

DECLARATION OF EDWARD J. BAKER, LCDR, U.S. NAVY (RETIRED)

I am a 57-year old, Illinois native and United States Navy retiree with 22 years of service on surface ships and submarines. After my Navy retirement in 1998, I worked in a Civil Service position for 9 years. I came to Colorado from Virginia in 2009 at the invitation of my sister and her family, in order to access available services from the Denver VA and Spalding Rehabilitation Hospital as I continued to recover from the effects of a stroke I suffered in 2007.

Within 6 weeks of following advice from my Spalding Case Manager to cancel my durable powers of attorney, move out of my sister's home and live on my own, I found myself sitting in a courtroom where I was being given a new title – Ward/Protected Person. That was in July, 2010. My legal voice, decision-making, and autonomy were removed during a hearing which I didn't understand the consequences of until too late. Some lawyers and other people I didn't know were there, but none of my family members were.

In short order, my self-determination with supports was replaced with a court-appointed Guardian and a court-appointed Conservator who made all the decisions for me—whether I agreed with them or not. If I met either of them before the hearing, I don't remember it. Since then, I have had little to no effective control of my residence, my healthcare, or access to my chosen activities. I am still partially physically disabled and always will be. But, I am stronger and healthier now than I was in 2010. In spite of my significant progress in healing and wellness, though, little has changed legally for me.

I am seeking several things, including various civil freedoms, restoration of my rights, and full restoration, possession and use of my property. I have had several ineffective attorneys in the past, some of whom were court-appointed. None of them, until now, have actively advocated for what I have stated I want. I am hopeful that my current attorney can finally do that. However, wrongs done to me, including rights violations by the probate court and a number of breaches of duty of care by fiduciaries and attorneys, along with damages suffered by me, my family members and my estate because of the same people, should be addressed and remedied. This is about my freedom, restoration of my rights and choices, and being made whole financially so that I can continue to pursue happiness as guaranteed in our Constitution.

I. Victims

- Myself – Edward J. Baker
- My sister - Joanne Rupprecht, adult – threatened/defamed by fiduciaries
- My daughter - Jessica Baker Desilets, adult – threatened/defamed by fiduciaries
- My son, Caleb J. Baker, minor - denied regular semi-annual visitation with me, his Father since 2013)
- My brother – Terry Baker, adult – threatened/defamed by fiduciaries
- My brother – Mike Baker, adult – threatened/defamed by fiduciaries
- My sister – Carol Fox, adult – threatened/defamed by fiduciaries

II. Court and Related Information

- A. Court Case Numbers - In the Matter of the Probate Estate of, Guardianship of, and Conservatorship for Edward J. Baker, Case # 2010 PR 736; 18th Judicial District; Arapahoe County, Colorado
- B. Judges Probate Court: Hon. Timothy Fasing and Hon. Carlos Samour, Jr. and Hon. Elizabeth Weishaupl
- C. Fiduciaries and Attorneys involved:
 - 1. Guardians –
 - a. Vicki Jordan (3 weeks) and
 - b. Karen Buchanan, court-appointed guardian of Edward J. Baker, owner of Colorado Elder Care, Guardianship Solutions and other companies (7/30/2010 – present 4/3/2016 and ongoing). Ms. Buchanan has petitioned the court to resign without responsibility but has not yet been granted her petition; currently Mr. Baker's adult daughter, Jessica Baker Desilets who resides in Napa, California is determining whether she wishes to become successor guardian for and also successor conservator for, her father, Edward J. Baker. Mr. Baker has expressly stated that although he is happy to have Ms. Buchanan resign, her petition should not be granted such that she resigns "without responsibility" and Mr. Baker loses his right to recourse.
 - 2. Attorneys for guardian Buchanan over the years and at the direct expense to the estate of Mr. Baker have been:
 - a. John A. Berman, Esq., firm in his own name, Denver, CO (past)
 - b. M. Carl Glatstein, Esq. of Glatstein & O'Brien, LLP, Denver, CO (past)
 - c. Thomas A. Rodriguez, Esq. of Vincent, Romeo & Rodriguez, LLC, Louisville, CO (current)
 - 3. Attorneys for Edward J. Baker, protected person,
 - a. Joyce Schargorodski, Esq. of Schargorodski & Associates from Springfield, VA served as Mr. Baker's divorce attorney during 2009-2010
 - b. Lori Hulbert, Esq., Law Office of Lori Hulbert (Hulbert is part of an office in Denver and now also Sterling, Colorado)– former attorney for Edward J. Baker who was forced to resign
 - c. Jennifer S. Gormley, Esq., Law Office of Jennifer S. Gormley, 6060 Greenwood Plaza Blvd., Littleton, CO 80111 – served first as attorney for Edward J. Baker and after resigning from this position in response to family demand
 - d. Jennifer S. Gormley, Esq. was re-assigned by the court as Guardian ad Litem (GAL) for Mr. Baker. It is believed she still holds this position

- e. James McKnight, Esq. served as ineffective attorney for Mr. Baker in Colorado
- f. Lisa R. DiPonio, DiPonio & DiPonio, LLC, 7931 S. Broadway, Littleton, CO 80122 serves as Mr. Baker's current, court-appointed attorney. She is doing some positive advocacy for Mr. Baker's express wishes

4. First Court-appointed Conservator for Mr. Baker - Tamra A. Palmer, Esq., of Palmer, Goertzel and Associates, P.C., 6060 Greenwood Plaza Blvd., Littleton, CO 80111 – Public Administrator for Arapahoe County, Colorado, court-appointed Conservator for Edward J. Baker, beginning July 30, 2010. Palmer formally resigned from this position and was granted her resignation by the court in October-November, 2012. However, no formal assignment of a successor Conservator was made by the court until May-June of 2014. None of the funds Ms. Palmer administered on Mr. Baker's behalf for over two years were available to Mr. Baker to assist him with his daily needs.

However, the funds were used to pay monthly fees to various facilities where Mr. Baker was housed—none of which Mr. Baker was allowed to assist in choosing for himself. These funds also paid attorneys, guardian and conservator fees. However, Palmer's hours were the only detailed expense information received by Mr. Baker and his cognizant family members during this period. Neither of the two annual reports issued by Ms. Palmer while she served in this position were wholly accurate (they did not add up). Various family members' objections to the problems and inaccuracies in these reports went unheeded by the court. Neither did Ms. Palmer provide adequate information to Mr. Baker regarding his financial situation, accommodating his known stroke-related challenges. Mr. Baker had limited ability to read during this time due to his stroke/traumatic brain injury and uncorrected vision problems along with some short-term memory loss.

Ms. Palmer, while serving as Mr. Baker's Conservator, and long before and afterward, served as Public Administrator (PA) for 4 counties in Colorado, including Arapahoe County. In Colorado the Chief Judge in each Judicial District chooses the attorney to serve as Public Administrator (PA), however selectees are not employees of the counties which they serve. They are allowed to continue their private law practices while serving in these positions. These positions were originally designed to assure that the estate of an indigent person, dying alone, whose family cannot be found and whose financial resources are very low, would be properly administered and timely and economically, closed.

Ms. Palmer used all of Mr. Baker's personal monies, including draining down his IRA's and other investments at substantial tax penalty to Mr. Baker, and gave 100% interest in the family home in Virginia to Mr. Baker's former wife, Gina Ianiero Baker. Details of the divorce agreement negotiated by Ms.

Palmer Esq. with Ms. Schagorodski, Esq. have never been given to Mr. Baker. It is believed that Ms. Palmer and Ms. Gormley, Esq. (former attorney and GAL for Baker) along with Ms. Buchanan, guardian for Mr. Baker, conspired together to prevent Mr. Baker from attending his divorce hearing(s) in Virginia. It is also believed that both Palmer and Gormley actively negotiated Mr. Baker's divorce agreement without consulting him, and thereby creating an intentional and substantial harm to Mr. Baker as part of the larger "spend down" of his assets so that he could be qualified for Colorado Medicaid as needed. (Unethical; fraudulent; as a Veteran, Mr. Baker receives medical services through the VA.)

5. Counsel for Tamra A. Palmer, Andrew Goertzel, Esq., Palmer, Goertzel and Associates, P.C., same address as Palmer.
6. Other agencies and attorneys/social workers, etc.) –
 - a. Virginia Horton, Asst. County Attorney for Arapahoe County, Colorado (referring agency/original petitioner for Guardianship of Edward J. Baker)
 - b. Mary Ellen Leeds of Arapahoe County Social Services
 - c. Valerie Ramus, case manager for Mr. Baker from Spalding Rehabilitation Hospital
7. Colorado Fund for People with Disabilities (CFPD) (Megan Brand and Kathleen Kellams, Directors); Jennifer Anderson, Case Manager – Second court-appointed (successor) Conservator for Edward J. Baker and currently serving in this capacity.
8. Virginia Frazer-Abel, Esq., Law Office of Virginia Frazer-Abel currently serves as Jefferson County Public Administrator and is also Counsel for Colorado Fund for People with Disabilities (CFPD);

D. Allegations:

1. There have been gross irregularities in procedure and violations of rules in this court in multiple persons' probate cases and in my case. The significant deviations from statutory and regulatory practice by the court is partially evidenced by the fact that Ms. Gormley and Ms. Palmer practiced (and still practice) in offices next to one another in a \$1.082M one-story building they became co-owners of two months prior to the beginning of first Ms. Palmer's, and subsequently Ms. Gormley's court-appointed assignments on Mr. Baker's behalf. They, with other colleagues, formed an organization called URIT to effect the property purchase.
2. Various parties, including Mr. Baker, all injured by the same group with the same judge, Timothy Fasing, began to raise objections and seek redress of grievances with various public figures and through the press in 2013 to early 2014.

3. In February, 2014, then Chief Judge William Sylvester for Arapahoe County dismissed Tamra Palmer, Esq. from her position as Public Administrator. In June, 2014 URIT (Gormley, Palmer, Cheryl Miller and probably others) appears to have divested much of its interest in the URIT property located at 6060 Greenwood Plaza Blvd., Greenwood Village, CO 80111 to an insurance company with headquarters in the Pacific northwest. URIT partners remained “tenants” of the building. Some of the space in the building is occupied by the Arapahoe County Bar Association, along with various professional fiduciaries and others.
4. During an interim time in Mr. Baker’s case (November, 2012 through May, 2014), Colorado Fund for People with Disabilities (CFPD), a not-for-profit pooled trust organization, was (informally) receiving and recording large amounts in social security disability, civil service retirement and Military pension funds on behalf of Mr. Baker (either from outgoing Conservator Ms. Palmer or directly from the United States government). However, CFPD failed to timely report this income to any party including Mr. Baker. CFPD also failed to report to any party including Mr. Baker how/for what purpose(s) his funds were being expended. Mr. Baker was not able to access these funds to assist himself with daily needs. Mr. Baker was not directly aware that CFPD was administering his funds until early in 2015.
5. Coincidentally, from October 2012 through early August, 2014, Mr. Baker’s sister Carol Fox was receiving VA disability payments from the United States government on behalf of Mr. Baker but had no specific formal designation by the VA to do so until late August, 2014. The majority of these funds, however, were available to Mr. Baker for daily needs, which was very helpful. Mr. Baker was aware that Carol Fox was administering some of his funds. Ms. Fox has failed to fully and properly account for all of Mr. Baker’s funds, however. (Mr. Baker’s newly selected UVGA Guardian is now his daughter, Jessica Baker Desilets.)
6. Virginia Frazer-Abel – currently serves as Public Administrator (PA) for the 1st Judicial District in Jefferson County, Colorado. Ms. Frazer-Abel currently also serves as attorney for the Colorado Fund for People with Disabilities (CFPD), which is a not-for-profit pooled trust organization in the Denver metro area. See Allegation #D4 above. CFPD was not officially appointed by the court as successor conservator for Mr. Baker until May, 2014. Their service presents an ongoing cost to Mr. Baker’s estate. Their attorney’s fees and costs (those of Ms. Frazer-Abel) are expected to be an eventual expense to Mr. Baker’s estate, although he has received no billing to that effect to date.

Ms. Frazer-Abel, CFPD, Tamra Palmer, and the court all failed to assure that proper procedure was followed in November, 2012 to timely and officially appoint a successor conservator for Mr. Baker. This failure put Mr. Baker’s funds at substantial risk for fraud, dissipation and waste. CFPD also failed to timely inform Mr. Baker and his cognizant family member of details about his property and the pension/disability income upon which he is dependent as a 100% service-

connected disabled Veteran. The non-availability of these funds for ongoing and extra therapies has been somewhat detrimental to Mr. Baker's health and rate of progress.

7. Lisa R. DiPonio, Esq. of DiPonio & DiPonio – currently serves as court-appointed attorney for Mr. Baker. Prior to Ms. DiPonio's formal appointment in May, 2014, Mr. Baker had no representation since the resignation of his prior attorney was approved by the court in 2012. Again, failure of court to follow established rule in timely appointing counsel for a protected person, or allowing protected person to contract with and hire counsel of his/her choice.
8. Additional violations alleged:
 - Conspiracy Against Rights - 18 U.S.C. Subsections 241
 - Fraud – 18 U.S.C. 47
 - Fraud – C.R.S. ss 18-2-201-206
 - Conspiracy – 18 U.S.C. 371
 - Misprision of Felony – 18 U.S.C. 4
 - Due Process – U.S. Constitution
 - Security in Property – U.S. Constitution
 - Racketeering (RICO) C.R.S. ss 18-17-103 et. Seq.
 - Racketeering (RICO) 18 U.S.C. 96
 - Probate violations – C.R.S. 15-1-101 et. Seq.
 - U.S. Uniform Probate Code
 - Official Misconduct/Color of Law Violations, C.R.S. 18-8-403-405
 - Deprivation of Rights Under Color of Law – 18 U.S.C. Subsection 242
9. Various Civil Torts
 - Intentional Infliction of Emotional Distress
 - Civil Conspiracy/Aiding and abetting/In-Concert Liability
 - Defamation/Libel
 - Failure to report abuse, neglect and financial exploitation of a vulnerable adult

G. Agencies Sought Relief from –

- United States Veterans Administration
- United States Federal Bureau of Investigation
- Colorado Department of Health Care Policy & Finance
- Colorado Attorney General
- Colorado Deputy Attorney General
- Colorado Representative to Congress Michael Coffman
- Colorado State Senators Morgan Carroll and Laura Woods
- Colorado Attorney Regulation Counsel
- Colorado Judicial Review Commission
- Various Senators and Representatives from Illinois

H. Courts Involved – 18th Judicial District Court for the State of Colorado

- I. Criminal Acts Alleged – The parties and court have committed and/or aided and abetted in the following crimes
 - a. Fraud under Federal and Colorado State law
 - b. Failure to fully report income received
 - c. Theft by receiving
 - d. Denial of Constitutional rights and due process
 - e. Official misconduct
 - f. Misprision of Felony
 - g. Conspiracy
 - h. Racketeering/RICO violations to a proposed (and later) protected person
 - i. Misrepresentations and omissions of material facts
 - j. Purposeful and pre-meditated coercion/intimidation/defamation of family members seeking to aid the protected person
 - k. Abuse, neglect, isolation and financial exploitation of a protected person
 - l. Malfeasance and collusion among court-appointed fiduciaries and their attorneys, court-appointed GAL
 - m. Deliberate and long-term over-medication/mis-medication of protected person
 - n. Denial of protected person's right to select his own attorney
 - o. Denial of protected person's access to the community to obtain adequate and responsive therapies outside the VA not offered through the VA
 - p. Overly-restrictive limits on protected person's access to appropriate therapies offered by the VA
 - q. Deceptive practice, ie. impersonation of protected person's family member in effort to gain undue influence over health care providers treating protected person
 - r. Fraudulent billing scheme – Guardian's and various attorneys' billings not disclosed to protected person or protected person's cognizant family members prior to payment by friend/colleague who served as Conservator of protected person
 - s. Repeated serious breaches of fiduciary duty
 - t. Failure of court to fully adhere to existing, established probate statutes, rules and practices
 - u. Failure of various attorneys and fiduciaries to be zealous advocates
 - v. Failure of various attorneys and fiduciaries to report known and repeated abuse, neglect and financial exploitation of a protected person
 - w. Felony intent to defraud Colorado Medicaid by completing application for, and securing payment of benefits on behalf of, a protected person who has never met financial eligibility requirements for these supports
 - x. Deliberate isolation of a protected person such that the protected person's right to make choices about activities and association was hampered
- K. Damages – Estimate in excess of \$5 million including punitive damages. Physical, emotional, and psychological damages have been suffered by Mr. Baker, along with deliberate delays and errors made in accessing appropriate treatments for Mr. Baker's physical needs which have had consequences on his

healing from stroke. Long-term over-medication of Mr. Baker, lack of appropriate medication evaluations/reviews, denial of Mr. Baker's possession, use, and protection of his property and physical body, denial of Mr. Baker's express wishes, including freedom to visit his children in Virginia and California and his family members in Illinois and Colorado should be included.

A separate action with additional damages, including punitive damages, may be commenced against guardian Karen Buchanan and Conservator Tamra Palmer and others, including (retired) Judge Timothy Fasing, who colluded to fraudulently demand and obtain a Writ of Habeus Corpus and forcefully remove Mr. Baker from the home of his daughter in Napa, California during his planned visit there a few years ago. This caused significant emotional trauma for Mr. Baker who is already 100% disabled with service connection due to Post Traumatic Stress Disorder from his United States Navy service.

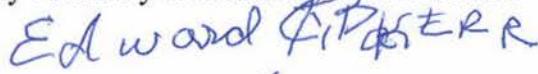
In addition, guardian Karen Buchanan assaulted Mr. Baker on one occasion by his report. Historically, she also placed Mr. Baker in 2 restrictive and inappropriate settings, including an isolation section of a nursing home for 3 months. She advised Mr. Baker (untruthfully) that he had no money left to maintain a \$206.00 per month storage locker for his belongings and insisted that he "choose a few things" that would fit in his double-occupancy room at his nursing home and then, by her own admission, gave the rest to Goodwill. The property "donated" to Goodwill (or otherwise disposed of) against Mr. Baker's wishes included his furniture, clothing, a large CD music collection, a new and valuable BOSE speaker/sound system, family antique guns and many books and pictures. At one point, when Mr. Baker asked Ms. Buchanan where his property was stored, she told him that she "had to sell it to pay for [his] place".

\$162,764 - Fees already paid to Fiduciaries from Mr. Baker's estate (growing)
\$170,277 - Fees already paid to Attorneys from Mr. Baker's estate (growing)
\$ 10,000 - Fees not yet paid to Attorneys (billed to protected person's estate)
\$ 65,000 - Fees not yet paid to Attorney for family members (growing)
\$ 50,000 – Value of property lost, given away or sold

I, Edward J. Baker, ask that this report in its entirety be reported to all State and Federal agencies that have the authority to investigate these crimes and claims as outlined in the declaration.

VERIFICATION

I declare under penalty of perjury that the foregoing statements in this declaration are true and correct to the best of my knowledge. This is my voluntary Declaration, executed this 3rd day of April, 2016 in Jefferson County, Colorado.



Edward J. Baker
9423 W. 64th Avenue, Arvada, CO 80004