

9/16/15 Verbatim Public Comment

Chief Justice Hardesty asked members of the public to provide comment and reminded them comments would be limited to three minutes.

There was no public comment in Reno. Members of the public provided their comments from Las Vegas via teleconference.

THOMAS LENNER: My name is Thomas Lenner. I am a Veteran and resident of Clark County since '74. I'm here today to support the current families of the very corrupt family court and to prevent any further extortion of families, especially our veterans and their families here in Nevada. On behalf of my family, my spouse, Maureen Carp-Lenner, [inaudible] passed away a little over three years ago and Diane Carp's current caregivers. Steady going on four years now and on and off more than 20 years.

Since [inaudible] has passed away, Allen Carp, my aunt's son, has robbed her, stealing cash, jewelry and valuable heirlooms. When she changed the locks on her condo, which the parents put down a large down payment, Allen, her son, threw her out we found out that the parents were not on the paperwork as owners of their own condo. This is how Diane ended up with us. Allen, his attorney, Jeffrey Whitehead, has been trying to extort money from Diane, going on two years. And, Lee Drizen, attorney has since withdrawn; who Diane never hired tried to extort money from Diane. Allen never paid his attorney Whitehead, and now Whitehead is trying to extort the money from Diane for his services for Allen.

Laura Palmer-Simpson was sent [inaudible] State and Laura [inaudible] already extorted money from Diane, trying to [inaudible] into the corrupt family court. Thank God, Diane had sense to move her out of state, not only for better care, but away from her son and this current corrupt family court.

On July 27, 2015, Judge Steel ordered the petition dismissed. The letter of official guardianship rescinded and Attorney Lee Drizen allowed to withdraw. We thank Judge Steel but are deeply concerned on these points. Allen filed for bankruptcy in 2010. Per NRS 159.044T, he is ineligible to serve as guardian. Why did Judge Steel grant Allen special guardianship?

Next. No further actions or rulings will be considered by this Court on Diane Carp as she is no longer a resident of Clark County and she has a legitimate seasoned durable power of attorneys in place. Judge Steel stated, Diane is a United States citizen and is not in my jurisdiction, is not a bank account and I will not hunt her down. Why was this not in the order? Allen and his attorney Whitehead have been relentlessly hunting her down, expanding her social security benefits by presenting false information to the Social Security Administration, to try to locate and kidnap her.

Next. [inaudible] representation of Diane Carp. Oh, why did not Judge Steel not sanction him?

HANS JESSUP: The three minute timer has gone off.

THOMAS LENNER: Oh, I'll leave this with you.

HANS JESSUP: Thank you.

THOMAS LENNER: Thank you.

JIM HARDESTY: Thank you Mr. Lenner. The next speaker wishing to make public comment from Las Vegas.

HANS JESSUP: Go ahead ma'am.

MARILYN BERQUIST: Chief Justice Hardesty and Members of the Guardianship Commission. Thank you for allowing public testimony. My name is Marilyn Berquist. I am 66 years old, a senior myself. I have been involved in the legal system in Clark County, Nevada since February of 2009 which escalated in 2013 by an abusive use of ex parte practices. I was and am still being persecuted for what my mother wanted, in writing, her wishes, even now, two years after her death for the purpose of extorting money by greediness of both the for-profit guardian and their attorneys.

I've studied guardianships in depth in 2013 and attended a World Congress on Guardianship in Washington and have spoken to attorneys from all over this country, from law firms to law schools. I've completed webinars by national experts and spoken to national leaders and I would like to talk about some of the things I've learned.

First, as we all know, guardianship is an ancient, archaic way of controlling property, as it does in the United States today. Guardianships remain today—it should be about maintaining human rights. Ms. Arnold believes that quote “best interest”, again, that's Ms. Arnold's belief, “that best interest determined by an unknown person that is thrown into a person's life by a court should override a person's wishes”, is not acceptable today. We should consider what do we want for ourselves in our life and let that lead us. Of course, we all want our wishes to be upheld.

If this archaic system must continue for the time, we must adhere to support decision making. If my mother had supported decision making in place for her final days on earth, after 93 years, all of her wishes would've easily been obtained because she would've been given the assistance, if she even requested assistance, to obtain her wishes. And, isn't that how we all want to pass on to the next world? Instead, she suffered an unbelievable mental pain and stress in her guardianship system that removed her rights.

Please read about Jenny Hatch, the Jenny Hatch Project. She is educated all that she has touched through her powerful study of regaining the rights.

Next month, my topic will be competency that leads to guardianship and why currently we are not addressing the person's ability and level of hearing, serum levels drawn for B12, PET scans of the brain, MRIs of the brain, prior to having rights removed. I'm an RN and these medical issues must be addressed before removal of our rights. We must not like the neighborhood, we must not let the neighborhood easily influence doctors to make such a dramatic decision. It must be supported by documented medical facts. The system must not continue as it's a violation of the Americans with Disabilities Act.

Remember it is what we would want when our time comes. I pray that Nevada becomes the state that all other states look to for the very long, overdue dramatic changes that need to occur for our future rights.

JIM HARDESTY: Ms. Berquist, this is Justice Hardesty. Thank you for your comments. To the extent that you may have some additional information that you gathered through your research and other recommendations, I would ask that you provide that to the Commission staff representative, Stephanie Heying. We will distribute that and make that available to the Commission Members.

MARILYN BERQUIST: I will do that immediately, thank you.

JIM HARDESTY: Okay, thank you. The next speaker in Las Vegas?

JEFFREY GRINEL: All right. Judge Hardesty, Members of the Guardianship Commission, my name is Jeffrey Grinel. I have a very important letter here and I'm going to make a mockery out of this situation because that's kind of what it's been. Here's what the letter is reading: Dear April Parks, Jared Shafer, Judge Voy, Judge Norheim, and Lee Drizen - I have been declaring Elyse Tyrell in cognoscente based on my years as a medical professional in the area of psychiatric medicine. I clearly see that the inmates are running the place and that she needs Zyprexa, should be used immediately. No, it's not approved for that use, but nobody really cares about that because that's how we take control over the patient and make it very easy to do so.

Basically, this whole thing is a joke. The system has become a joke and needs to completely change. I don't understand why there hasn't been changes. Especially with the latest news reports from, about April Parks, how she has stopped patient after patient, if you can call them that, or ward afterward, from receiving their own mail, with nobody else looking after the interests of these people. April Parks and the other guardians take an oath that they will look after the best interests of these people and yet, time after time after time, even when there is plenty of money in the accounts for these people, they stop paying things like, home owner's association dues. It is an absolute joke. These houses go to foreclosure. My friend Liz' house, which was paid, \$320K for, they lost it in to foreclosure for \$22K. It was flipped and made a lot of money and now they're [inaudible] even Lee Drizen is the attorney of one of the people that's doing.

So, tell me something folks. When are we going to let the inmates stop running the asylum? That is my question to you. It's a simple solution. You can do something about it, or we can just continue to make a mockery out of the system. It's a shame that anybody in the State of Nevada would have to go through this. Thank you very much.

JIM HARDESTY: Okay. Mr. Grinel, thank you for limiting your comments within the time period. Next person that wishes to make public comment?

MAUREEN DOSCH: I'm Maureen Dosch mother and guardian of twins. This is not only elder abuse but also abuse of minors with inheritance and settlements. There's documented cases that have not come forward for fear they'll take the children. Jared Shafer and Lee Drizen the same people, except Pat Trent.

We continued on with Judge Steven Jones. Then came Shelley, Shelley Krohn, Kim Voyer and Louise Sherk and CPA Joshua Gottesman. The coercion of the older twins began with Attorney Shelley Krohn and her female law firm, supposedly collected monthly annuities and also payments from his structured settlement. He doesn't see any of it. The younger twin, structured monthly annuities, a lump payment supposedly Attorney Lee Drizen and CPA Joshua Gottesman. He has a small living allowance monthly, the rest of the money goes to Lee Drizen. At 38 years of age, the older twin receives no funds at all, the younger more traumatized, like I said gets his monthly allotment. The Dash twins had to go to without much of the basics of life, a fact that's still continuing today. It started in 1985 and it's still going on. At 40 years of age, the twins were to receive \$100K in a lump sum payment, which supposedly will be managed in the same form a fore mentioned way. All information and accounting has been blocked. Wills, Trusts and a U.CC Financial Statement were ignored. 30 years of filed evidence, forged signatures and altered court documents and video which survived the ransacking of the Dosch residence.

HANS JESSUP: Go ahead ma'am. State your name.

ELIZABETH DIANA INDIG: Hello. My name is Elizabeth Diana Indig, Case No. G-12-037414-A. Judge Steel may not want to be in the room.

JIM HARDESTY: She's outside the room. She's not listening to public comment based on the fact that some of these comments may relate to a pending case.

ELIZABETH DIANA INDIG: Okay. I know today you wanted to discuss guardian salaries, and I will speak to that, although I feel that the torture of the wards in the mental facility and what happened to my mom and things like that are more important. While looking at the ridiculous, overpriced, fraudulent bill from Noel Palmer Simpson, which has several charges for court appearances. I checked and realized there were no court appearances. All of a sudden something so obvious came to me. I researched court minutes and noticed that nobody showed up for the first temporary guardianship hearing. Now, we know I wasn't served, but doesn't that indicate if neither the lawyers or the guardian does not show up that they knew I

was not going and there was no way I was going to show up? Something needs to be done in cases where nobody shows up after filing. That should be a clear indicator that there was no service.

Two years after April Parks fraudulent made her hostile takeover of my mom, her possessions and the home, all of which were in the Indig Family Trust, I was actually served with the accounting a year late, which was so ridiculously overinflated, full of mistakes, and an obscene amount of money paid for stuff without court approval and no mention of the home, I went to the hearing. The more excuses I heard from Parks the more suspicious I became. I asked for receipts and documents at each hearing and they were not being provided to me. Although many of the NRS violations I pointed out were a given because they contained time restraints. [inaudible] production of receipts and documentations must be enforced by the Court. After a few hearings, Parks brought in a high-priced attorney who accused me of being a vexatious litigant, obviously to frighten me, to stop my probing of the many accounting errors and NRS violations and the reason the home was lost due to April Parks impeding my ability to act as Successor Trustee.

JIM HARDESTY: All right. Thank you Ms. Indig, is there any other person wishing to make public comment in Las Vegas?

RICHARD BLACK: Sure, this is Richard Black. Chief Justice Hardesty, thanks for the opportunity to speak today. My wife and I are here from North Carolina. I really just wanted to make a couple of comments on, you know, trying to move this thing forward. The Commission will be wrapping up in December and we certainly need to move to a reform and what actions are going to be taken to ensure that this nightmare doesn't continue for the next two decades as it has today. There are 60 families that I've investigated that have lost over \$25M to this tragedy. As I said on numerous occasions, this is all about greed. There are simple processes that I know that your team is looking at that hopefully will resolve this and head it off in the future.

Number one is, the National Association of Court Management, their protocol, there was a brief webinar on that. I know it's been forward to Stephanie Heying, but I want to reinforce the merits of the due diligence that they used in that process and recommend on a national basis. Prosecution referral. When criminal activity is identified in the family court, historically here in Clark County, that's been ignored when it pertains to the guard—private guardians and their lawyers. It's been fully embraced, bench orders have been issued on family members, so there is certainly a double standard there. I'd like to make sure that there's a prosecution referral process that ties in the family court to downstream enforcement and prosecution expertise.

If you look into cases that have continued to be on the radar screen, the isolation of Cosey (sp?) Lewis, who's been in a temporary guardianship now for six months and demands to take him to the VA, to institute his VA benefits, that after five months, continues to be delayed and now there's going to be an evidentiary hearing in December, another three months away, to determine whether April Parks', his temporary guardian, is actually going to take him and get the benefits that his service to our country certainly affords him.

The second case I'd like to highlight is, the case of Romero Hernandez. He was injured here in Las Vegas in 2009 in a roadside accident at the [inaudible]. He was conscripted into a guardianship even though he lived in California in 2012 and Jared Shafer, Elyse Tyrell, have yet to explain their actions. There is a hearing set up on the 25th of September in front of Judge Gloria O'Malley who has conveniently been brought back to hear. That case—what I would ask, that you sir, continue to have oversight on the criminal activity the family court and that you criminalize that tie in with prosecution. Thank you.

JIM HARDESTY: Okay Mr. Black, thank you for your presence and comments. You should've come to Reno, you know, it's pretty up here. All right.

RICHARD BLACK: I appreciate the offer sir. We had all intentions of being there, but we had—it was all we could do to get here this morning, but thank you.

JIM HARDESTY: All right. Anyone else in Las Vegas wishing to make a comment?

HANS JESSUP: Yes, we've got one more.

JIM HARDESTY: Okay.

HOMA WOODRUM: Good morning Your Honor and Members of the Commission. This is Homa Woodrum. I'm an attorney here in Las Vegas. I just wanted to address the Commission as far as activities of local attorneys who have been trying to assist in the Commission's activities. We have several committees set up looking at the—each Judicial District Court Rules, looking at Supreme Court Rules, looking at possible legislation down the line, with the mind towards concerns raised by the commission, such as attorney's fees, state reporting fees. There has also been a major topic of discussion that has come up between the attorneys on the various committees; has been whether or not the committee would be able to get the Attorney General's Office involved.

One of the major roadblocks that we continue to come up onto in regards to exploitation cases, as the, I don't know, unwillingness or the inability or the lack of funding from Metro to actively pursue these cases. I have very recently had a case that has actually been prosecuted, but there are many others that are abandoned midstream and I just wanted to mention that to the Commission because I know there was a discussion about bringing other disciplines into the activities. I realize we are on a limited schedule, December being the cutoff, but I did want you to be aware that the local bar and also the local court has been very actively looking at the problems and concerns that are raised, especially in these public commentaries. We appreciate your time.

JIM HARDESTY: Thank you Ms. Woodrum. I'd make a request on behalf of the Commission that you provide me with a list of the names of the attorneys that are working on this effort. Give us—please share with us the results of your work effort, if you don't mind.

HOMA WOODRUM: And, Judge Steel has been kept apprised as well, and has attended several meetings. She's been holding two hour bench bars every month with members of the Bar. And, a lot of good ideas are coming out of those meetings. Topics such as confidentiality and a lot of these nitty gritty issues that, with future usual safeguards I think we can be assured of greater care of our wards in Nevada.

JIM HARDESTY: Okay. I'll look forward to getting some information from you on that. I know that Judge Doherty has been doing the same in Washoe County with the members of that Bar here. I know Judge Porter frequently meets with the lawyers in Elko County as well. So, there's been a considerable amount of activity around the State in this area. I do think that it would be helpful to consolidate those efforts. To try and bring them together and—so that we don't have multiple sources providing suggestions to either the Court or the Legislature. I don't know how Assemblyman Trowbridge and Sprinkle feel about this, or Senator Harris but my limited experience with the Legislature is that if they get multiple and differing recommendations, the chances of any of those passing are slim to none. So, it's better to focus our efforts and target those recommendations for statutory changes that are needed into one direction. I think the Commission affords that opportunity, particularly given the participation of these fine Legislators in this process, with the Commission. So, I would encourage—

HOMA WOODRUM: [crosstalk] as well, and that is unique to Clark County because we have recently had new rules rolling out that they were all based on a hearing master dynamic and we're overhauling them to accommodate the new dynamic of the court. I think your point is very well taken Your Honor, and I think that we have already, you know, been starting to coordinate with—around the State as well.

JIM HARDESTY: Well, then I would add, while the local rules probably need to be visited, no local rule can go into effect unless it's approved by the Supreme Court.

HOMA WOODRUM: Exactly Your Honor.

JIM HARDESTY: So, it might be beneficial to short circuit some of that if it has statewide implication and get it before the Court sooner than later.

HOMA WOODRUM: We'll get on that Your Honor, thank you so much for your time.

JIM HARDESTY: Great. Any other persons wishing to offer comment in Clark County?

There were no additional public comments.