

Safe Seniors

Newsletter for the Prevention of Elder Abuse in San Diego County

Free Credit Reports

Ordering By Phone or Mail Safer Than Going Online

Why do some people try to foul up a good thing? For the past six months, California residents have been able get free credit reports via mail, a toll-free telephone number or from a Web site.

Congress enacted the Fair and Accurate Credit Transactions Act (FACTA), which will give everyone nationwide the right to a free credit report every 12 months from each of the three major nationwide credit bureaus: Equifax, Experian and Trans Union.

Because identity theft is booming, one way to protect yourself is to regularly check your credit reports to make sure a thief hasn't opened up a credit account in your name or used a credit card you may have lost.

**Call toll-free
(877) 322-8228
to order
a free
credit report**

This free service truly is a great motivator for people who might not otherwise spend money to stay on top of their credit reports. Many people have successfully accessed this service since it began in December.

Unfortunately and ironically, some people have been ripped off because of it, in particular those who have mistyped the Web site address or clicked the wrong site from a search engine listing. Although the quickest way to access your free report is through the Internet, it has become the biggest source of headaches, according to Pam Dixon, founder of the nonprofit World Privacy Forum, which as been closely following the progress and problems related to the free credit report service.

Unscrupulous people/businesses have paid for domains (Web site addresses) that closely match the address for the real free credit report site: www.annualcreditreport.com. When people mistype this address, they may get a fake site that pretends to be the real deal.

The same problem happens when people don't know the real address and use a search engine. They type in "free credit report" and get tons of listings. There is only one real site and using the search engine is a needle-in-a-

(CREDIT -- Continued on Page 4)



Paul Greenwood, head of the DA's Elder Abuse Prosecution Unit, talks about the toll of elder abuse on victims and their family members, some of whom are shown to the left.

Raising Elder Abuse Awareness

Over just two months, crooks stole more than \$6 million worth of assets and money from older adults in San Diego County, according to statistics from Adult Protective Services, a program of the County's Aging & Independence Services. The agency has begun to tally the amount of loss each month from elder abuse and the numbers are staggering.



County Chairwoman Pam Slater-Price (center) awards a proclamation naming May as Elder Abuse Awareness Month to District Attorney Bonnie Dumanis (left) and Pam Smith, director of Aging & Independence Services.

To help stop this devastating financial abuse and other crimes against seniors, the County is reviving its "Silence Isn't Golden" campaign. Multicolored ads representing

(AWARENESS -- Continued on Page 2)



Free Brochures for Crime Victims and Their Loved Ones

Witness Justice, a national non-profit organization assisting victims of violent crime, has just published two new brochures that offer helpful and thoughtful advice for victims and their loved ones. The brochures are available to the public free online at: www.witnessjustice.org/help/tips.cfm.

The brochures are "Answers in the Aftermath: A Guide to Mental Health Concerns for Victims of Violent Crime" and "Supporting the Survivor: A Guide to Understanding the Impact of Violent Trauma on Your Loved Ones and How You Can Help Them."

Witness Justice was co-founded in November 2001 by Helga West, a survivor of attempted murder, and Randy West, a domestic violence survivor.

Be Cautious About Annuities

By *Anthony Chicotel*
Elder Law & Advocacy

Annuities are investments used to provide for income after retirement. A large lump sum is transferred to the annuity company and the money is invested and returned to the investor in small periodic payments. The growth of the investor's funds in an annuity is tax-deferred; taxes on the growth are not due until the investor begins receiving payments.

Annuities often come in two forms: fixed or variable. Fixed annuities pay a fixed amount over the life of the annuity while variables pay a fluctuating amount depending on the annuity funds' investment. Annuities can make good investment sense for people who are working and wish to defer taxes on investment growth until they are retired and in a lower tax bracket.

For seniors, annuities are more

problematic. For one, annuities are not FDIC insured. A second concern is that annuities are long-term in nature. The investment money is often locked into the contract for several years and cannot be withdrawn unless significant penalties are levied. A third concern is that variable annuities often lose money. Finally, sales commissions for annuities are often lucrative and encourage high-pressure sales techniques that neglect the senior investor's best interests.

If you are a senior contemplating investment choices or have any other legal issues, you have a free lawyer available to help you. Elder Law & Advocacy provides all San Diego County senior citizens with free legal services, including basic information about annuity contracts, at sites throughout the county.

For assistance, call (858) 565-1392.

Prosecutions

District Attorney's Office

Arlene C. Aleman and **Marcus Noble**: Convicted of burglary against a 78-year-old victim. Aleman helped Noble pose as an attorney to steal \$2,100 from victim. Defendants awaiting sentencing.

Dorether L. Walker: Convicted of assault and elder abuse after pushing her 78-year-old mother, causing head trauma. Sentenced to three years probation/90 days custody stayed pending no contact except by telephone.

Arturo Flores: Convicted of a home-invasion robbery on an elderly neighbor couple (79 and 84 years old). Defendant assaulted the husband. Sentenced to 42 years and \$10,000 restitution.

Michael Murray: Awaiting sentencing after violating his probation for prior elder abuse by threatening his 79-year-old father with a knife.

City Attorney's Office

Johna Glen: Found guilty of committing assault with a deadly weapon and brandishing a deadly weapon against her roommate. Awaiting sentencing.

Jason Reynolds: Pled guilty to violating a restraining order that was protecting his grandmother. Denied probation and sentenced to 30 days in jail.

Ruben Morgan: Pled guilty to misdemeanor elder abuse and trespass. Sentenced to three years of probation, 180 days in jail, 52 weeks counseling, and was served with

a restraining order requiring him to stay 100 yards away from the victim, his mother.

David Woodcock: Pled guilty to inflicting corporal injury on someone he was dating and living with. Sentenced to three years probation, 52 weeks of a domestic violence program, five days of public work service, and was served with a restraining order to stay 100 yards away from the victim. He violated that restraining order and pled guilty. Sentenced to three years of probation and a 90-day alcohol residential rehabilitation program.

Robert Howell: Pled guilty to battery against another resident of a facility. Placed on three years of probation and ordered to attend weekly counseling sessions for six months. Served with a restraining order.

(AWARENESS -- Continued from Page 1)

different types of elder abuse will be on television and in movie theaters. There will also be radio ads. The purpose is to alert people to situations that may be around them and to speak out against abuse by calling the Elder Abuse Reporting Line -- 1-800-510-2020 -- if they suspect that an older adult is being harmed in some way.

In May, the Board of Supervisors authorized the designation of May as Elder and Dependent Adult Awareness Month. There was a press conference at which a victim of elder abuse and some family members of other victims talked with reporters about how elder abuse has impacted them. One of the victims reported having lost \$500,000 in a telephone scam.

Featured Legislation

Lockyer, Angelides Back Mandated Reporting by Banks

Attorney General Bill Lockyer and State Treasurer Phil Angelides have joined in support of legislation to require financial institutions to report potential financial abuse.

“Elder abuse has quietly become one of the fastest-growing crises facing families in California,” Lockyer said. “With the onset of a ‘graying’ Baby Boom generation, it is essential that we address this problem now. These bills recognize that when it comes to financial abuse, law enforcement and the elderly need the help of those who serve on the front lines. Like any cop who knows a beat, bankers are often the first to know when something is out of order.”

“Financial abuse of the elderly is unconscionable and simply unacceptable,” said Angelides. “AB 1605 and SB 1018 will give law enforcement officials the tools they need to protect senior citizens from losing assets they’ve worked their whole life to build up.”

Assembly Bill 1605 by Assembly Members Lois Wolk (D-Davis) and Patty Berg (D-Eureka) and Senate Bill 1018 by Senators Joe Simitian (D-Palo Alto) and Elaine Alquist (D-San Jose) would require employees of financial institutions to report to local law enforcement or an adult protective services agency if they witness or suspect financial abuse is occurring.

Status of Other California Elder Abuse Legislation

The following elder abuse bills have been introduced by members of the state Legislature. To get a full analysis, see www.leginfo.ca.gov.

AB 179 (Bermudez) Requires that the personal rights form distributed by Community Care Licensing to residential care facilities for the elderly include a statement regarding procedures for reporting elder and dependent adult abuse, including the toll-free telephone numbers of the state Long Term Care Ombudsman and the local Ombudsman offices. Each facility must attach this form to its admission agreement. **Passed in Assembly; sent to Senate.**

AB 472 (Benoit) This bill would authorize the investigation of potential In-Home Supportive Services (IHSS) personnel by a nonprofit consortium or public authority to include criminal background checks conducted by the Department of Justice, upon the request of the nonprofit consortium or public authority. **In Assembly Appropriations**

AB 484 (Benoit) This bill would provide for the imprisonment, fine or both for a caretaker who commits a second or subsequent violation of theft or embezzlement with respect to the property of an elder or dependent adult, regardless of the value of the money, labor, or real or personal property. **In Assembly Appropriations**

AB 916 (Canciamilla) Existing law proscribes various crimes when the person knows or reasonably should know that the victim is an elder or dependent adult, including theft, embezzlement, forgery, fraud, or identity theft. This bill would provide that any person who is punishable by imprisonment for a violation of these provisions who committed that crime by means of deceptive business practices, fraud, trickery, or deceit shall be punished the state prison for an additional 1, 2, 3, 4, or 5 years if the victim’s loss exceeds \$50,000, \$150,000, \$500,000, \$1,000,000, or \$2,500,000, respectively. **Passed in Assembly; sent to Senate.**

AB 1664 (Gordon) Authorizes an officer, employee or agent of a financial institution to report incidents of suspected financial abuse of an elder or dependent adult. Makes an exemption to the California Right to Financial Privacy Act to authorize a county adult protective services office, when investigating the financial abuse of an elder or dependent adult, to request and receive customer information from a financial institution. **Passed in Assembly; sent to Senate.**

SB 308 (Simitian) Existing law provides, upon the adoption of a resolution by the county board of supervisors, a fee of up to \$2 will be paid at the time of recording of every real estate instrument and placed in

the Real Estate Fraud Prosecution Trust Fund to be distributed by the county chief administrative officer to district attorneys and local law enforcement agencies for investigating and prosecuting real estate fraud crimes. This bill would authorize a similar fee to fund programs to deter, investigate, and civilly prosecute elder or dependent adult financial abuse in real estate transactions. The additional fee would be placed in a county Elder and Dependent Adult Financial Abuse Prevention Trust Fund. **Passed in Senate; sent to Assembly.**

SB 397 (Escutia) Requires every nursing facility within a county that has a county elder death review team to notify the chair of the team whenever there is death of an elder resident at the nursing facility. **Passed in Senate; sent to Assembly.**

SB 839 (Poochigian) This bill would increase penalties for persons who possess, use or traffic in the personal identifying information of others. It would also impose a two-year enhancement of sentence for a defendant convicted of identity theft and related crimes, or a conspiracy to commit such crimes, for each prior conviction of those offenses; and imposes a one-year enhancement where felony identity theft or a related offense was committed against a minor, elder or dependent adult. **In Senate Public Safety Committee.**



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(CREDIT -- Continued from Page 1)

haystack approach. If people get on the wrong site, at best it just attempts to sell them a credit report service; at worst, the site gets their personal information, which could be used to steal their identity.

Dixon's group has been collecting a list of the possible misspellings and the resulting Web sites. The information is available in a report on the organization's Web site: www.worldprivacyforum.org.

She points to one site where instead of being the source for a free credit report, "it is a car loan site," she says. "It asks for all your private information. It's very easy to confuse people, to make people think that they have to fill things out."

The Federal Trade Commission is aware of Dixon's report and concerned if consumers are being deceived, says Kellie Cosgrove Riley with the FTC. She says deceptive sites would be subject to FTC action; "people should be able to get their free credit reports for free."

For people who wish to pursue the free credit report online, Riley warns that "if you get into a situation where you are required to make a payment, you're in the wrong place. With the real site, there's no requirement that you pay for anything."

She says that the FTC wants to hear from consumers

who feel they've been deceived as they tried to access their free credit report. Pinpointing these problems becomes more important as the free credit report program is rolled out in more states. This month, Southern states are now able to access this service. In September, the remaining Eastern states will be added.

If you wish to report a problem with this program, you can contact the FTC at (877) FTCHELP (382-4357), or www.ftc.gov.

Fortunately, there other two other ways of accessing your free credit report:

- Call the toll-free number, (877) 322-8228.
- Mail your request to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281.

With either of these routes, Dixon recommends that you have the credit report sent to a secure mailbox and that you request that all but the last four digits of your Social Security number be masked.

Processing your credit report through the phone or by mail can take up to 15 days.

Most importantly, don't let the issues with online access stop you from pursuing your free credit report on a regular basis. This service remains an excellent way to help you in the battle against identity theft.