

STATE OF NEVADA  
SUPREME COURT COMMISSION  
GUARDIANSHIP COMMISSION

June 13, 2016

Completed by Sue Berget  
Verbatim Public Comment

Justice Hardesty asked that public comments be kept short. Due to the amount of work the Commission has before it, public comment would be limited to one minute. Justice Hardesty recognized that this is a work session as the Commission considerable agenda to address for today's meeting. Members of the public are welcome to offer input in writing and submit the emails to Stephanie Heying or the Clerk's Office of the Supreme Court. Justice Hardesty asked if anyone from Las Vegas would like to make public comments and asked the administrative staff to enforce the time limit.

**Elizabeth Diana Indig:** Hello, my name is Elizabeth Diana Indig and with all due respect, I ask the commission to restrict the EX PARTE granting of deficient guardianship petitions violating our own most basic due process rights amounting to secret proceedings.

Also, the standard language of awarding the FULL BACKING of ALL law enforcement and partner agencies creates a conflict of interest at the onset.

TO WHIT:

IT IS FURTHER ORDERED, ADJUDGED AND DECREED

PETITIONER IS AUTHORIZED TO USE THE ASSISTANCE OF THE HENDERSON POLICE DEPARTMENT, LAS VEGAS METROPOLITAN POLICE DEPARTMENT, OR ANY OTHER LAW ENFORCEMENT AGENCY, FIRE DEPARTMENT, AMBULANCE SERVICE, AND/OR MEDICAL PERSONNEL, IN SECURING THE WARD, AND HER ESTATE, AND REMOVING, OR PREVENTING ACCESS TO SAME, BY PERSONS ALLEGED TO BE EXPLOITING THE WARD, IF NEEDED.

I researched many, many cases in the records room and found a lot of the petitions they just went through no hearing, the part that says people needed to be served were left blank and said to be done later, and we all know once the guardians get their hooks in the ward that's the end. You can't fight it anymore. Thank you for your time.

**Justice Hardesty:** Ms. Indig, thank you for your input today.

**Ms. Indig:** Thank you Your Honor.

**Justice Hardesty:** Anyone else offering public comment in Las Vegas?

**Artic Anderson:** Hi, my name is Artic Anderson; I am currently the Marketing Director at Aegis Living Memory Care. I am here to talk about the guardianship of a resident and friend, Rosalina King. She was evidently given guardianship after the passing of her husband, Richard King; unbeknownst . . . it wasn't really, what we had expected. Over a year ago, a gentleman named Richard King came into my office and introduced himself. He was in his 90s and he let me know that he had a relationship with Aegis Living . . . and the marketing director prior to me becoming the marketing director. I found a file I had created for his wife, Rosa, and in the file were letters signed, stating that should something ever happen to him he would like for Rosa to reside at Aegis Living. For the next nine months I continued a relationship with Richard, I would visit him and his wife to ensure the paperwork, monetary to cause, it was in place should something happen to him. As state would have it, Richard called me in a panic in January of this year. He had fallen in the Home Depot parking lot and had broken his hip. Because of his (inaudible) and age of slipping and myself entrusted that all of Rosa's paperwork be updated as quickly as possible in order for her to be admitted as soon as possible. That is what we did. Prior to Richard's surgery, I had Richard sign a respite contract. I was in communication with his lawyer, Lee Drizen, and all was set. For the next couple of months while Aegis Living cared for an engaged Rosa I would meet with Richard in hospitals and give him updates, photos, and stories about his wife's life at Aegis. He was very grateful, as was her long-time friend, Elda Masters, during the quick admission of Rosa to Aegis. Elda Masters became estate executor, was a great assistance, and he was aware of Richards's wishes should something debilitating or life threatening occur to Richard. A few months later after Rosa's stay the King's neighbors finally stopped in, wondering what was happening, due to the lack of activity in the King's residence the neighbors suspected something tragic had occurred. They knew to come to Aegis because that is where Richard told them that he would want Rosa to live should something happen to him. These orders were given to the neighbors, they were given to Aegis in written letters, please take care of her should something happen, and also to the King's Lawyer, Lee Drizen. Everyone was made aware of Richard's wishes for Rosa to live at Aegis Living in his absence as her caregiver. Less than a week before Richard passed, I visited him in a group home where he was staying. Richard's last words to me, which were stated in the presence of the owner, were "Please take care of my Rosa." The group homeowner said to me, "Wow, he must really trust you." Somehow, along the way, Lee Drizen ended up not being able to assist Rosa and a public guardian was assigned by the name of April Trip and Kathleen Buchanan. Long story short, about two weeks ago on a Tuesday morning Aegis Living received a call from the public guardian announced that they would be showing up to pick up Rosa Wednesday, a day later, and taking her to an undisclosed location because they felt she needed a higher level of care. This care was not skilled nursing, which is the next level of care needed should a resident have to leave Aegis Living. We are still unaware of where Rosa is, her neighbors do not know where she is. We are unable to contact her and she lived with us for approximately five months. Thank you.

**Justice Hardesty:** Thank you. Is there anyone else?

**Peter Cowley:** Yes, my name is Peter Cowley; I am actually the General Manager and Administrator of Aegis Living. I am going to pick up the story because (inaudible) on May 31 at 9:30 in the morning there was a court hearing in front of Judge Steel and I believe I knowingly in the presence of Judge Steel, she granted full guardianship to Kathleen Buchanan and the Public Guardian's Office. We were then called by April Trip at 10:30 in the morning, she said we are

coming, I need to give you an update, we are coming tomorrow to pick up Rosa, tomorrow at 10:00 a.m. I said well, hang on a second here, she has lived with us, it's her husband wishes that she live here. It doesn't matter it has been done. I said well why are you taking her? She is a higher level of care, and she gets the best care. You are just looking for those you don't know as the very best all memory care in the City of Nevada, or the City of Las Vegas. We have very high care; we have three nurses on staff. It's a small step to skilled nursing with what we are allowed to do. I was upset and I said to the public guardian I'm not letting her go, you better show up with the police, and they did, and I stepped aside and they took her. They took her to a higher level of care when an unmarked red Prius pulled up to our over/under our (inaudible) two people that run the group home, we assume, took her out. Rosa is in a wheelchair and they tried to stand her up by yanking on her forearms, this lady is in her 90s, yanking on her forearms trying to get her to stand up. This higher level of care didn't understand the transportation requirements from a wheelchair to a vehicle, they did not understand that she couldn't stand up, they don't understand that she doesn't speak English, that she speaks Spanish and the person arriving didn't speak Spanish. Yanking on her arms, we ran out to stop that abuse. Because skin tears, broken arms, dislocations (inaudible). So we ran out there, they gave up, they couldn't get her to the little red Prius so they called an ARM non-medical ambulance, let her sit outside in 100 degree weather for 25 minutes before we went out and said we were bringing her back in. ARM shows up, two guys get out of the ambulance, bring a gurney, lift her out of her wheelchair, strap her down in a gurney, she is freaked out of her mind, we have video, we took video of this, and they put her in an ambulance and whisked her away. I asked where she was going, the word from the guardian said, "It doesn't matter to you, it is none of your concern." To this day, we don't know where she is. We have numerous people, family and friends, trying to find her; no one knows where she is. Thank you.

**Justice Hardesty:** Is there any other public comment in Las Vegas?

**Suzie McDonald:** Hi, my name is Suzie McDonald; I am a native of Las Vegas. I have lived outside the city in the country quite a while. When I came back one of the things that I found, my mother was going through dementia and Alzheimer's and I really didn't have the real keys, really have a full understanding of what that was, but in that process, I must say, we kept my mother at home, thank God, and there are five of us so we actually did out little time to go in and take care of her, but I was the one that she would allow to bath her, she didn't want, with her pride, in her (inaudible) she wanted to be able to be in her home and have her children take care of her, no one else to see her body, and I thank God that we did that. Yes, it hurt my back, yes; it was exerting energy that a lot of time I didn't have, and a lot of times I would go away crying. Getting them to this part of speaking of Rosa, I didn't want to work for Nevada Adult Day Health Care, that's Mr. and Mrs. Vito, amazing day care for our children today because in my culture we say at a certain period of time it comes to a place to where we say "once an adult, twice a child." So we should be taking care of our seniors in that way. Since I have come back from Vegas, giving a little background, I have lived in Europe and I have lived in New York, they take care of the seniors. They take care of the children. I came back here and I have been not only very disappointed but I tell you even now my emotions are raw. I know Rosa, I knew her at Nevada Adult Day Health Care, every day the hair is absolutely perfect, this woman, the way he took care of her, her husband, her clothing, and yes she spoke Spanish but she spoke a teeny bit of English. I also have another friend now that is at Aegis, well taken care of, Mr.

Kenneth Carpenter, and I went in to see him, but then I walked in the door and somebody grabs my fingers, they are my witness, and supposedly she has Alzheimer's and dementia, but she goes in and out, that's what we don't recognize, that they still know, I know even my mother, although she was in this youthful area of her life, her return to her youth, she still reminded me I was her daughter and that she was the mother. Rosa would grab me by the finger and yes, she would jibber between Spanish and English, and I sat down with her and I said how long has she been here? because I know that she transitioned out of Nevada Adult because there comes a period, and Nevada Adult, just so you know, is like a kindergarten for seniors, well taken care of. When I did see her I did sit down with her and I talked with her and I spent some time with her and since that five-month period, I go in and have lunch with her. I get her to eat and I talk to her and I rub her hand and because when they get into the Alzheimer and dementia you just can't make sharp turns, you can't make sharp moves, you actually have to remember, once an adult, twice a child. I see that care for Mr. Carpenter who is at Aegis right now. I also am a part of the senior spotlight. That means I have a bible that we called it a bible of all the different facilities that take care of our seniors. What they need, whether it's BST, whether it's a POA, whatever, we actually have the time, and we go and get together every other Wednesday to make sure that we keep up every one of (inaudible). I don't really know Katherine Buchanan, I don't know these people, but I go in the same day as this Katherine. Everyone on the inside is a bit shaken, not just the staff, but our children that are once an adult, twice a child. But I have watched because of what they say has happened one of their kids from the playground, how they were so shaken, and I asked the question . . .

**Justice Hardesty:** Ms. MacDonald, would you please wind up your comments.

**Ms. MacDonald:** Absolutely. I would like to let you know that there was another gentlemen their right now, Kenneth Carpenter, and yes, once an adult, twice a child. I am a part of Nevada Adult and as I have spent the time I would like to say to you that I know for sure because I have also been through a husband in a group home they had him in and I watched him deteriorate, but when I went in I actually saw in his eyes that he wanted me to get Rosa. So I went over and I talked to them about it. This center has one, like I said, one of the many in this city but I go there every other day, if not every day. They'll tell you the nurses, everybody, I checked, the one (inaudible) and I don't get paid, so it lets you know it's not about the money, although there may come a time when I am sure, I want to sit in one of these seats to be able to do that, so I say to you please consider once an adult, twice a child, why would be steal from (inaudible). My name is Susan MacDonald and I am from Hampton Concord Foundation, which is a nonprofit that stands up for our seniors and anyone that does not have a voice. Thank you very much.

**Justice Hardesty:** Thank you. Anyone else in Las Vegas?

**Sharon Ruskin:** You will have to forgive me I'm not a public speaker, but I am Sharon Ruskin? I live at 905 Lost Creek Circle. I live directly across from Dick and Rose King. I always knew her as Rose, not Rosalee. When I knew her she basically spoke, English was, I guess her second language, but mostly English. As we all know Rose has an issue.... The basic thing I want to start, I don't want to go over, but bottom line is shortly before Dick passed away he told me, he called me and he said, "Can I talk to you?" He has done that many times and asked me to help out with Rosa when I could because he would never leave her alone. But, anyways, he said to me

everything ... I just want you to know if something happens to me, never in a million years that Dick would have passed before Rosa, ok. The last few years of Rosa's life she had full-blown Alzheimer's and was on medications for many, many things. He had told me that he had stopped a lot of her medications because they were making her sick, ok, and I want to make one point about family and friends. Not that they didn't have family, most of their family was gone, I remember one interesting thing that Dick had said to me about family. You can't choose your family, but you can choose your friends. So that being said, he would confide in me and the one thing I remember him saying to me was I want you to know everything is taken care of, I really researched, she will be going to Aegis, which was right around the corner from us. He had done a lot of research, Richard was a very intelligent man and this was the man's last dying wish and when I finally found out where she was, I and my neighbor, Sandy, who unfortunately could not be here today, but would have liked to . . . so we went there when we finally figured out where she was because what's going on over there, we didn't see Dick exercising every morning, we don't see him attending to anything, so when we finally did find out that Rosa was at Aegis, we just showed up, ok because I have learned, I have taken care of many, I have been a caregiver, not licensed, but for many friends and relatives so I knew just to show up. Rosa looked beautiful, Rosa was happy; we decided that we were going to go there every Wednesday. So the second Wednesday that I got there I was told about this "guardian." It blew me away; I'm like "What?" I just want everyone here to know what Dick's last wishes were, that she would be taken care of at Aegis, ok. Now this level of care stuff, I don't know, you know I'm not, but it breaks my heart what happened because I seen her there, she was out, she was watching a movie with everybody, she was with people and guess what, I'm the only one who that does have her address. They called me five minutes ago, right before I came here and they did give me her address. Personally, I didn't think they were going to because after I told them what was going on they gave me this story well, we have to make sure blah blah, blah, O.K., again, I am not a relative and I understand certain things, ok, but when there are no relatives and this Lee Drizen, you know I was hoping that he would have been, what's the word I'm . . . you know, carrying out his wishes, but evidently they are not. That's all I'm going to say, I know what Dick wanted, Dick researched this very much and I also heard that when they took her to this "higher level of care" they didn't even take her medications.

**Justice Hardesty:** Ms. Rufkin, did you . . . I don't want to be rude, but could you please wind up your comments.

**Ms. Rufkin:** Yeah, I think I said everything I want to and I appreciate you guys because I have never done this before, so I appreciate you guys listening and I just wanted you to know all I'm here for is to get Dick's wishes known. Thank you very much.

**Justice Hardesty:** All right, thank you very much. Is there anybody else who would like to make public comment whose remarks are not going to be (inaudible) with the previous speakers?

**Jeffrey Grinnel:** Yes Judge, I want to speak real quick, I have spoken before so I guess I have limited amount of time. I think the term that people are looking for, these people over here, I think the term is called kidnapping. I think that is the term I am looking for. That is being court sanctioned kidnapping in the United States of America and apparently they get to keep all the money as well, the people that do it, wow, that is a great deal, Not so good for the vulnerable, but

a great deal. As my time is limited I can only speak about one, April Parks, who has declared bankruptcy and fled being the coward that she is not willing to face what she has done the wreckage that she has left behind her and now I ask you why is nothing being done with this bankruptcy, why is this not being questioned. She should not be allowed to get away with that. We have morals in this country to defend our weak and vulnerable. That's what we are supposed to be, that's the face of who we are supposed to be, we're not supposed to kidnap them and hold them for the life's work as ransom. Thank you very much.

**Justice Hardesty:** Thank you. Anyone else making in Las Vegas who would like to make public comment?

**Senator Harris:** I don't see anybody else who wants to make comments, Justice.

**Justice Hardesty:** All right, anyone in Carson City want to make a public comment? I don't see any . . . Senator Harris, welcome, the record should reflect your presence, which I'm sure it does, and take Chief Judge Gibbons. Ok. Let me make a quick observation about the presentations that we heard in public comment. I have no knowledge of the matter of Rosa King or her court proceedings. It is my understanding that this is a pending case before Judge Steel. So to the extent that persons have issues with respect to the handling of that case those issues should be taken up with the public guardian, not a private guardian, the public guardian Kathleen Buchanan and the court proceedings pending in Judge Steel's courtroom. As I have expressed since the Commission began, although the Commission is very interested and wants to follow and has followed individual cases, they certainly provide a substantial record from my view that for the reforms and Commission as debated as has already in many instances approved by a vote, a unanimous vote in most cases the Commission does not have the jurisdiction to either assure criminal prosecution whether a violations or to change outcomes or results in individual guardianship cases. Those matters must be handled either by way of law enforcement or they must be addressed though the cases themselves. That said, (inaudible) has requested and we have obtained the support of law enforcement to undertake substantial investigations on a number of cases. As I'm sure you all might well imagine, once law enforcement becomes involved in a particular case we cannot know and we are not able to access the current status of the cases in which they are investigating or their progress, but this Commission has been very proactive in working with the Attorney General's Office, the District Attorney Offices around the state and law enforcement to secure investigations and prosecutions where appropriate. The Commission also made interim requests of the Supreme Court to clarify questions about how these matters are handled in the various courts. To that end, I presented to the Supreme Court two questions: one dealing with the application of Rule 60B and the rules of civil procedure in guardianships, as well as applications of the rules of evidence in all guardianship proceedings. I anticipate more from the Supreme Court within the month on that subject and both those issues. So, I just want the public to know that the Commission, within the boundaries of its jurisdiction has not only made significant efforts to understand the problems, appreciate them, empathize with them, but at the same time fulfill the scope and responsibilities as an active planning Commission in its second meeting to deal with appropriate reforms and measures that change the way guardianships are administered in the future.