounting. The clerk did not see them initially. The invoice paid on 2/25/10 for \$1,114.44 is attached.
4. In response to #4, the March 2010 statement for the Wells Fargo trust account is attached.
5. In response to #5, the amount of \$12,656.71 was moved from Regions into Mercantile Bank and combined with the account that had a balance of \$1,201.62 to equal \$13,858.33 plus interest of \$1.80 to equal the amount of \$13,860.13 that was received into the Wells Fargo account from Mercantile Bank Account 8550.

6. In Response to #6, the sources of the \$24,082.51 was another Mercantile Bank account not listed on the inventory as the guardian did not have knowledge of this account at that time.

[As soon as Fierle and her attorney are caught, and since the above “explanation” makes no sense, they predictably transferred the case to Seminole County where no further or follow-up request would be made of them, since the Seminole Clerks and judges do not ever question or investigate guardianship files.]

#### **MOTION FOR CHANGE OF VENUE –7/27/11**

[Note: The whole scenario of this entire guardian was so predictable: (1) Petition for a Trust, (2) Obtain order from a trust, (3) Move around all the money assets and buy a cremation; (4) Get caught by the Orange clerk, (5) Write a bogus response to the Orange Clerk and then transfer the case to Seminole County so that no further explanation is needed, and since the Seminole Clerks do not investigate like the Orange clerks do.]

Judge Theontis Bronson issue the order for change of venue on 8/4/11

Seminole County court shows the file arrived on 8/9/11

The last entry was 10/5/11 and there has been no noted activity on this file ever since.

[Very, very strange reaction from Lee John French. I phoned him twice. On both occasions, he said, “Talk to my attorney” (which would be Kathleen Flammia) and then hung up on me. His phone number is [\(407\) 876-2827](tel:(407)876-2827) He is supposed to be one of the beneficiaries of the missing money.]

#### **12.BRIDGETT BERGAN (59-2011 GA 00604)—EMBEZZLEMENT SEMINOLE COUNTY GUARDIANSHIP CASE**

3/23/11—PAPG

4/28/11—Petition to donate contents of home to charity

5/24/11—Fierle petitioned for and received CREMATION

6/1/11--noted balance of \$20,803.65 in Bergan’s guardianship account

8/26/11—Certificate of Death

## **NO PROBATE OF ESTATE OPENED UPON THE DEATH OF THE WARD, SO WHAT HAPPENED TO THE \$20,803.65????????**

**The original ETG also listed a house. What happened to the house???**

**Also, what happened to the contents of Bergan's home????**

**Fierle always states that the contents of the home are “worthless” and avoids listing the most expensive things on the inventory. The alleged inventory of Bergan’s contents of her home are as follows:**

- 1 twin bed**
- 1 night stand**
- 1 lamp**
- 1 entertainment center**
- 1 TV**
- 2 walkers**
- Clothing**
- Linens**
- Personal photos**
- Ashtrays**
- Figurines**
- Framed prints**

**(That’s it; seems very incomplete—such as kitchen stuff missing, living room sofa, etc. All personal belongings were allegedly “worthless” and donated to charity.)**

**Also, Bergan had a monthly income of \$2,630.58 consisting of a German pension of \$1,150.58 and SS of \$1,480.00. So, where did Bergan work all of her life to get that much in monthly income? It seems that over her lifetime she would have saved more than \$20,803.65.**

**Strong evidence of EMBEZZLEMENT in this case.**

**Bergan allegedly had no will and no next of kin. [Fierle always says this.]**

### **13.Guardianship of Noble Williams (Alachua County)**

**Attorney Ernest Sellers ends up with \$12,000.00 put into an “Ernest Sellers Trust” after Williams died. Fierle/Sellers claim the \$12,000.00 was given to**

**Gainesville Health and Rehab.** It is highly doubtful since Williams was placed on Medicaid. The attorney is not allowed to create a trust in his own name. The Ernest Sellers Trust \$\$\$\$\$ was in addition to the attorneys' fees already received.

**14. JULIA S. ANDON (2011-GA-001555\*) (Seminole)  
(transferred from Orange: 48-2009-CP-000366)**

\*\*\*\*\* Verified Theft and Embezzlement (approximately \$15,000.00 embezzled at a bare minimum) \*\*\*\*\*

- [1] Fake lease car payments totaling \$4,050.01
- [2] Fake furniture payment of \$302.17
- [3] Double billing by Fierle (\$282.61)
- [4] Being paid prior fees *without court order* (Fierle)  
(\$4,399.96)
- [5] Being paid prior fees *without court order* (Attorney Moss) (\$5,717.61)

[\*Andon Seminole Docket Claims 439 Pages of Sealed Documents in Seminole County. See Seminole Docket, attached to this report.]

**[1] Embezzlement—verified (fake lease car payments totaling \$4,050.01)**  
Fierle asked for retroactive permission to pay for an automobile (Mercury) that was leased to Julie S. Andon. (See court document, attached, as verification, titled "Petition for Retroactive Approval of Payments Made" filed 9/23/2010)  
Fierle claimed she paid \$299.37 on 3/18/09 and \$299/37 on 4/20/09 and that she then paid off the entire lease on 6/5/09 in the amount of \$3,451.27. (for a total of \$4,050.01)

**Name:** Julia S. Andon

**Occupation:** Former Government Employee

**D.O.B:** 07/02/1925

**Age:** 86

- **Estimated Annual Income from PeopleFinders.Com:** \$50,389.00 and \$31,200.00

Julia S. Andon's last address before being put under guardianship: **2900 Monticello Pl, Orlando, Fl 32835 Apt. 301**

**Verified Embezzlement:** The Ford Motor Credit Company account # for Andon was 3938906, paid off in full July 2008. Pretexting as Andon, I spoke with Ms. Reid in Tampa of the Ford Motor Credit Company at 1-800-727-7000, Ext. 85565 on December 27, 2011 at approximately 10 a.m. EST. The automobile that Julia S. Andon paid off in full in July 2008 was a 2005 Mercury Grand Marquis. **The beauty of finding this embezzlement is that Fierle billed for it THREE TIMES so it is “no accident.”**

[SEE RELATED COURT DOCUMENTS THAT ACCOMPANY THIS COUNT ONE EMBEZZLEMENT OF JULIA S. ANDON—(1) Report of Auditor filed 9/3/2010 and (2) Petition for Retroactive Approval of Payments Made filed 9/23/2010]

Additionally, paralegal, Mitzi Mulloy, for Attorney Thomas Moss, is aware of the lease car, as Mulloy bills on 6/25/10 “Update annual accounting with car lease information; e-mail client request for bill for final lease payment -- \$22.00”

[2] EMBEZZLEMENT #2 -- Fake payment of furniture bill to Kane's.

Fierle claims that she had an employee of hers (Julie Ehrlich) purchase furniture and a mattress on 3/24/09 “for the benefit of the Ward.” (i.e., Julia Andon) in the amount of \$302.17. (This claim is found on “Petition for Retroactive Approval of Payments Made” filed into the court on 9/23/2010). Notice that this petition for alleged retroactive payment is requested 18 months after the alleged payment of furniture occurred.

However, the Kane's furniture bill filed into the court record on 9/23/2010 is dated 3/25/09 for a total of \$759.17. It appears that Fierle should want to be reimbursed \$759.17 (the full amount), not \$302.17.

As with the lease car, it appears that Andon, herself, purchased this furniture prior to the guardianship being commenced. Additionally, in March 2009, when the guardianship was commenced, Andon resided at Sunny Days, according to Attorney Studer—not Eastbrooke Gardens. Yet, the furniture and mattress were allegedly delivered to Eastbrooke Gardens and Andon did not live at Eastbrooke Gardens on March 25, 2009.

Additionally, on March 27, 2012 at 5:50 a.m., I phone Eastbrooke Gardens and spoke with an Eastbrooke Gardens employee who answered the phone (name unknown, sounded like an African American woman) who assured me that all residents of Eastbrooke Gardens do not have to provide their own furniture or mattresses. Eastbrooke Gardens provides furniture and mattresses for all of their residents.

Additionally, when Fierle purchases something for a ward, it would say on the bill “Geriatric Care Management and/or Rebecca Fierle” as the purchaser, not Julia Andon. As with the lease car, it appears that Andon, herself, is the account holder at Kane’s, since the customer code on the Kane’s bill is “ANDOJ201Z4.”

Additionally, the home phone (407) 252-838, which appears on the Kane’s furniture bill, is actually the cell phone of Julie Ehrlich, employee of Rebecca Fierle.

Additionally, the person who signed for the furniture and mattress on (allegedly) March 25, 2009 was “P. Viscuso.” Looking up this name, I discovered that Patrice Viscuso is actually a member of Case Management Society of America. The African American woman who answered the phone at 5:50 a.m. on March 27, 2012 at Eastbrooke Gardens had never heard of Patrice Viscuso as either an employee or resident of Eastbrooke Garden; instead, the case manager for Eastbrooke Garden is a woman named Maria, the African American woman stated.

Additionally, the Kane’s bill states that Julie Ehrlich paid \$106.49, not \$302.17.

[3] Embezzlement through double billing and other means.

1. See “Petition for Order Granting Retroactive Approval for Payment of Fees and Expenses of Guardian” filed 6/20/11. Paragraph 5 states, “The amount of **\$9,334.76** represents all prior fees and costs paid to petitioner.

However, according to the 9/23/2010 “Petition for Retroactive Approval of Payments Made,” Fierle requested and received only **\$4,934.80**. This is a discrepancy of \$4,399.96.

2. Fierle listed the following as “Geriatric Management Fees and Expenses” for Julia S. Andon from **4/1/10 to 3/31/11**

TOTAL	FEE	EXPENSES
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\$282.61	261.25	21.36
762.62	470.00	292.62
818.94	453.75	365.19
562.96	330.00	232.96
398.75	398.75	
232.44	220.00	12.44
235.75	235.75	
220.00	220.00	
220.00	220.00	
192.00	192.00	
131.38	123.75	
205.45	154.50	
203.37	187.50	
TOTAL: \$4,464.77		\$3,465.75 959.02

Less overpayment: \$16.25

TOTAL FEE: \$3,449.50

TOTAL FEE AND EXPENSES: \$4,448.52

“reimbursement of money spent”

3. In actuality, the first amount (**\$282.61**), which appears in red, above, of Fierle's list, was already previously billed and paid for—invoice # 14870—dated **3/5/2010**, which lists fees and expenses for the time period of 2/4/2010 – 2/28/2010.

4. Fierle lists a receipt of \$99.95, claiming she bought a pair of shoes at zappos.com for Julia Andon on 3/16/10. However, if you look at Fierle's invoice and corrected invoice for that time period (\$746.37), there is no mention of Fierle reimbursing herself \$99.95 for Zappo's shoes or even the time she spent online purchased alleged Mary Jane stretch shoes. (Note: a visit to Andon will verify if Andon owns such shoes.)

5. On 6/20/2011, Fierle files "Petition for Order Granting Retroactive Approval for Payment of Fees and Expenses of Guardian."

Paragraph #3 states, "In one of the timesheets, Petitioner overcharged the Ward in error by using hourly rates of \$85.00 and \$90.00 instead of the rate of \$55.00 per hour resulting in a fee payment of \$3,311.25. The amount that should have been charged on the timesheets was \$3,295.00. The difference is \$16.25. A copy of the check payable to the Ward in the amount of \$16.25 is attached and has been deposited into the Ward's guardianship account. Petitioner is of the opinion that reasonable compensation for the time spent by petition for the benefit of the Ward is \$3,295.00."

This makes no sense. The difference between \$85.00 per hour and \$55.00 per hour is \$30.00. The difference between \$90.00 per hour and \$55.00 is \$35, so even if it were one hour overcharged (and it appears to be at least TWO hours overcharged, the difference would be \$65 overcharged—NOT \$16.25.

[5] On 6/20/2011, Attorney Thomas Moss petitions for attorney's fees and costs. Moss states, in paragraph #5, "Petitioner has received \$5,717.61 for payment of prior fees and expenses." However, there is no court order authorizing payment to attorney in the amount of \$5,717.61 for "prior fees."

[6] After being caught TWICE by the Clerk of Court, Orange County, Fierle and Moss transfer the Andon case to Seminole County where the Seminole clerks never audit. At that time, Fierle/Moss have the Seminole clerks illegally seal up the entire Orange County file (The file of 439 should not be completely sealed. Only the mental health and annual accounting records are to be sealed, which would not total 439 pages.)

[7] Two months before transferring the case from Orange to Seminole, Fierle/Moss filed in "Petition for Order Designating Depository for Assets" in which it is noted that **Andon possesses \$565,000.00**. Since 8/18/11 (transfer to Seminole County under Judge John D. Galluzzo) there has been no activity and the

Orange Clerk's questions on audit no longer need to be satisfied by Fierle/Moss. Andon also owns a **collection of gold coins**, as noted in the original records located in Orange County.

Andon appears to have no relatives, which makes her a perfect candidate for financial exploitation by Fierle/Moss et al.

## 15. GUARDIANSHIP OF ANGELINA RIDORE

Case No. 2009-CP-001506-O

**Attorney for guardian:** Thomas P. Moss

**Attorney for Ridore:** Roger Weeden

**Guardianship commenced:** 07/15/2009

Guardianship is closed. Estate is **closed**.

**House sold:** 5/19/2010 (\$65,000.00)

**DOB :** 08/16/1935

**DOD:** 05/25/2011

**Proposed Order(s) [on attorney's fees] Sent to Judge retroactive approval/**

*\$1,102.50 to show on next years accounting:* 12/10/2010

**Petition/Motion for Guardian's Fees Retroactive Approval:** 12/08/2010

**Judicial Review Final Accounting:** 04/02/2012

**Observation Sheet:** 04/02/2012

**Final Accounting** (09/01/2010 – 03/31/2012): 3/30/2012

**Order to Deposit Funds into Registry of Court:** 04/18/2012

**Proposed Order(s) Sent to Judge:** 04/17/2012

**Order on Attorney's Fees (Retroactive) and Order to Have Funds Held in Court**

**Registry**

**Petition/Motion for Attorney's Fee:** 04/13/2012

**Petition/Motion to Deposit Funds to Registry of Court:** 04/13/2012

**Location of Ward:** Orlando Health and Rehab.

830 W. 29<sup>th</sup> Street

Orlando, FL 3280

**\*\$82,559.17 claim from Medicaid.**

**[Note: Ridore's house sold for allegedly \$65,000.00 on 5/19/2010 and Ridore was on Medicaid, indicating no monthly bills. Ridore died on 5/25/2011, so what happened to the \$65,000.00??]**

III. Kickbacks (See file titled "Fierle Properties." All properties are sold way below market value to real estate agents.)

#### IV. Forgery of prescriptions

##### **Evidence of Drug Overdosing at Facilities**

Larkin claims that while he was at Eastbrooke, the nursing staff (Cindy Hamilton) tried to get him to take Lexipro and Prozac. When the weekly doctor came to visit, Larkin questioned him ("a doctor of color") and asked him if he, in fact, had prescribed Lexipro and Prozac for Larkin. "No, No," The doctor then, according to Larkin, looked in his notes and saw that someone other than himself had scribbled these notes into Larkin's record. The doctor, allegedly horrified, stated, "I could lose my license for this! Somebody has written in my notes." Larkin stated, "He quit going there because of this incident. Four days later, Cindy was fired." And Larkin was, once again, transferred to yet another facility for being a "trouble maker."

One week after the incapacity hearing, Fierle went with Larkin to the bank and removed three gold bars, which do not show up on the inventory or the annual accounting.

#### V. Two Orlando ALFs Accepting Medicaid that Should be Included in this Investigation:

[1] Sanjean Assisted Living (where Krull, Larkin and perhaps other Fierle victims are located)

[2] Ionie's Assisted Living [I was told by both Dr. Larkin and also by the daughter of one of Fierle's wards (Paula Harriott) that the women who run Ionie's are illegal aliens from Jamaica who are being paid \$2 an hour and are there against their will and who want to go back home and who live there against their will and sleep there on the couches on the porch and live there 24/7. When I visited Ionie's, the woman on staff that evening appeared to be Jamaican. Currently, I have verified that at least four of eight residents at Ionie's are Fierle's wards: CHARLES LEDENBERGER, ULITA EDRIS LOPEZ, JASMINE SPENCE, DAVID POST.]

#### **CONCLUSION:**

This report, along with the accompanying "docket summaries" and individual guardianship files shows strong evidence of a "**scheme to defraud**," embezzlement, and Medicaid Fraud committed by Rebecca "Fierle" et al. over the last ten years.

\*\*\*\*\***END OF REPORT**\*\*\*\*\*

Angela V. Woodhull, Ph.D.  
Licensed Private Investigator  
AAAAA Investigative Services  
1920 S.W. 72<sup>nd</sup> Street  
Gainesville, Florida 32607  
(352) 327-3665





1 June 16, 2009

2  
3 RE: Florida Eighteenth Circuit Court  
4 File No. 2008-CP-0509  
5 Guardianship, Louise A. Falvo

Angela V. Woodhull  
1920 SW 72<sup>nd</sup> Street  
Gainesville, FL 32607-3752  
(352) 332-0515

6  
7  
8 State Attorney Norman R. Wolfinger  
9 Criminal Justice Center  
10 101 Bush Boulevard  
11 PO Box 8006  
12 Sanford, Florida 32772-8006

13  
14 Dear State Attorney Wolfinger:

15  
16 I file the attached complaints alleging violations of:

17  
18 1) Florida State Constitution Article I, Section 21, and  
19 2) 2008 Florida Statute 760.51(1), and  
20 3) 2008 Florida Criminal Statute 777.04 (2), and  
21 4) 1996-2008 Florida Criminal Statute 876.05 (1);

22  
23 and I require investigation of and prosecution for Complaint 1, Counts One through Three; and  
24 investigation of Complaint 2, Counts One through Three; both Complaints investigated by grand  
25 jury if prudent; regarding:

26  
27 **FLORIDA CONSTITUTION ARTICLE I, SECTION 21, Access to courts. –**

28 The courts shall be open to every person for redress of any injury, and justice shall be  
29 administered without sale, denial or delay.

30  
31 **2008 FLORIDA STATUTE 760.51 Violations of constitutional rights, civil action by the  
32 Attorney General; civil penalty. –**

33 (1) Whenever any person, whether or not acting under color of law, interferes by threats,  
34 intimidation, or coercion, or attempts to interfere by threats, intimidation, or coercion, with the  
35 exercise or enjoyment by any other person of rights secured by the State Constitution or laws of  
36 this state, the Attorney General may bring a civil or administrative action for damages, and for  
37 injunctive or other appropriate relief for violations of the rights secured. Any damages recovered  
38 under this section shall accrue to the injured person. The civil action shall be brought in the name  
39 of the state and may be brought on behalf of the injured person. The Attorney General is entitled  
40 to an award of reasonable attorney's fees and costs if the Department of Legal Affairs prevails in  
41 an action brought under this section.

42  
43 **2008 FLORIDA CRIMINAL STATUTE 777.04 Attempts, solicitation, and conspiracy. --**

44 (2) A person who solicits another to commit an offense prohibited by law and in the course of  
45 such solicitation commands, encourages, hires, or requests another person to engage in specific  
46 conduct which would constitute such offense or an attempt to commit such offense commits the  
47 offense of criminal solicitation, ranked for purposes of sentencing as provided in subsection (4).

49 **1996 FLORIDA CRIMINAL STATUTE 876.05 Public employees; oath. --**

50 (1) All persons who now or hereafter are employed by or who now or hereafter are on the payroll  
51 of the state, or any of its departments and agencies, subdivisions, counties, cities, school boards  
52 and districts of the free public school system of the state or counties, or institutions of higher  
53 learning, and all candidates for public office, are required to take an oath before any person duly  
54 authorized to take acknowledgments of instruments for public record in the state in the following  
55 form: I, , a citizen of the State of Florida and of the United States of America, and being  
56 employed by or an officer of and a recipient of public funds as such employee or officer, do  
57 hereby solemnly swear or affirm that I will support the Constitution of the United States and of  
58 the State of Florida.

59 (2) Said oath shall be filed with the records of the governing official or employing governmental  
60 agency prior to the approval of any voucher for the payment of salary, expenses, or other  
61 compensation.

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85 **TABLE OF CONTENTS:**

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88 COMPLAINTS: 4

89

90 Complaint 1 4

91 Complaint 2 7

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94 SUMMARY 10

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96 SUPPLEMENTAL 13

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98 Supporting Documents Attached: a, c, d, e, f, i, k, n, p

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116 **COMPLAINTS:**

117 **I identify the following person involved in alleged violations of Florida Constitution Article  
118 I, Section 21, and 2008 Florida Statute 760.51 (1), and 2008 Florida Criminal Statute 777.04 (2):**

119 RE: Florida Eighteenth Circuit Court  
120 File No. 2008-CP-0509  
121 Guardianship, Louise A. Falvo  
122

123 Rebecca Santoian  
124 aka Rebecca Fierle  
125 aka Rebecca Fierle Santoian  
126 aka Rebecca Dobbins  
127 Licensed Professional Guardian  
128 9380 S. Magnolia Avenue  
129 Ocala, FL 34476  
130 (352) 347-9235  
131

132 **Complaint 1**

133 **Count One:**

135 On or about June 9, 2008, Rebecca Santoian did submit petition to Florida's Eighteenth Circuit  
136 Court as part of a legal proceeding, intending to seek immunity from prosecution prior to any act  
137 she may commit, subsequently obtaining a court Order on June 11, 2008 in the affirmative to  
138 such petition, with such Order granting Rebecca Santoian immunity from all prosecution in  
139 regard to her handling certain aspects of a guardianship case referenced above, thereby procuring  
140 such immunity to effectively close the courts and to deny and prevent justice to any person by  
141 the loss of such person's right of redress in court of any injury resulting from Rebecca Santoian's  
142 handling of such aspects, with such effective denial of justice and prevention of redress by any  
143 person of any injury in court, so done in violation of Florida's Constitution Article I, Section 21:

144 **Florida Constitution Article I, Section 21. Access to courts.**--The courts shall be open  
145 to every person for redress of any injury, and justice shall be administered without sale,  
146 denial or delay.

147

148

149 **Count Two:**

150 On or about June 9, 2008, Rebecca Santoian did submit petition to Florida's Eighteenth Circuit  
151 Court as part of a legal proceeding, intending to seek immunity from prosecution prior to any act  
152 she may commit, subsequently obtaining a court Order on June 11, 2008 in the affirmative to  
153 such petition, with such Order granting Rebecca Santoian immunity from all prosecution in

154 regard to her handling certain aspects of a guardianship case referenced above, thereby  
155 attempting to and effectively interfering with any other person's guaranteed right of redress in  
156 court of any injury resulting from Rebecca Santoian's handling of such aspects, with such  
157 effective denial of justice and prevention of redress by any person of any injury in court being  
158 contrary to Florida's Constitution Article I, Section 21; with said Order of immunity procured by  
159 Rebecca Santoian, under color of law, to provide known threats of punishments and intimidation  
160 by penalties for contempt of court against any person refusing to obey such Order, thereby  
161 interfering by threats and intimidation with any person's exercise of their rights secured by the  
162 Florida Constitution Article I, Section 21 or laws of the state of Florida as referenced in this  
163 complaint's Supplemental, so done in violation of Florida Statute 760.51 (1);

**164 760.51 Violations of constitutional rights, civil action by the Attorney General; civil penalty.--**

165 (1) Whenever any person, whether or not acting under color of law, interferes by threats,  
166 intimidation, or coercion, or attempts to interfere by threats, intimidation, or coercion,  
167 with the exercise or enjoyment by any other person of rights secured by the State  
168 Constitution or laws of this state, the Attorney General may bring a civil or  
169 administrative action for damages, and for injunctive or other appropriate relief for  
170 violations of the rights secured. Any damages recovered under this section shall accrue to  
171 the injured person. The civil action shall be brought in the name of the state and may be  
172 brought on behalf of the injured person. The Attorney General is entitled to an award of  
173 reasonable attorney's fees and costs if the Department of Legal Affairs prevails in an  
174 action brought under this section.

175 (2) Any person who interferes by threats, intimidation, or coercion, or attempts to interfere by  
176 threats, intimidation, or coercion, with the exercise or enjoyment by any other person of rights  
177 secured by the State Constitution or laws of this state is liable for a civil penalty of not more than  
178 \$10,000 for each violation. This penalty may be recovered in any action brought under this section  
179 by the Attorney General. A civil penalty so collected shall accrue to the state and shall be  
180 deposited as received into the General Revenue Fund unallocated.

181  
182 (FS 38.22 Power to punish contempts.--Every court may punish contempts against it whether  
183 such contempts be direct, indirect, or constructive, and in any such proceeding the court shall  
184 proceed to hear and determine all questions of law and fact.)

185  
186 (38.23 Contempts defined.--A refusal to obey any legal order, mandate or decree, made or given  
187 by any judge either in term time or in vacation relative to any of the business of said court, after  
188 due notice thereof, shall be considered a contempt, and punished accordingly. But nothing said or  
189 written, or published, in vacation, to or of any judge, or of any decision made by a judge, shall in  
190 any case be construed to be a contempt.)

191  
192

193 **Count Three:**

194 On or about June 9, 2008, Rebecca Santoian as client did solicit and hire Anthony M. Nardella,  
195 Jr., a Florida attorney (Florida Bar No. 341274; One Landmark Center, Suite 600; 315 East

196 Robinson Street; Orlando, FL 32801; (407) 425-7010), to draft and submit petition to Florida's  
197 Eighteenth Circuit Court as part of a legal proceeding, intending to seek immunity from  
198 prosecution prior to any act she may commit, subsequently obtaining a court Order on June 11,  
199 2008 in the affirmative to such petition, with such Order granting Rebecca Santoian immunity  
200 from all prosecution in regard to her handling certain aspects of a guardianship case referenced  
201 above, thereby attempting to and effectively interfering with any other person's guaranteed right  
202 of redress in court of any injury resulting from Rebecca Santoian's handling of such aspects,  
203 with such effective denial of justice and prevention of redress by any person of any injury in  
204 court being contrary to Florida's Constitution Article I, Section 21; with said Order of immunity  
205 procured by Rebecca Santoian, under color of law, to provide known threats of punishments and  
206 intimidation by penalties for contempt of court against any person refusing to obey such Order,  
207 thereby interfering by threats and intimidation with any person's exercise of their rights secured  
208 by the Florida Constitution Article I, Section 21 or laws of the state of Florida as referenced in  
209 this complaint's Supplemental, contrary to Florida Statute 760.51 (1), so done in violation of  
210 Florida Criminal Statute 777.04 (2);

211 **777.04 Attempts, solicitation, and conspiracy.--**

212 (2) A person who solicits another to commit an offense prohibited by law and in the  
213 course of such solicitation commands, encourages, hires, or requests another person to  
214 engage in specific conduct which would constitute such offense or an attempt to commit  
215 such offense commits the offense of criminal solicitation, ranked for purposes of  
216 sentencing as provided in subsection (4).

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229 I identify the following person involved in alleged violation of Florida Constitution Article

230 **I, Section 21:**

231 RE: Florida Eighteenth Circuit Court

232 File No. 2008-CP-0509

233 Guardianship, Louise A. Falvo

234

235 Nancy F. Alley

236 Judge, Florida Eighteenth Circuit Court

237 (elected November, 1996)

238 Seminole County Court House

239 301 N. Park Avenue

240 Sanford, FL 32771-1292

241 407-665-4211

242

243 **Complaint 2**

244

245 **Count One:**

246 On or about June 11, 2008, Nancy F. Alley, a judge in Florida's Eighteenth Circuit Court did  
247 sign a judicial Order as part of a legal proceeding, with such Order granting Rebecca Santoian  
248 immunity from all prosecution in regard to her handling certain aspects of a guardianship case  
249 referenced above, thereby effectively closing the courts and denying and preventing justice to  
250 any person causing the loss of such person's right of redress in court of any injury resulting from  
251 Rebecca Santoian's handling of such aspects, with such effective denial of justice and prevention  
252 of redress by any person of any injury in court, so done in violation of Florida's Constitution

253 Article I, Section 21:

254 **Florida Constitution Article I, Section 21. Access to courts.**--The courts shall be open  
255 to every person for redress of any injury, and justice shall be administered without sale,  
256 denial or delay.

257

258

259 **Count Two:**

260 Determine in fact that Nancy F. Alley, being a 1996 candidate for and subsequently elected and  
261 re-elected to the public office of Florida Circuit Court and on the payroll of the State of Florida  
262 did execute an oath of office as required by Florida Criminal Statute 876.05, to wit:

263 876.05 Public employees; oath. -- (1) All persons who now or hereafter are employed by  
264 or who now or hereafter are on the payroll of the state, or any of its departments and  
265 agencies, subdivisions, counties, cities, school boards and districts of the free public  
266 school system of the state or counties, or institutions of higher learning, and all  
267 candidates for public office, are required to take an oath before any person duly

268 authorized to take acknowledgments of instruments for public record in the state in the  
269 following form: **I, , a citizen of the State of Florida and of the United States of**  
270 **America, and being employed by or an officer of and a recipient of public funds as**  
271 **such employee or officer, do hereby solemnly swear or affirm that I will support the**  
272 **Constitution of the United States and of the State of Florida.** (bold for emphasis)  
273 (2) Said oath shall be filed with the records of the governing official or employing  
274 governmental agency prior to the approval of any voucher for the payment of salary,  
275 expenses, or other compensation.

276  
277 and, that failing to execute such oath shall result in actions required by Florida Criminal Statute  
278

279 876.06, to wit:

280  
281 876.06 Discharge for refusal to execute. -- If any person required by ss. 876.05-876.10 to  
282 take the oath herein provided for fails to execute the same, the governing authority under  
283 which such person is employed shall cause said person to be immediately discharged, and  
284 his name removed from the payroll, and such person shall not be permitted to receive any  
285 payment as an employee or as an officer where he or she was serving.

286  
287 **Count Three:**

288 On or about November, 1996, Nancy F. Alley, being a candidate for and subsequently elected  
289 and re-elected to the public office of Florida Circuit Court judge did expectedly swear or affirm  
290 to support\* the Constitution of the United States and of the State of Florida with said oath  
291 expectedly filed as required by law, and did, as recited in Complaint 2, Count One above, violate  
292 her oath of office by failing to support Florida's Constitution Article I, Section 21, so done in  
293 violation of 1996 (-2008) Florida Criminal Statute 876.05 (1):

294  
295 The 1996 Florida Criminal Statute recited:

296  
297 876.05 Public employees; oath. -- (1) All persons who now or hereafter are employed by  
298 or who now or hereafter are on the payroll of the state, or any of its departments and  
299 agencies, subdivisions, counties, cities, school boards and districts of the free public  
300 school system of the state or counties, or institutions of higher learning, and all  
301 candidates for public office, are required to take an oath before any person duly  
302 authorized to take acknowledgments of instruments for public record in the state in the  
303 following form: **I, , a citizen of the State of Florida and of the United States of**  
304 **America, and being employed by or an officer of and a recipient of public funds as**  
305 **such employee or officer, do hereby solemnly swear or affirm that I will support the**  
306 **Constitution of the United States and of the State of Florida.)** (bold for emphasis)

307  
308  
309 \* Cole v. Richardson, 405 U.S. 676 (1972)

310 "The oath of constitutional support requires an individual assuming public responsibilities to affirm, in entirely familiar and  
311 traditional language, that he will endeavor to perform his public duties lawfully." 401 U.S., at 192 .

312 (2) Said oath shall be filed with the records of the governing official or employing  
313 governmental agency prior to the approval of any voucher for the payment of salary,  
314 expenses, or other compensation.

315  
316 (876.06 Discharge for refusal to execute. -- If any person required by ss. 876.05-  
317 876.10 to take the oath herein provided for fails to execute the same, the  
318 governing authority under which such person is employed shall cause said person  
319 to be immediately discharged, and his name removed from the payroll, and such  
320 person shall not be permitted to receive any payment as an employee or as an  
321 officer where he or she was serving.)

322 (876.07 Oath as prerequisite to qualification for public office. -- Any person  
323 seeking to qualify for public office who fails or refuses to file the oath required by  
324 this act shall be held to have failed to qualify as a candidate for public office, and  
325 the name of such person shall not be printed on the ballot as a qualified  
326 candidate.)

327  
328 (FOR REFERENCE: 2008 FLORIDA CRIMINAL STATUTE CHAPTER 876)

329 **876.05** Public employees; oath.--

330 (1) All persons who now or hereafter are employed by or who now or hereafter  
331 are on the payroll of the state, or any of its departments and agencies,  
332 subdivisions, counties, cities, school boards and districts of the free public  
333 school system of the state or counties, or institutions of higher learning, and all  
334 candidates for public office, *except candidates for federal office*, are required to  
335 take an oath before any person duly authorized to take acknowledgments of  
336 instruments for public record in the state in the following form: (bold/italic above to  
337 indicate change)

338 I, \_\_\_\_\_, a citizen of the State of Florida and of the United States of America, and  
339 being employed by or an officer of \_\_\_\_\_ and a recipient of public funds as such  
340 employee or officer, do hereby solemnly swear or affirm that I will support the  
341 Constitution of the United States and of the State of Florida.

342 (2) Said oath shall be filed with the records of the governing official or  
343 employing governmental agency prior to the approval of any voucher for the  
344 payment of salary, expenses, or other compensation.

345 876.06 Discharge for refusal to execute.--If any person required by ss. 876.05-  
346 876.10 to take the oath herein provided for fails to execute the same, the  
347 governing authority under which such person is employed shall cause said person  
348 to be immediately discharged, and his or her name removed from the payroll, and  
349 such person shall not be permitted to receive any payment as an employee or as  
350 an officer where he or she was serving.

351 876.07 Oath as prerequisite to qualification for public office.--Any person  
352 seeking to qualify for public office who fails or refuses to file the oath required by  
353 this act shall be held to have failed to qualify as a candidate for public office, and  
354 the name of such person shall not be printed on the ballot as a qualified candidate.

355  
356 **End of Complaints;**  
357 **Summary follows:**

359 **SUMMARY:**

360 On May 5, 2008 Rebecca Santoian received court appointment as professional guardian for the person  
361 and property of Louise A. Falvo.<sup>d</sup> On or about June 9, 2008 Rebecca Santoian, together with her hire  
362 Anthony Nardella, petitioned Florida's Eighteenth Circuit Court, probate division, for an Order  
363 concerning the disposition of cash assets belonging to Louise Falvo. This petition also sought two  
364 forms of immunity to her actions as a licensed professional guardian regardless of any decision or  
365 direction by the court, by petitioning for: **"23 h) Regardless of the option chosen by the court in**  
**letters f) and g) above, or otherwise, petitioner respectfully requests that the court's order finds**  
**that the petitioner is neither responsible for nor authorized to attempt to determine the true**  
**intentions of the Ward regarding her estate plan, and absolves her of any responsibility or liability**  
**either now or in the future for carrying out the order of this court."**<sup>c</sup> (underlined/bold for emphasis)

370

371 An estate plan, however complicated, is by its very nature a direct reflection of property and an  
372 intent by expression of how to protect and preserve that property.<sup>1</sup> The issued immunity Order  
373 voids, without foundation in law, the statutory requirement of 2008 Florida Statute 744.361(6)(a),  
374 which, as a licensed professional guardian of the property, Rebecca Santoian is responsible for  
375 and required to follow; i.e., to protect and preserve the property of the ward, with the estate plan  
376 of Louise Falvo reflecting such property:

377 FS 744.361 Powers and duties of guardian.-- (6) A guardian who is given authority over  
378 any property of the ward shall: (a) Protect and preserve the property and invest it  
379 prudently as provided in chapter 518, apply it as provided in s. 744.397, and account for  
380 it faithfully. (underlined for emphasis)

381 There is no legitimate way not to be bound by this law. But Rebecca Santoian attempts, under color  
382 of law, to ask for a judicial Order to ignore same, and then asks for a second Order to be held civilly  
383 and criminally harmless for such ignorance. Exploitation of a ward's property is a reasonably  
384 anticipated next step toward disintegration of an estate once the "protect and preserve" requirement is  
385 eliminated, so there is a reasonable assumption that the Florida Legislature intends to protect and  
386 preserve a ward's property [FS744.361(6)(a) above], and also intends for an incapacitated person to  
387 participate in managing their financial property [FS 744.1012-Legislative Intent].<sup>n</sup>

388 <sup>1</sup> The 2008 Florida Statutes Title XLII ESTATES AND TRUSTS PROBATE CODE: GENERAL PROVISIONS  
389 731.201 General definitions.--Subject to additional definitions in subsequent chapters that are applicable to specific chapters or  
parts, and unless the context otherwise requires, in this code, in s. 409.9101, and in chapters 736, 738, 739, and 744, the term:  
(14) "Estate" means the property of a decedent that is the subject of administration.  
(31) "Property" means both real and personal property or any interest in it and anything that may be the subject of ownership.

390 The following Order granting absolution of all liability and responsibility for not attempting to preserve  
391 an estate plan of a ward denies Florida's Constitution Article I, Section 21 and FS 744.361(6)(a) without  
392 foundation in law, and could be deemed *prima facie* evidence of permission to exploit:

393 On June 11, 2008 Judge Nancy F. Alley of Florida's Eighteenth Circuit Court issued an Order:

394  
395 Amended

396 **ORDER ON PETITION FOR ORDER AUTHORIZING LIQUIDATION OF BANK  
397 ACCOUNTS WITH VARYING BENEFICIARY DESIGNATIONS, DIRECTING IF  
398 NECESSARY THE DESIGNATION OF BENEFICIARIES IN THE DEPOSITORY'S  
399 ACCOUNTS AND DETERMINING THE ORDER OF PRIORITY FOR SPENDING  
400 MONEY FROM SAID ACCOUNTS FOR THE PAYMENT OF WARD'S EXPENSES,  
401 AND ABSOLVING THE GUARDIAN OF ALL RELATED LIABILITY**

402  
403 In this Order, Judge Alley granted item number: "**6. REBECCA FIERLE, the Plenary  
404 Guardian of the Property and Person of the Ward, is hereby absolved of all liability and  
405 responsibility for not attempting to preserve the** alleged intentions or estate plan of the  
406 Ward, except that records of the accounts at liquidation be maintained for potential  
407 distribution should any remain at death."

<sup>a</sup> (underlined/bold for emphasis)

408  
409 This immunity Order grants the petitioner's request for immunity, which, conversely, the petitioner  
410 is under threat of criminal liability to lawfully perform – (see above) Florida State Statute  
411 744.361(6) Powers and Duties Of Guardian, sub.(a) Protect and Preserve the Property.... Rebecca  
412 Santoian, with the aid of her attorney knowledgeable in the benefits of such an Order, attempted to  
413 gain and successfully acquired the court's umbrella of protection in order to also obtain the  
414 valuable and inherent threats of punishments and intimidation by penalties for anyone attempting  
415 to violate the provisions of the court's protection. By obtaining such an Order, even under color of  
416 law, Rebecca Santoian denies all parties, including those of any civil litigator, professional  
417 licensing agency or prosecutor their right to civil and/or criminal prosecution, petition or redress  
418 for "all" relevant violations or injury; and compliance to this Order sought and issued (*do not sue  
419 civilily or charge criminally*) is knowingly, by the petitioner and the court, enforced by threats of  
420 punishments and intimidation by penalties for contempt of court for any person's refusal to obey:

421 FS 38.22 Power to punish contempts.--Every court may punish contempts against it whether such contempts be  
422 direct, indirect, or constructive, and in any such proceeding the court shall proceed to hear and determine all  
423 questions of law and fact.

424 FS 38.23 Contempts defined.--A refusal to obey any legal order, mandate or decree, made or given by any judge  
425 either in term time or in vacation relative to any of the business of said court, after due notice thereof, shall be  
426 considered a contempt, and punished accordingly. But nothing said or written, or published, in vacation, to or of  
427 any judge, or of any decision made by a judge, shall in any case be construed to be a contempt.

429 Louise Falvo died on July 21, 2008; eleven weeks under the guardianship of Rebecca Santoian.<sup>i</sup>  
430 The Final Report Of Guardian Of The Property, administered by Rebecca Santoian and attorney  
431 Anthony Nardella, revealed \$693,332.08<sup>e</sup> in beginning cash assets and a final disbursement of  
432 remaining cash to the Curator Of The Estate of \$457,237.09;<sup>f</sup> a loss of \$236,094.99.

433  
434 This court's ruling absolves <sup>2</sup> Rebecca Santoian of all liability and responsibility for not  
435 adhering to legislated law and intent. Since this Order's signing on June 11, 2008, Rebecca  
436 Santoian "transferred" a portion of Louise Falvo's cash assets under this immunity Order on June  
437 12, 2008,<sup>k</sup> so estoppel sufficiently insulated this ruling from reversal as Rebecca Santoian  
438 immediately relied upon and acted under its protection. Immunity from arrest, prosecution and  
439 incarceration extinguishes any compelling reason to investigate relevant violations of assets  
440 "transfer" involving Rebecca Santoian.

441  
442 I am an interested party to Louise Falvo's proceedings.<sup>p</sup> I personally fear the real threats of  
443 punishments that are the consequences of contempt of court charges. I also find the threats of  
444 penalties to be intimidating, compelling me to obey the court's Order that I cannot judicially  
445 redress Rebecca Santoian for fear that I be found in contempt of court. By attempting to hold  
446 Rebecca Santoian liable and responsible for relevant violations, I would violate her privilege of  
447 absolution that she petitioned for and received.

448  
449 This immunity Order sought and gained by Rebecca Santoian denies me access to court redress  
450 and forever damages my Florida Constitution right under Article I, Section 21 to the redress in  
451 court of any relevant violations perpetrated by Rebecca Santoian, which are permanently hidden  
452 by the court's Order under a blanket of absolution and immunity. My obedience to the court's  
453 Order is assured by threats of punishments and intimidation by penalties for contempt of court,  
454 which stops any actions I may desire concerning redress.

455  
456 <sup>2</sup> **Ab'solve'**  
457 Webster Dictionary  
458 1. To set free, or release, as from some obligation, debt, or responsibility, or from the consequences of guilt  
459 or such ties as it would be sin or guilt to violate; to pronounce free; as, to absolve a subject from his allegiance;  
460 to absolve an offender, which amounts to an acquittal and remission of his punishment.  
461 2. To free from a penalty; to pardon; to remit (a sin); - said of the sin or guilt.

462 **End of Summary;**  
463 **Supplemental follows:**

464 **SUPPLEMENTAL:**

465 Without foundation in Florida state law or Constitution, Rebecca Santoian is "...**hereby**  
466 **absolved of all liability and responsibility for not attempting to preserve the alleged**  
467 **intentions or estate plan of the Ward, ...**". Rebecca Santoian is thereby not required to  
468 "preserve" the property of the Ward's estate plan in any way as required by FS744.361(6)(a)  
469 Protect and Preserve the Property.... Rebecca Santoian is then not liable or responsible for any  
470 violation of 2008 Florida Criminal Statute Chapter 825.103 Exploitation Of An Elderly Person  
471 Or Disabled Adult;

472

473 825.103 Exploitation of an elderly person or disabled adult; penalties.--

474 (1) "Exploitation of an elderly person or disabled adult" means: (a) Knowingly, by  
475 deception or intimidation, obtaining or using, or endeavoring to obtain or use, an elderly  
476 person's or disabled adult's funds, assets, or property with the intent to temporarily or  
477 permanently deprive the elderly person or disabled adult of the use, benefit, or possession  
478 of the funds, assets, or property, or to benefit someone other than the elderly person or  
479 disabled adult, by a person who: 1. Stands in a position of trust and confidence with the  
480 elderly person or disabled adult; or 2. Has a business relationship with the elderly person  
481 or disabled adult; or (b) Obtaining or using, endeavoring to obtain or use, or conspiring  
482 with another to obtain or use an elderly person's or disabled adult's funds, assets, or  
483 property with the intent to temporarily or permanently deprive the elderly person or  
484 disabled adult of the use, benefit, or possession of the funds, assets, or property, or to  
485 benefit someone other than the elderly person or disabled adult, by a person who knows  
486 or reasonably should know that the elderly person or disabled adult lacks the capacity to  
487 consent.

488 (2)(a) If the funds, assets, or property involved in the exploitation of the elderly person  
489 or disabled adult is valued at \$100,000 or more, the offender commits a felony of the first  
490 degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

491 (underlined for emphasis)

492

493 Further, the immunity Order sought and gained by Rebecca Santoian denies all parties, including  
494 those of any civil litigator or prosecutor, their rights to prosecution, petition or redress that would  
495 routinely and expectedly be available under 2008 Florida Statute Chapter 772 Civil Remedies For  
496 Criminal Practices;

497

498 772.104 Civil cause of action.-- (1) Any person who proves by clear and convincing  
499 evidence that he or she has been injured by reason of any violation of the provisions of s.  
500 772.103 shall have a cause of action for threefold the actual damages sustained and, in  
501 any such action, is entitled to minimum damages in the amount of \$200, and reasonable  
502 attorney's fees and court costs in the trial and appellate courts.

503

504 (772.103 Prohibited activities.--It is unlawful for any person: (1) Who has with criminal intent  
505 received any proceeds derived, directly or indirectly, from a pattern of criminal activity or through  
506 the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such  
507 proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title  
508 to, or any right, interest, or equity in, real property or in the establishment or operation of any  
509 enterprise. (4) To conspire or endeavor to violate any of the provisions of subsection (1),  
510 subsection (2), or subsection (3).)

511 and Florida State Statute 772 Civil Remedies For Criminal Practices;

514 772.11 Civil remedy for theft or exploitation.-- (1) Any person who proves by clear and  
515 convincing evidence that he or she has been injured in any fashion by reason of any  
516 violation of ss. 812.012-812.037 or s. 825.103(1) has a cause of action for threefold the  
517 actual damages sustained and, in any such action, is entitled to minimum damages in the  
518 amount of \$200, and reasonable attorney's fees and court costs in the trial and appellate  
519 courts.... (4) The death of an elderly or disabled person does not cause the court to lose  
520 jurisdiction of any claim for relief for theft or exploitation when the victim of the theft or  
521 exploitation is an elderly or disabled person. (underlined for emphasis)

522  
523 (Chapter 812 Theft, Robbery, and Related Crimes)  
524 (Chapter 825 Abuse Neglect, and Exploitation Of Elderly Persons and Disabled Adults)

525 and Florida State Statute 772 Civil Remedies For Criminal Practices;

528 772.17 Limitation of actions.--Notwithstanding any other provision of law, a civil action  
529 or proceeding under this chapter may be commenced at any time within 5 years after the  
530 conduct in violation of a provision of this act terminates or the cause of action accrues. If  
531 a criminal prosecution or civil action or other proceeding is brought or intervened in by the  
532 state or by the United States to punish, prevent, or restrain any criminal activity or criminal  
533 conduct which forms the basis for a civil action under this chapter, the running of the  
534 period of limitations prescribed by this section shall be suspended during the pendency of  
535 such prosecution, action, or proceeding and for 2 years following its termination.

536 and Florida State Statute 772 Civil Remedies For Criminal Practices;

539 772.18 Cumulative remedy.--The application of one civil remedy under this chapter does  
540 not preclude the application of any other remedy, civil or criminal, under this chapter or  
541 any other provision of law. Civil remedies under this act are supplemental, and not  
542 mutually exclusive.

543 and Florida State Statute Chapter 27 State Attorneys - Duties Before Court;

546 27.02 Duties before court.-- (1) The state attorney shall appear in the circuit and county  
547 courts within his or her judicial circuit and prosecute or defend on behalf of the state all  
548 suits, applications, or motions, civil or criminal, in which the state is a party, except as  
549 provided in chapters 39, 984, and 985. The intake procedures of chapters 39, 984, and  
550 985 shall apply as provided therein. The state attorney shall appear in the circuit and  
551 county courts within his or her judicial circuit for the purpose of prosecuting violations of

552 special laws and county or municipal ordinances punishable by incarceration if the  
553 prosecution is ancillary to a state prosecution or if the state attorney has contracted with  
554 the county or municipality for reimbursement for services rendered in accordance with s.  
555 27.34(1).

556  
557 I further request that the investigation be considered upon, but not limited to, the following:

559  
560 1) Petitioning for and obtaining pre-crime immunity from all civil and criminal liability by  
561 any civilian before a wrongful act is accomplished appears unprecedented within judicial  
562 circles. If petitioners are allowed to benefit from pre-crime immunity and orders of  
563 absolution, then rule of law and guarantee to constitutional redress becomes worthless.  
564 This Guardian is not petitioning for judicial immunity as an officer of the court, but instead,  
565 for personal protection and gain.

566  
567 2) For any prosecutor or civil litigator to be held at bay by first having to overcome pre-  
568 crime immunity and orders of absolution, prevents prosecution and creates a malicious  
569 obstacle to redress of wrong-doing.

570  
571 3) This immunity Order prevents civil proceeding(s) against any guardian guaranteed for  
572 3 years by FL Statute 744.531 Order Of Discharge, which states in pertinent part; "The  
573 discharge shall operate as a release from the duties of the guardianship and as a bar to any  
574 action against the guardian or the guardian's surety unless the action is commenced  
575 within 3 years after the date of the order." (underlined for emphasis)

576  
577 4) A grant of immunity from criminal prosecution of a person is retained by a  
578 prosecutor. In return, the recipient provides something of value to the giver. Immunity  
579 initiates an expected payback, and possession of this immunity by circumventing a  
580 prosecutor takes away a prosecutor's options of criminal redress.

581  
582 5) Rebecca (Fierle) Santoian has history of legal conflict that may motivate her to seek  
583 immunities:

584  
585 [Wehrheim v. Golden Pond Assisted Living Facility,  
586 905 So. 2d 1002, 2005 WL 1537488 (Fla. App. 5 Dist. 2005).]

587  
588 IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH DISTRICT  
589 JANUARY TERM 2005 Case No. 5D04-2724

GARY M. WEHRHEIM, ET AL.,  
Appellants,  
v.  
GOLDEN POND ASSISTED LIVING FACILITY,  
Appellee.

## Facts and Procedural History

The decedent, Dorothy Wehrheim, died while residing at Golden Pond Assisted Living Facility. While Dorothy was a resident of Golden Pond, Rebecca Fierle, a geriatric care manager, was contacted by the administrator of Golden Pond to assist Dorothy with arranging her personal affairs.<sup>1</sup> After meeting with Fierle, Dorothy executed a contract and a power of attorney authorizing Fierle to act on her behalf regarding her personal affairs. Fierle reviewed Dorothy's previous will, suggested to Dorothy that she leave her estate to a charity, and made arrangements for the preparation of a new will. Once the will was prepared, Fierle brought it to Golden Pond, where Dorothy signed it on July 23, 2002. This will names Golden Pond as the primary beneficiary of Dorothy's estate and Rebecca Fierle as personal representative.

<sup>1</sup>The Wehrheims assert in their initial brief that “Rebecca Fierle’s line of work is elder care, consisting of acting as a professional guardian, geriatric care through use of power of attorney and health care surrogate instruments, and the probate of decedent’s estate. She networks with people in the elder care business (nursing homes, assisted living facilities, etc.) and obtains referrals from contacts in the industry.”

The Wehrheims are Dorothy's children. While Dorothy had executed wills in 1998, 1999, and 2000, none of these prior wills named her children as beneficiaries.<sup>2</sup> The children filed a petition for administration and a petition to deny admission of the 2002 will to probate on the grounds that it was the product of undue influence and executed by the decedent without testamentary capacity.

<sup>2</sup>The 1998 will did name one child as a contingent beneficiary.

6) Denying access to the courts can be as complicated as the Florida Legislature creating the below unconstitutional requirement of bond before filing, (Psychiatric Associates vs. Edward A. Siegel, 567 So.2d 52 (Fla. 1<sup>st</sup> DCA 1990) and 610 So. 2d 419; December 3, 1992) or as uncomplicated as in this case – attempting to gain and successfully denying total access.

(1987 Florida Statute 395.011 (10) (b): As a condition of any applicant bringing any action against any person or entity that initiated, participated in, was a witness in, or conducted any review as authorized by this section and before any responsive pleading is due, the applicant shall post a bond or other security, as set by the court having jurisdiction of the action, in an amount sufficient to pay the costs and attorney's fees.)

633 7) By filing these complaints as such, I desire to specifically charge the alleged violation  
634 of Florida's Constitution Article I, Section 21 and related laws. I am not here addressing  
635 any potential improper acts done by the petitioner under the cover of immunity, nor am I  
636 here addressing any appeal to a judicial order.

637  
638 8) Judge Nancy F. Alley of Florida's Eighteenth Circuit Court allegedly violated her  
639 oath of office by issuing an Order that does not support the Florida State Constitution  
640 Article I, Section 21, after so swearing or affirming to support the Constitution of the  
641 State of Florida.

642  
643 9) This abuse of our court system to seek pre-protection, especially under color of law, to  
644 absolve one's self of all legitimate liability and responsibility for past/present/future  
645 actions must be stopped and dealt with swiftly and firmly before this practice becomes  
646 more widespread and undermines the rule of law. This simple immunity act has far-  
647 reaching negative consequences and countless applications.

648  
649 Respectfully submitted,

650  
651  
652  
653 Angela V. Woodhull

654  
655 Certified/Return Receipt U.S. Mail  
656 Attachments: Documents a,c,d,e,f,i, k, n, p  
657 Complaint on CD