

Safe Seniors

Newsletter for the Prevention of Elder Abuse and Consumer Fraud in San Diego County

New 'Senior Shield' to Combat Scams

By Carolyn Reilly, Esq., Director
Elder Law & Advocacy

Congratulations! You have been randomly selected by our computer database to receive a cash prize of \$250,000. You were automatically entered into our prize pool for simply shopping at one of our affiliated supermarkets. All you need to do is call the number below to claim your prize, pay a \$20 processing fee and a quarter of a million dollars is yours! Well, not exactly.

Unfortunately, in today's harsh economic climate, scams such as the one above are as prevalent as ever and senior citizens remain one of the scammers' favorite targets. However,

thanks to a generous grant from the Gary and Mary West Foundation, Elder Law & Advocacy (ELA) has spearheaded Senior Shield to combat those who would scam and defraud seniors.

ELA is a nonprofit organization that has served seniors throughout San Diego and Imperial Counties for more than 30 years. Armed with this experience, ELA was the perfect candidate to expand into senior fraud and scam prevention and defense. That's why we created Senior Shield.

Staffed with a full-time attorney, Shaun P. McGrady, plus a full-time paralegal and a small army of law

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How to Slow the Flow of Unwanted Communications

From the California Department
of Consumer Affairs

Many people feel overwhelmed by the volume of sales offers they receive at home. You may not be able to completely stop the flow of telephone, fax, mail, or email solicitations, but you can reduce it. You can avoid getting on some marketing lists in the first place. And you can take steps to get off many of the lists you are already on.

Staying Off Marketing Lists

- Do not fill out consumer surveys or marketing surveys.
- Do not fill out surveys attached to product "warranty registration cards." You do not have to complete and return the cards to enjoy your warranty rights. Just keep a copy of the sales receipt.
- Don't fill out sweepstakes forms.
- When you give money to a charity or other group, enclose a note asking them not to share, sell or rent your name to any other group. Do the same when you order from a catalog.
- Exercise your opt-out rights wherever you can. Your financial institutions are required to notify you of your right to stop them from sharing your personal financial information with outside companies.
- Read the privacy policies of Web sites. They often give you an opportunity to opt out of receiving email ads or having your information shared with other companies.

Telemarketing Calls

- Sign up for the national Do Not Call Registry. Most telemarketers

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Consumer Protection Day April 18

Fraud can take many forms. Scam artists often appeal to your emotions. Recently, scammers have been feeding off people's fear regarding the economy. There have been several fraudulent foreclosure cases.

"Fraud seems to happen whenever there's a tragedy or a need," says Paul Greenwood, head of the District Attorney's Elder Abuse Prosecution Unit.

The District Attorney's Office is offering a Consumer Protection Day to help older adults and others identify fraudulent activities and protect themselves from scammers. Consumer Protection Day will be held from 8:30 a.m. to 12:30 p.m. on Saturday, April 18, at the Chula Vista High School gymnasium, 820 Fourth Ave., Chula Vista 91911. Registration begins at 8 a.m. Spanish translation will be available.

There will speakers and exhibitors from a variety of consumer protection agencies. Topics will include foreclosure fraud, as well as scams involving telephone solicitations and charities, home repair scams, mail fraud, immigration fraud, elder financial abuse and the growing problem of identity theft.

Identity theft increasingly impacts older adults in our county. Sometimes it's not until a couple begins refinancing their home that they discover they are victims of identify theft. There will be a session at Consumer Protection Day on this issue presented by the Identity Theft Resource Center, which you can contact at www.idtheftcenter.org or call (858) 693-7935.

A scam involving unlicensed contractors ususally begins each Spring. These crooks offer to fix the roof of mobile homes and other residences or do

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clerks and volunteers, Senior Shield is mounting a defense against unscrupulous scammers. To wage this battle, there's a Senior Shield Web site in development at www.seniorscamscreen.org and a hotline at (858) 715-1648 to provide a way in which seniors can check up on those offers that seem too good to be true.

"Through our Web site and hotline, we hope to provide current information that seniors can easily access before being scammed," McGrady said. "We are in the process of creating a Web site that will be updated weekly to include the latest scams along with scanned copies of actual letters, Web sites and advertisements that we have concluded are fraudulent. Since we will have actual copies of scamming materials online, anyone with internet access will be able to compare what they are suspicious of to known scams. And

for those without internet access, simply call our hotline and we can help you find out whether you are a target of a scam or not."

While Senior Shield, through its Web site and hotline, hopes to prevent scams and fraud directed at seniors, the program is also prepared to assist seniors recoup their losses after they have been victims of scams.

"While our first goal is prevention, obviously we can't prevent every scam, which is why we are prepared to litigate and pursue any legal remedy that a defrauded senior may have in order to take it to the scammers. With any luck, those unscrupulous types may think twice before targeting senior citizens in San Diego and Imperial counties," McGrady said.

For more information on Senior Shield or Elder Law & Advocacy, call (858) 565-1392.

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should not call your number once it has been on the registry for three months. If one does, you can file a complaint at the "Do Not Call" Web site. You can register your home or mobile phone for free. Register by phone at 1-888-382-1222. Or register online at www.donotcall.gov.

· Political and charitable organizations may still call you even if you've signed up for the Do Not Call Registry. If you tell them not to call you again, they are required to honor your request.

· Get an unlisted and unpublished phone number. Unlisted numbers usually get fewer unwanted calls. Or call your telephone company's business office and ask to have your name removed from its street address directories. Companies typically charge a monthly fee for these services.

· Watch out for do-not-call scams. They may try to steal personal information by posing as a state do-not-call program.

· For more information on reducing telemarketing calls, see the Privacy Rights Clearinghouse Fact Sheet 5, at www.privacyrights.org, EPIC's information at www.epic.org/privacy/telemarketing, and the Junkbusters tips and sample letters at www.junkbusters.com/telemarketing.html.

Junk Mail

· Call 888-5OPTOUT (888-567-8688) to stop most unsolicited pre-approved credit offers. Or opt out online at www.optoutprescreen.com. This is good for five years, or you can make it permanent.

· Sign up for the Direct Marketing Association's DMAchoice. In 90 days, you should receive less junk mail. This is a voluntary industry program that will not stop all

junk mail. Sign up online at www.dmachoice.org. It's free and it's good for three years.

· For more information on stopping junk mail, see the Privacy Rights Clearinghouse Fact Sheet 4, which is available at www.privacyrights.org or see Junkbusters' tips at www.junkbusters.com/junkmail.html.

Junk Faxes

· Federal law bans sending unsolicited advertisements to a fax machine without getting the consent of the receiver, unless the sender has an established business relationship with the recipient. It also requires senders of fax advertisements to include a notice and contact information informing the recipient of how to opt out of future such faxes.

· For more information on stopping junk faxes, see Junkbusters' tips and sample

letters at www.junkbusters.com/fax.html. Also see the Federal Communications Commission's information sheet at www.fcc.gov/cgb/consumerfacts/unwantedfaxes.html.

Junk Email (Spam)

· Never respond to spam. Never buy anything advertised in spam. Protect your email address as you would other personal information. Do not post your email address on your Web site. Use a separate email address for newsgroups.

· Sign up with the Direct Marketing Association's Email Preference Service at www.dmachoice.org. It's free and it's good for five years.

· Report spam to your Internet service provider (ISP). California law allows ISPs to sue those who send spam from its network or to subscribers in violation of its policy.

Free Scambuster Kit

The Department of Consumer Affairs (DCA) offers a Senior Scambuster Kit that includes a number of DCA publications of particular interest to older adults. It's a great resource to have handy wherever seniors, or those who care for them, gather.

If you need hard copies of this kit, call DCA's Policy & Publications Development Office toll-free at (866) 320-8652. The publications included in the Senior Scambuster Kit can also be viewed online: see www.dca.ca.gov/consumer/seniors/scambuster_kit.shtml

State Elder Abuse & Consumer Protection Bills

Here are new measures in the State Legislature related to elder abuse, elder protection and consumer protection. Go to www.sandiego.networkofcare.org/aging and click the "Legislate" button for more details on these bills.

AB 329 (Feuer): This bill would enact the Reverse Mortgage Elder Protection Act of 2009. The bill would prohibit a lender from referring a prospective borrower to a reverse mortgage counseling agency, or paying any counseling service fees without first informing the borrower in writing that this may create a conflict of interest. The bill would require a lender to disclose to the borrower in writing any other payment arrangements or business affiliations between the lender and a counseling agency. The bill would also require the lender to provide the prospective borrower with a list of all nonprofit counseling agencies in the state that have been approved by the U.S. Department of Housing and Urban Development for counseling. The bill would grant borrowers the right to cancel a reverse mortgage within 30 days and would require a lender to provide a notice to this effect.

AB 535 (Ammiano): Allows the elder death teams to request and obtain copies of certificates of death from the local registrar of births and deaths, subject to any fee requirements; includes internet death registration.

AB 768 (Torres): Amends existing law which proscribes various crimes related to physical abuse committed against an elder or dependent adult when the person knows or reasonably should know that the victim is an elder or dependent adult. Deletes the language requiring that the person either know or reasonably should know that the victim was an elder or dependent adult from the definitions of those crimes.

AB 773 (Lieu): Would increase the fine for a class "B" citation at a long-term health care facility to an amount

not less than \$1,000 and not more than \$5,000 for each citation. The bill would also increase the fine for a class "AA" citation at a skilled nursing facility to an amount not less than \$50,000 and not more than \$125,000 for each citation, and the fine for a class "A" citation at a skilled nursing facility to an amount not less than \$5,000 and not more than \$50,000 for each citation.

SB 18 (Oropeza): Requires law enforcement agencies that are informed of a missing senior, age 65 or older that has an impaired mental condition, to request activation of the Emergency Alert System within the appropriate local area. Requires the CHP to develop procedures for enforcement agencies broadcasters.

SB 40 (Correa): Amends existing law related to filing a document with a county recorder to provide that a document containing more than the last 4 digits of a Social Security number is not entitled for recording. Requires that

only the last 4 digits of a Social Security number be displayed on birth and death certificates.

SB 110 (Liu): This bill would include within the authority of an Elder Death Review Team the review of deaths involving dependent adults.

SB 246 (Benoit): Requires that as part of a criminal background check, an In-Home Supportive Services (IHSS) provider be fingerprinted and submit the fingerprint images and any other related information required by the Department of Justice to assist in obtaining information. Provides that, in order to be employed as an IHSS provider in a county that has contracted with an established public authority, an applicant must be placed on that registry.

SB 344 (Stickland): Relates to exploitation of or exerting criminal undue influence upon an elder or dependent adult in order to acquire possession or control of an interest in funds or property.



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other repairs, but they charge a lot for doing nothing or very little. Greenwood cautions that someone who contracts to make any home repair valued at more than \$500 is required to have a state license. Before you begin any repair work, make sure that person's license is valid through the Contractors State License Board: (800) 321-CSLB (2752), or check the Web site: www.cslb.ca.gov.

And be on the lookout for what is called an "Advance Fee Fraud." You are promised something valuable for free, but you have to pay something first. One nagging example frequently perpetrated in San Diego County is called the Canadian lottery scam, but it can originate from many other

countries. People receive a call saying they've won big money in this foreign lottery, but they have to pay the taxes upfront.

"They're told that before they get their \$100,000, they need to send \$4,000 in taxes, and to go wire the money to Canada," Greenwood says. After the people never get their \$100,000 and realize they've been had, "there's a double scam where the same people are called again and told that law enforcement in Canada is trying to catch the crooks but they need \$2,000." So they're told to wire the money to another foreign location.

Consumer Protection Day is free, but you must register at (619) 531-3533.



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Elder Abuse Prosecutions

District Attorney's Office

Cherie Weston: Pled guilty to theft from an elder and burglary. This is the second elder abuse case against the defendant with the same victim in two years. In the first case, the defendant delivered groceries to the 75-year-old victim and stole her checkbook and credit information. Weston pled to theft from an elder and burglary in that case. In this case, the defendant, who is on formal probation as a result of the first case, used the credit information previously obtained from the victim to apply for credit and obtain a cash withdrawal of \$1,400. The defendant was sentenced to two years in prison.

Victoria Pickett: Pled guilty to theft from an elder. She is on formal probation from a previous elder abuse case for stealing credit cards belonging to her boyfriend's 70-year-old father, who is in the early stages of Alzheimer's disease. The same victim was burglarized again, getting a call from his credit card company regarding unauthorized charges. There was also theft of cash and codeine pills. The defendant was sentenced to 365 days in jail and three years formal probation.

Jessie Hunter: Pled guilty to theft from an elder and possession of a controlled substance. The defendant is a parolee with a history of drug priors. He had accompanied his 73-year-old mother to the hospital. When she was

admitted, she asked defendant to move her car. He took her car and refused to return it despite her requests. While conducting a traffic stop, officers learned the car was reported stolen. They detained defendant and found a small amount of rock cocaine near the driver's door handle and a larger amount of rock cocaine in a cup holder in the center of the car. Defendant was sentenced to two years in prison.

San Diego City Attorney's Office

Rickie Holms: Pled guilty to elder abuse and battery charges after pushing his 76-year-old mother and hurting his 58-year-old sister. Holms, 54, had been drinking, and also made verbal threats including a threat to burn down the house. He was sentenced to 52 weeks of elder abuse classes, full stay-away order, probation for three years, and 120 days in custody.

Shirleen Quarles: Pled guilty to a battery against her 71-year-old roommate. Quarles, 50, violently bit the victim on the mouth unprovoked. She was sentenced to three years of probation and 26 weeks of individual counseling. The victim is now receiving social services.

**Elder Abuse Reporting:
1-800-510-2020**