

STATE OF NEVADA
SUPREME COURT COMMISSION
GUARDIANSHIP COMMISSION
December 15, 2015
Completed by Raquel Rodriguez
Verbatim Public Comment

CHIEF JUSTICE HARDESTY invited members of the public to provide comment. For those members of the public who have previously addressed the Commission Chief Justice Hardesty requested that they not be repetitive of arguments, comments, or cases they have previously discussed with the Commission. Members of the public were reminded they would have three minutes to provide comment.

CARSON CITY AND ELKO

There were no members of the public in Carson City or Elko wishing to provide public comment.

LAS VEGAS

BRENDA RALPHS: Hello, my name is Brenda Ralphs. I am the niece of the niece of Barbara Lasco, case number G-14-039735A. In January 2014 my aunt was 92 years old, lived on her own, took care of her own finances and hired help when needed. She was hard of hearing which made it difficult to communicate with her. Physician assistant, John Reyes, prepared and signed a physician's certificate with a letter recommending my aunt for guardianship on January 13th, 2014. This certificate was defective for several reasons. Number one, the date of exam is blank. Two, the documents don't clearly state my aunt was incompetent. And three, as a physician's assistant, John Reyes was not qualified to make the recommendations under Nevada state law. Despite these defects, the certificate and letter were used as the basis of a petition for appointment of temporary guardian, submitted by April Parks and the Lee Drizin Law Firm, and approved by Guardianship Commissioner, Jon Norheim, to strip my aunt of her rights. Later, my aunt was examined by a neurologist who determined she was competent. My aunt was victimized based on a defective document and an incorrect diagnosis by an unqualified person. My aunt had made preparations for her end of life, her home and all her financial accounts, except her checking account were in a living trust which named the successor trustee to be in charge of her affairs, if Barbara became incompetent. The Petition for Temporary Guardianship presented by April Parks and the Lee Drizin Law Firm acknowledges the existence of the living trust and included the provisions that April Parks become the successor trustee. It is wrong that the system simply overrode my aunt's wishes and preparations by awarding control of her person and her estate to a complete stranger, especially when that person profited from maintaining the unnecessary guardianship as long as possible. My aunt had to pay April Parks \$120 an hour to take away her rights. She had to pay for all of Lee Drizin's at \$350 an hour to aid and abet April Parks. My aunt had to pay her own lawyer, the neurologist, and my time to assist her in getting her rights restored. This whole mess was unnecessary and expensive. And it was emotionally devastating for my aunt, a proud and competent woman who was reduced to asking for her own money to go to the hairdresser, like a child asking for an allowance. I feel the ordeal contributed to her decline and death a year later. The system that Nevada created to protect the elderly and vulnerable it is instead being used to exploit

them by those who maintain interest in their own income, due to the inadequate performance of the officials overseeing the guardianship program. Thank you.

CHIEF JUSTICE HARDESTY: I have a question for you. Based on your review and involvement in this matter, how long was it from the time that the guardianship was appointed for your aunt to the time that it was terminated?

BRENDA RALPHS: It was like, I want to say, four months. I would need to look up to be exact. I just learned of these meetings a week ago. I live in Seattle, my plane got in at ten o'clock today.

CHIEF JUSTICE HARDESTY: Oh, okay, well we are going to be here a while today. If you go over there and look at the file and you have something else you want to add please do so. How did it come about that you got involved to terminate the guardianship?

BRENDA RALPHS: Because Lee Drizin's office, a paralegal called and was very nice and I thought she was actually really there to help, so I gave her all this information, but when I start calling her firm they were not returning my calls, were not nice. Same with April Parks. So I got a lawyer, flew here, we met, my aunt walked to the courtroom, even after John Reyes said she couldn't.

CHIEF JUSTICE HARDESTY: Who is the attorney that represented you?

BRENDA RALPHS: Jill Heckland (sp?).

CHIEF JUSTICE HARDESTY: And she represented you to terminate the guardianship?

BRENDA RALPHS: Yeah, to get my aunt's rights restored. Seriously, it stressed my aunt out so much. I can only imagine being that old and just trying to live your life, you know, I mean 92.

CHIEF JUSTICE HARDESTY: And then how long after the guardianship terminated did she pass away?

BRENDA RALPHS: She passed away January 24th of this year.

CHIEF JUSTICE HARDESTY: I'm sorry for your loss.

BRENDA RALPHS: I think she was afraid to go get help because of this whole situation. It's just sad.

CHIEF JUSTICE HARDESTY: Did the place where she resided change at any time during the time that the guardianship was in place?

BRENDA RALPHS: She died at her home but after the guardianship was dissolved she went back living in her condo by herself. She was better at her finances than I am, her check register is better than what I do.

CHIEF JUSTICE HARDESTY: So, was she removed from her condo at the time the guardianship started?

BRENDA RALPHS: No, I was in the condo, April Parks said if she didn't go to this nursing home out in Boulder City that she would have the police called and they would handcuff my aunt and take her.

CHIEF JUSTICE HARDESTY: So she was moved out there?

BRENDA RALPHS: No she didn't. She wasn't. After the secondary hearing I got her into the neurologist the next day, so it happened very fast. I don't think that April Parks and Lee Drizin thought it would happen so fast so I think that's what really shortened the duration.

CHIEF JUSTICE HARDESTY: So she was never removed from her condominium?

BRENDA RALPHS: Yeah, she never was. She was happy about that. I was in finance (11:22 inaudible) April Parks.

CHIEF JUSTICE HARDESTY: And do you recall how much was paid from the estate?

BRENDA RALPHS: Between 19 and 20 thousand dollars. Just for this ordeal.

CHIEF JUSTICE HARDESTY: Okay.

BRENDA RALPHS: My aunt was very frugal, she pinched pennies, and to have that money go, it was hard for her. She had the money, that still doesn't make it right.

ELYSE TYRELL: Justice, may I ask a question?

CHIEF JUSTICE HARDESTY: Sure, of course.

ELYSE TYRELL: Do you know how the guardianship got started, or what prompted the guardianship?

BRENDA RALPHS: John Reyes's physician assistant, I can't find him. Someone told me he is practicing in the nursing homes in the state in Las Vegas.

ELYSE TYRELL: Was your aunt in the hospital?

BRENDA RALPHS: No, I think she was just seen down there.

ELYSE TYRELL: So he was her regular doctor before this happened?

BRENDA RALPHS: Yes, she had seen him two or three times.

UNKNOWN: I'm sorry can I follow up with that? Do you know where he worked at the time she was seen?

BRENDA RALPHS: Care Pro, but I called that Care Pro when this was happening, I became friends with a nurse that worked there and that's how I found out who got this whole thing started and she told me it was John Reyes, but neither one of them work there anymore. So I still want to file a complaint but this physician assistant that is really hard to find the information.

CHIEF JUSTICE HARDESTY: Have you checked with the medical board?

BRENDA RALPHS: No, I have not.

CHIEF JUSTICE HARDESTY: Okay, you have a lot to do. I'm not being critical...

BRENDA RALPHS: No...and I work full time, I have two kids, live in Seattle... This stuff needs to be done, not just in the state of Nevada, across the U.S., it's ridiculous.

CHIEF JUSTICE HARDESTY: There's another question. Mr. Spitzer?

DAVID SPITZER: Yes, thank you Chief. Ma'am how did you hear about this guardianship?

BRENDA RALPHS: This hearing?

DAVID SPITZER: No, when you first heard there was a guardianship placed against your aunt.

BRENDA RALPHS: The paralegal at Lee Drizin's office was calling me for information.

DAVID SPITZER: So you never received any written notice or anything like that concerning court hearings or paperwork?

BRENDA RALPHS: No, it was after she contacted me that I got the information. But the first one, I guess they already had a hearing and then the second one was when I was notified.

CHIEF JUSTICE HARDESTY: Did your aunt have any children?

BRENDA RALPHS: He passed away.

CHIEF JUSTICE HARDESTY: Before the guardianship was...?

BRENDA RALPHS: Yeah, he passed away like 15 years ago. Her and her husband moved to Las Vegas to retire and then her husband died like six months after moving and then her only son died six months after her husband died.

CHIEF JUSTICE HARDESTY: So your aunt's only relative living is you?

BRENDA RALPHS: Me and my dad who is in California. He doesn't care.

CHIEF JUSTICE HARDESTY: Okay, alright, thank you very much for your input. Okay, is there anyone else wishing to make public comment to the Commission today, in Las Vegas? (No response) Alright, anyone in Elko wanting to make public comment today? No.

CHIEF JUSTICE HARDESTY: Okay great, alright, Commission, let me offer a couple of observations about what I was hoping we might....

STEPHANIE HEYING: I'm sorry. Excuse me Chief, a member of the public is indicating they still wanted to make public comment.

ELIZABETH DIANA INDIG: I'm sorry I know you have heard from me before, but I just have a few things to say.

CHIEF JUSTICE HARDESTY: As long as they are new.

ELIZABETH INDIG: Okay.

CHIEF JUSTICE HARDESTY: Please.

ELIZABETH INDIG: Hello, my name is Elizabeth Diana Indig.

CHIEF JUSTICE HARDESTY: Do you need to get some material?

ELIZABETH INDIG: I'm sorry?

CHIEF JUSTICE HARDESTY: Did you need to get some material or notes?

ELIZABETH INDIG: No, I forgot to bring the case number and I...

CHIEF JUSTICE HARDESTY: Oh, that's alright.

ELIZABETH INDIG: You already know it...

CHIEF JUSTICE HARDESTY: It's a case pending in Clark County and you've referred to it before right?

ELIZABETH INDIG: Yes sir.

CHIEF JUSTICE HARDESTY: Okay. Just state your name for the record.

ELIZABETH INDIG: My name is Elizabeth Diana Indig. One very important thing that I noticed, I'm still going through all this stuff, the certificate of incapacity that April Parks turned in on my mom and filed in the court is illegible. It is not even complete and it's been filled in with a worksheet that is completely illegible so this never should have gotten through in the first place so I think the court clerks need to be educated to look at everything that's being filed to make sure it's legible, this is very important, this certificate of incapacity. I just want to say how bothered I am by these recusals. I was notified by the court appointed attorney of Judge Steel's recusal. I am very upset, I do believe Judge Steel is a good woman who is not involved in the corruption and I went through 9 or 10 months of Commissioner Norheim going around in circles, spending thousands of my own money trying to bring this all to light. Then Judge Steel comes in, who I think is a good person, it took her a few months to get acclimated and to get up to speed on the case, now she recuses herself from my case and the Braslow case and Phyllis Mosquit's (17:20 inaudible) case, and I don't understand why. Now there's this random assigning of judges. This is never ending. My mom is 93, I need closure for her, I need closure for me. Now the trial has been cancelled, this is just dragging on and dragging on and now I don't know anything about this new judge. I don't want to say anything. But, why wouldn't it go to the Chief Judge? Isn't this important enough to go to the Chief Judge? And also, April Parks did not show up at the hearing on November 18th. Judge Steel's office called her, no response. We wasted a half an hour of court time waiting for her, she doesn't get contempt of court, she just gets coddled. What is going on here? Why is everyone coddling this woman who has destroyed so many lives? Thank you for listening.

CHIEF JUSTICE HARDESTY: Okay Ms. Indig, has the new judge been assigned to your case?

ELIZABETH INDIG: I believe Nancy Allf has, but I don't know anything about Judge Allf so I'm not going to say anything. But I just don't understand why the Chief Judge isn't given...

CHIEF JUSTICE HARDESTY: Well, I don't know if you were present when Judge Barker was addressing the Committee about recusals, but at least a few months ago when this first came up there was a question about what would happen when Judge Steel had to recuse or was disqualified. My understanding from the Chief Judge is that they've put in place a system that the probate judge, Gloria Sturman, and Judge Alf would be the back-up judges in the event that occurred. There would be an automatic transfer to their departments should Judge Steel be recused or disqualified. We can confirm that, I believe it is contained in an administrative order that Judge Barker signed. There is always a risk in any case that a judge will have to recuse or become disqualified, that happens. Now, what the reason is in this particular case, I am not familiar with, but in any event, judges should not sit on cases if it is going to violate the judicial code, period. So if Judge Steel saw something either in the case or for some other reason that caused her to believe that her continued participation in the case would cause a violation of the judicial code, she has an ethical duty to recuse. In her place, pursuant to the administrative order that established her responsibilities in the guardianship docket in the first place, or subsequent, this back-up process was established for Judge Sturman and Judge Alf to serve in that event.

ELIZABETH INDIG: They aren't even guardianship. They don't do guardianship cases, how could they possibly do a good job?

CHIEF JUSTICE HARDESTY: Actually, Judge Sturman is the probate judge and attends the National Probate Convention and meetings, she sits through training on guardianship, and Judge Alf has agreed to undertake guardianship training herself in anticipation of these assignments. Judge Barker met with them and asked them if they would serve in this capacity. That's what's being done to handle your case, the alternative is that you would have a judge assigned who is a senior judge by the Supreme Court or there would be an assignment from a district court judge in another district.

ELIZABETH INDIG: I like those options.

CHIEF JUSTICE HARDESTY: Well, it's not your choice ma'am. Mr. Wilson, is my understanding of the administrative order correct, are you familiar with that?

RILEY WILSON: I am not familiar with it.

CHIEF JUSTICE HARDESTY: Okay. While we are here today, will you confirm that? Could you get ahold of Judge Barker and confirm that? Okay. Alright, any other persons wishing to make public comment? Okay. Alright, a couple of other items I want to get into before we get into the agenda, first....

(Interruption, inaudible 22:39)

CHIEF JUSTICE HARDESTY: Yes ma'am.

TERRY WILLIAMS: Good morning.

CHIEF JUSTICE HARDESTY: Good morning.

TERRY WILLIAMS: My name is Terry Williams for the record. Before we begin, without taking from my 3 minutes, may I please just ask a question?

CHIEF JUSTICE HARDESTY: Sure.

TERRY WILLIAMS: I was here on August 17th, I commented but there are about 7 typos and I'd like to know how to go about fixing them because they actually distort the sentences.

CHIEF JUSTICE HARDESTY: You can submit a edit or redaction to Ms. Heying and that will be part of the record.

TERRY WILLIAMS: Very good. I faxed her one, but to date it's not been done, so I'll do that again.

STEPHANIE HEYING: I have corrected them. I am sorry, maybe the ones online have not been updated, but if you send them to me again, I will make sure that they are done.

TERRY WILLIAMS: Sure, okay. I am here on behalf of all the victims, both past and present. I received alarming phone calls once again, urging that I listen to the November 23rd hearing and do something. I am here to try to do something. What impressed me most about that last hearing was Larry Braslow and Mr. Trowbridge in their attempts to address the criminality of the shenanigans masquerading as Clark County guardianship and probate. Again, not much was pondered by the Commission in that regard, but there certainly should be, and preferably soon. What absolutely alarmed me was the proposal presented by Mr. Richard Black suggesting a model that would award Elder Protective Services and the Public Guardian, Kathleen Buchanan, complete authority to investigate and make all recommendations of who should be appointed guardian in family, simply by virtue of being government. As I essentially stated, in my August 17th commentary, the government in this jurisdiction is not functioning with regard to these matters and has not done so since at least the mid 1980's. With all due respect to Mr. Black and his flow chart design, the flow chart is a wonderful idea, but I caution this Commission not to move forward another second to implement such a model, with regard to any assignments of (inaudible "authority" 25:02) to, specifically and restrictively, the Clark County Public Guardian. I have a very thin binder, it's only this big this time that contains all the information one would need to understand my position and urging, in that, myself and Darcy Spears appear to be the only historians in this regard. In 2003 I warned everyone I could find of judicially sponsored kidnapping and theft and Darcy Spears, working for Channel 3 News at the time, did a series of exposés on Kathleen Buchanan, that office, finding essentially that every allegation having been brought to this Commission's attention that was being made with regard to private professional guardians had been made against Kathleen Buchanan and her office on March 1st, 2004. Consistent with my commentary of August 17th, I urged the Commission to peel back the layers delving into the history. All will see that the current situation started with Jared Shafer and Kathleen Buchanan, their attorneys, et al, but they were the government. Again, with all due respect to Mr. Black, his investigation does not reveal the root of the evil and that's what needs to be addressed by this Commission. In addition to your honor's finding that there were no appeals. Also contained in my very thin binder is an appeal filed on behalf of Robert Fiske, case number G08032219, concerning Kathleen Buchanan in her capacity as Clark county Public Guardian, outlining a number of the same complaints heard by this Commission for the past 6 months, including but not limited to threats being made against the attorney for simply attempting to defend Mr. Fiske's constitutional rights. Thank you very much.

CHIEF JUSTICE HARDESTY: Thank you.

TERRY WILLIAMS: And whom do I hand this to, the binder, this time?

CHIEF JUSTICE HARDESTY: Ms. Heying.

TERRY WILLIAMS: Thank you.

CHIEF JUSTICE HARDESTY: Anyone else wishing to make public comment today? I'm sorry, I had one other question, did you have the Supreme Court case number on the appeal that you referenced, or is that contained in the binder?

TERRY WILLIAMS: That's contained in the actual opening brief of the appeal and it's in the binder and right now I've got to find the binder, but it's together this time.

CHIEF JUSTICE HARDESTY: Okay, great.

TERRY WILLIAMS: Thank you.

CHIEF JUSTICE HARDESTY: Thank you. Commission, in administrative order 15-08 filed in the District Court of Clark County on August 6th, 2015, Judge Barker sets out the process by which the court will assign cases in which there are recusals. It is hereby ordered, pursuant to EDCR 1.30B, which is the local rule in the Eighth Judicial District, that in adult guardianship cases where Department G either recuses or is disqualified, and for those of you who are not familiar with Department G, that's Judge Steel, the case from which Department G recuses or is disqualified shall be randomly assigned to one of three departments consisting of the presiding judge of the family division, Department 26 and Department 27. It is further ordered, pursuant to local rule 1.30B, that in probate cases where Department 26 either recuses or is disqualified the case from which Department 26 recuses or is disqualified shall be randomly assigned to one of three departments consisting of the civil presiding judge, which would be Judge Elizabeth Gonzalez, I believe, and Department 4 and Department 27. As I indicated way back when this process began that resulted in the change of guardianship judges in Clark County, the Chief Judge put in place the reassignment of cases, as is his responsibility, in the event Judge Steel would recuse or become disqualified. Ms. Indig that has been in place since August but I don't know why Judge Steel recused, I haven't seen that order.

If there is no other public comment, I'd like to address some issues in the agenda.