

Investigation into alleged abuse and neglect of wards at the Oakland County Probate Court

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Introduction

An underreported issue nationwide, the abuse and exploitation of an elderly or disabled individual by a court-appointed professional or public guardian occurs when a petition for guardianship is filed in a local probate court. If guardianship is granted, the individual becomes a ward of the state. Their entire life is subsequently can be turned over to an attorney or private guardian who assumes complete control of finances, medical decisions, residence, prior estate planning (including life insurance, wills and trusts) and even family visitation. Every action that the guardian takes is billed to the ward's estate. Those bills can run into the tens of thousands of dollars annually.

Abuses of this kind of unilateral power have only been uncovered when victims have engaged local media outlets who have, subsequently, reported on cases across the country, most notably in Nevada, New Mexico, Florida, Washington, Nebraska, Ohio and New York.

In Michigan, these alleged crimes are consistently overlooked by law enforcement and local criminal prosecutors. Probate Courts who grant powers to guardians; whether court-appointed attorneys, county public administrators or professional, private guardianship companies have little or no interest in holding these individuals or companies accountable and punish family members who attempt to do so by denying them visitation rights to their loved ones. The Michigan Supreme Court made a half-hearted attempt at judicial oversight in 2000 when they appointed a Long-Term Guardian Care Ombudsman. After eight months, the role was eliminated.

Oakland County, Michigan

According to 2010 United States Census Bureau statistics Oakland County, a suburb of Detroit, has an estimated total population of 1,250,836 people. Of those, 16.4 percent are individuals aged 65 or older and 60.543 are veterans. A 2017 financial summary, issued by Oakland County Executive L. Brooks Patterson, boasted a per-capita personal income (PCPI) of \$65,758 “the highest among Michigan’s 83 counties” and a market value of Oakland County properties estimated at \$138 billion.

In its last statewide caseload statistics for 2018, the Michigan State Supreme Court listed a total of 60,712 adults and developmentally disabled individuals under guardianship and 10,912 adults with a conservator. With the exception of Veterans (limited to ten), the number of wards each guardian can have is not mandated by state law and varies depending on the size of the county.

However, figures which have showed one guardian or guardianship company with over 400 wards caused Nessel’s Elder Abuse Task Force to propose limits, a measure the Michigan Guardianship Association [announced](#) they intend to fight.

As of December 31, 2018, the Oakland County Probate Court had 7,064 open adult and developmentally disabled guardianship cases and 1,417 conservatorships.

Cases heard at the Oakland County Probate Court are presided over by four judges: Chief Judge Kathleen A. Ryan, Judge Daniel A. O’Brien, Judge Jennifer S. Callaghan and Chief Probate Judge Pro Tempore Linda S. Hallmark.

Under Michigan statute, an incapacitated individual is someone who “By reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause, [lacks] sufficient understanding or capacity to make or communicate informed decisions.”

A guardian is responsible for the ward's care, custody and control. A conservator (or fiduciary), handles finances and decisions regarding assets that include managing income, real estate, savings and investments. Both positions are granted a substantial list of powers and can be given to a sole individual.

Michigan gives family members priority over court-appointed guardians who are either estate and probate attorneys, populating one of the largest sections of the State Bar of Michigan (SBM) or private guardianship companies. They are only supposed to step in only when a judge determines that family members or individuals listed on a potential ward's Durable Power of Attorney documents are unable, unwilling or unsuitable to fill the role.

Some attorneys are appointed as County Public Administrators by the Michigan Attorney General's office. Primary to their job description is to act as representatives to the estates of deceased individuals where there are no discernible heirs. Nowhere is it stated that they must also act as guardians and conservators.

Yet, Oakland County maintains a list of public administrators who do.

A guardianship and/or conservatorship in Michigan begins when a petition is filed in a probate court. The two-page document can be filed by anyone, such as a relative, spouse, friend or neighbor of a prospective ward as well as an outside agency including Michigan's Adult Protective Services (APS), a nursing facility or hospital. Once filed, the probate court contracts and assigns a Guardian ad Litem (GAL) to investigate and determine what actions are in his/her best interests.

In Oakland County, the GAL is an estate and probate attorney who not only files and verbally delivers a report to a judge but acts as a surrogate prosecutor questioning witnesses and cross-examining wards and family members, regardless of whether they are represented by an attorney.

For their services, GALs are paid directly from the ward's estate

First case and subsequent investigation

In June 2018, as part of a one-year fellowship with the online magazine Tablet, Hammond investigated the case of Virginia Wahab- a 94-year-old Oakland County woman. On June 6, 2016, a social worker with the Waterford, Michigan nursing facility at which she was receiving short-term rehabilitation filed a petition in the Oakland County Probate Court for guardianship of Wahab due to a past-due bill owed by her daughter Mimi Brun.

Wahab had signed a 2014 Durable Power of Attorney (DPOA) giving Brun the ability to make medical and financial decisions on behalf of her mother.

The petition was heard before Hallmark on June 29, 2016. Wahab was not present at the hearing. She was represented by a Guardian ad Litem (GAL) Bloomfield Hills, Mich. attorney Matthew Brown who deposed Brun and the social worker Sara Van Acker who made vague and

unsubstantiated references to Wahab's alleged diagnosis of dementia. Despite Brun's request for a continuance in order for her to procure legal counsel, Hallmark tossed out Brun's DPOA and assigned Munger as guardian and conservator in order to "make sure we have the Medicaid application on track."

There is no law under EPIC which allows for this action.

According to his own accounting, Munger immediately re-admitted Wahab to Lourdes as a long-term resident and filed a Medicaid application in her name that was three-months retroactive.

Brun was subsequently denied visitation to her mother by Munger and Lourdes. Email communications from both Munger and Lourdes to Brun stated that visitation would not be restored until she had paid Lourdes \$25,000. Munger and a local real estate agent Michael Proctor broke into Brun and Wahab's home on at least three occasions removing personal property and Brun's artwork. In an email to Brun, Munger states that he was holding the property as collateral for the \$25,000.

Wahab was placed in isolation at Lourdes and Brun was not permitted to see her mother for two years.

Following the publication of Hammond's [article](#) detailing this case and others across the country, dozens of families in Oakland County reached out to her to describe their experiences with the Oakland County Probate Court and its officers.

On July 20, 2018, Hammond began a self-funded freelance investigation to determine if the Wahab/Brun case was part of a systemic problem at the Oakland County Probate Court. In September 2018, she was joined by three Wayne State University researchers. The team was enhanced by forensic accountant who reviewed case histories filed by the Oakland County Probate Court.

Four of the most prolific Oakland County guardians and conservators are Jon B. Munger, Thomas Brennan Fraser, and attorneys Jennifer Carney and John Yun.

As of August 1, 2019 Carney, Munger, Fraser and Yun had a combined total of 4,669 open and closed adult and developmentally disabled guardianship and conservatorship cases. Their combined open caseload was 1,704.

This investigation reviewed 2,278 open and closed cases belonging to Munger, Yun, Carney and Fraser presided over by Hallmark, O'Brien, Callaghan, Ryan and retired Oakland County Probate Court Judge Elizabeth Pezzetti.

Unacknowledged and Unprotected

The Oakland County Fortress

It's never a good idea to be running late on a Wednesday at The Oakland County Sixth Circuit and Probate Courts, both housed in a stark complex of white and beige structures on 1200 North Telegraph in the Detroit, Michigan, suburb of Pontiac.

Ritualistically called "Motion Days," each courtroom has a hefty tally of cases that can be called and over in just a few minutes—far quicker than it takes to get inside what local historians once described as a "fortress."

With the exception of jurors, employees and attorneys, cell phones or recording devices are strictly forbidden. Videos of probate court proceedings must be ordered in advance and can only be watched in the court's administrative offices. Probate court documents are not subject to Michigan's Freedom of Information Act (FOIA) and can only be reviewed at the court's sole public computer or purchased at the cost of \$1-per-page plus a service fee.

Behind its walls to public access, Oakland County Probate Court Chief Judge Kathleen A. Ryan, and Judges Linda S. Hallmark, Daniel A. O'Brien and Jennifer Callaghan rule on a list of issues including adult guardianships/conservatorships for incapacitated individuals.

Although in the same building as the Sixth Circuit, their courtrooms operate autonomously from it and with little or no oversight, with the exception of rulings occasionally overturned by the Michigan Court of Appeals. Despite some of those cases revealing shocking judicial actions, in the last 30 years, there have been no formal investigations of an Oakland County Probate Court judge.

True to its description, the court has been as unassailable as the majority of decisions made with a single stroke of a judge's pen on an order finding a person to be legally incapacitated. According to the wards, their family members, attorneys, and local and national advocates who were interviewed for this investigation, the consequences of that order are devastating and lifelong.

Lunatics and Idiots

The practice of guardianship has been [traced back](#) to 1270 England, when King Henry III "assumed control over the estates of lunatics and idiots."

As with other laws exported to former British colonies that are still practiced in some form, although the language has changed, the basic principles of guardianship in the United States remain the same, and it is a system about which the majority of Americans remain hopelessly uneducated.

Individuals who are declared incapacitated by civil, family and probate court judges across the US are forced to cede their lives to an authority figure who takes complete control of their

homes, mail, bank accounts, retirement and social security income, IRAs, life and health insurance, wills and trusts, property, passports, driver's licenses and voter registration cards.

He or she also dictates where a ward will live, whether they can own a cellphone or a computer, where they may or may not go, who they are and are not allowed to see and what they are or are not allowed to eat.

In fact, any personal, professional and medical decisions are no longer legally the ward's own, including requests to doctors to dispense or withhold medication, and whether a Do Not Resuscitate (DNR) order should be enabled and enforced.

Such unilateral power has proven to be ripe for abuse.

In Florida, professional guardian Rebecca Fierle was recently [accused](#) of executing DNR orders on her wards without the knowledge or consent of her wards or their family members. One of her wards died of starvation after his feeding tube was capped off.

Marcia Southwick is a Director of the National Association to Stop Guardianship Abuse (NASGA).

“It should be blatantly obvious to all who approve of this very old and very entrenched system that such overarching authority should be closely monitored to ensure that wards are safe,” she says. “However, that is not the case. Based on flimsy ‘evidence,’ a person can lose his or her fundamental rights to liberty and property and be handed off to a professional who isn’t monitored or held sufficiently accountable for the welfare of the ward and their assets.”

“A Corrupt Game”

Under Michigan statute, an incapacitated individual is someone who “By reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause, [lacks] sufficient understanding or capacity to make or communicate informed decisions.”

A guardian is responsible for the ward's care, custody and control. A conservator (or fiduciary), handles finances and decisions regarding assets that include managing income, real estate, savings and investments. Both positions are granted a substantial list of powers and can be given to a sole individual.

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Some attorneys are appointed as County Public Administrators by the Michigan Attorney General's office. Primary to their job description is to act as representatives to the estates of

deceased individuals where there are no discernable heirs. Nowhere in their job description is it stated that they can act as guardians and conservators.

Yet, Oakland County maintains a [present list](#) of 13 public administrators who do just that.

In its last statewide caseload statistics for 2018, the Michigan State Supreme Court listed a total of 60,712 adults and developmentally disabled individuals under guardianship and 10,912 adults with a conservator. With the exception of Veterans (limited to ten), the number of wards each guardian can have is not mandated by state law and varies depending on the size of the county. However, figures which have showed one guardian or guardianship company with over 400 wards caused Nessel's Elder Abuse Task Force to propose limits, a measure the Michigan Guardianship Association [announced](#) they intend to fight.

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In Oakland County, the GAL is an estate and probate attorney who not only files and verbally delivers a report to a judge but acts as a surrogate prosecutor questioning witnesses and cross-examining wards and family members, regardless of whether they are represented by an attorney.

For their services, GALs are paid directly from the ward's estate.

One guardianship and conservatorship case was decided in O'Brien's packed and stuffy courtroom on the Motion Day falling on October 10, 2018.

By the time the case number was called, it was close to lunch and O'Brien had grown increasingly impatient, sternly telling any quibbling attorneys or litigants to "move it along."

The case was a contested hearing to settle the future of 76-year-old John. For privacy reasons, his last name has been excluded.

The petitioner was Matthew Martin, an external case manager for the Northville, Michigan-based care management company Senior Care Network, an organization which regularly files Oakland County guardianship petitions, who claimed John needed 24-hour care and "assistance applying for Medicaid."

In delivering his findings as John's GAL, estate and probate attorney Drew Carnwath recommended that O'Brien assign a public administrator to act as John's guardian.

O'Brien asked Carnwath to recommend one himself.

Since that was a decision usually made by a judge, Carnwath was confused.

"Well, I ..." he began.

O'Brien interrupted. "So I don't get accused of being in on some sort of corrupt game."

Media-Assisted Accountability

In 1987, an [Associated Press investigation](#) of guardianship practices in all 50 states first uncovered what it described as a "burdened and troubled system that regularly puts elderly lives in the hands of others with little or no evidence of necessity, then fails to guard against abuse, theft and neglect."

In the more than three decades since, it is invariably local journalists, rather than state or federal law enforcement agencies, who have taken the pleas of wards or families allegedly victimized by private or public guardians seriously and launched their own investigations.

In [Nevada](#), [New Mexico](#), [New York](#), [Florida](#), [Pennsylvania](#), [Ohio](#), [Texas](#) and [California](#), to name a few, shocking cases have emerged that, together, form an almost identical pattern of behavior. In exercising their powers of protection, guardians and conservators have forced individuals and even couples from their homes and into nursing or assisted living facilities.

Estates that were once worth millions are systematically drained through massive over-billing, unreported expenses or outright theft. Homes in which wards have lived and raised a family for decades are seized and looted by the state. Guardian accountability and reporting requirements, inconsistent from state to state, are not properly followed or disregarded entirely.

In Texas, Nevada and Florida, such inattention led to wards [who died while under guardianship](#).

Litigation costs for families are colossal and can stretch into years. When families try to seek help from local law enforcement, a city prosecutor, Attorney General or Department of Justice (DOJ) office, they're sent packing.

Concerning History

As part of the 1987 Associated Press investigation [in Michigan](#), journalist Mark Fritz concluded that "Many of Michigan's elderly people are being stripped of their homes, their incomes and their most basic rights under a misused and poorly monitored legal process that varies wildly in the state's 83 counties."

During a brief interview with Fritz, then-Southfield Michigan attorney Alan A. May admitted to "little personal contact" with his 400 wards.

"That is not a knock. That is a truth. There is very little visitation," May said at the time.

May is currently a shareholder at the Troy, Michigan, law firm of Kemp Klein, a number of whose former attorneys have taken or presently take on cases at the Oakland County Probate Court, including Barbara Andruccioli, Jon B. Munger and Thomas Brennan Fraser.

All three have troubled pasts.

In November 2016, Detroit ABC affiliate WXYZ journalist Heather Catallo launched a year-long [investigation](#) into Andruccioli and then-Macomb County Public Administrator Cecil St. Pierre, during which it was alleged that they had partnered with Utica, Michigan, realtor Ralph Roberts in order to open probate cases on deceased estates without notifying the next-of-kin.

Although not included in WXYZ's investigation, in 2015 Munger was listed as a defendant in a [lawsuit](#) filed in Macomb County District Court in which it was alleged that he had been retained by Roberts to open up a probate case on the deceased estate of Helen Ann Adolph. According to the plaintiffs, Munger's subsequent sale of Adolph's home was not approved by the probate court.

Andruccioli and Munger were subsequently fired from their roles as public administrators by the Attorney General's office. St. Pierre was suspended and then resigned.

To date, no criminal charges have been filed.

Munger is still accepting guardianship, conservatorship and deceased estate cases at the Oakland County Probate Court. Roberts and St. Pierre are also still in business. Without explanation, Andruccioli was [hired](#) by all four judges as the Oakland County Probate Court Register and paid the highest possible salary of \$102,650.

In October 2017, WXYZ aired a short series looking into Fraser's [activities](#) as guardian and conservator, highlighting the billing and treatment of his wards. Ex-Parte motions (emergency and temporary petitions and orders filed without notifying the opposing party) were entered with O'Brien in an attempt to stop the story and any images of the alleged victims' faces. After an Emergency Appeal was filed with the Michigan Court of Appeals, WXYZ prevailed on First Amendment grounds.

Scorched Earth Litigation

In June 2018, the online national magazine Tablet [published](#) an investigation into Munger who, two years earlier, had been given guardianship and conservatorship over a then-92-year-old Oak Park, Michigan, woman Virginia Wahab.

The petition was filed with Oakland County Judge Linda S. Hallmark by a social worker for Lourdes Senior Community, the short-term nursing and rehabilitation center at which Wahab was receiving treatment. Lourdes sought the guardianship because of a \$32,000 past-due-bill.

Michigan law does not provide for the use of a probate court as a collection agency.

During her more than two-year fight to regain custody of her mother, Wahab's daughter Mimi Brun claimed she was denied visitation rights, had a warrant issued by Hallmark for her arrest and filed three reports with the local police department asserting that Munger had illegally entered her mother's home and looted it.

After the story was published, a July 30, 2018 bench trial on Brun's petition to terminate the guardianship and conservatorship of Munger was presided over by Hallmark. During a day-long deposition, Munger was asked how many times he had been appointed as a guardian.

"Several thousand," he replied, but could not precisely cite the Michigan statute under which a guardian is considered necessary.

He admitted to entering Wahab's home to look for "Information about ownership, assets, bills, any of the above" and to taking a painting that was hanging on Wahab's wall.

"It's very colorful. I walk around it every day in my office," Munger noted.

When asked if he had seen his ward lately, Munger replied, "In 2018, I doubt it."

He also admitted that he hadn't reviewed Wahab's medical records since his first visit in 2016.

After a second day of testimony, the trial was adjourned. Before it could resume, Hallmark issued an August 3 opinion and order terminating Munger as guardian and conservator.

"Mr. Munger has satisfactorily provided care, control and custody of Ms. Wahab," Hallmark wrote. "In all of these matters, Mimi Brun has interfered with Mr. Munger using misinformation, obfuscation and self-dealing. She has engaged in scorched earth litigation. Ms. Brun has demonstrated a complete lack of authority because she believes herself to be the victim."

"The litigation in this matter has been ongoing for two years," Hallmark concluded. "The financial and emotional costs to the ward have been significant. It is not in the ward's best interests for the litigation to continue. Her assets have been depleted but remain with the family."

Wahab was returned to her Oak Park Home. She remained under Brun's care until she passed away in April 2019.

One month later, Brun filed a [lawsuit](#) against Lourdes alleging that the facility falsely imprisoned and ransomed her mother. Lourdes has since filed a Motion to Dismiss and asked for punitive sanctions against Brun and her attorney. That case is presently pending.

The Consequences of Talking

Families claim there are very few Michigan attorneys who are willing to take their cases against an Oakland County Public Administrator, and that those who do charge retainers that are far out of a family's reach.

The Oakland County Probate Court has a reputation that's no secret to attorneys practicing Michigan estate and probate law. Those who agreed to talk about the court admitted to a pervasive fear of openly criticizing any of the four judges or Oakland County Public Administrators. The attorneys claim that making such a challenge, whether in court or in public, can lead to sanctions placed against them or the possible removal of their license by Michigan's Attorney Discipline Board.

One attorney, who has defended wards and families in front of Hallmark and O'Brien, spoke on condition of anonymity and was given the alias "Paul."

"I knew of one client who has been through 60 separate attorneys, none of whom would help her," he says. "I've heard from clients whose previous attorneys were threatened."

While threats do not deter him from taking on Oakland County Probate Court cases, there have been consequences.

"The judges have been sanctioning me for no reason," Paul asserts. "I had not been sanctioned in my entire career. I'm trying to enforce the law or the court rules, I always have my briefs filed and they don't care. They don't care about the law. They don't care about the facts."

"It doesn't matter what it is—an accounting, a petition to enter a home—it's the same," he adds. "I'm the one who's going to be punished because I'm challenging the judge's appointees, who they are going to protect no matter what. It's so obvious to me. Their appointees can't do anything wrong no matter how egregious it is."

Paul recalls a case in front of O'Brien during which he demonstrated proof that Fraser had committed fraud against his client.

"Judge O'Brien said, on the record, 'Don't ever mention that again!'" he remembers. "He didn't say why."

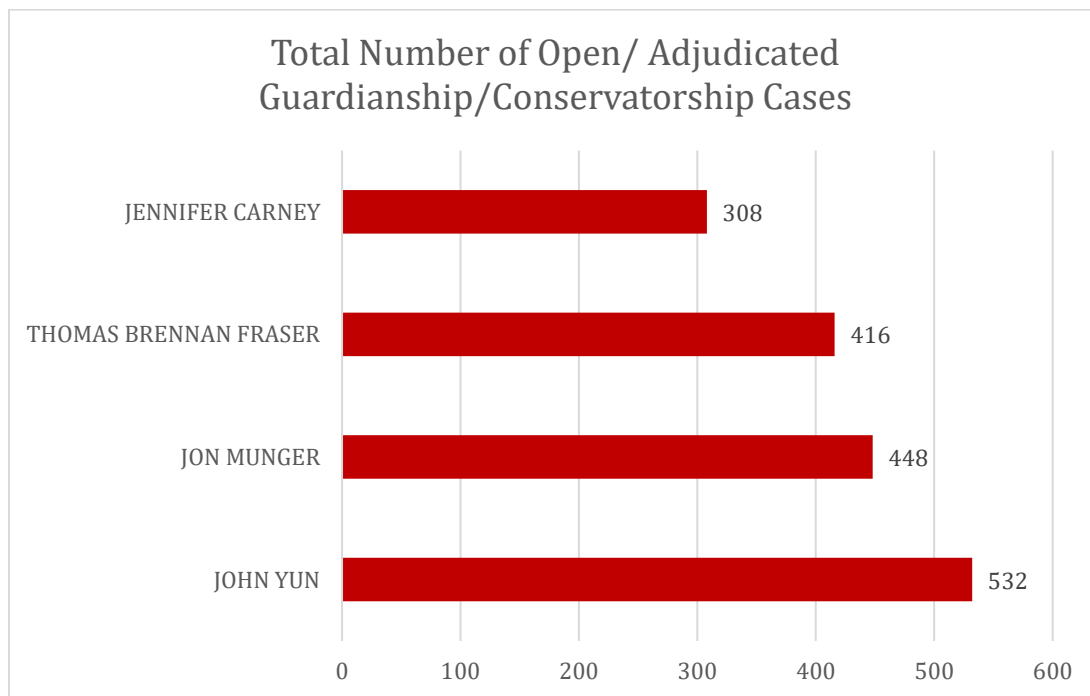
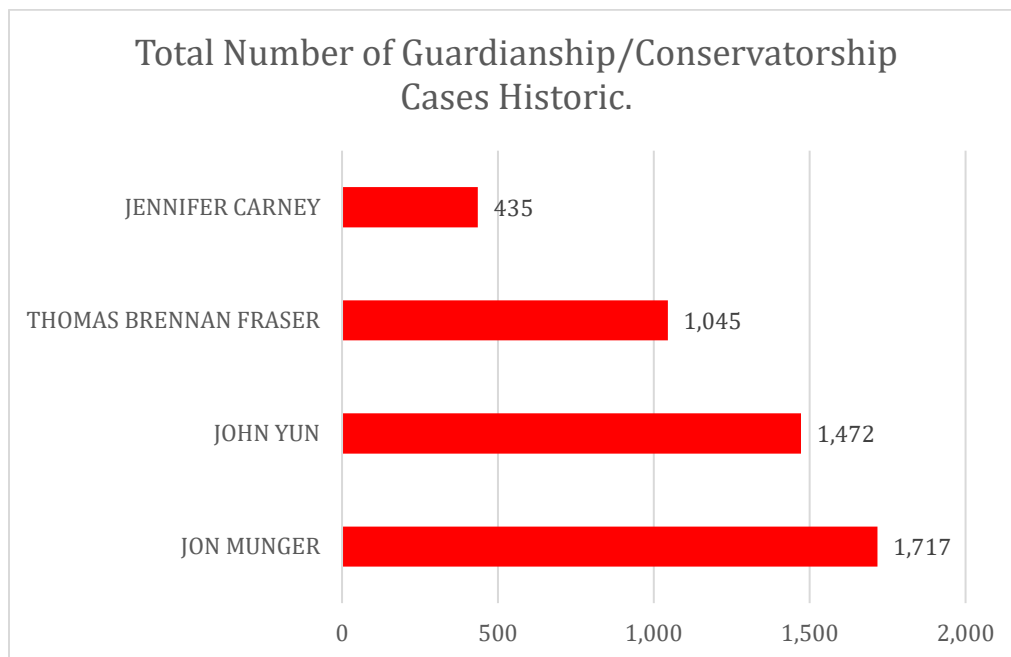
"The duty of the court is to protect the ward," Paul concludes. "These are standards that have been codified in writing, but they are breeched on a regular basis. The judges should know, for example, how many wards each public administrator has and, if they have too many, are responsible for finding somebody else. But the judges aren't paying any attention."

Wards in the Thousands

Four of the most prolific Oakland County guardians and conservators are Munger, Fraser and Oakland County Public Administrators Jennifer Carney and John Yun.

Between them, they have a total of 4,669 open and closed adult and developmentally disabled guardianship and conservatorship cases.

As of August 1, 2019, their combined open caseload was 1,704.



Under Michigan Statute, a guardian has a “Duty to make provision for the ward's care, comfort, and maintenance and, when appropriate, arrange for the ward's training and education.” A conservator must “Preserve assets and to expend them for the support, education, care, and benefit of the individual and his or her dependents.”

Can four individuals, each with a limited number of staff members, ensure that those duties are being adequately maintained?

“It’s not possible,” Paul says. “In Munger’s case, that’s why he doesn’t see his own wards, or he sends a staff member with no training at all. If you have 500 people and your interest is to get their home and pay yourself, why would you care about the ward? In my view, all he cares about are ‘where are her assets? How can I sell them? How much money can I get?’”

Public administrators who are assigned as guardians and/or conservators take their attorney and fiduciary fees out of a ward’s estate, with every action they make on the ward’s behalf—from making a phone call to listening to a voicemail—billed at an hourly rate. For example, Fraser bills at \$245 per hour. Professional guardians also receive \$83 per month per ward on Medicaid, which is taken out of the money received by a nursing facility. The Michigan Guardianship Association has consistently lobbied for an increase, claiming that \$83-per-month is [not enough](#) given the gargantuan task of assuming the life of another person.

Paul says the responsibility is so enormous that guardians with more than 400 wards serves the guardians rather than their wards.

“When you care for another human being, it’s all day, every day,” Paul asserts. “He also has a law practice and an office to run. He has a family life. So, where’s he going to find time to care for the ward? The guardians, themselves, have a duty, as an attorney under the Code of Professional Conduct, to say, “Look, I’ve got 500 people under my care, I’ve got four staff members in my law firm. I can’t take on any more clients. I can’t do [them] justice.”

Petitioning into the Fortress

According to the University of Michigan, “Courts view guardianships as a last resort because the ability of the person to make basic decisions about his or her care, treatment, or living arrangements is being taken away.”

It raises the question as to why Oakland County guardians and conservators have so many wards.

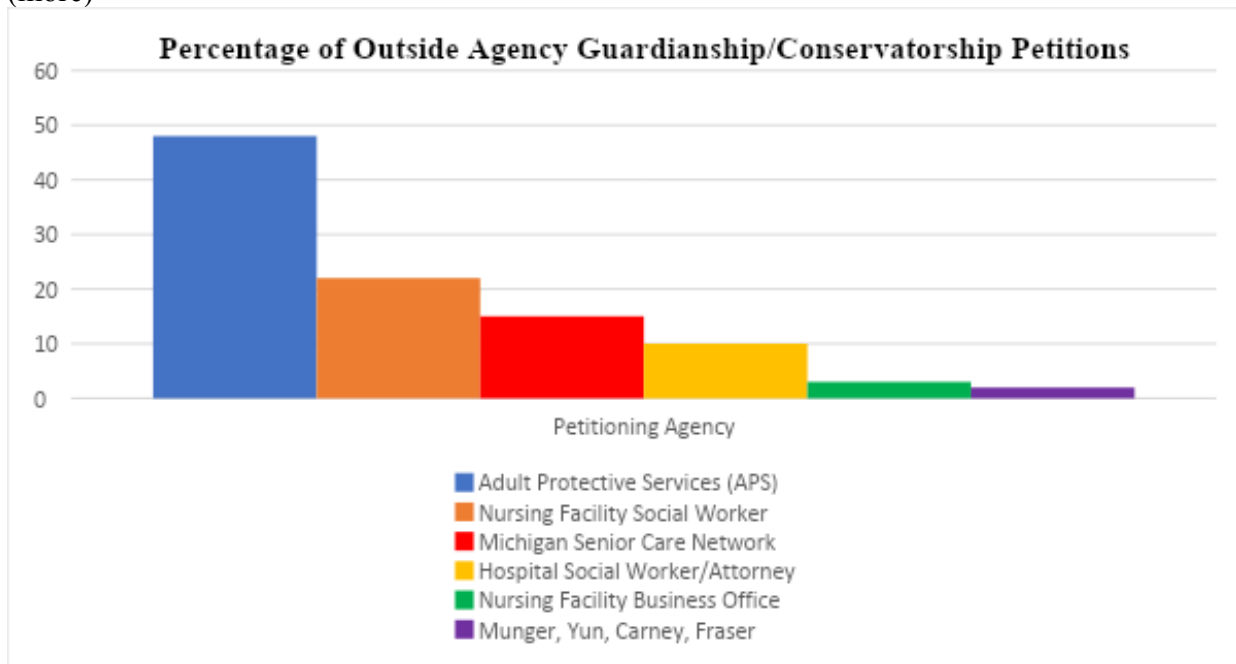
This investigation reviewed 2,278 open and closed cases belonging to Munger, Yun, Carney and Fraser presided over by Hallmark, O’Brien, Callaghan, Ryan and former Oakland County Probate Court Judge Elizabeth Pezzetti.

With two exceptions, each of the cases were the result of guardianship and conservatorship petitions filed by social workers or representatives of outside agencies, including APS investigators, the Senior Care Network, hospital and nursing facility social workers, attorneys and accounts receivables managers.

Of the petitions, the majority were filed by ten APS investigators.

The Senior Care Network is a care management organization. Among its services is assistance filing for guardianship and conservatorship, for which the organization utilizes a dedicated social worker, Matthew Martin.

(more)



The petitioner must note “Specific facts about the adult’s recent or condition or conduct” that leads to them to believe a guardian and/or conservator are needed.

In 95 percent of cases, petitioner answers were summarized in one or two vague sentences, or an attached paragraph, noting mental or physical ailments such as dementia, confusion, memory problems, bipolar, diabetes, depression, physical mobility and hoarding.

Other, less specific examples included:

“Mental health hinders ability to maintain employment and make informed decisions or manage her own finances.”

“Joint weakness and mobility issues in apartment. Has issues with hoarding.”

“Altered mental status.”

“Non-engagement in mental health services.”

“Does not make sound decisions re: physical health and finances.”

“He is declining medication. Lack of insight into his diagnosis.”

“A lack of civilization.”

“Patient came in for dizziness and confusion. Incompetent to make decisions for medical care.”

“DPOA will not provide information needed for Medicaid application to nursing facility.”

“Family has not paid facility bills and there are other outstanding bills.”

The overwhelming majority of petitions (98 percent) were not corroborated by any evidence, whether in the form of an official diagnosis from a doctor or a medical history.

The Powerless Power of Attorney

On the first page of the petition, there is an opportunity to identify any individuals the perspective ward identified in estate planning documents such as holders of a Durable Power of Attorney (DPOA) or Patient Advocacy Designation. According to Michigan statute, such an individual has priority over the appointment of a professional guardian or conservator.

Only 15 percent of petitions made note of anyone named in an estate planning document.

In those cases where such individuals were identified, they were either not present at the initial hearing, or the petitioner claimed they were unsuitable without offering any evidence to substantiate why. The presiding judge then tossed out or invalidated the documents, and guardianship/conservatorship was given to Munger, Yun, Fraser or Carney.

There were also cases in which the holder of a DPOA was also placed under guardianship.

In 2016, Martin and the Senior Care Network petitioned for the guardianship of a then–83-year-old Clarkston, Michigan, woman named Doreen who was a resident of a Lake Orion long-term care facility.

The petition noted her husband Ralph as the holder of her DPOA and added, “DPOA will not provide information necessary for Medicaid App. to nursing facility.”

Presiding Judge Hallmark gave temporary guardianship of Doreen to Carney.

One month later, while Doreen’s full guardianship case was pending, Carney petitioned for guardianship of Ralph, stating that he had “Difficulty with memory and comprehension” and added that his Veteran’s Administration benefits needed to be managed.

Hallmark ultimately gave guardianship of Ralph to Fraser.

The Missing Family

Page two of the guardianship petition includes an available box in which to list any of the ward’s known family members. Like the holders of a DPOA, family members have statutory priority over the appointment of a professional guardian.

In 65 percent of occasions where none was noted on a petition, the ward did, in fact, turn out to have a family.

Such was the case of a then-69-year-old Pontiac woman named Cynthia. In the petition for guardianship, an APS investigator alleged that Cynthia suffered from “three strokes, psychosis mania, expressive aphasia [sic] and is often paranoid that people are after her.”

While acknowledging that Cynthia did have a married couple who held her Power of Attorney, the investigator noted that they weren’t “Able to assist her anymore.” The box noting families was referred to the “Attorney General.”

Similarly, a three-paragraph report filed by Cynthia’s Guardian ad Litem insisted that she “Has no family and lives alone.”

However, Cynthia had an adult daughter, Heidi who filed a petition to terminate her mother’s guardianship three months after O’Brien had assigned Carney to the position.

In an accompanying brief, Heidi stated that she had not been not served the initial petition or any notice prior to her mother’s guardianship hearing. Why neither APS nor the Guardian ad Litem identified the fact that Cynthia had family is unknown.

Suitably Trained Investigators?

Such glaring errors in a petition, alongside claims of incapacity made with corroborating medical evidence, raise the question as to whether social workers, such as APS investigators, have been properly trained before conducting an investigation of a potential adult ward.

Dr. Peter Lichtenberg, PhD., is a Clinical Geropsychologist, Professor of Psychology at Detroit’s Wayne State University and Director of the Institute of Gerontology.

“I’ve been working very closely with APS supervisors and staff over the last four years,” he says. “I found that, like all people who enter the caring profession, there’s a lot of talent and skill. There are huge caseload burdens. Often, [investigators] come from Child Protective Services [CPS] or domestic violence. So, they’re coming in at a deficit in terms of understanding geriatric issues.”

“It takes a lot of experience and it takes a team approach,” he adds. “Unfortunately, these workers are out there investigating a case under a time pressure and by themselves.”

In a 2016 petition for the guardianship of a then-88-year-old Korean War veteran named Raymond, an APS investigator claimed that he “Suffers from memory loss. He is not able to manage medications. He is not able to handle his daily living skills.”

However, according to Raymond’s Guardian ad Litem, his attending nurse stated that “She did not understand why APS was involved in this case or why an emergency petition was filed. It is [her] professional opinion that there is not a need for an emergency appointment of a guardian.”

Presiding Judge Ryan did not concur and appointed Carney.

The Guardian ad Litem

Seventy percent of cases reviewed began with an Emergency Petition for Guardianship.

This meant that Yun, Munger, Carney or Fraser were appointed to the role of temporary guardian on the same day the petition was filed or shortly afterwards. Coinciding emergency petitions for conservatorship have also been granted. The prospective ward was neither given notice nor an explanation of their rights under Michigan law before being placed under their control.

Ordinarily, those rights are explained to the prospective ward during a personal visit from a GAL.

They include the right to contest the petition, to be present at the hearing, to be represented by legal counsel and to request limits on the guardian's powers.

In a written report, which must be filed no later than 24 hours prior to a guardianship hearing, the GAL is instructed to note whether there are alternatives to the appointment of a full guardian, if the proposed ward wishes to exercise their right to contest the petition and be present at the hearing, or whether there are any objections to the execution of a DNR. The report should conclude with a GAL's recommendations, either for the appointment of a guardian and/or conservator, or for a contested hearing.

In 100 percent of the 2,278 cases reviewed, the GAL was an estate or probate attorney with no discernable psychological or medical background.

Nevertheless, GAL reports—which varied anywhere from a five-page, detailed investigation to a few paragraphs to no narrative at all—included the GAL's own determination of a potential ward's incapacity.

In numerous cases, a GAL concurred with a guardianship petition, claiming that the proposed ward had some form of dementia or memory impairment, if they could not answer one or all of four questions pertaining to the date, their birthday, the day of the week and the name of the US President.

“Nobody can ask four questions and determine whether someone has capacity or not,” Dr. Lichtenberg says. “Ideally, [a GAL] would join forces with somebody who has a background like mine where they would get a good assessment of cognitive strengths, weaknesses, mental health problems and try to apply those to the legal standards.”

Objecting but Not Present

Curiously, in 97 percent of the occasions when a potential ward emphatically voiced objections to a guardianship, the GAL also claimed that the individual waived their right to be present at the guardianship hearing.

A Director of Nursing for multiple long-term care nursing facilities for over two decades, “Gladys” requested an alias be used.

“We have patients and residents who come in who have Medicare, which provides for a 20-day stay at a long-term facility,” she says. “If they are still in need of care, you will see a petition go out for temporary guardianship. The [GAL] will visit for all of five minutes, if that. They will say they are from the court and ask me or a nurse caring for the patient to sign off on their visit.”

“Half the time, the patient may not know what’s going on because they don’t tell the patient anything,” she adds. “After a visit, I’ve gone in and asked the patient, ‘What did they say?’ The patient tells me, ‘I don’t know, they said they were a lawyer.’ Then, I say, ‘Did they ask you anything?’ and the patient says, ‘No.’”

Gladys emphasizes that “A lot of times, [GALs] don’t even see the patient because the patient is in physical therapy and they don’t want to wait that long.”

Lawyering Up

Even when the GAL recommends a contested hearing or, on rare occasions that the petition be denied, it does not mean an individual targeted for guardianship is out of the woods, something particularly true in cases involving APS.

When a contested hearing is recommended, the presiding judge orders an Independent Medical Examination (IME) to be conducted on the prospective ward and appoints legal counsel. The court has published a roster of 14 Michigan-based psychologists who “Have expressed interest in doing independent evaluations for Oakland County Court proceedings.”

However, in 97 percent of IME orders reviewed, only three doctors were regularly used, as well as one attorney who also is a “limited-license psychologist.” The results of these examinations are not made part of the public record. Judges such as Ryan have consistently ordered them to be “Faxed directly to chambers.”

Meanwhile APS invariably lawyered-up in advance of the hearing.

One of the attorneys they typically use, Heidi Aull, is employed by former public administrator Cecil St. Pierre, who resigned from the position in 2017 after WXYZ’s investigation into the opening of deceased estates without notifying next of kin. APS has also been represented by a lawyer assigned from the Michigan Attorney General’s office.

The ward, on the other hand, is usually provided legal counsel from the same pool as the Oakland County GALs.

Contested hearings involving APS always resulted in guardianship.

A 2015 petition filed by an APS investigator against a then-84-year-old White Lake, Michigan, woman named Betty asserted that the “Proposed ward’s spouse died in 2013. No children. Home is paid off. No other family. Ward has signed papers and doesn’t remember what she signed. Doesn’t always know what she has done with her money.”

Betty’s GAL reported to the court that she was “A pleasure to spend time with, knows what is going on with her money and where it goes. [Betty] is doing exactly what she wants with her environment and I argue on her behalf that [neither] this Honorable Court nor the Department of Human Services-Adult Protective Services should intrude in it.”

Presiding Judge O’Brien ordered a contested hearing for which APS retained a Special Assistant Attorney General.

After the hearing, O’Brien appointed Fraser as Betty’s full guardian. Two months later, Betty wrote a letter to the judge.

“I am sorry to report that I have [had] no word from Mr. Fraser since he first advised me he was my full guardian,” she asserted. “I don’t know if I get an allowance. I have a small dollar amount in my account I assume is no longer mine. I’m lost. My medications come in the mail and have not been forwarded to me. I need them! Please advise me what to do.”

By 2018, Fraser had moved Betty to a nursing home. In an account the public administrator filed that year, between patient pay and his own legal fees, he had spent all but \$367 of Betty’s annual \$20,000 social security income.

Double Standards

Guardianship and conservatorship cases at Oakland County rarely have a happy ending. With few attorneys willing to take on their cases at an affordable rate, families often enter the Oakland County Probate Court unrepresented by an attorney (pro se). Since these are civil cases, the family does not have access to a public defender and, they claim, legal aid organizations are either unresponsive or unwilling to assist.

Without knowing their rights under Michigan statute or all 61-pages-worth of Michigan court [procedures](#), families enter hearings at a marked disadvantage and without a clue as to what to expect.

Requests for interviews concerning the Oakland County Probate Court made by this investigation to legal aid organizations, both inside and outside the county, went unanswered. The Detroit office of the ACLU declined without noting a reason.

In numerous cases observed over successive Motion Days, although Ryan at least attempted a modicum of empathy, families appearing pro se were bullied and berated by Callaghan, Hallmark and O'Brien, who not only held families to the same standard as the public administrators but, in some cases, gave them far less latitude.

For example, at no time was a public administrator admonished for being late for a hearing.

Conversely, family members who do not appear on time can lose their case because of it. When they push back, they are threatened with Contempt of Court or the judge calls in the Oakland County sheriffs who threaten removal and/or arrest.

Catherine Haddock, the daughter of 76-year-old Yun ward Nancy Haddock, states that, before the first hearing on her 2016 petition for the guardianship and conservatorship of her mother, a member of Hallmark's staff warned her that Hallmark would never allow Catherine to be a conservator owing to bankruptcy on her public record.

She says she was encouraged to accept a public administrator instead.

While such a determination by Hallmark falls under judicial discretion, court records show that Carney filed for Chapter Seven Bankruptcy in December 2010.

The Fight of Their Lives

Once a guardianship and/or conservatorship case against an individual is set into motion, both the wards and their families end up in the fight of their lives.

Since the case is still in litigation, the niece of a Bloomfield Hills woman, who was placed under Carney's guardianship in January 2018, asked that both she and her aunt be identified using an alias.

According to her niece Marie, Pauline was born in 1922 in a small town in the Kentucky Appalachians. Orphaned during the Depression, she was separated from her siblings and sent to stay with relatives in Michigan.

Pauline graduated high school early and had been a secretary at the Dearborn "Glass House" headquarters of the Ford Motor Company for only a year before she was selected, out of 300 of her peers, to become the first female Executive Secretary to the company's Vice President.

She fell in love with and married a local businessman who surprised her by purchasing a lot in Bloomfield Hills and building a magnificent home upon it. Pauline's husband died of a sudden heart attack in 1973. The couple had no children, and a heartbroken Pauline never remarried but lived alone in the home they built together until 2018.

As Marie grew up, she and her aunt became "Extremely close, like a mother and daughter," Marie says. "She was vibrant, proud of where she came from and where she ended up and she was very independent. Even in 2017, she was raking her own leaves."

However, by January 2018 and at the age of 96, macular degeneration left Pauline partially blind. According to Marie, she was also prone to bouts of anxiety.

The Life-Altering Phone Call

Since Pauline's vision left her unable to dial her phone accurately, Marie recalls that "One early morning, my aunt crossed the street to ask a neighbor [to] call her friend. Another neighbor drove by and saw her and called the police. The neighbor told the police that she found Pauline wandering the streets. That just wasn't true."

Pauline was transported by the police to St. Joseph's Mercy hospital and diagnosed with a Urinary Tract Infection. At the time, Marie was still living in Kentucky.

On March 2, 2018, Martin and the Senior Care Network filed an emergency petition for guardianship in the Oakland County Probate Court against Pauline. It made no mention of any family and specifically requested Carney as Pauline's guardian. She was appointed as a temporary guardian by presiding Judge Hallmark at a March 7 hearing.

Neither Marie nor Pauline were present.

However, Pauline certainly understood that something had happened to her involving the court. On the day Carney was assigned, Pauline called her niece in a tearful panic begging her to come to Michigan immediately. Marie then reached out to Carney's office and spoke with an assistant.

"I told her that I had stayed with my aunt for 20 months when she had gallbladder surgery, that I was perfectly happy to take care of her again and that my aunt wanted me to," Marie says. "But I was told that [Carney] needed to do some more investigation. All Carney had to do was run a background check on me and tell the court that I was willing to look after my aunt, but she didn't consider any of that. Carney had made up her mind that she was going to be my aunt's guardian and there was nothing I could do about it."

Medicaid and Medilodge

In Michigan, an unmarried person does not [qualify](#) for long-term Medicaid assistance if they have over \$2,000 in countable assets (cash, stocks, bonds, investments, credit union, savings, and checking accounts).

Inventories filed by Carney in May and June 2018 listed Pauline's assets as a \$307,580 home, a 2003 Jaguar, which the public administrator valued at \$3,900, a \$73,313.30 checking account balance and \$11,124.96 in shares. According to Carney's own accounting, only one day after she had been appointed as temporary guardian, she charged Pauline's estate \$84 to "Prepare and submit [an] initial Medicaid application."

Carney's office subsequently received notification from the Michigan Department of Health and Human Services (MDHHS) stating that Pauline had been approved for Medicaid benefits that were also retroactive.

As soon as Marie arrived at her aunt's hospital bedroom, she called Carney's office again. This time, she was able to get the public administrator on the phone.

"I told her that I wanted to take my aunt home," Marie recalls. "She told me, 'No, you can't do that. We're going to put her in Medilodge until we get it straightened out. I didn't know anything about the place.'"

Calling itself a "leading provider of long-term skilled nursing care and short-term rehabilitation solutions," Medilodge operates at least 50 facilities across Michigan, and [not all with flying colors](#).

In 2017, the Michigan Department of Licensing and Regulatory Affairs (LARA) determined seven deficiencies at the Medilodge facility in Southfield that included inadequate records of food served at the facility, medical equipment stored in patient shower rooms and an untrained staff member. A FOIA request to the MDHHS revealed that, between 2016 and 2018, Medilodge of Southfield received almost \$30 million in patient Medicaid disbursements.

It was in that facility's lockdown ward that Carney told Marie she was placing her aunt. Marie had to break the news to Pauline in her St. Joseph's Mercy Hospital room the night before she was to be discharged to Medilodge.

"She started crying, shaking, she was having an anxiety attack," Marie recalls. "She'd never lived anywhere else but her home. She didn't want people undressing her and taking her belongings."

When Marie saw the facility herself, she says, "I just died inside."

"The place was a dump," she adds. "It smelt horrible. My aunt was sharing a small room with someone else. She didn't want me to leave her there, so I laid down next to her."

At 2 am, the facility director told Marie to leave. Even though she always stayed at Pauline's home whenever she visited, Marie said that Carney was emphatic in forbidding her to do so and had changed the locks to the house.

Tossed out of Medilodge and with nowhere to go, Marie spent a sleepless night parked in a Walmart lot worried sick about her aunt. The following day, she received a call from Medilodge informing her that there had been an "incident" involving Pauline. Marie rushed to see her.

"My aunt had contusions on her head, bruises on her chest and arms. It looked really bad," Marie says. "She told me that her roommate had come up behind her, hit her and shoved her down. Her head hit the metal heater in the room. The cut on her head never healed."

"Carney told me it was not a big deal," Marie remembers. "I said, 'It's a big deal to me!'"

After more incidents at Medilodge, Marie decided enough was enough and began to call attorneys across Oakland County. No one would take her case.

“They told me that if a judge had assigned someone as a guardian in Oakland County, there was nothing I could do,” she states.

Fighting Back

Marie began to do her own research. Armed with a little more knowledge, she filed petitions to replace Carney with herself as Pauline’s guardian and conservator. Pauline told her GAL that she wanted her niece to serve. Under Michigan statute, Marie therefore had priority over Carney and, in his report, the GAL recommended that Marie’s petitions should be granted.

But, on April 25, shortly before they were to go up in front of Hallmark, Marie says that the GAL approached her with some disturbing news.

“He told me that Carney was willing to accept me as a co-guardian but that she was going to be the conservator,” Marie recalls. “Carney also told him that, if I fought her on it, she would make sure my aunt stayed a nursing home for another six weeks.”

Terrified that Carney would make good on her threats, Marie agreed to her terms. As co-guardian, Marie was finally able to gain access to Pauline’s home. While she was getting it ready for her aunt, there was a knock on the door.

“It was a man with a tow-truck,” Marie says. “He said he was there to take my aunt’s car.”

A May 2 entry in Carney’s account authorized the removal of Pauline’s Jaguar.

As soon as she returned to Michigan, Marie took Pauline out of Medilodge and brought her home. For the approximately 42 days Pauline was a Medilodge resident, Carney charged her estate a total of \$12,708.00 in patient pay expenses.

Petition, Argue, Repeat

For reasons then unknown to Marie, Carney would not let go of the conservatorship.

“She said, ‘I will never give up conservatorship to you,’” Marie recalls. “She didn’t say why.”

At a hearing on July 11, Hallmark dismissed Marie’s petition to have Carney replaced.

“The judge didn’t listen to me,” Marie recalls. “She wasn’t mean to me, but she went with Carney’s recommendations every time.”

“I talked to some people at the court clerk’s office,” she adds. “They told me it wouldn’t do me any good to get an attorney.”

When a home health nurse visited Pauline, she was shocked when she saw the list of medications Medilodge had been giving her.

“They had her on psychotic drugs, why?” Marie wonders. “All she had was a UTI. The nurse even agreed with me that there was no way my aunt was incompetent.”

Marie filed again and, when she went back to court for the fourth time, Carney doubled down.

“She said that she wasn’t comfortable with me being guardian or conservator,” Marie asserts. “Since I lived with my aunt and didn’t pay rent, she called it a ‘conflict of interest’. Then, she told me I would need to move out and get my own place before she would consider allowing my petitions to go ahead.”

Before the hearing, Marie asked Carney about her mother’s Jaguar.

“She first looked at me like she didn’t know what I was talking about,” Marie says. “Then she told me that she had sold it.”

“I knew that, the longer me and my aunt remained in Oakland County, the greater the chances that she was going to end up broke, she adds. “If that happened, Carney would sell her house.”

So, Marie came up with a plan to move Pauline back to Kentucky. She petitioned again to have Carney removed and Pauline returned to her care and, this time, included a letter to Hallmark summarizing the case, Pauline’s medical records and statements of support from neighbors and nurses.

Her petition was heard on the Motion Day of August 8, 2018, and was observed as part of this investigation. Whether it was because of the attendance of the press, Marie’s relentlessness or a combination of both, the judge suddenly relented and returned complete custody of Pauline back to her niece.

“I was in shock,” Marie says.

When Hallmark clarified that she was also terminating Carney’s conservatorship, the public administrator turned on her heels and stormed out of the courtroom. In her final accounting, Carney asserted that the “Court granted petitions allowing me to resign.”

According to that account, in just five months, she had blown through almost \$50,000 of Pauline’s money.

Other than an income line item noting a “\$200 gain from the sale of automobile,” exactly how much Carney sold the Jaguar for and to whom is unknown. Carney’s account did not include any record of the sale.

It took Marie months to undo every action Carney had taken since she was given control of Pauline's life. She and Marie went back to Kentucky together.

It was in the state she was born that Pauline passed away in August 2018.

"She'd lost so much weight at the nursing home, she just couldn't bounce back," Marie recalls through tears. "It was all so unnecessary. If Jennifer Carney had gone by the law, or morality or listened to anything I had to say... All I can say to anyone who is going through this is to just keep fighting in any way you can."

Neglect under Guardianship

“Get me the hell out of here!”

It was a Saturday evening on Thanksgiving weekend, 2018, and Carolyn was sobbing bitterly in the living room of an unassuming four-bedroom bungalow on Leslie Street in the Detroit suburb of Oak Park.

The home was one of a myriad of unlicensed small group facilities across Michigan’s Oakland, Wayne and Genesee Counties in which adults and developmentally disabled individuals have been placed after being declared an “incapacitated ward” by the four Oakland County Probate Court

Carolyn, 64, who like her two roommates, Rita and Mary, asked to keep her last name private, had been moved into the facility by her court-appointed guardian, Oakland County Public Administrator John Yun.

The three women told this investigation that they had been alone since the previous Wednesday, when all staff left for the Thanksgiving holiday. On their way out, someone had wrapped a large chain around the handles of the kitchen’s refrigerator/freezer combo unit and padlocked them shut.

Fortunately, Mary’s son was able to bring in McDonald’s once a day, otherwise the women would have been left for the entire long weekend without any food at all.

Court records show that individuals who attempt to leave a nursing or group home facility (called eloping) have been caught by Oakland County Sheriffs or local police and then placed, by the guardian, in a lockdown ward.

Carolyn is one of well over 1,500 wards whose lives are under the complete control of Yun or one of his colleagues, Public Administrators Thomas Brennan Fraser and Jennifer Carney and former Public Administrator Jon Munger.

In March 2016, presiding judge Daniel A. O’Brien had declared Carolyn incapacitated and handed her over to Yun. His decision followed a petition for guardianship filed by a Michigan Adult Protective Services (APS) Investigator, which stated that the “Proposed ward survived a stroke in July 2015 resulting in some physical limitations and some memory issues.”

Yet, as Rita and Mary were ravenously devouring what was left of their paltry McDonald’s Thanksgiving dinner, Carolyn had no problem recalling her life under Yun, who exerted control over every aspect of it, including her annual \$12,579 Supplemental Security Income (SSI).

According to an accounting Yun filed with the court in April 2017, he took \$2,700 in attorney’s fees from Carolyn, paid \$7,224 in group home rent and gave her an allowance of \$1,538 for the year, or approximately \$128 per month.

However, according to Carolyn, she only received \$40 per month from Yun, which left her reliant on the unlicensed group homeowner and its staff for her food and daily living needs.

She added at the time that she had seen Yun only once in the more than two years since she had been placed under his guardianship. Despite begging him to allow her to live independently, she claimed that he simply responded, “You’re fine where you are.”

Carolyn added that she received the same message when she communicated her distress to Yun’s staff, whom she told this investigation, “I haven’t seen for over a year.”

Under Michigan statute, a guardian has the responsibility to “Restore the ward to the best possible state of mental and physical well-being so that the ward can return to self-management at the earliest possible time.”

With no money, no means of transportation and terrified to say even a word of dissent to the group homeowner, whom Carolyn described as “harsh,” it has been next to impossible for her to work toward independent living. But that wasn’t the worst of her problems. Between tears, Carolyn claimed Yun had also isolated her from her own daughter.

“I lost my family because of him,” she said.

Carolyn believed her daughter had no idea she was under Yun’s guardianship. She added that she didn’t know how to reach her and Yun would not provide any new contact information.

The Unlicensed Network

Since it was unlicensed, the home in which Carolyn, Rita and Mary spent their days isolated from the world outside had not been inspected by Michigan’s Department of Licensing and Regulatory Affairs (LARA) to ensure that it was safe and properly staffed, and that the health and well-being of residents was maintained.

Primary to a Michigan guardian’s statutory duty is “To make provision for the ward’s care, comfort, and maintenance” raising the question as to why the guardians have placed their wards in unlicensed facilities.

This investigation reviewed of 2,278 open and closed cases belonging to Yun, Munger, Fraser, and Carney. In 97 percent of the cases where individuals were living in their own home or apartment at the time a guardianship was initiated, they were removed no more than a month after the guardian was assigned.

The wards’ next destination seemed to be determined more by their income and assets at the time rather than their medical needs. Placements varied from long-term care or assisted living facilities to the comparatively cheap Adult Foster Care (AFC) and unlicensed small group homes.

Carolyn’s facility was part of a vast network of unlicensed group homes in Oakland and Wayne Counties discovered through Change of Address forms and guardian accounts filed at the Oakland County Probate Court.

This investigation visited 30 such homes over Thanksgiving weekend 2018. The majority were unstaffed. In some cases, living conditions for the wards were subhuman and unequivocally dangerous.

Bounced Around

Carolyn is one of numerous Fraser, Munger, Carney and Yun wards who have been randomly moved from group home to group home anywhere from two to as much as a dozen times throughout the course of their guardianships. Sometimes, those moves have occurred less than a month apart.

Anne O'Neill, LSW, is a social worker and founder of Age Fit Consulting who has worked with the senior community for 37 years, a career that began at a regional Adult Protective Services (APS) office in Lake County, Ohio.

"As we age, we become so vulnerable due to cognition changes, memory and physical impairment," O'Neill says. "Constant relocation creates a stress for the older person that they may not be able to manage themselves anymore. Those stresses would exhibit themselves in behavior such as wandering, anxiety and striking out."

While, often, no explanation for the moves are mentioned on Change of Address forms inconsistently filed with the court, line items charged to a ward's estate in a guardian's annual accounting confirm O'Neill's assertion.

They show calls to guardian offices, received from either the owners of the group homes or the wards themselves, concerning often undescribed "incidents" at a facility. One or more such calls can precipitate another move.

"Moving them to another location keeps them off the radar," O'Neill says. "As human beings, we form attachments. To lose the safety of a consistent living environment along with the separation anxiety caused by being moved from one location to the next, I can imagine, would result in multiple traumas to an older person."

In providing reasons for the initial guardianship petition, Michigan APS investigators, who filed the majority of those reviewed, have often claimed that an individual "Lacks a stable environment." For guardians to move their wards at such a frenetic rate, therefore, seems counterproductive.

"Not only counterproductive but abusive in and of itself as an action," O'Neill confirms. "There must be oversight and follow up through the courts after a placement has been made. Who's keeping track? Is anyone keeping track? If they aren't, why not?"

The Oakland County Probate Court is mandated to send a volunteer to do an independent investigation (called a Guardian Review) of the care being provided to a ward on the first anniversary of a guardianship and then once every three years.

Although such investigations can also occur "As deemed necessary by the court," no evidence has been found indicating one taking place after a guardian files a Change of Address.

"These are individuals who do need some level of support or they wouldn't have been vulnerable to this happening to them in the first place," O'Neill notes. "Something has gone on in their lives

where they do not have family members, advocates or educated people who are looking out for their best interests.”

Calling Ahead

Annual accounts filed by Yun, Munger, Carney and Fraser show each of the activities which have been billed to their wards, which include everything from a \$10 charge to listen to a voicemail, either from the ward or a facility, to hundreds of dollars in fees for an appearance in court.

Wards have been charged as much as \$30 per call for multiple phone calls made by the guardians to both licensed and unlicensed group homes requesting placement.

Other line items invariably show Yun, Carney, Fraser and Munger taking weeks to locate and secure a ward’s liquid assets such as bank accounts, the appraising and selling of a ward’s property, including cars and homes, and pushing through Medicaid applications. However, one notable absence in accounts belonging to all four guardians is any time at all spent checking as to whether a group home was licensed or if it had been subject to any investigations.

The general public can discern such information via a brief search on a State of Michigan [website](#). It also maintains a comprehensive list of group homes that have had their licenses revoked or been administratively closed.

Since there is no official list of unlicensed group homes or their owners, the question is raised as to how Munger, Yun, Carney and Fraser not only know about them but, as shown in guardian account line items which bill the ward for calls to and from group homeowners or managers. , are often on first-name terms with them

Probate Court Neighbors

The Oakland County Probate Court’s home city of Pontiac, Michigan, is littered with unlicensed facilities.

at the time of this investigation’s visit to a two-story, six-bedroom duplex on Matthews Street in Pontiac, the group home housed 10 men and women, at least four of whom were under the guardianship of Carney, Yun and Munger. In the dining room, a book crate covered a hole in the floor that led to what was at least an eight-foot drop to the basement below.

A bedroom, where two female wards slept, was furnished only with a couple of worn mattresses. On one of them, a woman named Rose was curled up in a fetal position with a single, folded up blanket to support her head.

The bathroom Rose and her roommate used was crusted with mold. The drywall on one side of a filthy bathtub was cracked and paint was peeling away from it. Medication for the residents was kept in a line of unsecured plastic drawers in the dining room. According to a resident named Mark, who did not provide his age, a cook arrived at the home twice a day to dispense the medication and prepare breakfast and dinner.

Whenever the cook was gone, the kitchen was kept locked. But Mark and the others had figured out a way to force it open. There was no landline in the home. When asked about what they were supposed to do in an emergency such as a fire, one resident replied that they had been instructed to “Jump out of the windows.”

Five minutes away on Cameron Street, a three-bedroom home which served as another unlicensed group facility. There, a woman named Janet lived with three men.

Under the guardianship of Oakland County Public Administrator Charlotte Glover-Hogan since July 2017, Janet (70) told this investigation, at the time, that she hadn’t received any money. She just wanted \$100 with which to buy her children holiday presents at the local dollar store.

“I like it here, but what can I do?” she said. “I have to fix things, I clean, I do everything,”

Janet added that she didn’t mind the work, but she also didn’t get paid for it.

In December 2017, Glover-Hogan was [confronted by](#) Detroit ABC affiliate WXYZ after they uncovered an unlicensed group home that she used to house one of her wards. Glover-Hogan pledged to WXYZ that, going forward, she would “do more research.”

At an East Judson Street unlicensed, two-story group home, the only caretaker to be found was one of its at least four residents. He didn’t provide an exact number of how many people were in the building other than the four who were found in the living room and kitchen, the latter of which was smeared with grime, a stack of unwashed dishes piled in the sink and open food containers everywhere. He added that an additional resident was in the hospital and he declined this investigation access to the second-floor bedrooms.

A two-storey unlicensed group home on St. Clair in Pontiac contained up to 20 men and women who shared a common bathroom on each floor. Dirt was evident over the walls, floor and stairway. Again, it was unstaffed. Munger, Yun and Carney each possessed wards who had either lived or were living there.

License Revoked but Ignored

By far the most appalling unlicensed group home this investigation visited sits less than seven minutes from the Oakland County Probate Court itself.

Located on Prall Street in Pontiac, Grovecrest Assisted Living began as a convalescent center in 1956. The facility had been licensed but, according to Michigan government records dating back to 2015, was subject to multiple complaints and investigations. In May 2018, Grovecrest’s license was revoked.

A home with a revoked license cannot accept patients for five years after such action has been taken. Yet, during a visit in December 2018, the home’s manager handed over a list of 45 then-current patients by first name and last initial.

All but two were under guardianship. Court records established that at least 18 were under the guardianships of Munger, Fraser, Carney and Kemp Klein attorney and shareholder Alan A.

May. A number of those wards had been placed at Grovecrest well after its license was revoked, some as late as January 2019.

Grovecrest's exterior gave the appearance of a repurposed but unrenovated elementary school. In places, there were sunken hollows in the roof. Windows on the second floor had been boarded up. The building's paint was peeling away.

Opening the door to enter the home released a wailing alarm and an equally forceful odor. Throughout the halls and in a common area, where residents ate and either mingled in small groups or sat alone, there was the pervasive smell of feces, stale urine, strong chemical cleansers and rot.

Dimly lit bedrooms housed two or three people each. One of the bathrooms was the size of a broom closet. Since the home had no present license, there was no inspection paperwork from LARA to indicate whether staff had been adequately trained.

While two of Grovecrest's residents said that they had no issues with their guardians, the majority did. Their feelings were summed up by one of Fraser's wards in a July 2018 letter to Oakland County Chief Judge Kathleen Ryan:

"No More Thomas Brennan Fraser until never!" she wrote.

Ryan dismissed the petition, stating that the ward "failed to appear."

Under Michigan statute, she not only had a right to attend but "to have the guardianship proceeding commenced and conducted in the place where the individual resides or is present."

Prior Knowledge

Court documents indicate numerous instances in which a guardian already knows a group home has problems.

According to Fraser's own accounting and Change of Address forms he filed with the court, by early 2016 one of his wards, Christopher, had been placed in an unlicensed home on Marshall Street in Pontiac. On January 22, 2016, a Fraser line item stated that his office received a call from "the licensing agency of Michigan RE: licensing complaint. Records show that the home where the client resides isn't licensed."

In March 2016, Fraser moved Christopher to another unlicensed facility operated on Kipling Street in Oak Park. Less than two months later, Christopher was sent to an unlicensed group home on Glastonbury Road in Detroit.

On May 19, 2016, Fraser's office received a phone call from Christopher's doctor alerting the Public Administrator that the group home's staff had dropped Christopher off for a visit earlier in the day but that he was "never picked up."

Fraser subsequently traded calls with an APS Investigator who assured the public administrator that he was “trying to close [the] case.”

Yun’s accounting indicated that he was not only on first-name-terms with the owner of an unlicensed facility on Neome Street in Pontiac but, in September 2016, received a call from a relative of one of his wards who was concerned that the home had bed bugs.

“I told her this is a common issue in group homes,” Yun’s billing stated, “due to the consumers, places they frequent and also if they receive clothing from free clothes closets.”

Blind Justice

Like the guardians, the Oakland County Probate Court’s judges cannot be unaware of the conditions inside some unlicensed group homes. Court files include letters sent by wards to the judges begging to either be removed from their facility or from their guardianship entirely.

In a desperate September 2017 letter to O’Brien, a Yun ward named Tracey, then-50, described the conditions inside an unlicensed facility on Hazelridge in Detroit.

“I was placed in the upstairs room with no functioning windows,” she wrote. “Almost 100 degrees. During the three weeks I was there, the men exposed themselves to me. I was only given transportation to medical appointments two times and refused after that. There were bed bugs, mice, mold, flies. There was no air conditioning. The woman who owns the homes says she was never paid for my rent. She kicked me out without allowing me to get my belongings.”

In his response filed with the court, Yun claimed that the home’s owner had “gracefully housed [the] ward without any payment.”

It was an odd statement,. since his responsibility was to pay the facility owner out of the ward’s estate.

Yun added that Tracey “was not following the rules of the home.”

Rather than alerting APS to investigate the facility, he noted that his staff instead called the homeowner to verify Tracey’s allegations “and found them to be untrue.”

Whether Tracey’s accusations or Yun’s response were independently verified by O’Brien is unknown.

In 2018, another of Yun’s wards named Joy, 45, filed a petition with O’Brien to terminate the guardianship. At the time, she was living in an unlicensed group home on Ellwood Street in Pontiac.

“There have been some problems with the staff at my [group] home and how the home is run,” Joy wrote. “I do not feel safe there. Although my guardian is looking for another home for me, it does not seem to be a priority or concern.”

Joy also claimed that Yun had cut ties to her church community.

“It is difficult to continue working with a guardian that I do not have faith has my best interests at heart,” she concluded.

In his response, Yun stated that he had been “court-appointed to several other cases besides [Joy’s]” and accused her of calling “numerous times in one day without leaving a voicemail.” As for problems at the group home, Yun placed the blame squarely on the shoulders of Joy’s church community.

“Church activities began disrupting ward’s home life and responsibilities,” he wrote. “As a result of inappropriate behavior from church friends, ward received an eviction notice.”

In January 2016, then-65-year-old Annette begged Hallmark to release her from Munger. Although the Pontiac home on Orchard Lake Road in which she had been placed was licensed under the name Quality AFC, a subsequent LARA inspection determined 14 separate violations which included unsigned resident care agreements, untrained staff and dirty living conditions.

“I don’t want to be punished and have my dignity and humanity taken away from me,” Annette wrote. “I am young and would like a job and to be a viable asset in society.”

One year later, Annette wrote again to Hallmark, this time from the unlicensed home on St. Clair in Pontiac to which Munger had moved her.

“I have not received even food money from my social security check,” she said. “I would very much like the court to drop Munger [and] Associates as my guardian and everything associated with them.”

As of February 2019, Annette was still under Munger’s guardianship and living at a group home in Southfield.

The Unlicensed Paper Trail

Since they are rarely one and the same, tracking down both the administrators or managers of an unlicensed group home in Oakland County and determining their relationship with the actual property owners involved following a substantial paper trail of LLCs, all with different addresses.

Nestled in an inconspicuous neighborhood on Maplewood in Southfield and concealed behind an orchard, this investigation discovered one of at least five group homes run by a Michigan woman named Irina Dennert under the name Arina’s Senior Care.

Only one of those facilities was licensed.

A License Study Report conducted in 2017 by LARA included a footnote that stated, “Ms. Dennert has been operating an unlicensed facility for the past 15 months.” However, no punitive action was taken.

Under Michigan law, Dennert was “required to disclose the names, addresses and official positions of all persons who have an ownership interest in the facility [and], if leased, the name of the lessor of the real estate.”

Yet, the property owner of all five of Dennert's facilities was not mentioned in LARA's report.

He is an investor named Vladislav (aka Vladimir) Safir, one of a group of Russian and Ukrainian nationals who have bought and sold property in both Florida and Oakland County, Michigan.

Safir is the registered agent of multiple LLCs, including Jim's Pravda, Versa Corp., Alvers Inc., Segment Properties and MGTV Holdings. Dennert also has four LLCs in her name. The actual relationship between Dennert and Safir is unknown.

Over Thanksgiving weekend, this investigation found seven men crammed inside Dennert's three-bedroom facility on Maplewood, which was decorated, fraternity-style, with a single ripped leather couch and plastic chairs. Even the inviting odor of a pot of soup the caretaker was heating for the men could not mask the mildew and rot—universal to each of the unlicensed homes visited by this investigation.

Only two bedrooms were available for the residents. The third belonged to the caretaker. Two of the residents were under the guardianship of Yun and Munger. Both claimed to have no recollection of when their respective guardians had visited them and expressed unhappiness with their living situation, in which they stated punishments inflicted on the men were harsh.

"I'm afraid to speak out about how they treat me here because I have spoken about this in the past and it has come back to bite me," one man said.

Another stated that he was consistently bounced around between Dennert's homes and added that he was expecting a transfer to Dennert's Harper Woods facility any day. Like the others, he didn't know why these transfers occurred.

A Dennert facility on Greenwald in Southfield, in which wards belonging to both Carney and Yun had previously lived, also had caretakers. However, neither of the two women spoke any English.

They would not permit any interaction with the residents, who could be heard from their bedrooms but not seen. After numerous attempts by this investigation to communicate with the caretakers failed, one of them called Dennert on a cell phone. She would not take any questions and demanded that this investigation leave immediately.

The Licensing Loophole

The laws governing the definition and licensing of Adult Foster Care [AFC] homes in Michigan were updated as of March 19, 2019, and include "facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care."

The rub is found in a brief paragraph that states, “*If* the department determines that an unlicensed facility is an adult foster care facility, the department shall notify the owner and operator of the facility that it is required to be licensed under this act.”

However, not all unlicensed group homes define themselves as an AFC. Among the many names under which they choose to call or market themselves, the most prevalent description is as an Assisted Living Facility.

In Michigan, there are no licensing requirements for Assisted Living Facilities unless they provide 24-hour supervision, meals and some form of undefined “personal care” for their residents. Therefore, they are not subject to the same accountability, background checks, employee training or even inspections as licensed facilities.

Another loophole allows a group home to operate without a license provided the owner of that group home or property subcontracts supervision, meals or care with a different company.

Before his term ended in 2019, former Michigan House Rep. Henry Yanez (D) tried to ensure Michigan’s group homes adhered to a uniform set of standards. Now a Sterling Heights City Councilman, in Yanez’s pre-political life as a firefighter and paramedic, he had firsthand experience of conditions in group homes.

“There are people who take advantage of communities [that] struggle to have enough staff to go and inspect all of these homes,” Yanez says. “Therefore, they just throw one up without a license and say that they’re running a group home, virtually knowing that no one’s going to come around and check.”

“It’s just general good policy to make sure that people of a certain need are being properly taken care of and not being taken advantage of by someone with a profit motivation,” he adds.

To that end, in October 2017, Yanez [introduced HB 5182](#), requiring “all facilities acting as a group home or adult foster care facility to be licensed with the state.”

“By wrapping these facilities into the current law,” Yanez proposed in the bill, “they would also have to adhere to other requirements, including criminal background checks on employees and employers, evaluation of the qualifications of applicants, on-site inspections without prior notice and the financial disclosure of stakeholders.”

However, HB 5182 went nowhere.

“There just wasn’t any desire to do anything about it,” Yanez recalls. “This is difficult to say, but people who are in vulnerable positions don’t really have a voice. They don’t make campaign contributions and there’s not enough of them for their vote to matter. So, these people can be ignored. The fact of the matter is, abuse goes on all the time and our state legislature ignores most of it.”

Occasionally, local law enforcement has taken steps to investigate both licensed and unlicensed group homes and prosecute the owners.

In August last year, LARA [suspended the license](#) of Carter Country Homes in Holly, Michigan, after the Oakland County Narcotic Enforcement Team [discovered a supply of illegal drugs](#), including cocaine, drug trafficking materials and firearms in a bedroom of the home used by its administrator.

Court records show that at least one guardian, Munger, moved a ward into Carter's Milford Road, Holly, facility on July 26, 2017. One month after Carter was raided, Munger transferred his ward to the guardianship of Carney. She was moved to an Arina's Senior Care unlicensed group home on Greenwald in Southfield.

In 2013, the Genesee County Sheriff [raided five unlicensed homes](#) and removed 21 adults. The owner [was prosecuted](#) for running an unlicensed foster care facility.

Even if a Michigan unlicensed group home is legal, the question remains as to why Yun, Munger, Fraser and Carney do not ensure that it is at least safe and clean before placing a ward there.

Routinely Absent

Asked to be given an alias, "Gladys" was a nursing director for licensed long-term care and rehabilitation facilities across Oakland and Wayne Counties for 20 years.

Under Michigan law, a nursing home is required to "Make reasonable efforts to discuss the patient care plan with the patient, next of kin, guardian or designated representative. A patient care conference shall be held periodically to discuss a patient's needs while promoting continuity of care."

However, Gladys asserts that, while her staff is always ready to participate in a ward's Care Conferences, the guardian is routinely absent.

"We would fight with guardians to come to Care Conferences," she says. "You never see them. No one comes, not the guardians or their staff. In my 20 years, there have only been two guardians who have showed up at a Care Conference."

Gladys noted similar difficulties reaching guardians with important and even critical information concerning their wards.

"We have policies which state that you have to call a guardian for changes in the patient's condition," Gladys states. "After 6pm, or on a Saturday and Sunday, you cannot get ahold of a guardian. They just tell you to 'leave it on my voicemail.'"

“When a patient has a fall, you just document ‘called guardian for a return call,’” she adds. “But you never get that call.”

Her assertions are illustrated in court documents such as an accounting filed by Carney in 2016 for a then-91-year-old ward named Harold who, at the time, had been placed at Lourdes Rehab and Healthcare Center in Waterford, Michigan.

6/9/2016	CALL FROM LOURDES TO LET US KNOW THAT HAROLD ROLLED OUT OF BED YESTERDAY AFTERNOON. NO INJURIES.	\$10.50
6/16/2016	RECEIVED VOICEMAIL FROM LOURDES RE: HAROLD FELL OVER THE WEEKEND BUT NO MAJOR INJURIES AND HE HAS NO COMPLAINTS OF PAIN.	\$7.50
10/7/2016	TELEPHONE CALL FROM LOURDES RE: HAROLD HAD A FALL BUT THERE ARE NO COMPLAINTS OF PAIN.	\$9.00
10/17/2016	VOICEMAIL FROM LOURDES RE: HAROLD SLID OUT OF BED AT 11:45 PM ON SATURDAY BUT THERE ARE NO INJURIES AND RANGE OF MOTION IS GOOD.	\$0.00
11/4/2016	TELEPHONE CALL FROM LOURDES. THEY NOTICED DURING HIS SHOWER TODAY HE HAD A FEW BRUISES ON HIS RIGHT HAND, FOREARM AND WRIST. THEY HAVE DONE AN INCIDENT REPORT.	\$10.50
11/15/2016	RETURN TELEPHONE CALL TO ST. JOSEPH OAKLAND HOSPITAL TO CONFIRM THAT HAROLD WENT INTO MULTIPLE ORGAN FAILURE AND PASSED AWAY.	\$21.00

There is no evidence in Carney’s accounting indicating that the public administrator or her staff ever followed up with Lourdes on the Incident Report. Instead, Carney’s final line items billed Harold’s estate a total of \$770.00 for “Estimated time for attendance at final account hearing, to finalize estate matters, itemize income and expenses, preparation of final account petition, order allowing accounts and notice of hearing.”

The Annual Report

Michigan statute requires guardians to visit their wards no later than three months after being appointed and every three months thereafter. A review of such visits is documented in an *Annual Report on the Condition of Legally Incapacitated Individual* filed with the court.

Those filed by Yun, Munger, Carney and Fraser often lacked any substantive detail.

In December 13, 2018 Carney filed an Annual Report for a ward named Loucinda, then-79. The document primarily consisted of checked boxes, including one that rated the Loucinda’s living arrangement as “Below average.” Carney also noted two dates, in May and September of 2018,

during which her office visited Loucinda. In describing her ward's social life, Carney simply stated, "plays bingo."

Carney concluded her report with standardized language used by all four guardians. She stated that the guardianship should continue because "The adult remains unable to make or communicate informed decisions."

In remembering those patients who were under guardians during her tenure as a nursing director, Gladys notes, "they hardly ever visit. Time goes by. If you can't get ahold of them by phone, they're not coming."

"They can do less as guardians," she adds. "They don't have to be responsible because, while they're doing whatever they are doing with finances, the [ward] is just here."

A Veteran's Last War

Wards belonging to Yun, Munger, Fraser and Carney have included veterans from World War II, Korea and Vietnam. Court documents show that these veterans are afforded no more dignity or respect than their civilian counterparts.

In 2016, following an emergency petition from APS, a then-66-year-old veteran named Allen was immediately placed under Yun's guardianship. He contested the petition, but APS retained an attorney and Hallmark granted Yun full guardianship of Allen, who was moved to an unlicensed group home on Marshall Street in Pontiac.

Allen made at least four separate attempts to terminate Yun as his guardian, in which he accused the public administrator of "violating my rights" and not "doing anything but taking my money."

"I'm a veteran and an adult," Allen wrote to Hallmark in September 2018. "And [I] don't need a guardian."

In his response, Yun claimed that "although the ward does not like the home, [I] secured a proper Adult Foster Care Group Home for the ward that proves care, food and someone that attends medical appointments with the ward."

However, he failed to mention that the home was unlicensed, instead adding that Allen received "\$100 a month to spend on his personal needs. This amount is much greater than the \$44.00 a month that is allocated for mental health individuals in a group home."

As she had done so following each of his three prior attempts, Hallmark denied Allen's petitions.

A World War II Navy veteran named Donald was 98 years old when he was placed under Fraser's guardianship following a May 2015 emergency petition filed by APS. At a hearing the following month, former Oakland County Probate Court Judge Elizabeth Pezzetti confirmed Fraser to the position and issued a second order stating, "All Powers of Attorney are voided."

Fraser had already started gathering and laying claim to all of Donald's assets, including the filing of an Ex-Parte order (filed without the notification or participation of opposing parties) to close Donald's credit union account "for Medicaid purposes." The public administrator also contacted Michigan funeral directors Lynch & Sons to purchase a prepaid burial contract for Donald.

On June 16, 2016, Fraser moved the Veteran to Medilodge of Rochester Hills. There, things went rapidly downhill as evidenced by Fraser's own accounting

6/27/2016	Telephone call from facility re: ward fell, no injury.	\$10.00
7/19/2016	Telephone call from facility re: ward fell, no injury.	\$10.00
8/8/2016	Telephone call from facility re: ward fell on 8/6. No injuries, skin tears only	\$10.00
8/9/2016	Telephone call from facility re ward fell. Small laceration. X-ray ordered. Ward appears fine.	\$10.00
8/23/2016	Telephone call from facility re: skin tear. Ward is fine.	\$10.00
9/7/2016	Telephone call from facility re: wound. E-communication to [family member] re: same.	\$20.00
4/27/2017	Telephone call from [family member] re: wants to change funeral homes. Directed him to call Lynch & Sons	\$10.00
5/2/2017	Telephone call from hospice re: ward passed	\$10.00

Donald was 100 years old when he died. A year into Fraser's guardianship, Donald's income totaled \$35,528 in pensions, VA life insurance dividends and Social Security benefits. Fraser's final account, filed nine days after Donald passed away, showed the veteran as \$9,469.38 in the red. His savings had dwindled to \$147.14.

Donald was laid to rest in Holly, Michigan. His four-line obituary is still on the Lynch & Sons website.

The Veteran Minister and the State

For Wayne, Michigan, grandmother Mary Wallace, her father and World War II Navy veteran Billy Garner meant the whole world to her.

Garner survived both the war and severe colon cancer to become an evangelist and minister at a Vandercook Lake, Michigan, church. In 1970, he and his wife adopted Wallace after she lost both of her biological parents.

"I did a lot with my dad," Wallace remembers. "He went to South America every year to do missionary work until his health wouldn't let him go."

By 2015, Garner was 89 and living in a mobile home in Rochester Hills, Michigan. His wife had passed away from Parkinson's Disease seven years earlier.

Now married, Wallace was looking after and schooling her grandson but stayed in daily telephone contact with her father. When she couldn't make the three-hour round trip to visit him, Wallace's husband went in her place.

Garner decided to go into Assisted Living and chose American House in Troy, Michigan. In preparation, he put down a deposit with the facility and signed a legally executed Durable Power of Attorney for Healthcare, which listed Wallace as his first choice, his son-in-law as his second, and a friend as his third.

Garner and the family worked out a plan to move him to American House in September 2015. But in April of that year, a petition for guardianship was filed by APS, which claimed, "Mr. Garner is having issues with his memory and is unable to manage his finances. His hygiene is poor and he is not taking his medications as prescribed."

"I don't know who contacted the state or why they were brought into the picture regarding my dad," Wallace says. "Nobody told me. I had no idea what was going on. The next thing I know, I got a phone call saying [APS] wanted to meet with me at Dad's home. When they were there, they were checking his bank account statements. It was all business to them."

"Before APS become involved, I was certainly not aware of my dad's money," she adds. "He was a very private man. I didn't consider it my business to intrude upon or even ask about what he kept in his bank account."

Wallace asserts that APS gave her an ultimatum to move Garner into American House immediately.

"I had to tell my dad to leave his home," she says. "I was bawling my eyes out."

The Guardian ad Litem assigned to the case noted Garner's explicit request to have "Mary serve as his guardian and conservator and not the Public Administrator." However, he persuaded Garner and Wallace into accepting a co-guardianship with a public administrator as it "Would also involve a third-party who has experience with guardianships."

Wallace says she only accepted the proposal because she had no understanding of the law.

"I didn't even know what kind of questions to ask," she recalls. "Anything [the GAL] told me I took at face value."

Under Michigan statute, as both the holder of a Power of Attorney and Garner's first choice as guardian and conservator, Wallace far outranked a public administrator in priority as to who would become her father's guardian.

Instead, the third party appointed by presiding Judge O'Brien at a May 20, 2015, hearing was Munger. Wallace attended the hearing alongside her husband.

"It was a busy day there, so it took all of about 10 minutes," she recalls. "The judge didn't ask me very much at all. I think they already had this set up."

While Munger and Wallace were granted co-guardianship, it was Munger alone who took total control of Garner's assets as his conservator. According to an inventory Munger filed, Garner had a total of \$115,029.34 in life savings, including checking and savings accounts and life insurance policies.

In a little over a year of Munger's conservatorship, that number had dwindled to \$4,582.17.

Wallace was shocked when she saw Munger's account.

"It was outrageous," she says. "It couldn't be right. His money was all gone! I couldn't stop it. I couldn't do anything about it."

The Invisible Guardian

"I never once met with or communicated with Munger ever, ever, ever," Wallace says, recalling that first year. "He never tried to meet me or get to know me or anything. Nothing."

Instead, she asserts that she dealt with separate staffers from Munger's office, one of whom Wallace says was both rude and dismissive of her.

"It took forever to get anything done," she notes. "There was always some excuse."

On the same day Munger was appointed, Garner fell and was transported from American House to the VA Hospital in Ann Arbor for surgery on his knee, where he spent the next 10 weeks convalescing.

Wallace says Munger was absent during a VA Care Conference at which she was told that her father needed to go to a long-term facility. Presented with a list of rated options, Wallace asserts that she was given four hours to make a decision. Without enough time to properly vet the facilities, she opted for Heartland Health Care Center in Plymouth.

“There were terrible workers,” she recalls. “I went in to see my dad on a Saturday and there was food all over his bed and he had a filthy T-shirt on. His room was dirty, the floor wasn’t swept, and the bathroom was disgusting. The toilet had feces smeared around it.”

Within a month after Garner’s transfer to Heartland, he fell, broke his hip and had to be returned to the VA Hospital.

“The surgeon told us that the fracture to his hip was so bad that it was a mess to put it back together,” Wallace remembers, adding that, at the time, Heartland told her the incident was “no big deal.”

In June 2016, Garner was assigned an independent volunteer to complete a court-mandated Guardian Review report. According to court records, the volunteer conducted his investigation via a phone call “to [the] nurse of [the] facility who answered all questions as ward lives out of the county.”

Although a call was also made to Munger’s office, Wallace was not included in the investigation, which was summarized in two words, both in caps: “GREAT CARE.”

O’Brien signed off both on the Annual Review and Mungers’s own report on Garner’s condition, which noted that his office visited Garner only three times throughout the year.

All About the Money

Wallace says Munger had other concerns.

According to accounts he filed with the court, Munger was preparing a petition to sell Garner’s home only a month after being appointed conservator. He also charged Garner for calls and emails to Wallace’s husband regarding a timetable for clearing out Garner’s Rochester Hills home.

“We got the call and, I think we were given a month,” Wallace says. “We took what we could take.”

Munger filed his petition on July 9, 2015, which included a purchase agreement for the home for \$8,000. As evidence that he had conducted an appraisal of the home, Munger used the J.D. Power website NADAGuides.com. The sale was approved by O’Brien and Munger closed the deal on August 8, 2015.

Garner also had a 2003 Mercury Marquis, which, in 2015, Munger valued at \$1,500. A year later, he assessed it at \$200. When it was sold and to whom is unknown.

The only mention of the vehicle is found in a September 28, 2016, response Munger gave to a VA Specialist who had questions about his accounting. In his response, Munger sent an email to the VA that included the closing details from Garner's home, bank statements and "car sale information."

Since communications with Munger's office tended to be one-way, Wallace recalls that when her father asked questions such as "Where is my car?" she was unable to answer him.

"I couldn't tell him what was going on," Wallace says. "It was just killing me. I felt like I was deceiving my own dad."

Munger appeared to be in agreement with her.

On October 25, 2016, Wallace received a letter from his office that included a petition Munger filed with the court. The accompanying brief accused Wallace of "concealing" \$5,380 in VA benefits, which Munger claimed had been "converted to her personal use rather than for the benefit of her father."

Munger also stated that Wallace had "offered no explanation as to how those funds were used." However, Wallace says Munger's office never once called her to ask about it.

Indeed, nowhere in Munger's account line items concerning the missing money is there evidence of any calls or emails made to Wallace, who had placed the VA benefits check in a filing cabinet at her home, where it remained forgotten.

When a stunned Wallace called Munger's office asking why the public administrator had accused her of theft, she claims she was told, "We didn't accuse you of anything."

Once Wallace turned over the check to his office, Munger filed for a November 15, 2016, dismissal of his petition. Ultimately, a matter that could have been resolved in a single phone call to Wallace ended up costing Garner's estate almost \$400.

Parasites

While Munger was waging his war with Wallace, Garner's health was on the decline. During a March 2017 visit to her father, Wallace says Heartland staff suspected Garner had a Scabies Mite infestation.

Scabies Mites are highly contagious, microscopically sized parasites that nest, lay eggs and defecate under the human skin. The victim then develops a rash noticeable between the fingers, along the wrist, lower-torso and on the exterior of the genitals. The associated itch is unbearable and relentless. For individuals with weakened immune systems, such as children and the elderly, the parasites exponentially increase in number (sometimes in the millions) and further drain a

body's ability to fight back. That condition is called Crusted Scabies and, if left untreated, a combination of scratching by the victim and a lowered immune system can lead to [bacterial infections](#), renal failure and heart disease.

According to Wallace, her father was exhibiting both a rash and vomiting and was placed in isolation.

Although Wallace made daily calls to Heartland to verify the diagnosis, she asserts that the facility never responded.

"This went for an entire month," she says. "I kept calling and they kept telling me that the lab results hadn't come back. They claimed that they were using three different labs."

Munger's accounting also shows consistent communication between his office and Heartland. However, it mostly concerned Garner's Medicaid benefits, for which Munger completed a long-term application in January 2017.

On the afternoon of March 29, 2017, Wallace placed another call to Heartland to determine the results of her father's lab testing.

"They said he was doing fine and keeping his food down," she remembers.

At 5:15pm, the facility called her.

Wallace relates every moment as if it is just happening and falls into tears.

"The nurse told me that they had found my father 'unresponsive,'" she says. "At first it didn't register. Then it dawned on me and I asked, 'Do you mean he's gone?' The nurse told me, 'I'm sorry, but yes.'"

"I just lost it," she cries. "No! No! No! It was awful. I don't understand it. They'd said he was perfectly fine and then he was gone."

Wallace never would come to understand the cause of her father's death. When Wallace asked Heartland for access to Garner's medical records, she claims she received no response and that the facility has yet to turn them over.

According to Munger's final account, after two years of the public administrator's conservatorship, Garner had gone from \$115,029.34 in total assets to \$579.12 in the Comerica account Munger had opened to store the veteran's money.

The Profit Pipeline

Former Oakland and Wayne County long-term facility nursing director “Gladys” offered an explanation for the numerous falls experienced by Garner and other Oakland County Probate wards while at nursing facilities.

“Staffing is always a huge issue,” she says. “The state guidelines say there can be a ratio of 15 patients to one staff member during a night shift. The staff member can be a nurse or a Certified Nurse’s Assistant [CNA].”

“So, when you have 30 patients, there will be one nurse and one CNA looking after them,” she adds. “But the nurse may be working on other duties, which take a lot of time. So, then you only have one CNA looking after 30 patients.”

To combat the problem, Gladys created a system in which a staff member would remain at a patient’s bedside as a “sitter.” Through the increased use of staffing in that capacity, Gladys hoped to reduce the number of nursing home incidents. But she claims the program did not meet with the approval of facility owners.

“I was disciplined all the time because I had too many sitters,” Gladys notes. “They said that it wasn’t in the budget. But, if you accept a high-risk patient, staffing needs to be one-on-one. That doesn’t happen, because we’re talking about profits over people.”

Such a philosophy has benefitted from legislation such as the Affordable Care Act (ACA), which includes a program called “Hospitals Readmissions Reduction.” Under the program, Medicare payments are reduced to hospitals “with too many readmissions.”

“So, as a nursing home, when we have a chronic patient who has been discharged to us from a hospital for rehabilitation and that patient should have a relapse, the hospital will be penalized for readmitting him,” Gladys says. “It forces nursing and rehab facilities to keep patients longer than they should. You have people actually dying in these rehab facilities because they are so afraid to send them back even if there is a need for additional care or studies.”

Gladys asserts that her decisions as a caregiver regarding a patient’s well-being were taken from her.

“I no longer had discretion when it came to patient care and advocacy,” she says. “Individual or corporate owners did.”

Despite her sizable salary, Gladys eventually resigned.

“I had a moral obligation to the patients,” she states. “What was happening to them was affecting my well-being.”

On July 24, 2019, as part of the work of her Elder Abuse Task Force, Attorney General Dana Nessel announced the [arrest](#) of a 23-year-old CNA at the Heartland facility in Bloomfield Hills for “allegedly neglecting to follow a care plan for an 89-year-old resident in March 2018, resulting in the resident being injured.”

Six days later, Nessel [joined a rally](#) held by members of the nursing home professionals union SEIU Healthcare Michigan and took a selfie with them while confirming Gladys’s claims.

“Many nursing home workers are responsible for between 15 and 30 patients at any given time,” Nessel told the rally attendees. “This cannot stand. We’re all going to be seniors one day and will all need the kind of help you provide. We need to help you because you’re doing the hard work to support the rest of us.”

To date, other than the CNA, no nursing facility executive or company has been charged by Nessel’s Task Force.

Today, Gladys works as a visiting nurse for individuals still living in their homes. The ability to care for them in the way she always hoped when she entered the profession is now something she says she can do without fear of reprisals.

The similarities between a state keeping an individual both in a nursing facility and under guardianship longer than necessary seem stark.

Gladys calls it a “pipeline.”

“I’ve known owners who had adapted methods of getting more patients by bouncing them between Assisted Living and Rehab care for 20 days at a time, back and forth, multiple patients,” she says. “They hoard these people and keep their beds filled that way.”

At the farthest end of that pipeline, in the living room of the unlicensed group home in Oak Park, which this investigation visited over Thanksgiving weekend 2018, Carolyn, Rita and Mary spent the holiday eating McDonald’s. In the kitchen behind them, as it had been since they were left alone by the home’s staff, the refrigerator remained padlocked shut.

Rita has been under Yun’s guardianship since 2008.

Yet, she was clearly able to communicate informed decisions to this investigation, particularly with regards to both her finances and her medication.

“When my mother died, she gave each of her kids \$20,000,” Rita said. “That money, I have yet to see.”

“I try not to talk to [Yun],” she added. “But I asked the doctor to give me some pills that will knock me out. Because the days I’ve been having, every day of the week, I don’t want to remember nothing.”

Profiting from Protection

It was December 18, 2018, and in the lockdown Alzheimer's unit of Lahser Hills Care Center in Southfield, Michigan, 64-year-old Virgil sat at a rectangular, plastic lunch table with a small and untouched plate of food in front of him.

The lockdown unit is on the second floor of the facility and only accessible from the main entrance via a code-restricted elevator, the doors of which open into a common area that looks like a hybrid of a hospital ward and prison dayroom.

Legally deaf, Virgil (whose last name is omitted for privacy reasons) stared directly ahead. He made no eye contact, but his expression was one of despair. His only answer to questions from this investigation was given through a single, cinematic tear that ran down his cheek, which he made no attempt to wipe away.

For 40 years, Virgil had lived in his childhood home in Pontiac under the care of his mother Beth. After she passed away and left the home to Virgil, the neighbors, with whom both mother and son were close, stepped in and helped wherever they could. Virgil was not a wealthy man. He had no savings to speak of, and his only income came via a Social Security check.

However, he did have property.

In late 2016, Oakland County Public Administrator Jennifer Carney was given control over that property alongside Virgil's income, identity, possessions, and future after he was placed under her guardianship by Oakland County Probate Court Chief Judge Kathleen Ryan. It all began when a petition for guardianship was filed in the court by Michigan Adult Protective Services (APS). The reasons for the guardianship began "[Virgil] is deaf."

Virgil was adamant that he did not want to leave his childhood home, something he was able to express to his Guardian ad Litem (GAL), a probate attorney assigned by the court to investigate the allegations, inform Virgil about his rights, note his objections and make recommendations as to whether guardianship is warranted. Virgil's feelings were echoed by his neighbors in letters to Ryan.

On August 11, 2017, Carney met with Virgil at his home. In his subsequent report, the GAL noted that, "Ms. Carney indicated a willingness to allow for a temporary move, while determining if MORC [Macomb Oakland Regional Center] services are available to allow [Virgil] to remain in his home."

This investigation reviewed annual accounts Carney filed in Virgil's case. There is no indication, accounting line items, that MORC was contacted after the meeting.

Five days later, Carney obtained an order from Ryan authorizing her to remove Virgil from his home and to use the Oakland County Sheriff's Department to "facilitate relocation of ward."

He was sent to the now-unlicensed facility Grovecrest Senior Living in Pontiac, Michigan. Virgil had only been there for a day when Carney's office received a call from the facility alerting them

that he had attempted to run away and return to his home. One month later, Virgil was in lockdown at Lahser Hills, which between 2016 and 2018 received \$23,829,480 in Medicaid payments.

In examining each of the stages of how Michigan's guardianship and conservatorship system is applied in Oakland County and its effects on both wards and their families, accounts filed by four court-appointed guardians, including Carney, painted a picture that was stark and troubling.

Since each of the guardians are in private practice as attorneys, as well as receiving \$83-per-month for wards receiving Medicaid benefits, guardians bill the ward for each of the actions taken on his/her behalf. Those figures are based on their hourly rate as attorneys, from \$10 to review a voicemail to \$490 to attend a hearing. Each line item contains a brief description which tells the ward's story from the guardian's point of view.

Losing a Home (Twice)

Carney's accounting shows that, from her point of view, Virgil's forced relocation was far from temporary.

On September 25, 2017, Carney's office told Lahser Hills that "the plan is for Virgil to be there long-term." By November, Carney was billing Virgil \$10.50 per-call for back-and-forth calls between her office and a property preservation services company called Wolverine Securing, which was disposing of "[Forty] yards of debris" from inside Virgil's home. It was not explained, in the line item, whether this included any of personal belongings. However, on November 27, Carney's accounts note that Virgil's sister called to inform the Public Administrator that she had taken "some photos etc. out of the house."

According to those same accounts, the sale of Virgil's "Property-auto/personal" netted a total of \$842. It is unknown whether Carney took a car or if Virgil even owned one. However, what is clear is that she paid Wolverine Securing \$1,969. The Better Business Bureau (BBB) lists the Wolverine Securing headquarters with the same Clawson Tank Drive, Clarkston, address as the law firm of former Oakland County Public Administrator Jon Munger. Carney was employed by Munger before forming her own practice in 2017.

Virgil's home was listed on February 20, 2018, for \$44,900 and was taken off the market one day later. A line-item in Carney's accounting shows that the realtor called her office one week before the home was listed with information about a potential buyer.

On February 23, 2018, Carney filed a petition with Ryan to sell Virgil's home for \$41,400.

The only evidence of the home's value, attached to the petition, was an Oakland County tax assessment, which was not dated. In the document, Carney noted a total of \$6,172.35 in unpaid taxes and mortgage on the property.

Ryan approved the sale, which was finalized on March 26, 2018.

However, according to records filed with the Oakland County Register of Deeds, on May 22, 2018, the home was purchased again for \$38,984. at a sheriff's sale by Canadian investment

company Earnest Inc., which [buys up](#) defaulted mortgages and sells them to investors. The record of the sale stated that the mortgage had lapsed.

Inexplicably, Virgil and Beth were listed as the mortgage owners, rather than the buyer who had purchased it from Carney only two months earlier.

On November 8, 2018, Earnest Inc. signed a Quit Claim Deed (a document transferring interest in property from one individual/company to another) for the property to a Florida company, Evergreen Mortgage Notes, for \$10.

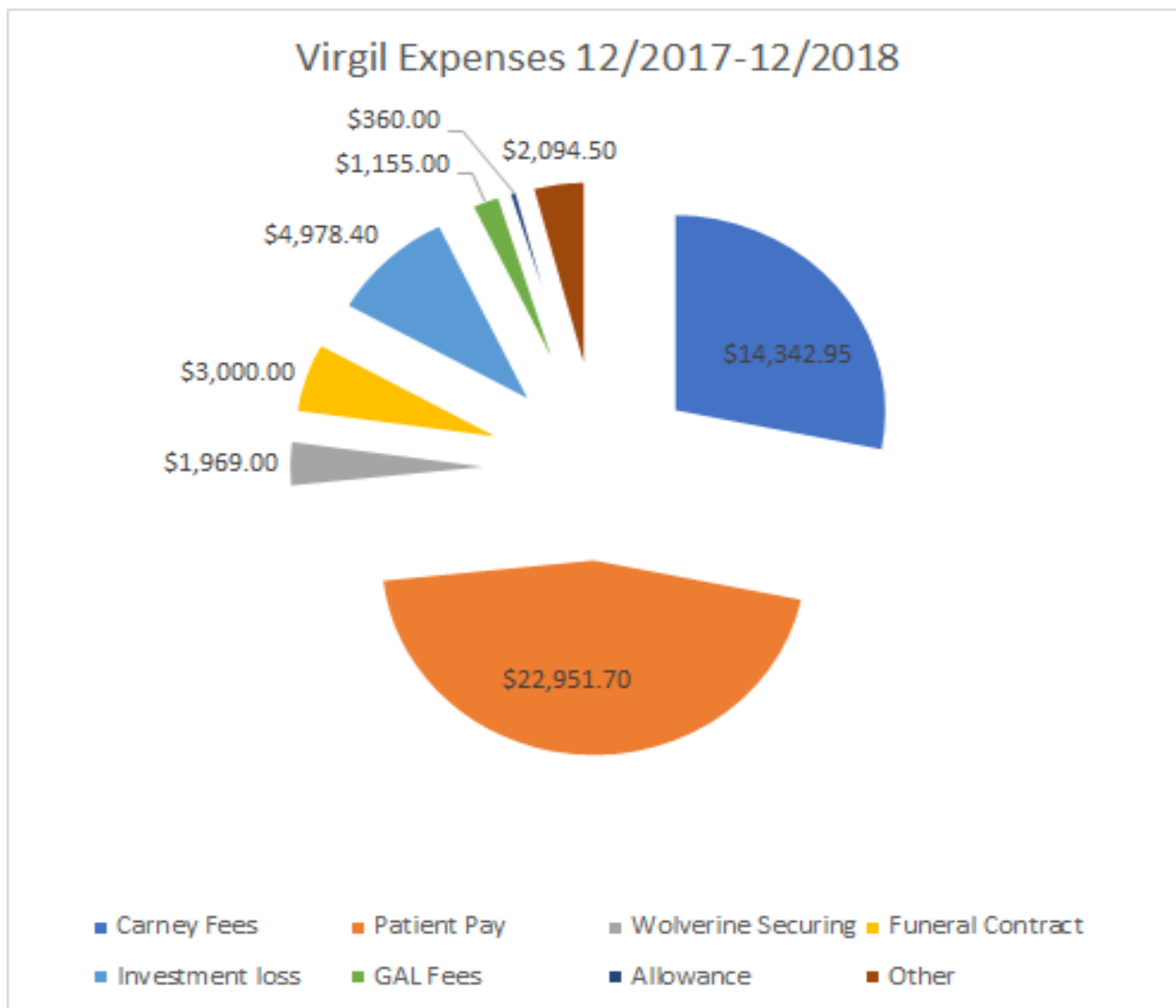
Today, Virgil's former home is listed for sale at \$99,000 (reduced from the original list price of \$104,900).

Accounting Questions

In 2018, Carney applied for and received Medicaid on behalf of Virgil, with a \$1,123-per-month patient pay amount, paid to a facility outside of the bills covered by Virgil's Medicaid or insurance benefits. She indicated that Virgil also received Medicare.

A February 16, 2018, line item shows that Carney's office contacted an attorney and limited-license psychologist, who is on the Oakland County Probate Court's list of individuals conducting Independent Medical Examinations (IMEs) for the developmentally disabled. She advised him that "the house is up for sale. Once we have those funds, we will be able to pay the bill."

According to her account, filed one year later, Virgil's annual income was \$16,821.04. However, his expenses totaled \$50,851.55.



The question remains as to why Virgil’s home was resold at a sheriff’s sale two months later while still under his name and, if the mortgage had lapsed, why Carney made no attempt to bring it up to date.

But in losing his home after being declared legally incapacitated by the Oakland County Probate Court, Virgil is far from alone.

Pattern and Practice

This investigation conducted a review of 2,278 separate Oakland County Probate Court case files belonging to Carney, Munger and Oakland County Public Administrators Thomas Brennan Fraser and John Yun. The cases were presided over by Ryan alongside her colleagues Jennifer Callaghan, Daniel A. O’Brien and Linda S. Hallmark.

In 97 percent of those cases, within a month of being declared an incapacitated ward, an individual—or in some cases, a couple—was moved from their home by a court-appointed guardian and into a long-term nursing, assisted living, licensed or unlicensed small group home.

The guardian then engaged in a walk-through of the then–vacated house or apartment, looking for financial and estate planning documents, cash and jewelry. The locks on the property were changed, leaving it accessible only to the guardian, their contractors or real estate agents.

The home was then stripped of furniture and personal belongings. Depending on the number of items determined to have monetary value, an estate sale was held, with the proceeds included in a ward’s income for the year. According to families and wards who spoke with this investigation, treasured possessions such as photo albums and family heirlooms have either been thrown in the trash or disappear completely.

Mimi Brun, the daughter of Munger Ward Virginia Wahab, recalled that years of letters and photographs were dumped at the side of her mother’s home in open containers or trash bags. By the time she was able to retrieve them, it had rained, and a lot of these memories had been destroyed.

Christine Abood, an activist with the Michigan organization SOS-Probate, recalls accompanying a family member who had been evicted by Fraser from her parent’s home. They watched helplessly as the home was ransacked by a half-dozen individuals. It is unknown whether these individuals were locally based. Photographs show piles of furniture on the lawn outside, which Abood says was it was eventually taken to a city dump.

Accounts also show Munger and Carney using a Clarkston, Michigan, storage facility called Cubesmart to hold a ward’s property.

Preferred Providers

According to a 2018 Financial Summary published by the Board of Commissioners and then-County Executive L. Brooks Patterson, Oakland County’s property values are the highest of Michigan’s 83 counties with a total market value of \$143.7 billion, up \$6 billion from 2017.

In a real estate transaction, typically two realtors are involved: the listing agent, who represents the seller, and the selling agent, who represents the buyer.

Both see a commission from the sale.

However, in Petitions to Sell Real Estate filed by all four Oakland County guardians, commissions paid to the listing and selling agents were not reflected, leaving a gap in the record.

Alongside Oakland Count documents obtained through the Oakland County Register of Deeds, those petitions showed that Yun, Carney, Munger and Fraser each have a real estate agent or associate broker whom they used, the majority of the time, whenever they wanted to sell a ward’s’ home.

Munger and Carney have regularly used Diana and Michael Proctor.

Diana is a realtor who incorporated her company in 2002. Her son Michael is a mortgage consultant and is also employed by a real estate business owned by his brother Stephen.

According to multiple accounts by both Carney and Munger, Michael has been hired to transport wards, purchase items for them, sell cars, dispose of personal property, clean out homes and host estate sales.

Fraser primarily uses Keller Williams realtor Keith Reynolds, who has both appraised and listed homes in Fraser's cases. Reynolds is the owner of two Limited Liability Companies (LLCs), including an appraisal company. His wife Julianne has been an employee at Fraser's law office.

Fraser also uses a realtor named The Fox Group, which was incorporated by Todd Fox while in private practice as a family law attorney. In 2016, Fox was elected as 51st District Court Judge in Waterford, Michigan. A realtor with Keller Williams, his wife Chasi took over ownership of The Fox Group after Todd was elected, although his license remains active and Todd has incorporated a number of LLCs, including one as recently as May 2019.

Yun uses Bloomfield Hills, Michigan, realtor Tom Hutt. Like each of the realtors who work with Carney, Munger and Fraser, Hutt has a number of LLCs in his name, the majority of which were created using the address of a home purchased by Hutt's LLC Craftsman Home and Land. He has also transferred real estate to and from John and Sharon Hutt, the latter of whom has numerous LLCs that, again, were created using the address of recently purchased homes that include those belonging to Yun cases.

Undervalued Continued Care

While a guardian's use of a preferred provider is not, in itself, unusual or unethical, unless there is a conflict of interest, it is the speed at which Yun, Fraser, Munger and Carney homes have been sold, the selling price and the buyer that have raised questions.

A Michigan realtor and broker with more than 20 years of experience in the business, "Rebecca" asked to use an alias.

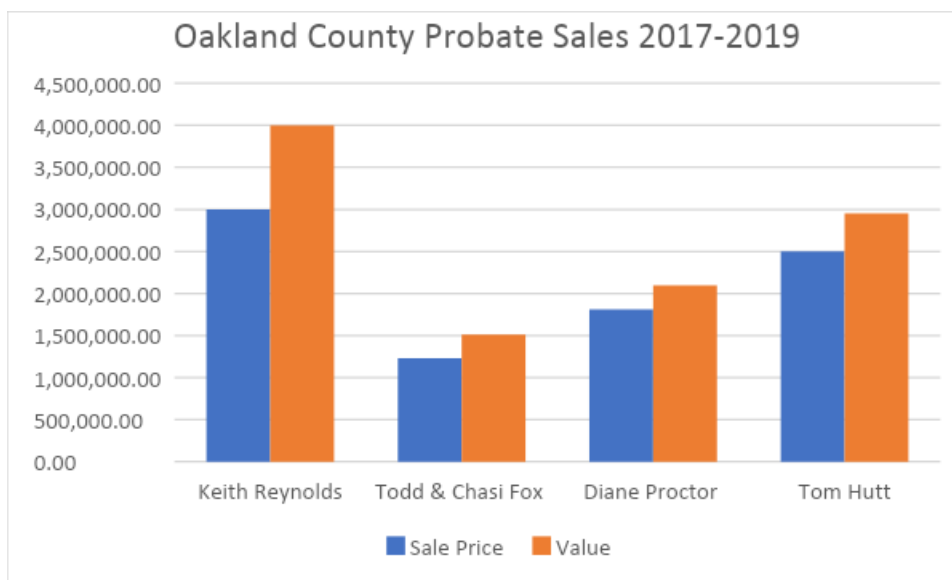
Similar to attorneys who fear reprisals from the Michigan Attorney Grievance Commission for talking to the press about the Oakland County Probate Court, Rebecca was concerned about potential complaints filed by her peers with the Michigan Board of Realtors, which can lead to fines or revocation of her license.

"If I'm an agent and I do my job the right way by protecting the seller, it will probably take me about eight weeks to close," Rebecca adds. "If I play this game, with no appraiser, no inspection and no underwriting, I can do it in as little as five days. I just hand the buyer the key."

This investigation examined 59 probate homes listed by each of the guardians' preferred realtors in cases dating back two years.

On multiple occasions, homes were sold less than a week after being listed.

Eighty-five percent of the time, they were sold anywhere from \$635 to \$176,017 under their actual market value at the time they were listed.



In total, the 59 homes, each attached to probate cases involving Munger, Carney, Fraser and Yun, were sold for \$2,014,389.00 below actual market value.

According to Michigan Court Rules, a guardian and/or conservator is required to file a Petition to Sell Real Estate with the presiding judge in the case before the sale of a probate home. The petition must include a copy of “the most recent assessor or tax statement showing the State Equalized Value [SEV] of the property,” which is typically gauged once per year by a municipality through averaging sales of similar local properties.

While the listing price of a ward’s home is typically set by doubling the number reflected in an SEV, Rebecca does not believe it’s an accurate reflection of a home’s value.

“In the Detroit metropolitan area, the actual market value, or what it really should sell for, is actually two and a half or even three times more than the SEV,” Rebecca says. “By using the SEV and underselling the home, you are likely to get a cash offer so you can close in a week or two and everyone will get paid quicker.”

The Petition to Sell Real Estate must also state the reason as to why the sale of a home is in the ward’s best interests. In most of the cases reviewed, the guardians answered that the sale was essential in order to cover expenses for the “continued care of the ward,” raising the question as to why Yun, Munger, Carney or Fraser did not make every effort to seek top dollar.

An Oakland County probate attorney, who was given the alias “Paul,” noted that “continued care of the ward” is simply standard language.

“But it doesn’t mean that it’s true,” Paul adds. “In my view, it isn’t. The judge is supposed to oversee that, but they don’t care. I have objected to petitions for sales that were hugely under market.”

“A case that stands out in my mind was one where a house was supposed to be listed for \$265,000,” he recalls. “But the guardian waited until they had an offer to purchase before they listed it. The offer was \$250,000 and the judge approved it.”

During the sales of the 59 probate homes there were instances where the listing and selling agents were one and the same.

Rebecca calls it “double dipping.”

“They are working for both the buyer and the seller and so getting commission from both,” she explains. “It’s usually not in the seller’s best interest unless the home is underpriced. Looking at the speed at which some of these homes in your investigation were sold, the listing agent most likely had a buyer lined up before they ever listed the home.”

Rebecca notes that, in such cases, listing the home at all is simply a matter of going through the motions to make a sale look legitimate.

Hidden Buyers

The majority of probate home buyers were investors, each of whom owned as many as 30 separate LLCs incorporated shortly after the sale of a home, using a portion of the property address as the company name.

As an entity legally separate from its owner, the primary advantages of an LLC include keeping its owner safe from lawsuits or responsibility for any debts incurred, and only a one-time tax payment on any revenue generated.

In cases where an LLC is formed using a filing organization such as CSC-Lawyers Incorporating Service in Michigan, the owner can remain completely anonymous. The same is true when a law firm or attorney is used as the LLC’s Registered Agent (the individual who receives and manages the company’s paperwork).

In a 2018 [exploration](#) of LLCs and the housing market, *The New York Times* noted, “In expensive cities like New York and Miami, LLCs have helped foreign investors launder money through luxury condo purchases. In poorer cities like Memphis and Milwaukee, they have enabled investors to walk away from vacant properties and tax bills.”

“In Michigan, it’s super easy to start an LLC,” Rebecca notes. “If you are trying to find the buyer of a home, you can end up following a long paper trail, and there will be huge holes in it.”

The Fraser/Keith Reynolds Investors

In homes sold by Reynolds, Fraser’s preferred agent, there were instances in which the investors were peers and colleagues.

Two of the Fraser properties listed by Reynolds were bought by Southfield, Michigan, estate planning and probate attorney Stuart J. Snider, less than a week after they were put on the market.

Snider immediately formed LLCs using the property addresses as the company names and an address on 12 Mile Road in Southfield as the company headquarters for both.

In both cases, the selling agent was realtor Jeffery Mifsud, whose multiple LLCs include one in which Snider acted as the registered agent.

Two other Fraser properties that Reynolds listed were bought by the realtor's Keller Williams colleague Jason Childs, who also acted as the selling agent and immediately formed LLCs using the street addresses as the names.

Another Childs company was incorporated in 2010 by then-Southfield attorney Robert A. Gross, who also created an LLC for the director of Jewish Senior Life, an assisted living facility used by Carney, Munger, Fraser and Yun to house their wards.

In 2018, Gross was [sentenced](#) to three years for duping both investors and clients out of millions.

A review of Oakland County records showing transactions facilitated by Gross include the transfer of property to the Delaware-based Spartan Equities High Yield Fund I, LLC, which applied to conduct business in Michigan in July 2013. Curiously, Oakland County Records show Quit Claim Deeds between property owners and Spartan Equities High Yield Fund I prior to the company's incorporation in Michigan.

The application paperwork was submitted by attorney John Jacobs, who at the time was a shareholder at the Southfield, Michigan, firm Maddin, Hauser, Wartell, Roth & Heller, P.C.

Jacobs, who is not presently listed among Maddin Hauser's attorneys, occasionally [provided legal services](#) to Utica, Michigan, realtor Ralph Roberts. In 2017, Roberts was part of a local television news [investigation](#) for allegedly colluding with three then-Oakland and Macomb County public administrators in the opening of probate cases in deceased estates without notifying next-of-kin.

Spartan Equities is also tied to companies providing services to the elderly, including Senior Home Solutions and Senior Financial Solutions, both of which were dissolved in 2014.

The Fraser/Fox Group Investors

Fraser's second-most preferred realtors, Todd and Chasi Fox, sold to investors who were similarly close to home, both in the real estate and senior care industries.

A Fraser home in Ferndale, both listed and sold by Chasi Fox, was bought after five days on the market by Bloomfield Hills real estate attorney Ray Toma and his LLC Toma Development. Toma's Long Lake office was also used by Todd Fox as the headquarters for his law firm Todd. A. Fox and Associates, and Toma made a campaign donation to Fox during his 2016 run for Circuit Court Judge.

A Fraser property in White Lake, listed by Chasi Fox, was bought at a December 2018 sheriff's sale for \$73,000 by John Graham Inc. A former co-owner of Keller Williams Great Lakes, according to his biography, Graham's national company acquires "Over 50 homes a month and manages international negotiations and relationships with foreign investors."

He sold the White Lake home three months after purchasing it for \$135,000. Graham's Director of Finance is a former executive director for Windemere Park Senior Community in Warren, Michigan.

The Munger, Carney/Proctor Investors

In Munger and Carney cases, Diana Proctor and her company Oakland County Real Estate sold probate homes to investors who were either connected politically or connected to the guardians themselves through a network of unlicensed group homes in which both placed their wards.

In August 2018, a Southfield property belonging to a Munger ward was bought for \$60,000 by the selling agent Nick Najjar, who has since put it back on the market for \$79,900.

Now a realtor with New Michigan Realty, Najjar served as an advisor to former Governor Jennifer Granholm and was a member of the Sterling Heights, Michigan, Zoning Board and Planning Commissions, as well as a 2012 Democratic candidate for Michigan's House of Representatives. One of his LLCs was formed in 2004 by Shelby Township attorney Robert VanHoutte, who has served as a Guardian ad Litem at the Macomb County Probate Court.

A VanHoutte case that concerned the guardianship of Robert Mitchell and Barbara Deldridge was the focus of a local media [investigation](#) into the guardianship company assigned to the couple by then-presiding judge Kathryn George.

A Sylvan Lake property that belonged to a Carney ward was listed by Proctor in April 2017 but, ultimately, bought at a sheriff's sale by Metrostars Properties for \$140,155.

Owned by West Bloomfield, Michigan couple Mark and Luda Brand, the Resident Agent for Metrostars is a Commerce Township investor Vladislav, aka Vladimir Safir, who is attached to multiple LLCs and is the owner of properties that host a network of unlicensed group homes used by Carney, Munger and Yun.

Luda's company Omni Private Duty provides "care services to children, adults, and seniors in the comfort of their own homes, hospitals, skilled nursing facilities, and assisted living facilities."

The Sylvan Lake home was resold by Metrostar and Safir for \$225,000 to Temecula, California, nurse and business owner Lara Mac. However, public records show Mac's taxpayer address as one of two Birmingham, Michigan, P.O. boxes used by Carney who, prior to entering the legal profession, was a registered nurse.

The reason for the discrepancy is unknown.

The Yun/Hutt Investors

Safir also shows up in homes that belonged to Yun wards and were listed by Yun's preferred realtor, Hutt. Like Safir, most notable are the investors with ties to Florida, another epicenter for problems with guardianships. A recent scandal involving private guardian Rebecca Fierle, who allegedly executed Do Not Resuscitate orders on her wards without their knowledge, led to the

acknowledgement that the system was broken, an [internal shake-up](#) at the state's Office of Public and Professional Guardians alongside Governor Ron DeSantos (R) pledging reforms.

In 2017, an Oak Park home was sold at a sheriff's sale to one of Safir's companies for \$114,000. In December of that year, Safir sued Yun in Michigan's 45th District Court in order to gain access to the home. In 2018, Safir resold the home for \$193,000.

Safir's associates include a Bloomfield, Michigan, man named Eugene Alekseychenko, who has arrest records from both Dade and Broward Counties in Florida. In January 2018, Alekseychenko was arrested in Dade County and charged with Organized Fraud and First-Degree Grand Theft.

Another of Safir's associates, Gennadiy Vilenchuk, has taken a key role in two of the investor's companies. Vilenchuk's daughter Violetta is a foreclosure/short sale specialist at Michigan First Realty and has acted as the authorized signer on real estate deals between Safir's LLCs and investors John Graham and Mark Brand.

In December 2018, one of Violetta's First Michigan Realty colleagues, Deborah Megdall, was both the selling agent and the buyer of a Yun ward property in Commerce Township, which sold for \$536,000.

The paperwork for one of Megdall's LLCs was submitted by attorney J. Marc. Feeney, who is presently General Counsel and Director of Claims Management at the insurance management company Chelsea Rhone, whose primary clients include nursing care and assisted living facilities.

Feeney was also a co-partner in a Florida company with Paul and Al Hamlin, the President and Vice President of Hamlin & Burton Liability Management. As with Chelsea Rhone, the Orlando-based company serves clients that include long-term care facilities.

In 2012, Feeney supported attorney James A. Fink in his unsuccessful bid for Judge of Michigan's 22nd Circuit Court. Fink is presently a member of the Michigan Attorney Discipline Board.

The Speed of Poverty

While investors who buy a probate home stand to make huge profits, it is entirely the opposite picture for an Oakland County ward.

Substantial losses of any assets the ward held prior to being placed under a guardianship are common and add to the staggering speed in which a ward is left indigent and entirely reliant upon social services. Depending on their assets at the time a guardianship and/or conservatorship was initiated, wards are, typically, penniless in anywhere from one to three years.

After that, they end the year either at an annual loss or a gain of only a few hundred dollars.

In May 2017, a then-84-year-old man named Alan was placed under Fraser's guardianship and conservatorship after a petition filed by a social worker from Cambridge North Health Care Services in Clawson, Michigan, stated that "based on physician's evaluation, Alan is unable to handle medical and financial affairs independently."

No evaluation was included with the petition, and on June 7, 2017, Fraser was given conservatorship of Alan's estate.

According to Fraser's accounts, Alan had \$271,048.06 in total assets when the public administrator took control of them, as well as an annual income of \$11,194.26, which included Social Security, proceeds from the sale of Alan's jewelry, a small bank refund and cash Fraser claimed to have found.

A little over six months later, Fraser listed total expenses of \$241,004.47, leaving Alan with a little over \$41,000 left in the bank. During that period, Alan's Cambridge North Healthcare bill was \$91,940.00.

On September 6, 2017, the facility called Fraser's office to ask about the sale of Alan's home.

On November 29, 2017, Fraser filed copies of two Revocable Living Trusts created between Alan and his deceased wife in 2004 and 2007. Both were unsigned.

In an accompanying affidavit, Fraser requested an Ex-Parte order (one created without the knowledge of opposing parties) from presiding Judge O'Brien to make him Temporary Successor Trustee in order for him to sell Alan's Troy, Michigan, home titled in the Living Trust's name.

Fraser claimed he "could not locate" any signed documents, that he had been unable to contact Alan's daughter and had received "no response" from Alan's estate planning attorney. Yet, Fraser's accounts show May and June 2017 calls to his office from both parties before he filed his affidavit.

Although worth \$301,000, Alan's home was sold for \$227,500 to Novi, Michigan, realtor Michael Perna, whose employee Carey Rose was also the home's selling agent.

Alan died at Cambridge North on December 26, 2017, yet Fraser continued billing the estate for almost two more months, remarkably going back and forth with the Department of Health and Human Services (DHS) regarding Alan's Medicaid application. On January 8, 2018, Fraser's office emailed DHS to let them know that "there is nothing left in the trust."

Seven months later, Perna resold the home for \$315,000.

Unexplained Expenses

"There's nothing left" is a common complaint from many of the family members who have or had relatives under guardianship. Those who spoke with this investigation were never able to understand how so much money was spent by Carney, Yun, Munger and Fraser in such a short period of time or why such expenses were necessary..

In 100 percent of cases reviewed, annual accounts filed by each guardian and approved by all four Oakland County judges were submitted without receipts for each of the expenses listed.

In March 2019, after filing to terminate him as a guardian, Yun ward Nancy Haddock and her family objected to his third annual account for the period of March 1, 2018, to February 28, 2019, which listed \$19,551 in Social Security and pension income but \$84,372.11 in expenses, a loss of \$64,821.00.

According to the complaint, Yun's line items included:

- \$961.50 in personal Items and clothing
- \$1,250.58 in Utilities and a cell phone
- \$32,097.92 in bills to Suncrest Adult Foster Care

However, Haddock claimed never to have received any clothing or personal items and that she hadn't owned a cell phone in more than two years. Haddock also noted that the home for which Yun was claiming to still be paying utilities for was sold by the public administrator in December 2017.

She added that, since she had only been at Suncrest for 177 days at the time the account was filed, Yun was claiming her care at the facility cost \$186.61-per-day, despite her having health insurance.

Haddock's complaint sought "full accountability and explanations from John Yun in the form of the requested receipts, invoices and proof of disbursements."

At a June 5, 2019, hearing in front of presiding Judge Hallmark, Yun requested and was granted 45 days to produce his receipts. Haddock's daughter Catherine says she was shocked.

"If he is doing his job as a conservator for my mom, he should have been able to present them right away," she says. "You'd think he would have kept them in a file accounting for every last cent, so why does he need such a long time to find them? If it had been me acting as a conservator, there is no way the judge would have given me 45 days."

Jayne Collins, the daughter of Fraser ward Nancy Collins, has been similarly mystified by the accounts filed by the public administrator, each of which have been approved by O'Brien. She hasn't filed objections because she can't find any legal counsel, and she says she's terrified of reprisals from Fraser and presiding Judge O'Brien.

An account Fraser filed on June 19, 2018, listed Nancy's income at \$34,973.62 but expenses for the year totaling \$114,434.75, a loss of \$79,461.13. Nancy had just \$6,332 left in the bank.

"I have absolutely no idea why the bills are so high," Jayne says. "Everything Mom and Dad worked for has just been blown away."

One of Fraser's line items included car payments totaling \$1,084.45.

"I was like *what?*" Jayne recalls. "My mother has not driven or owned a car since 2008."

She has plenty of other questions to which she says she will never know the answers.

“Everything Fraser does is very vague,” she says. “Any bills pertaining to my mom go to him, so I can’t verify anything. There’s no explanation for it. Fraser does not furnish receipts, so you are just supposed to go with whatever he writes down. It makes no financial sense, and it is totally irresponsible.”

The Forensic Accountant Review.

This investigation asked Chicago-based forensic accountant and certified fraud examiner Tim Mulholland, CFE, MSAF, and owner of TJM limited, to independently review a cross-section of cases belonging to Yun, Carney, Fraser and Munger.

Audits have been conducted by forensic accountants on Michigan probate courts in the past, most notably in Macomb County in 2005 and 2008, but they were never made public.

Mulholland did not have subpoena power and the access to a guardian’s corporate and personal records (such as income tax returns) that would be available to a formal audit performed by, for example, the Internal Revenue Service. Thus, he says he was unable to “properly assess wrongdoing on the part of Yun, Carney, Fraser and Munger.”

While not an audit, Mulholland’s analysis of cases filed at the Oakland County Probate Court is still a first.

“The large volume of cases brought before the Oakland County Probate Court, along with stretched resources, may be giving rise to the proliferation of improprieties,” Mulholland writes in his report. “Proper due process is sometimes lacking, and appointments of guardians and conservators are hastily appointed and on the basis of scant factual information.”

In the Carney case of Marie and Pauline (detailed in Part One of this series), Mulholland determines that the public administrator’s “legal fees appear to be commingled with fees that should fall under those of Guardian fees. It is recognized in Michigan law that a fiduciary performing administrative duties cannot receive the rate of compensation as an attorney for professional services.”

Mulholland also noted “numerous line items on the Carney billing invoice show charges for questions related to entry into home [and] calls related to installing a hand-rail at [Marie’s] home.”

In Virgil’s case, Mulholland recommends “the amount of fees paid the Jennifer Carney Law firm should be further investigated as it represents a large percentage of both net worth and total expenses of the Incapacitated Individual.”

“The sale of property lacks the chronological documentation for such complexity and unusual nature of the transactions that took place,” he adds, “and if proper Fiduciary duty was prudently adhered to.”

In the case of 2016 Yun ward Nancy Haddock, whose home was sold, allegedly without her knowledge, for well under market value by listing agent Hutt and selling agent Valdimir Yakunin, Mulholland asserts the need for further investigation into the transaction.

“The sale of the property must be investigated as the disposition of 35 percent of the value listed is significant and the purchaser of the home was a potential flipper,” he writes. “It is not clear as to the urgency to sell in such a fashion that would warrant such a discount and if proper Fiduciary Duty was prudently adhered to.”

As for the sale of two homes belonging to Fraser ward Thomas Howard, Mulholland notes that “The Ward clearly had ample cash on hand and there was no urgency to sell.”

He adds that the sale of Howard’s Cheboygan, Michigan, cottage (detailed later in this article) is of “greatest concern given that it sold \$37,300 below that listed on the accounting, and the \$155,000 asking price when the Ward put the home for sale in 2015. Under EPIC, trustees are fiduciaries by statutory definition. It stands to reason that a trustee’s most important duty, underlying all other duties, is his or her fiduciary duty.”

“It is the opinion of this examiner that there are appearances of improprieties on the part of the Public Administrator, Guardian, and Conservator in the observed cases,” Mulholland summarizes. “There were also indications of lack of proper supervision and due process on the part of the Oakland County Probate Court in the processing of Petitions and Orders. The disposal of assets are particularly of concern, especially as it relates to the sale of homes and property of the wards.”

“Fees charged were disproportionately in favor of Munger, Yun, Fraser and Carney,” he adds. “Legal fees may have been commingled with fees suited for Guardian and Fiduciary duties, and invoices and detailed billing was found lacking.”

H recommends that a formal audit is warranted due to “enough circumstantial evidence and lack of proper procedures, documentation and due process.”

“The impact of the actions by both the probate court, Munger, Yun, Carney and Fraser have caused or contributed to the suffering by vulnerable wards and their families,” he concludes.

Probate Affluence

It is quite the opposite story for the guardians and judges who preside over those wards and their cases.

According to Oakland County 2019 salary schedule, a probate judge makes \$148,469 per year. Yet, records found in the Oakland County Register of Deeds show that judges have paid off their own home mortgages remarkably quickly, sometimes only to remortgage them in a similarly short space of time.

In 2008, Hallmark and her husband took out a \$154,000 mortgage on their home in Bloomfield Hills, Michigan, which today is worth almost a half-million dollars.

Less than three years later, the mortgage was paid off.

Similarly, in 2010, Callahan and her husband paid off a \$292,000 mortgage they had signed three years earlier. In 2016, the couple took out a \$100,000 revolving line of credit.

O'Brien has taken out and paid off numerous mortgages on his West Bloomfield home, most notably in 1993, 2000, 2002 and 2003. His most recent mortgage was in 2012 for \$108,931.81. The home itself is worth an estimated \$189,000.

On August 5, 2016, Ryan's brother James signed a one-dollar Quit Claim Deed to her for a Wixom home presently worth \$225,000. On the same day, Ryan took out a \$162,800 mortgage on the property and, three weeks later, a \$26,000 revolving line of credit.

Munger, Yun and Fraser have similar histories.

In 2013, Fraser took out a \$332,100 mortgage on a property in Troy, Michigan. Three years later, he took out a second mortgage on the property of \$388,000. The home is worth approximately \$524,000.

Munger's White Lake condominium is worth an estimated \$352,000 and has been mortgaged multiple times, most recently on June 29, 2016, for \$216,982. In 2017, the former public administrator was slapped with a \$70,135 federal tax lien.

Yun, who also uses the first name "Johnca" in title deeds, has paid off a series of mortgages since 1997. Most recently, he discharged a \$212,000 mortgage he received in 2015.

Both Munger and Fraser have bought and sold numerous vehicles and boats over the past decade.

Fraser presently boasts a 2019 truck, one of more than a dozen vehicles he has owned since 2010. Records indicate a history of boats licensed by the public administrator, including a 23-foot Crest Marine and a 2017 Bombardier Jet.

Munger, too, is a boat enthusiast, with a 22-foot 2012 Misty Harbor craft, as well as a number of different trucks, trailers and motorcycles owned since 2006.

Precluding the Temporary

While the guardians are well paid, they also have a duty under Michigan statute to "restore the ward to the best possible state of mental and physical well-being so that the ward can return to self-management at the earliest possible time."

However, out of all of the cases reviewed by this investigation, without the intervention of family, only 2 percent of wards were successful in the termination of their guardianship before they died.

In Annual Reports detailing the condition of their wards, Carney, Yun, Munger and Fraser continually stated that guardianships should continue because "the adult is unable to make decisions for her/himself."

However, missing from those reports are the wards having been expeditiously stripped of their home, car, personal belongings, identification, credit and almost every penny of their life savings.

Particularly in the case of younger adult wards, this raises the question as to how, with no ability to even look for work, travel to interviews or restore their credit to a point where it is possible to find housing, anyone can possibly “return to self-management.”

When she was placed under Munger’s guardianship in January 2017, then–63-year-old Patricia had \$106,852 in checking, savings and retirement accounts. The guardianship followed a November 2016 petition from Michigan’s Adult Protective Services (APS) claiming that Patricia had a “history of strokes and COPD and displays poor decision making as well as confusion.”

Her first GAL noted that Patricia’s medical conditions were under control and that her income was sufficient to pay her rent. Although the GAL recommended a contested hearing, APS lawyered up and Munger was made her guardian and conservator.

In just under nine months, Munger had spent \$65,250.13 (\$7,250 per month) of Patricia’s money. Of that, \$45,760 had been given to Cambridge East Healthcare, and Munger paid himself \$5,829 in legal fees.

From January to July 2017, Munger’s office billed Patricia numerous times for correspondence and telephone calls regarding Patricia’s Medicaid. Line items also show that Munger reviewed benefits Patricia was receiving from United Healthcare.

In August 2017, a second GAL visited Patricia at the Carter Group Home in Holly, Michigan, to which Munger had moved her.

“When I met Patricia, she was dressed in boxer shorts and a large, dirty T-Shirt,” the GAL noted in her report. “She was able to answer most questions about her health history and how she arrived at the group home. She informed me that she was brought to this home without any ID, money or clothes. The director of the home confirmed that she had no documents or money, not even her Medicare card.”

One year later, Patricia was living in a room in an unlicensed group home Arina’s Senior Care in Oak Park for which Munger paid \$16,500 in rent (\$1,375 per month). Patricia received \$750 for the year as an allowance (\$62.50 per month).

Munger’s overbilling was often blatant.

7/3/2017	Mail Payments to Michael Proctor and Beaumont Health	\$31.50
7/3/2017	Mail Payments to Public Storage and AARP	\$31.50
11/13/2017	Review and Sign Accounting	\$24.50
11/13/2017	Review and Sign Accounting	\$24.50
4/25/2018	Telephone Call to Metro PCS	\$15.00
4/25/2018	Telephone Call to Metro PCS	\$37.50

Other billing line items show that Munger had cleaned out Patricia's rented home and storage unit and dispensed with or sold Patricia's property, all the way down to her snowshoes. In October 2017, Munger received calls both from Patricia and Arina's Senior Care requesting winter clothing.

As of February 2019, Patricia was still under guardianship. Any notions of recouping the money she has lost or saving for the future would seem obsolete.

A Rochester Hills woman named Suzanne was placed under Yun's guardianship following a December 2016 APS petition stating that she suffered from MS, anxiety, depression and bipolar disorder.

Her losses from April 2017 to April 2018, as shown in the summary pages accompanying the account Yun submitted to the court, were staggering.

SCHEDULE A: Income and gain in this accounting period		SCHEDULE B: Expenses, losses, and other disbursements, including distributions to devisees and beneficiaries	
Social Security	20,453.70	Personal Funds	3,682.47
Chrysler Pension	6,757.76	Safe Deposit Box	60.00
Trinity Pension	7,171.21	Inn at Cass Lake Assisted Living	37,934.64
Cashiers Checks and Cash found in home	135.00	Homestead Home Health Care	4,988.00
New York Life Annuity Payments	5,292.64	State Farm Home and Car Insurance	802.86
Refunds: Credit Card/Homeowners Insurance/Consumers	1,013.91	State Farm Insurance for Property Up North	180.15
Interest on Bank of America IRA #2773	0.84	Utilities: Gas, Electric, Garbage and Telephone	3,165.61
New York Annuity #7587 Increase Value	2,078.10	Property Taxes	4,094.17
JP Morgan Chase Increase Value #60961	1,965.17	Medical: Doctor and RX	6,590.43
		Lawn care/Home Cleanup/Repairs	3,589.90
		Credit Card Payments	10,981.12
		SEE ATTACHMENT	100,144.33
Investment gain		Investment loss	
Disposition gain, if any, from Schedule C		Disposition loss, if any, from Schedule C	58,781.66
Total Income and Gain	\$ 44,868.33	Total Expense, Loss, and Disbursements	\$ 234,975.34

(SEE SECOND PAGE)

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

Do not write below this line - For court use only

PC 584 (9/11) ACCOUNT OF FIDUCIARY, LONG FORM

MCL 330.1631, MCL 700.3703(4),
MCL 700.5418, MCR 5.308(A), MCR 5.310(C), MCR 5.313, MCR 5.409

3AL Fees (J. Coval)	200.00
Replacement Vehicle Title	20.00
Storage Unit	2,273.37
Transportation	162.00
State of Michigan Income Taxes 2012 & 2013	10,419.94
JS Treasury Income Taxes 2017 and 2018 Estimated	35,713.00
JS Treasury Income Taxes 2011, 2012 & 2013	28,080.75
Attorney Fees approved by Court for 1st and Final Account under Guardianship File (Paid in Full)	8,480.44
Attorney Fees	14,794.83

Suzanne's Rochester Hills, Michigan, home was gone. It was sold to an investor for \$205,000 who, less than two months later, resold it for \$337,000.

Spend Down or a Village?

Dohn Hoyle is the Director of Public Policy of The ARC Michigan, an organization dedicated to ensuring that people living with developmental disabilities can participate fully in the community.

"Guardianship is a horrific system that's set up to be against the people it's supposed to be protecting," he says. "It does more to alienate people from society and makes it impossible for them to build relationships."

"No guardianship should be for life," Hoyle adds. "Once you are enmeshed in the system, there's no sense of independence. People will say that it doesn't matter for someone who is impaired, but I'm telling you, every inch of it matters. There's no time or money spent on restoring people to independence. There's no obligation on the part of the guardian to report that they have done any of that. It does not make any sense."

Guardianship advocates claim that such extraordinary spending on the part of the guardians is simply part of commonly accepted practice used in order to assist someone with too much income to qualify for Medicaid.

Called a "Spend Down," it essentially makes a person eligible for Medicaid benefits, which will cover expenses in a long-term care or nursing facility, by rapidly spending excess cash or liquid assets over and above the \$2,000 Michigan limits a recipient to own at the time of an application.

But for people who have worked all their lives to save for a retirement income, is spending it as fast as possible in order to secure the social services necessary in order to live in a nursing home their first choice?

Jackie O'Connor is the Executive Director of the Area Agency on Aging of Western Michigan (AAAWM), an organization dedicated to assisting older adults and adults with disabilities with an array of services that promote their dignity and independence in their communities.

She has been a part of the organization for 35 years and says most of the people she's worked with want to stay in their own home.

"We try to keep people healthy and active," O'Connor asserts. "As they age and their ability and mobility decreases, there are services that can be added to keep them in their home. In our most urban county, Kent County, there is a senior village that brings in \$11 million every year for older adult services."

O'Connor's organization administers that money through services designed to help people remain in their homes (also called aging-in-place). O'Connor says that the AAAWM assists caregiver family members or friends, helps a vulnerable individual with mobility, provides meals and transportation to medical appointments.

"If a person becomes frail enough that they are nursing home and Medicaid eligible, there is a waiver program in Michigan, which helps us provide more intensive services in the home and Medicaid pays for it," she notes. "It costs 40 percent of what Medicaid would pay for a skilled facility."

O'Connor adds that more people could opt for the program if they knew about it.

"In Michigan, it means getting the word out, educating the public and legislators," she says. "People want to stay in their home. It's saving the State of Michigan money when we can provide those services to the home."

"Guardianship has never been a useful tool," Hoyle adds. "Let's do what we do for other people and give them advice and assistance. It takes a village, but all a guardianship does is drive that village away."

Rejecting the Good Neighbors

Thomas Howard was a tall, well-built man from Bloomfield Hills, Michigan, where he lived with his wife Geraldine when the couple weren't spending holidays at a cottage on the shores of Black Lake in Cheboygan.

His gregarious nature had not only earned him a hugely successful career as a salesman for Chrysler but a village of friends and neighbors, alongside a church community that genuinely loved and cared for the couple.

In 2014, Howard lost Geraldine to heart failure but, although he lived alone, the members of his village looked out for him. One of them was retired neurologist Dr. Bashar Abou-Rass, who had known Howard since 1991 when he moved into the house next door.

“We developed a really close relationship,” Abou-Rass says. “He was like an older brother to me.”

Abou-Rass moved to a different neighborhood in 2009 but kept up his visits to Howard.

“After his wife died, he was doing fine by himself,” Abou-Rass recalls. “He would drive alone to get groceries and I would visit at least once or twice per week.”

In September 2016, Abou-Rass received a voicemail from a St. Joseph’s Mercy Hospital social worker stating that the 88-year-old Howard had been hospitalized after falling at a Costco parking lot.

“My wife and I rushed over there,” Abou-Rass remembers. “He had broken his elbow and had some bruises, but he was happy to see us. Two days later, I was told by the social worker that a psychiatrist had determined Tom could not live by himself. She asked me if I would mind being his guardian.”

Abou-Rass agreed and filed for guardianship. His petition was heard in front of Oakland Probate Judge Ryan on October 12, 2016. By then, Howard had been transferred to a West Bloomfield rehabilitation facility called Notting Hill.

According to a transcript from the hearing, Howard’s GAL, Bloomfield Hills estate planning and probate attorney Daniel Kosmowski, told Ryan that Howard owned his own home as well as a cabin in Cheboygan, Michigan, and a car. Ryan set the matter for a contested hearing and appointed Abou-Rass as Howard’s temporary guardian. As for who was going to become Howard’s conservator, Ryan stated, “I think a public administrator would probably be better.”

She instructed Abou-Rass to file an Emergency Conservatorship Petition. Unsure of what his responsibilities in the role would be and wary about the potential trouble of taking control of his neighbor’s finances, Abou-Rass began to ask the judge questions.

“Just file it,” Ryan insisted. “We’ll set it for a hearing and then we’ll figure out who’s gonna be conservator.”

Yet, on the same day, Ryan issued an order appointing Fraser to the position.

Abou-Rass received an October 17 letter from Fraser’s office addressed to “Interested Party” stating as much. The letter included a fee schedule that started at \$90 per hour for one of Fraser’s paralegals and \$245 per hour for Fraser himself.

“I didn’t know who he was,” Abou-Rass recalls. “The judge just told us that he was next on the list. But an attorney friend of mine said that the guy was ‘frightening.’”

Trusting that Ryan knew what she was doing, Abou-Rass met Fraser at Howard’s home on October 20 and handed over the keys.

“We went inside the house and we found a lot of junk mail,” he says. “Fraser went upstairs and started opening drawers and closets. He took Thomas’s will and bank statements and locked the doors behind him.”

According to Fraser's own accounting, on the same day, he called AAA Locksmiths to have the locks changed. On October 26, Fraser emailed Kosmowski "copies of Howard's General Durable Power of Attorney, Power of Attorney for Health Care and Designation of Patient Advocacy Form."

Those documents were never mentioned at either of Howard's initial hearings.

Meanwhile, Abou-Rass says he had concerns about the conditions at Notting Hill.

"I was getting phone calls at least once every night from Notting Hill saying Thomas had fallen out of bed," Abou-Rass says. "He ended up going to the hospital twice because he fell. His watch was stolen there."

"It was a mess. I was really angry," he adds. "Tom kept telling us, 'I want to go home. Take me home. I don't want to stay here. There's nothing wrong with me.' So I told Notting Hill that he wasn't going to stay there."

It was one of the key points at the December 2, 2016, contested hearing that would decide Howard's future by the appointment of a new (also called "successor") and more permanent guardian and conservator.

The Theatrical Hearing

Abou-Rass asserts that Howard's case was the only one scheduled that day. Since the Oakland County Probate Court does not keep a publicly available archive of cases heard on any given day and court documents are not subject to FOIA, it was impossible to verify Abou-Rass's statement.

Redford, Michigan, attorney Melinda Cameron was acting as Howard's court-appointed counsel. She has also served as GAL in numerous Oakland County Probate Court cases.

"It was like a theatrical play," Abou-Rass says. "Because they found out that Tom had a lot of money."

Indeed, the transcript of the morning is bizarre. Meant to start at 8:30am, the hearing was delayed by more than 90 minutes because, as Ryan announced to the small group of Abou-Rass, Fraser and Cameron, she had to "take a phone call on something I had to address for administrative purposes."

When Fraser apologized for being late himself, Ryan made his excuse for him.

"I know Judge O'Brien came and stole you and that delayed everyone else," she said. "So, you know, sorry. It happens. Happy Friday."

In stating his name for the record, Fraser briefly seemed to indicate that his appointment was a foregone conclusion when he stated that he was "appearing as successor...." before immediately correcting himself. "I'm sorry, as special conservator in this matter."

In delivering her report, Cameron noted that Howard still objected to the appointment of a guardian and conservator. However, even though she was his court-appointed attorney, she did

not call any witnesses on Howard's behalf. Instead, she stated that, since Howard was hospitalized, "we'll waive his appearance for the purposes of this hearing today."

Under Michigan Statute, Howard's rights at the hearing included "to be present at the hearing on the petition to appoint a guardian and to have all practical steps taken to ensure this, including, if necessary, moving the hearing site."

Rather than exploring any alternate avenues in keeping with her client's objections, Cameron stated that an Independent Medical Examination (IME) had been performed on Howard and that she "stipulated to the contents of that report."

The report's findings were not given anywhere near the same level of detailed discussion as Howard's assets, including the estimated value of Howard's home and the Cheboygan cottage, the latter of which Fraser said he had already discussed with a local realtor.

"There is a full price offer on the cottage to sell it," he told Ryan, adding that he believed Howard's total net worth as "somewhere in the neighborhood of 1.2 million, most of it liquid except for the cottage and the home. So, he has significant assets. They are all protected."

When Ryan asked who should be appointed Howard's full guardian and conservator, Cameron responded, "I'm asking the court, at this time, to appoint Thomas Brennan Fraser as the conservator—full conservator."

Surprisingly, Cameron also recommended that Yun serve as a co-guardian with Abou-Rass.

"Why would you recommend that John Yun be guardian if you're recommending that Tom Fraser be conservator?" Ryan asked.

"Because it's my understanding that John Yun has specialized knowledge of placement," Cameron answered, "and...and...because of his background in the medical area, that he would be a person who would be able to find an appropriate placement for him."

"You don't find Notting Hill to be appropriate right now?" Ryan asked.

"I think it's perfect," Cameron replied. "In fact, I'm asking that placement not be changed."

Fraser then seized on the subject of Notting Hill.

"Mr. Bashar told Notting Hill on Tuesday that [Howard's] not coming back," he began.

"Right." Cameron agreed.

"Our office was contacted by Mr. Bashar," Fraser continued, "and indicated [he] wants to move Mr. Howard into his home..."

"No," Ryan said firmly.

"This is my concern," Fraser continued. "I voiced it with Ms. Cameron and there is a connection, a good connection between Mr. Bashar and Mr. Howard. No two ways about that. But the idea of moving a person with dementia into your home is significantly..."

Ryan immediately admonished Abou-Rass.

“It’s not your family,” she insisted. “I’m going to tell you, right now, you are not Mr. Howard’s family, you are his neighbor. Mr. Fraser is a professional. This gentleman has significant assets that need to be addressed, significant health concerns, and I would feel much more comfortable having a public administrator handle this situation than you, because I just don’t want arguments, I don’t want issues. Even if you’re doing everything right, you’re still gonna be accused otherwise and then we have an unnecessary trial.”

She discharged Abou-Rass and appointed Fraser as successor and full guardian and conservator. Howard’s future had been decided in 18 minutes.

Looking back, Abou-Rass believes that the outcome of the hearing was predetermined, outside of the courtroom, during the 90-minute delay.

“Before the hearing, I had called Fraser’s office one time and told them that another neighbor had suggested I move Tom back home and hire [in-home] care, and I asked them what they thought of the idea,” he recalls. “I didn’t act on it. But I know that people do better in an environment that they are familiar with. But the judge never questioned me. She accepted it right away, as if Fraser was telling the truth.”

During the hearing, when Abou-Rass tried to point that out to Ryan, she replied, “All right. It’s neither here nor there. Let’s just call it a misunderstanding.”

Abou-Rass believes what happened next was not.

Before the hearing commenced, he had opened the door to the courtroom to allow Cameron to enter before him.

“She didn’t look at me, she didn’t say a word to me,” he remembers. “After it was all over, I was waiting for the order to release me as guardian. I said to Cameron, ‘Ma’am, the next time someone opens the door to you, at least say thank you.’”

He says Cameron’s response was heard by both Ryan and Fraser.

“Cameron said to me, ‘Oh yeah, yeah, yeah, you’re confusing me with women from your country.’”

A stunned Abou-Rass filed a complaint with the Michigan Attorney Grievance Commission (MAGC). He asserts that neither Ryan nor Fraser would testify on his behalf.

“Cameron said that it was all lies,” he recalls. “The case was closed.”

The MAGC took no disciplinary action against Cameron.

“How Could Anyone Be Treated Like This?”

In January 2017, Fraser moved Howard to Sunrise Senior Living in Bloomfield Hills, which operates 12 facilities in Michigan.

Since they are called Assisted Living Facilities, there is no licensing or complaint information about them on file. Howard was placed in a lockdown unit on the third floor of the Bloomfield Hills site.

“I noticed that no one from Fraser’s office was visiting him,” Abou-Rass says.

Yet, as early as February 2017, Sunrise was calling Fraser’s office to alert him to incidents such as skin tears and multiple falls that resulted in head and body injuries, in some cases requiring hospitalization.

The first time a visit to Howard by Fraser’s office is mentioned in his accounting is in an August 2, 2017, line item that charged Howard \$10 for a “review of ward visit report from care manager.” In his Annual Report on the condition of his ward, Fraser stated that he visited Howard “Every 60 to 90 days or more as needed.”

The report noted October 17, 2017, as the last time Fraser visited Howard that year. However, no note of any such trip that day is made in the public administrator’s Annual Accounting.

Another of Howard’s neighbors, who had been close to both Howard and Geraldine since 1969, was Judy Kruse. Like Abou-Rass, after she had moved away, Kruse kept in regular touch with Howard.

When in September 2017 she paid a visit to him at Sunrise, Kruse felt compelled to write a letter to Ryan describing what she saw.

“I entered [his room] and I didn’t even recognize Tom,” she wrote. “He had substantial facial hair growth and didn’t look like he had been shaved in some time. It looked to me like he was drugged but I can’t say that for sure.”

“Tom was at least 6 [feet] tall and he was sleeping in a very narrow single bed,” she added. “There was no headboard, [two] pillows under his head and no pillow-cases. He was covered with what looked like an old drape. I was hysterical when I left Sunrise. How could anyone be treated like this?”

“I then called Mr. Fraser’s office and asked to speak to him,” Kruse continued to write. “The person who answered the office phone informed me she was in charge of Tom’s case. She said a ‘Case Manager’ goes out quarterly to visit. She said she would send someone out to check things out.”

Fraser billed Howard \$20 for Kruse’s September 19, 2017, call during which she claimed she was assured that a larger bed and new bedding would be ordered.

“I asked why it took a phone call from me to get something done,” Kruse added, “and she got upset with me and stated, ‘I don’t have to tell you anything.’”

According to both Kruse and Abou-Rass, although a new mattress was provided, the undersized bed frame remained the same.

On October 30, 2017, Fraser's office received a call from Sunrise stating that Howard had been found "unresponsive and was transported to a hospital."

"Hospital is unknown," the accounting line item concluded.

Fifty dollars' worth of phone calls billed to Howard by Fraser determined he was at St. Joseph's Mercy in Pontiac.

Liquidating a Life

The majority of line items in Fraser's accounting for the first year show that he spent significantly less time on the health of his client than he did time with rounding up and liquidating Howard's assets.

There were multiple October and November 2016 back-and-forth conversations between his office, Berkshire Hathaway Realtor Jack Douglas in Cheboygan and one of Fraser's preferred realtors, The Fox Group. On November 29, 2016, Fraser drafted a petition to sell the Cheboygan cottage for \$109,500.

It was filed on December 8, six days after Fraser's appointment as Howard's permanent guardian and conservator.

Far from maintaining awareness that his duties as guardian and conservator were supposed to be a temporary solution to allow Howard to return to self-management, Fraser's stated reason for the sale was more of a foregone conclusion that his ward's situation was long-term.

"Thomas Howard has been residing in a nursing home since September 2016," Fraser wrote in the Petition to Sell Real Estate. "There is no anticipation that Mr. Howard will be able to enjoy his home away from home in the near future."

The sale price was far under the SEV x two amount of \$146,800.

At a January 2017 hearing on Fraser's petition, Abou-Rass attempted to contest the sale as being far under the value of a home Howard had once told his friends that he had no intention of "giving away."

Abou-Rass even offered Ryan multiple documents showing that the home was worth far more than the amount for which Fraser was selling it. But the judge shot him down for the same reasons she used to dismiss him as a guardian.

"She told me I was not a relative," Abou-Rass says. "That I was just an interested party."

Ryan approved the sale for which Douglas acted as both the listing and selling agent. In 2019, the buyers of Howard's cottage, Patrick and Colleen Osantowski, would go on to sign a Quit Claim Deed for the property to their family trust.

The deed was drafted by real estate and elder law attorney Darrell R. Zolton, whose office presently employs a former Munger attorney, Susan Williamson.

As for Howard's Bloomfield Hills home, first on Fraser's agenda was to contract West Bloomfield estate liquidation company Everything Goes to empty out the property.

Everything Goes was incorporated in 1990 and Southfield attorney Mary G. Falcone submitted the paperwork.

Line items from Fraser's accounting show that he was in touch with Everything Goes CEO Andrew Adelson (called 'Andy' in the accounting) throughout January 2017. An estate sale of Howard's property was set for February 2 of that year.

Fraser claimed that it brought in a total of \$20,677, but there is no mention of how much he paid Everything Goes.

On February 27, 2017, Fraser's office notified Adelson that the check with proceeds from the sale had bounced. Adelson told Fraser to redeposit it. All told, it took \$72.50 in phone calls, charged to Howard's estate, to resolve the matter.

Neighbors believe that Howard was left with nothing.

"What a travesty when Tom could have had some items that he was familiar with," Kruse wrote in her letter to Ryan.

There is a line item in Fraser's accounting dated January 23, 2017, which states, "Travel to and attendance at client's residence to pick up clothing and personal items/belongings of clients and drop them off at Sunrise."

However, whether that was actually done or just how much of Howard's personal items were returned to him is unknown.

In disposing of Howard's Bloomfield Hills home, Fraser worked with Fox Group Associate Broker Debra Skonieczny, with whom he had been in touch as early as November 30, 2016. She listed the property just over a month later on January 7, 2017.

Within four days of it being listed, Fraser was drafting a petition to sell the home. His stated reason for the sale was a variation on a theme.

"Thomas Howard has been residing in a nursing home since September 2016, and there is no anticipation that Mr. Howard will be able to return home," he wrote.

At the time, the estimated actual market value of the home was \$417,738. The selling price Fraser proposed was \$400,000.

The buyer, Rosanne Fienman, is the wife of Bennett Fienman, who is the owner of a chain of Detroit-area grocery stores. In 2007, Bennett incorporated Fienman Family Real Estate, LLC.

The Articles of Organization were filed by Birmingham, Michigan, estate planning and tax attorney Fred Foley, who is a former partner of Joseph Ehrlich, an attorney who regularly represents Fraser during contentious Oakland County Probate Court cases.

Curiously enough, on October 20, 2016, eight days after Fraser was first appointed special conservator over Howard's estate, the Fienmans took out a \$417,000 mortgage on their home on Norcliff Drive in Bloomfield from a Florida-based financial services company Everbank.

An October 28, 2016, line item in Fraser's accounting for Howard notes that his office drafted an "authorization letter to Todd Fox with Fox Realty."

On January 25, 2017, Ryan approved the sale of Howard's home to Rosanne Fienman for \$400,000.

The following November, Rosanne executed a Memorandum of Land Contract (a document between buyer and seller that keeps the details of the transaction private) for the home between herself and Jamie R. Bassey (formerly known as Fienman). The document was drafted by Foley.

Bassey and her husband Kenneth are related to Bloomfield, Michigan, tax attorney Ronald D. Bassey, whose former partner filed the paperwork for Luda Brand's healthcare company Omni Private Duty.

Multiple Entries

Between December 2, 2016, and December 2, 2017, Howard's expenses under Fraser's conservatorship totaled \$227,652.95. Of that, Howard's GAL Kosmowski was paid \$600.

Curiously, Kosmowski's firm Brian Care Law was paid an additional \$4,300.

\$100,446.38 was designated for "Patient Pay." How it was divided between Notting Hill and Sunrise is unknown. Howard lost another \$77,690.58 that Fraser listed as a "Change in Value" regarding both the Cheboygan and Bloomfield Hills homes.

Fraser, himself, took \$14,602.03 in legal fees.

However, some account line items raise questions, particularly those detailing personal visits the public administrator made to a landscaping company called Blue Line Irrigation.

12/12/2016	Travel and attendance at residence with Everything Goes	\$735.00
12/12/2016	Travel and attendance at residence to meet with Blue Line Irrigation	\$245.00
12/12/2016	Travel and attendance at residence to meet with Blue Line Irrigation	\$245.00
12/20/2016	Blue Line Irrigation	\$490.00

On January 17, 2017, Fraser billed him \$245 for “Travel to and attendance at jewelers and gun store to sell items.”

According to both accounts and inventories Fraser filed with the court, the sale of Howard’s gun made \$300, while his jewelry netted \$2,610.

However, in Fraser’s annual accounting, filed December 15, 2017, only money received from Howard’s gun and personal property is listed as part of Howard’s income. Whether the jewelry was included in those line items is not specified.

Although Howard had a car at the time he was placed under Fraser’s guardianship and conservatorship, its value is not mentioned anywhere in Fraser’s filed inventories. The disposition of the car is unknown.

Deterioration

Shortly after Howard arrived at Sunrise, Abou-Rass noticed that he was losing weight.

“He was so depressed in that place, he wasn’t eating,” Abou-Rass recalls. “I wrote and emailed Fraser telling him that this place was not good for Tom. But he never answered back.”

By December 2017, the number of incidents at Sunrise, as reported in Fraser’s accounting, were alarming.

12/18/2017	Telephone call from facility re: ward had a fall and is OK	\$10.00
12/27/2017	Telephone call from Sunrise of Bloomfield Hills on 12/25/2017 re: client had a fall early in the morning, no bumps or bruises were seen at the time of the fall.	\$10.00
12/27/2017	Telephone call to Sunrise RE: client fall; he is doing fine. He was sent out to the hospital but is back.	\$10.00
1/5/2018	Telephone call from Sunrise RE: client hit his head and EMS is there now—message was left with answering service.	\$10.00
1/5/2018	Telephone call with Sunrise of Bloomfield Hills; discuss client’s care and falls that keep happening; notify her that client will more than likely not be returning to facility, we will be finding new placement for client. Dr had concerns regarding client’s personal appearance.	\$10.00

The January 5 incident led to Howard’s admission to Beaumont Hospital, where he remained until February 9, 2018.

A Fraser accounting line item from the day read, “Client will be discharged to Cedarbrook [Senior Living] today at [1pm]. Beaumont will follow client. They have a contract with Cedarbrook. Client is not actively dying, and his vitals are stable.”

The next day, Howard was dead.

Fraser charged Howard \$245 for an hour of his time due to “Multiple conversations with Cedarbrook and Lynch and Sons Funeral Home.”

According to Fraser's final accounting, for the little-over-two-month period from December 2, 2017, through February 10, 2018, Howard's expenses totaled \$49,007.12. Of that, Fraser took \$6,696.00 in legal and fiduciary fees.

He paid Lynch and Sons \$13,329.55 for Howard's funeral.

"The last time I saw Howard at Beaumont, he would not open his eyes to talk to me," Abou-Rass says. "He was usually so happy to see me."

On April 4, 2018, Ryan signed an order making Fraser the Personal Representative of Howard's estate.

"Fraser was supposed to be looking after my friend," Abou-Rass says. "That's what he was getting paid for. But Tom was severely neglected, and Mr. Fraser was nowhere to be found."

"I'm sure that the neglect and lack of supervision contributed to Tom's death," he adds. "But Fraser never checked on his well-being. Fraser's only concern was to take his money. It never made sense. None of it did."

The Consequences of Protecting Justice

On a Saturday evening this past April, a group of people gathered inside a home in the suburbs of Detroit.

Seated around a living room table feasting on various pot-luck dishes, they chit-chatted about an array of topics from the mundane to the political. At first appearance, it looked like a regular meeting of a light-hearted book club with a unique membership comprised of wildly different social and religious backgrounds representing a microcosm of a divided America.

Their opinions as Trump supporters, centrists and liberals often led to intense but good-natured debate until plates and differences were set aside in favor of the topic which united them into a group they call SOS-Probate.

Jayne Collins was living a perfectly contented life in Colorado until a petition for guardianship of her mother Nancy filed in the Oakland County Probate Court tore her family apart and forced her back to Michigan. Now, she lives at home caring 24/7 for Nancy, who she had fought to free from isolation in the lockdown unit of a Bloomfield Hills nursing facility.

Collins says Nancy was kept there against her will by her then-guardian Oakland County Public Administrator Jennifer Carney. Presiding over Nancy's case, Oakland County Probate Judge Daniel A. O'Brien eventually replaced Carney with Public Administrator Thomas Brennan Fraser, who Collins maintains still casts an omnipresent shadow over herself and her mother.

Just before Memorial Day weekend, Nancy's nurse faxed a request to Fraser's office for in-home hospice care services. Collins says Fraser did not reply. On June 4, Fraser filed a petition with O'Brien requesting "an immediate hearing and order that Nancy appear and then be immediately transferred to a medical facility."

Collins believes that, if Fraser's order is granted, the public administrator will immediately move to sell the family home, since Nancy has only \$6,000 left to her name.

The hearing is scheduled for August 16.

Christine Abood is a retired teacher and the daughter of a late, prominent Detroit attorney. However, that didn't stop Oakland County Probate Judge Linda S. Hallmark from appointing Public Administrator John Yun as guardian over Christine's mother, Gloria Sullivan. After Abood complained to the Michigan Attorney General about Yun's treatment of her mother, she says Hallmark reprimanded her and restricted visits to her mother.

When Gloria passed away in October 2018, Abood couldn't be at her bedside; shortly before her death, Gloria had been moved from the nursing facility where she'd been placed.

Abood claims that Yun's office told her they didn't know where her mother was.

A 2018 Republican candidate for State House of Representatives of Michigan's District 16, Jody Rice-White and her husband Jeff found themselves hurled into the Oakland County Probate Court after Michigan Adult Protective Services (APS) investigators filed a 2012 petition for

conservatorship of Jeff's father, John. Presiding Judge O'Brien named Fraser as John's Special Fiduciary.

After John passed in 2014, Fraser became Personal Representative of the estate. The White family splintered, and Jeff began a prolonged fight for the removal of Fraser. As the case continued unresolved and with legal bills mounting, Rice-White grew from supportive spouse into outspoken activist. On social media and to state legislators, she demanded the Oakland County Probate Court be subject to accountability.

Randy Asplund's fight is not in Oakland County but the probate court in adjoining Washtenaw. However, his struggle is common to those of Oakland County families.

In December 2017, Washtenaw Probate Court Judge Julia Owdziej declared his then-92-year-old mother Roberta legally incapacitated and placed her under the guardianship and conservatorship of two local attorneys. Forbidden from visiting Roberta, after he challenged the guardianship in court, Asplund is still engaged in an endless legal fight to restore both his and Roberta's rights.

Even though Asplund and his attorney ground their arguments in Michigan statute, Asplund says the judge refuses to hear them. Instead, he adds, she not only cedes to her appointees, but takes their unsubstantiated accusations against Asplund at face-value. He has taken his case all the way to the Michigan Court of Appeals, where it is currently pending.

Victoria McCasey spent 30 years with her partner Conrad running a Christmas tree farm from their home in Holly, Michigan. They never chose to marry. When Conrad suddenly took his own life in 2016, McCasey had to replace mourning his loss with a fight to hold onto everything the couple worked for after Oakland County Probate Judge Jennifer Callaghan appointed Fraser as Personal Representative over Conrad's estate. Since Michigan does not recognize common-law marriage, Fraser claimed McCasey had no standing as an heir, evicted her from her and Conrad's home and sold both it and the tree farm off at well-under market value.

After Mimi Brun won a two-year battle to free her mother Virginia Wahab from the guardianship and conservatorship of former Oakland County Public Administrator Jon Munger, she was finally able to take back their Oak Park, Michigan home. After her experiences in the nursing facility in which she was isolated from her daughter, Wahab begged Brun never to leave her in the company of strangers. Wahab passed away on April 25, 2019. Brun has since filed a lawsuit against the nursing facility, claiming the false imprisonment of her mother.

A Task Force of Their Own

During the run-up to last year's election, Brun and Collins met with then-candidate for Michigan Attorney General Dana Nessel, who pledged to do what her predecessor had refused and take their complaints about the Oakland County Probate Court seriously.

During a March 25 press conference at her office in Lansing, she [announced](#) the creation of an Elder Abuse Task Force. With the participation of Michigan Supreme Court Justices Richard Bernstein and Megan Cavanaugh, Nessel presented a number of reforms to Michigan's guardianship system as among their primary goals.

Although attendance to the press conference was restricted only to members of the press, Asplund, McCasey, Abood, Rice-White and her husband Jeff went to Lansing anyway. There, alongside families fighting probate cases in both Oakland and Wayne counties, they carried signs demanding an investigation of Michigan's probate courts and asked Nessel's staff if they could join the event.

Since it was their lives and those of their loved ones that had been devastated by the probate courts, they were surprised to be denied access. During the press conference, no mention was made of investigations into alleged crimes committed by probate judges, public administrators or attorneys. Supreme Court Communications Director John Nevin told a reporter that "we don't have specific instances of wrongdoing."

The group was disillusioned, but members forced themselves to remain hopeful. They seized upon Nessel's announcement of a series of events in counties across Michigan, which she called a "Listening Tour," during which victims of elder abuse and their families could be heard.

SOS-Probate called a meeting in April to decide on strategies for ensuring they had a presence at each of the listening sessions in order to push Nessel and her staff into an investigation of the courts.

As this unlikely taskforce of their own began to reminisce about their cases and discuss options as to what could be done to ensure that history was not repeated with other families, the psychological and emotional damage wrought from each of their tumultuous ordeals was brought to the surface. What had begun as pleasant conversation was reduced to bitter arguments, and the meeting was closed with a set of conflicting ideas but no answers.

The Endless Cycle

These family members, like so many others in Oakland County and across Michigan, feel helpless.

In trying to find legal counsel for themselves or their loved ones, they scoured the State Bar of Michigan's website and methodically contacted each on its substantial list of estate, probate and elder law attorneys.

According to numerous families who spoke with this investigation, if their case has anything to do with the Oakland County Probate Court, attorneys either declined to represent them or asked for an unaffordable retainer. Two such attorneys stated that the reason was a high probability of

facing punitive sanctions or a disciplinary investigation by Michigan's Attorney Grievance Commission for challenging a probate judge's appointee.

So instead, families, spend day-after-day desperately seeking help from the Attorney General, and, since their cases involved public administrators appointed as guardians and conservators, State Public Administrator Michael Moody.

According to families who have reached out to Moody, the January 2019 email response Rice-White received after a call to him detailing her husband's case was typical.

"Ms. White,

Thanks for your telephone call regarding the above case. Here is the website link to the Michigan State Bar dealing with legal aid help: <https://michiganlegalhelp.org/guide-to-legal-help>

I hope this website helps you find some legal assistance.

*Michael Moody
State Public Administrator"*

Rice-White and the other families have also tried local police stations, Michigan State Police posts, Oakland County Prosecutor Jessica Cooper, the Detroit office of the Department of Justice, the State Court Administrator's office, the Oakland County Board of Commissioners, the office of Michigan's Long Term Care Ombudsman and the entire roll call of Michigan house members and senators. But, when not ignored entirely, the families were told their best course of action was to "get an attorney."

And the cycle begins again.

Meanwhile, complaints to the Michigan Attorney Grievance and Judicial Tenure Commissions have gone uninvestigated.

An "Excellent Reputation"

In November 2017, on behalf of the group, Collins sent an email to Cooper's office requesting a meeting to discuss "concerns and experiences of crimes against seniors."

The following month, a clearly irritated Cooper replied, "I am in receipt of your November 20 demand for a personal meeting. It is extremely important to note that when it comes to physical abuse or financial fraud against seniors, the perpetrator, in the vast majority of these cases, is someone the senior knows, loves or trusts."

“So, good luck with your troubles in Probate Court,” Cooper concluded. “And best of luck with your group. When and if you become more established, you will become aware of just how active we are in the senior community. We’ll be happy to send you one of our brochures.”

By the summer of 2018, Rice-White was leading a contingent of family members to twice-monthly Oakland County Board of Commissioners meetings held in an interconnecting assembly hall at the same Pontiac, Michigan, address as the probate court itself.

During the three-minute-per-person slots allotted for public comment, Rice-White and the others told their stories, and the Oakland County Probate Court judges began to take notice.

A July 10, 2018, letter to Oakland County Commissioner Hugh Crawford was signed by Hallmark, O’Brien, Callaghan and Oakland County Probate Court Chief Judge Kathleen Ryan.

“Recently a great deal of misinformation has been disseminated regarding the Oakland County Probate Court,” the judges wrote. “Unfortunately, judges have limited ability to respond due to judicial canons.”

They concluded by encouraging commissioners to attend Wednesday Motion Day proceedings or to watch a video of them “in the office of our Probate Court Administrator Edward Hutton.”

Rice-White was undeterred. She and the group continued to show up at meetings. By the fall, their message was finally having an impact.

An October 8, 2018, letter from Commissioner Chair Michael Gingell to the Michigan State Court Administrator’s Office noted that the commissioners had “received numerous complaints in the last several months from individuals regarding the Oakland County Probate Court’s management of estate and guardianship matters.”

“We are requesting that the State Court Administrator’s Office seek further information regarding these matters,” Gingell concluded, “and advise the Board as to whether you have or will be opening an investigation into these complaints.”

Two weeks later, former Wayne County Probate Court Judge and State Court Administrator Milton Mack, Jr. sent Gingell a reply, which was copied to Ryan.

“This office received a series of complaints regarding the Oakland County Probate Court several months ago,” Mack wrote. “In reviewing the cases, we found no evidence of mismanagement or any failure to follow Michigan’s statutes or court rules relative to the handling of estates and guardianship cases. I determined this office would take no further action. Nothing has changed that would cause me to reconsider that decision.”

Mack summarized by stating, “you can be proud of the fact that the Oakland County Probate Court has an excellent reputation.”

In March 2019, this investigation sent a FOIA request to the State Court Administrator’s Office to request the details of Mack’s investigation and how his conclusions were reached.

After 10 days, the request was denied.

Jailed After Gesticulating

While Mack's response seemed to satisfy the Oakland County Commissioners, at least one of the probate court judges made his feelings about Rice-White's appearances before the Board abundantly clear.

On the morning of September 13, 2018, O'Brien noticed her sitting in the gallery of his practically empty courtroom. As always, Rice-White was attending a hearing in support of her husband Jeff, who appeared on behalf of himself and their children. A [video](#) of the proceedings was subpoenaed by Rice-White's attorney.

Without the money to afford legal representation, Jeff requested an accounting from Fraser as Personal Representative of the White estate. Although Fraser was not in the courtroom, he was represented by Bloomfield Hills attorney Joseph H. Ehrlich.

"I'm very unhappy with the results of this whole ordeal for four years," Jeff told O'Brien. "I am speaking with others at the County Commissioner level and the state level."

"We are fully aware, here at the Oakland County Probate Court, of your complaints, and your wife's complaints and so many other people's complaints [to] Commissioners," O'Brien replied. "And that's OK. Whatever, the more the merrier over there. Knock yourselves out."

"I just wanted to let you know of my unhappiness with the court..." Jeff began.

"I already know, Mr. White," O'Brien interrupted. "I'll have it written on the file: 'Jeff White and Jody White, who's not a party to this case...'"

"You don't have to bring my wife into this," Jeff said.

"I don't have to bring her in?" O'Brien replied, growing increasingly irate. "She's pushed herself in on her own! I didn't ask for it. Why's she here today? When she's over there at the Commissioners' auditorium and sending out her emails, they aren't just about her children."

When Jeff accused Fraser of being "dishonest," Rice-White silently waved her assent from the gallery.

"You know what?" O'Brien declared to Jeff. "Your wife better stop her gesticulating and all her antics back there, or I will have her arrested and thrown in jail for Contempt of Court. You warn her because you're going to be visiting her in jail if she doesn't knock it off."

"I'm done being threatened by you," Rice-White told the judge as she left the courtroom.

"If she ever comes in here again and acts up in any way, I will hold her in Contempt," O'Brien fumed. "And she will be put in handcuffs and thrown in jail. And you can get a copy of this transcript and you can publish it to the world for all I care."

While O'Brien and Jeff were still hashing over what was or was not said at the Board of Commissioners' meetings, Rice-White went to the probate court administrative counter asking to file a complaint against the judge. An employee at the desk summoned the Oakland County Sheriffs.

In a subsequent witness statement, the employee called Rice-White's behavior "unsettling" and added that she was afraid "her movements would breach my personal space."

A squad of sheriffs led by Deputy Paul Thieme found a deflated Rice-White in a nearby restroom. In his arrest report, Thieme claimed that Rice-White was "screaming hysterically."

"I instructed [her] that she was to leave the building or she would be issued a Disorderly Conduct Citation," Thieme wrote. "She then proceeded to walk down the building screaming 'Don't touch me. Don't assault me.'"

Rice-White began making her way toward the court's north exit, flanked by three deputies with Jeff following. Rice-White claims she was suddenly pushed to the floor by the two officers behind her, who then picked her up under each arm with such force that her feet left the floor and led to substantial bruises under Rice-White's arms.

Court cameras, positioned throughout the entire building and along the length of the corridor in which the incident occurred, captured the hearing and the moments prior to Rice-White being escorted out. However, according to Thieme's own statement, the arrest itself cannot be seen "because of the camera angle."

In his account, O'Brien stated that he witnessed a portion of events outside his courtroom but not the arrest itself.

"Jody White seemed somewhat tense," he wrote. "I did not hear yelling."

"Although the situation did not appear to be heading in that direction when I left," the judge concluded, "I was not surprised at all when I heard Jody White was arrested. Based on my observations of [her] poor behavior in my courtroom the past several months, it is clear that she is prone to dramatic, histrionic and disruptive behavior without warning and whenever something is said with which she disagrees."

Rice-White was charged with Disorderly Conduct and Felony Resisting Arrest.

The Unexpected Jury Trial

Even though she was offered a plea bargain by the Oakland County Prosecutor, Rice-White was determined to take her case all the way to a jury trial.

For her, it was a matter of principle.

"Litigants in the probate court are grieving and desperate," she said before the trial. "I want attorneys at this probate court to help and not take advantage of or financially exploit them. It's not about me. I'm not the only one who's been attacked because a judge didn't like what litigants are doing. My husband and I know our rights, but I have never seen a jury trial when it comes to a probate issue. There's going to be one now and there must be one, because we're not in a world where we are all treated equally."

Her trial began on June 24, 2019, in one of the Oakland County Sixth Circuit courtrooms situated in the same building in which Rice-White was arrested. Presiding Judge Leo Bowman was an [admitted](#) close, personal friend of Oakland County Prosecutor Jessica Cooper.

However, the next four days seemed to be going well for Rice-White.

Her attorney poked holes in the inconsistent accounts of the Oakland County Sheriff's witnesses and made the argument that Rice-White had been targeted because of her attempts to shed light on the Oakland County Probate Court.

In his cross examination of O'Brien, he questioned whether the judge's behavior from the bench was impartial and noted that the missing video of Rice-White's arrest called Cooper's case into doubt.

However, before the jury went into deliberation on the afternoon of June 28, Bowman gave them a series of instructions that broadened the definitions of Rice-White's charges and essentially negated the defense presented by her attorney. Before the jury returned, at least a half-dozen sheriffs appeared in the courtroom and flanked Rice-White.

She was found guilty.

Even though she was out on bond, Bowman had Rice-White immediately thrown into the Oakland County Jail while awaiting her July 31 sentencing.

Inexplicably, given the non-violent nature of her conviction, she spent five days in solitary confinement and three weeks in the jail's maximum security division.

"They want to silence me," Rice-White said from jail. "I knew that from day one."

Bowman sentenced her to three years' probation and ordered her to undergo mental health treatment. Rice-White is also forbidden from entering the probate court building or mentioning any matters or individuals pertaining to her case on social media.

She says she intends to appeal the conviction.

"Is She Even Listening?"

The remaining members of SOS-Probate were floored.

"It's extremely disturbing that a citizen who was assaulted in a courthouse, on the orders of a probate judge, went to jail," Collins says. "As victims of probate corruption, we have to stand up against these kinds of tactics that have been getting worse in that court. It cannot be tolerated."

While Rice-White was in jail, the rest of SOS-Probate made sure her story was told during Nessel's Listening Tour. Jeff, Asplund and Abood attended one such event in Kalamazoo, Michigan, on July 9.

Just as with Oakland County Commissioners' meetings, they were each limited to three minutes. Jeff told Nessel and Michigan Supreme Court Justice Megan Cavanaugh that guardians, trustees and conservators were part of a "shadowy threat which lurks within our court system."

“These folks are pillaging estates, busting up families and shattering our lives,” he said. “I questioned a judge’s decision. Everyone told me I was facing an uphill battle. I truly believe he is complicit. It was an illegal arrest and my wife is now facing two years in jail.”

Just before Abood could show Nessel and the rest of the audience photographs of the bruises Rice-White sustained during her arrest, time ran out and she was told to stop. She presented them anyway and the audience applauded her.

Yet, despite Rice-White’s and other stories told by SOS-Probate members alongside numerous alleged victims of probate court corruption at each of the dozen events held between June 21 and August 12 in cities across Michigan, Nessel never once mentioned the possibility of criminal investigations into probate judges, public administrators or professional attorney guardians.

To date, only one conservator has been charged with a crime.

Shortly before she kicked off the Listening Tour in Kent County, Nessel’s office announced the [arrest](#) of 44-year-old Kari Ann Yakes, who was charged with felony embezzlement from her father.

To families who have suffered from alleged crimes committed by public administrators, it’s far from enough.

“I’m appalled that Dana Nessel would go down that road,” McCasey says. “We know full well that she is protecting her own profession by sticking to the narrative that it’s all the fault of the families. Is she even listening to us? She needs to do her job and go into the courts to find the real corruption. She’s knows damned well that this is rampant, not only in Michigan but throughout the whole country, and she’s acting like a puppet.”

“After all the stories she’s been told by people standing in line at these Listening Tours, I really do not know what she is waiting for,” Collins adds. “Oakland County Public Administrators are ripping people off to the tune of millions of dollars every year, but we are not seeing justice at all. How difficult can it be to look for that criminal activity?”

Indeed, at a July 26 event in Bangor Township, Nessel noted that the probate reform initiatives laid out by the Task Force on the same day it was announced were “not rocket science.”

“What I was seeing were shorter hearings [for guardianship] that involved less thought and deliberation than I had seen sometimes in hearings that involved traffic tickets,” she added. “I thought that was so wrong. We’ve seen instances of guardians who have 500 or more wards. We believe moving somebody from their home should be a last resort. We’re going to continue and review and update our initiatives over the next several months, and I think we are going to see more progress made involving the issue of elder abuse in this state than we have, probably, the last 30 or 40 years.”

Nessel’s comments regarding public administrators to Listening Tour audiences have centered around a few scant themes that include reminders that they were not appointed during her tenure, that in taking roles as guardians and conservators, they have been acting outside of their job

descriptions and that, if she does find a public administrator has been acting improperly, he/she will be “fired.”

Guardian Inc. and The First Task Force

Nessel’s Task Force is the third such attempt in Michigan to reform the handling of guardianship and conservatorship cases in the state’s probate courts.

The first was a 1996 Task Force [created](#) by the Michigan Supreme Court after a series of disturbing findings were uncovered concerning a Detroit private guardianship company, Guardian Inc. of Wayne County.

Incorporated in 1989, Guardian Inc. was given guardian and conservatorship powers over 600 wards by the Wayne County Probate Court’s judges.

In 1995, after a complaint alleging that a ward’s home had been sold for \$500 to the mother of a Guardian Inc. employee, then–Michigan Attorney General Frank Kelley and the Wayne County Probate Court appointed Detroit attorney John Chase, Jr. to conduct an investigation and full audit of Guardian Inc.’s records.

Bloomfield Hills, Michigan, Attorney Joseph H. Ehrlich, who has been retained by both Munger and Fraser in troublesome Oakland County Probate Court cases, represented Guardian Inc. during Chase’s investigation. In reporting his findings, Chase determined “a gathering” of malfeasance, misfeasance, nonfeasance and negligence on the part of Guardian, Inc. as well as an appearance of self-dealing and conflict of interest.

Guardian Inc.’s president was sentenced to 30 months in jail after she pled guilty to embezzlement and tax fraud.

The Michigan Supreme Court Task Force on Guardianships and Conservatorships that resulted from Guardian Inc.’s crimes consisted of a 25-member panel that included probate court judges such as Mack, probate court registers and staff members, both houses of the Michigan Legislature, relevant executive branch agencies, several advocacy groups, the State Bar Association, academia, and members of the probate bar.

In 1998, the Task Force made 11 [recommendations](#) that included the enforcement of minimum ethical standards for professional guardians and professional conservators alongside a change in statutes and practice with regards to accounting and the sale of real estate.

In 2000, then–Michigan Supreme Court Chief Justice Elizabeth Weaver created the position of Guardianship Ombudsman, who was supposed to investigate complaints received from wards or family members. However, [after only seven months](#), the position was terminated and has never been reinstated.

The Granholm Task Force

In 2005, then–Governor Jennifer Granholm [announced](#) the creation of a Task Force on Elder Abuse “to review current state efforts to prevent and prosecute elder abuse and provide recommendations to develop a plan to generate public awareness on the scope of elder abuse.”

Its 15-member panel included Wayne County Prosecutor Kym Worthy (a former colleague of Nessel's), Blue Cross Blue Shield of Michigan, a Genesee County judge, two elder law attorneys, a representative of the medical community and the Area Agency on Aging.

Issued in August 2006, the Task Force [report](#) recalled the recommendations of its Michigan Supreme Court predecessor nearly a decade earlier.

“The State Court Administrative Office should identify resources and implement the recommendations of the 1998 Michigan Supreme Court Task Force on Guardianships and Conservatorships,” the report stated. “Not all of the recommendations of [that] report have been implemented.”

It was a generous statement, considering only one of the 11 had been put in place.

Additional findings included the adoption of legislation to add the isolation of a vulnerable adult to the definition and crime of abuse, and a limitation on the rights removed from an incapacitated person.

Once again, such legislation was never passed.

Meet the New Boss

When Nessel announced her Task Force on March 25, she acknowledged that both of its predecessors had left “gaps to be filled” and added that because of its supervisory role over all Michigan courts, the state's Supreme Court would, once again, take a lead role in guardianship reform.

Its primary initiatives include the requirement of a full hearing during emergency petitions that include the ward and medical testimony, the development of statutory basic rights for ward family members, a review of the process regarding a guardian's removal of wards from their homes and a limit on the number of wards-per-guardian.

Although permitted three minutes to tell their stories during Nessel's Listening Tour, families were omitted from [the list](#) of at least 50 Task Force member offices and organizations.

They include the State Bar of Michigan Probate and Estate Planning Section; APS; the State Court Administrator's office; AARP; the Eaton, Kent and St. Clair County Probate Courts; and the Michigan Sheriff's Association.

Other notable members include Elder Law of Michigan, which operates a pooled trust (used to store assets in order to allow individuals to qualify for Medicaid benefits)—a brainchild of Kemp Klein probate attorneys Alan May and Thomas Trainer.

Task Force member Guardianship & Alternatives Inc. was founded by Rana Lechlitner, who, alongside Oakland County Public Administrator Jennifer Carney and real estate broker John Bippus, sit on the board of the Michigan Guardianship Association (MGA).

The MGA is also included on the Task Force.

Following Nessel's announcement, MGA Board Vice-President Georgia Callis gave a March 26 [interview](#) to Michigan Public Radio and declared the MGA's intention to push back against some of the proposed reforms.

"Rather than the Task Force looking at guardians as being the enemy, we're hoping [to] be able to educate them to realize that we are the last safety net that this state has," Callis said. "Most people don't realize that professional guardians work for free for about half of their caseloads."

"It's really hard to ask a tiny population of people to get a license or register when you're expecting them to work for free," she asserted. "So long as there's enough staff, I don't think there should ever be a cap on the number [of wards] that an individual should have."

"We're saving the state of Michigan hundreds of millions of dollars," Callis concluded. "Instead, we feel like, now, a Task Force is going to micromanage and cast a negative eye towards what we're doing. They don't realize that the manipulation, the exploitation and neglect is how I get my clients. Unfortunately, it's usually a family member or a neighbor that's the bad guardian."

The Disgruntled Ten Percenters

The narrative that it's family members rather than professional guardians or judges who abuse the vulnerable has been part of an overriding theme repeated not only in Michigan but nationwide, by defenders of the United State's guardianship system and the courts that dispense it.

In Las Vegas, after families and local media organizations, including the [Vegas Voice](#) and [KTNV](#), began to relate horrifying stories about the treatment of vulnerable individuals by private guardian April Parks and others, the Nevada Supreme Court ordered the creation of a panel to determine where the system had gone so very wrong.

At a July 2015 public [meeting](#), private guardian and former Clark County Public Administrator Jared Shafer declared, "It's not the guardians you've got to be aware of, it's family members."

It stunned and outraged families in attendance who were victims not only of Parks but had loved ones whom they claimed were neglected and died while under Shafer's own guardianship. Shafer described them as the "Ten percenters who didn't get what they wanted."

Three years later, Parks pled guilty after a [federal indictment](#) listed more than 200 felony charges including the theft of "approximately \$559,205.32 from 150 victims."

Marcia Southwick is a Director of the National Association to Stop Guardian Abuse (NASGA).

"A few disgruntled families' is one of these lines that's used over and over again," she says. "Once a guardianship proceeding starts, there's a presumption that the family is in the wrong. If an elder has money and a guardian wants it, they blame the family."

Southwick recalls that even before a series of [articles](#) by Diane Dimond in the *Albuquerque Journal* helped expose the heinous actions of a group of New Mexico court-appointed guardians, she and other families from the state had approached Sen. Gerald Ortiz y Pino (D-Albuquerque) who was committed to helping guardianship victims.

“Each time he would talk about it, the guardianship lobbyists went ballistic,” Southwick says. “They didn’t want any changes made.”

When a 2013 Task Force was commissioned to study New Mexico’s guardianship system, Southwick asserts that family members requested to be involved since their loved ones had been impacted.

“They wanted information about their parents’ medical care and finances to be more transparent,” she says. However, family member involvement was ruled out.

“The Task Force’s conclusion was that families could not have any input because it would interfere with a guardian’s job, and that they had a conflict of interest because they were inheriting estates,” Southwick explains. “But, on the Task Force were a notorious guardianship company and attorneys. I’d say at least half of its membership were people making money off elders in guardianship.”

Following Dimond’s investigation, a second Task Force was commissioned. It was [discovered](#) that two guardianship companies had embezzled millions from their wards. In 2018, a guardianship reform bill was passed into law that Southwick calls “not perfect, but a start.”

No Rational Purpose

The consequences of the “gaps” left by Michigan’s first two Task Forces were illustrated in numerous Oakland County Probate Court cases reviewed by this investigation.

In a [2014 case](#) filed in the Michigan Court of Appeals, Patricia Sutter, the wife of Fraser ward Joseph Sutter, alleged that the public administrator “declined to take advantage of Veteran Affairs (VA) benefits for Joseph, incurring costs of approximately \$600,000 against Joseph and [Patricia]; removed Joseph’s life support without a court order; terminated life support without consulting [Patricia] and refused to allow [her] to visit Joseph.”

The Michigan Court of Appeals concurred with Fraser’s only defense that the plaintiff lacked standing in the case since Fraser’s fiduciary duties extended only to Joseph and not Patricia.

“Nothing in statute provides any kind of fiduciary duty by the guardian to an heir, spouse, or other interested person,” the court wrote.

Three years later, a 55-year-old man named Rick was subject to a petition for guardianship filed by a social worker who claimed a severe brain injury had resulted in “cognitive deficits and a lack of insight.”

Rick's objections resulted in a contested hearing, and presiding Judge Hallmark appointed Yun as Rick's guardian. One year later, Rick's wife filed a petition to remove the public administrator.

In a May 2018 report, his Guardian ad Litem wrote, "[Rick] represents to have minimal contact with his wife of 27 years, that he was allotted one hour to spend with her on their anniversary, less than on Christmas Day, and he is routinely denied the opportunity to have non-overnight dinners. He additionally represented that he has not seen his grandchildren in over a year and has restricted visits even with his father."

Regardless of the outcome of the petition," the report concluded, "there is no rational purpose to restrict visitation with his family and the same may be having a deleterious effect on his demeanor."

Punished Through Isolation

In other Oakland County Probate Court cases, the use of isolation and the restriction of visitation as a punishment, both to family members and wards who have challenged a guardian or conservator's authority, are disturbingly prevalent.

In obtaining court orders to allow that isolation, Yun, Fraser, Oakland County Public Administrator Jennifer Carney and former public administrator Jon Munger have labeled family members as troublemakers, whether because of perceived belligerence to nursing facility staff, as upsetting to their wards or as an impediment to their work. However, such accusations have rarely been accompanied by any evidence outside of the opinion of the guardian.

In 2016, a 70-year-old Southfield man named Anthony, his son Jason and Jason's wife, Jacqueline, were all placed under guardianship after Michigan Adult Protective Services (APS) filed petitions on Anthony and, then, Jason and Jacqueline one month later.

Anthony and Jacqueline became Carney's wards. Jason was given to Yun.

In Yun's accounting, a December 2016 line item noted that Carney "Does not want our ward around hers. [Jason] is upset he cannot live with his 'wife' [the quotation marks are deliberate on the part of the public administrator] Carney will not allow the two to live together. Per Jen, Ward has been taking advantage of his father and his wife's finances."

Although Jacqueline was able to remove Carney as a guardian, Anthony and Jason still remain under probate court control.

During this investigation's December 2018 visit to the Perry Street, Pontiac, unlicensed group home in which Jason had been placed, he expressed deep unhappiness with Carney's restrictions.

"I don't know what the reason is," he said at the time. "She claims I took all my dad's money and stuff, but I didn't do it. I haven't seen my dad in over a year. I'm trying to figure out how I can see him. I miss him. I cry. Especially around the holidays, it really gets to me."

A Daughter's Mission

Catherine Falk, the daughter of legendary actor Peter Falk, has relentlessly been travelling from state-to-state pursuing legislation to stop the isolation of the vulnerable from their families. . Her work is rooted in an emotionally and financially shattering course of events that began in 2008 when her stepmother, who was given conservatorship of Peter by the Los Angeles Superior Court, denied the right for Catherine and her sister to visit their father, who was ailing from advanced dementia.

Despite her best attempts to remedy the situation at the Los Angeles Superior Court, and a legal battle that cost her in excess of \$100,000, Catherine was isolated from her father for the last three years of his life.

When Peter passed on June 23, 2011, Catherine was unable to be at his bedside, having never been informed of his hospitalization, or even his death and burial. Like the Oakland County families, Catherine poured her heartbreak into a mission to ensure that her devastation would not be experienced by any other wards or their families.

“My case was really mild compared to everybody else’s,” she says. “When you’re going through it, you think that you’re the only one. You think you’re alone and that nobody else could possibly be going through the torment that you are. When you step away from it, you realize that there are millions of people in the same or worse circumstances. Doing nothing is being part of the problem.”

In order to be part of the solution, Catherine founded the Catherine Falk Organization and began to work with The National Association to Stop Guardian Abuse (NASGA) on legislation that requires the conservator of an incapacitated individual to keep the family updated on the individual’s health, hospitalization, passing and burial arrangements.

In order to stop the overreach of guardians in isolating their wards, the bill requires guardians to seek a court order to stop visitation by family and others close to the ward.

“When you’re in a system that is like floating in a tank filled with giant sharks, you feel hopeless, helpless and completely powerless,” Catherine says. “No child ever expects to be put in a situation where they can’t talk to their parent.”

Catherine and NASGA took the bill and her personal testimony to legislators nationwide.

Despite its undeniable benefits to the concept of family, and minimal effects on a guardianship system that state governments seem determined to preserve, to date only 20 states are considering it.

For Catherine, such results have been as disheartening as they have a stark illustration of the kind of power state guardianship lobbies can wield.

“I thought I would be able to come in with my father’s name and connections and be able to move mountains and fix a broken system,” Catherine acknowledges. “We’re outnumbered by the guardian industry, which is so much bigger and so much more powerful than advocates can be.

When I go in and testify across the United States, I'm always greeted by these organizations that are pro-guardian who try to shut me down."

Suing the Fortress

In Michigan, one attorney was given a sharp lesson in the power of the industry when he tried to charge its fortress through a federal lawsuit filed in the state's Eastern District Court.

Bradley Geller is an Ann Arbor attorney who has spent his career as a former Long-Term Care Ombudsman and Director of the Michigan Center for Law and Aging, working toward the recognition, expansion and implementation of legal rights of older adults.

In February 2019, Geller filed an amended version of a [lawsuit](#) he began 16 months earlier in the state's Eastern District Court. His action named the State of Michigan, Governor Gretchen Whitmer, Attorney General Dana Nessel, Michigan Supreme Court Chief Justice Bridget McCormack, Michigan Department of Health and Human Services (MDHHS) Director Robert Gordon, Michigan Department of Licensing and Regulatory Affairs (LARA) Director Orlene Hawks and all 83 of the state's probate courts as defendants.

It also included Kemp Klein attorney and shareholder Alan A. May, who was interviewed as part of a 1987 Associated Press [report](#) in which he admitted to having 400 wards under his guardianship whom he did not visit.

Munger, Carney, Fraser and Yun were listed as co-defendants among others who have acted as professional guardians and/or public administrators.

Geller's aim was more ideological than financial and sought acknowledgement that "current practices of probate courts violate state law; deny individuals liberty without due process; deny equal protection and reasonable accommodation; lead to restraints on freedom of religion, association and on receiving appropriate medical care; and result in unnecessary institutionalization."

"The abject failure of the Michigan Supreme Court to exercise superintending control over probate courts in the face of long known and widespread abuses is a dereliction of duty," the lawsuit noted, "enabling these courts to deprive individuals of basic rights to independence, self-determination and security of possessions with impunity."

Geller says he was trying to ensure the state took a long, hard look at reforms that should have been passed decades ago.

"After all our legislative, advocacy and educational efforts, to my mind, it is worse now than it was 40 years ago," he notes. "The problem isn't with the law. The problem is with judges not complying with the law and the growth of large, professional guardianship providers. Michigan relies more on the guardianship of adults to a greater extent than other states."

"Individuals under guardianship have no viable means of redress," he adds. "Statute says they do, but they are not available because they can't find or afford a lawyer and the judge will not

acknowledge that a mistake was made. I don't know of more than a half-dozen Appellate decisions dealing with guardianship issues since Michigan became a state."

Motions to dismiss his lawsuit were immediately filed by almost all of the defendants, including Nessel. Rather than answering Geller's specific complaints, motions were all variations on a theme used successfully by Fraser in 2014.

They claimed Geller's lawsuit "lacked standing."

Nessel's motion also used language all too familiar to families who have begged both state and federal agencies to do something about the Oakland County Probate Court.

"Michigan Court Rules provide for periodic review of guardianship by a court-appointed investigator," Nessel et al wrote. "And, if an individual requests or petitions for modification of guardianship, [the] court appointment of attorneys for representation."

On April 26, 2019, the Eastern District Court [dismissed](#) Geller's lawsuit, ruling that his "disappointment that his work did not bring about the changes he wished to see with respect to Michigan's guardianship procedures" did not constitute an "injury in fact" and that he therefore lacked standing.

A motion to sanction Geller and force him to pay attorney's fees was filed by May, Munger, Yun, Carney, Fraser and the rest of the professional guardians Geller named.

Geller says he is appealing the decision.

"These are tactics defense lawyers use that have nothing to do with the substance of the case," Geller asserts. "They draw focus from it, and it's a form of intimidation to scare off a litigant."

"It's a disgrace that the court would even consider sanctions since my lawsuit is clearly not frivolous," he adds. "It addresses constitutional and statutory violations that no one has denied exist."

The Rosa Parks Estate

Geller isn't the only attorney who has faced punishment for attempting to expose alleged corruption in Michigan's probate courts.

In 2011, Farmington Hills attorney Steven G. Cohen filed a [lawsuit](#) accusing two estate and probate attorneys of conspiring with a Wayne County Probate judge to drain the estate of famed civil rights activist Rosa Parks.

Ironically, one of the defendants was John Chase, Jr., the Detroit estate and probate attorney assigned in 1995 to investigate the activities of Guardian Inc.

Before she passed away in 2005, Parks [named two friends](#) as co-personal representatives of her estate, while leaving her historic collection of personal items and memorabilia to a nonprofit she created, The Rosa and Raymond Parks Institute for Self-Development.

When the Parks family challenged her will in front of Wayne County Probate Judge Freddie Burton, Jr., he replaced Parks' nominated representatives with Chase and attorney Melvin Jefferson, Jr. Although the Michigan Supreme Court eventually reversed Burton's decision, by then, the damage was done.

"Most of the liquid assets, or all of the liquid assets, of the estate are gone in attorney fees to Chase and Jefferson," Cohen [told Detroit talk radio host](#) Charlie Langton. "This is something that happens all the time in the Wayne County Probate Court. Basically, the system tends to rape and pillage the estates of deceased persons for their own selfish uses, and the families and beneficiaries end up with a very small amount of what was intended for them."

Cohen went on to assert that Burton should be removed from the case and the bench.

The State Court Administrator's Office asked then-Oakland County Probate Court Judge Elizabeth Pezzetti to [investigate](#). She determined that there was "no basis for the disqualification of Burton."

By 2015, Cohen was [facing charges](#) filed with the Michigan Attorney Grievance Commission (MAGC) for attempting to have Burton removed.

Acting as the investigative and prosecutorial arm of the Michigan Supreme Court, if the commission determines a complaint against an attorney alleging misconduct warrants additional investigation, a Grievance Administrator will pass the case on to the Michigan Attorney Discipline Board, which then holds a public hearing before a panel comprised of three attorneys.

The Board is funded by dues paid by attorneys who are members of the State Bar of Michigan.

Deputy Grievance Administrator Robert E. Edick brought the Cohen case to the Attorney Discipline Board and suggested that if the panel was unwilling to disbar Cohen, he should be "suspended for at least three years with conditions that require him to undergo a psychological exam by a medical doctor selected by the hearing panel [and] require him to draft a letter of apology to Judge Burton, John M. Chase, Jr., and Melvin D. Jefferson, Jr."

When in 2017 the panel decided upon a less-stringent 180-day suspension, Cohen appealed, claiming that his rights to due process had been violated and that the complaint was unsupported by any facts. The MAGC replaced Cohen's suspension with a formal reprimand.

The Consequences of Speaking Out

Looking back, Cohen remembers his peers' reaction when he spoke out about the Wayne County Probate Court.

"They said, 'That's not smart, Steve. That's career suicide,'" he says. "I told them, 'I'm just defending my client. I'm just telling the truth.'"

Cohen adds it wasn't the first time he ended up running afoul of Edick and the Attorney Grievance Commission.

Years earlier, Cohen was involved in a smaller wills and trust case in front of then-Wayne County Probate Judge David Szymanski. At one evidentiary hearing, Cohen challenged the billing statement of a court-appointed fiduciary.

“I was going line-for-line through the billing, challenging the fees as excessive, and I asked the fiduciary to justify it,” Cohen recalls. “The judge said, and this is an exact quote, ‘I don’t like your line of questioning and, if you continue down that road, I’m going to bury you in a hole and throw in the dirt.’”

Cohen says he filed an unsuccessful Motion to Disqualify Szymanski because of his threat.

“When Bob Edick got wind of it, he decided to charge me with misconduct in the case,” Cohen says. “He said that my challenging the fiduciary’s fees was frivolous.”

The disciplinary case was dismissed after Cohen had questioned only one witness.

“The case was so stupid that they wanted to get rid of it,” Cohen says. “Edick was embarrassed. He’s not used to losing cases. I think the formal complaint he filed against me with the Rosa Parks case was a personally motivated action.”

After Szymanski retired from the bench, he became Wayne County’s Deputy Treasurer.

The repercussions Cohen faced for challenging a Michigan probate judge and his appointees are feared by a number of estate and probate attorneys who know what is happening in Michigan’s probate courts but are terrified to speak out. One attorney, who agreed to talk only on condition of anonymity, has been practicing in those courts for at least two decades.

“I have been threatened with sanctions, grievance commission complaints and, even, criminal charges,” she says. “I was simply trying to litigate and reveal what was going on with the manipulation and dissipation of assets. It has obstructed my ability to provide the best service to my clients.”

Cohen offers an explanation as to why the prospect of a Grievance Commission hearing is so daunting.

“The Attorney Discipline Board, and its procedures, are similar to a Star Chamber,” he says. “I do not have a right to a jury trial. It’s a three-attorney panel, which is worse. In my case, one of the panel members was a probate practitioner in Wayne County, another was an attorney who worked for a large Royal Oak firm, which has a lucrative probate practice. It was the worst combination I could have ever faced.”

Cohen adds that he was not permitted to conduct any discovery in order to determine the Commission’s case against him.

“I had to go into trial virtually blind,” he asserts. “In one of the preliminary hearings, my attorney told the panel that we intended to demonstrate the truth, and the panel Chair said, ‘I don’t see why truth is even relevant to this case.’”

Other attorneys who have tried to seek the truth in probate court cases have been slapped with sanctions by presiding judges.

“Paul,” who asked for an alias, has been practicing for 30 years and asserted that, in 2018 alone, he has been sanctioned three times by Oakland County Probate Court judges for challenging the actions of court-appointed guardians and conservators.

“In my view, at least over the past couple of years, the judges are appointing the same people,” he says. “If it gets out that these fiduciaries, appointed on a regular basis, are doing something wrong, eventually it’s going to reflect on the judges.”

“I’m going to stand up for what’s right,” he adds. “I will not compromise my principles for anybody, I don’t care if it’s a judge. They can sanction me all they want, I’ll just appeal.”

Geller finds it ironic that he is facing sanctions because of a lawsuit that has raised the same issues and asked for the same reforms as Nessel’s Task Force.

“The Task Force is pushing for the same remedies that I proposed,” he says. “Including compelling probate judges to follow statutory requirements and ensuring that professional guardians do not institutionalize individuals before proving that there are no alternatives.”

In rationalizing why his lawsuit was dismissed, Geller echoes the challenges faced by the family members who are part of SOS-Probate.

“People don’t want to believe me, regardless of the evidence,” he asserts. “They think I’m nuts. But if I’m crazy, the Michigan Supreme Court is crazy, too.”

Reduced to Internet Conspiracy Theorists

The nonprofit advocacy groups seeking guardianship reform that have sprung up nationwide have found themselves similarly marginalized. Even though their leadership and spokespeople are often considered go-to sources when local media outlets have investigated the issue, they remain internet outliers prone to the same laughable disdain as government conspiracy theorists.

Yet, as late as November 2018, the Senate Committee on Aging held a series of hearings and [acknowledged](#) receiving “appalling stories from Americans across the country regarding abusive guardianships.”

Their hearings led to a 36-page [report](#) overhauling the guardianship process and the [introduction](#) of the Guardianship Accountability Act.

Despite the report's findings and even Nessel's eventual [agreement](#) that developmentally disabled or elderly Americans under guardianship have less rights than an imprisoned felon, both local and national civil and human rights groups have been notably silent on the issue. Southwick sees a country still refusing to believe that her organization's work isn't based on some form of manufactured dystopian fiction.

"When I first started talking about courts taking away the rights of hundreds of thousands of Americans, I had doctors who were telling me that it was bullshit, that there was just no way it could happen," she recalls. "My mother overheard me on a radio show, and she said, 'You've got to stop talking like that. You sound crazy.' I still have friends who don't believe it."

"The general population still does not understand that the elderly or the disabled are vulnerable to losing their rights," she adds. "The guardians will say that they are not losing their rights but that another person is exercising them on their behalf, but it's the same thing."

"I'm guessing that's why a lot of organizations, like the ACLU, won't touch guardianship, because it's not just a matter of giving somebody back their rights," she asserts. "The guardians are saying that those rights haven't been stripped from the ward but are 'under the protection' of the guardian, who makes decisions in the ward's place."

Other advocates believe the blame lies in a lack of national media coverage.

For more than nine years, Marti Oakley has been a national advocate who runs an online news outlet, the [PPJ Gazette](#), while hosting the [TS Radio Network](#) through the open online broadcasting platform Blog Talk Radio.

"We've been trying, for all these years, to get guardianship stories into mainstream news," Oakley says. "But we've heard from journalists that attorneys show up, there are closed-door meetings with media bosses and, suddenly, it's off the table."

"When it all comes down to it, this system, and the governments which empower it, have sunk so low into corruption that nobody is in it for any other reason than to make money," she adds. "I didn't realize, until I went to D.C., that there is no ideological difference in this issue between the right and the left. It's one big party and the public aren't invited. Instead, they are mocked."

According to Southwick, members of the Baby Boomer generation have slowly come to the realization that they could be entering retirement with a target on their backs. Some have already had an unfortunate, firsthand education on what it's like to be caught up in the guardianship system.

While reform group numbers are, therefore, gradually increasing, finding funding for their work is still a challenge.

The Struggling Optimists

In Michigan, the struggle faced by groups such as SOS-Probate is just to survive, particularly as Oakland County Probate Court attorneys and judges continue a campaign of retaliation that led to the imprisonment of one of their members and threatened another.

In early 2019, Abood met 82-year-old Dorothy “Heidi” Hawkinson while monitoring a hearing in Judge Jennifer Callaghan’s courtroom.

Hawkinson, who has been under Carney’s guardianship since October of last year, was removed from her Bloomfield, Michigan, home five days before Christmas. She has been at Medilodge in Rochester Hills ever since.

“Heidi was just crying over and over,” Abood recalls. “They took her out of her home on Christmas. How cold-hearted is that? She doesn’t have anything left but the nightclothes she was wearing when they took her.”

This past April, Hawkinson filed a petition to remove Carney in which she alleged numerous violations of her rights under Michigan statute, including a lack of clear and convincing evidence that she was ever incapacitated. She added that her right to be present at the hearing in which Carney was granted guardianship and conservatorship was violated and accused her court-appointed attorney of consulting with Carney instead of her.

Since she was unable to leave Medilodge, Abood’s fellow group member Collins offered to file it in probate court while her sister, a notary public, helped Hawkinson notarize the document.

In her response to Hawkinson’s petition, Carney made the bizarre accusation that Collins and her sister must have also authored it. She cited Collins’ appearance in a 2017 [local news investigation](#) into the probate court as proof of her animosity toward both herself and the court as a whole, and asked presiding Judge Callaghan for a Contempt of Court order against Collins for practicing law without a license.

Yet, Collins and the group remain defiant in their resolve to push Nessel’s Task Force into investigating alleged probate court corruption, even as they take their own steps to educate the public and help the tens of thousands who have been or continue to be forced into its maelstrom.

“We all know how this feels,” Abood says. “We’ve all fought the same fight. We’ve all had to face the same judges and public administrators who want to rob us blind and blame us while they do it. But they’re not going to have such an easy time of it now, because we are no longer alone.”

Meanwhile, while Geller has high hopes for change via Nessel’s Task Force, he agrees that there must also be accountability.

“We could change the law in Michigan on paper,” he says. “But that’s not going to do a damn thing to ensure judges comply with it. The Task Force will put a spotlight on these probate judges. It may create, for the first time, peer pressure among the judges to comply with the law. They may be fearful of the consequences if they don’t.”

Protected by Secrecy and Ageism

The families, advocates and few attorneys who fight back against what they allege is massive corruption at the Detroit-area Oakland County Probate Court face an invulnerable “fortress,” a description once conferred upon the court itself.

Historically, Michigan’s probate system as a whole has been similarly encompassed by a protective stockade reaching to the heights of the state’s judicial and executive branches.

Probate court activities have continued unchecked for decades due to long-standing professional and political ties that have ensured the protection of probate judges, attorneys and public administrators. At the Oakland County Probate Court, such protection has demonstrated a more intimate, rather than legal, reasoning behind the court’s own declaration of Sovereign Immunity as an arm of the state. It is a defense the court has used to avoid culpability in discrimination lawsuits brought by its own employees.

Ironically, like guardianship, the roots of Sovereign Immunity are traced back to antiquated British common law. In Michigan, nearly a quarter-century’s worth of successive Task Forces and previous guardianship scandals, which have resulted in little or no change or punitive measures, appear to echo the concept as defined by 18th-century British Judge Sir William Blackstone.

“The king, moreover, is not only incapable of doing wrong, but even of thinking wrong,” Blackstone wrote. “He can never mean to do an improper thing. In him is no folly or weakness.”

Yet, within Blackstone’s Commentaries, considered to have had an enduring impact on the practice of law in the United States, he also addressed the concept of guardianship and noted that a guardian must offer an “account of all that he has transacted on [a ward’s] behalf, and must answer for all losses by his willful default or negligence. In case, therefore, any guardian abuses his trust, the court will check and punish him.”

In Michigan, both attorney and judicial accountability have been so shrouded in secrecy that any checks against the behavior of both guardians and their probate court judges have been next to impossible to quantify. When alleged wrong-doing has been found, punishments have been practically non-existent.

Former candidate for Michigan’s House of Representatives Dr. Ted Golden noted in an [essay](#), “The public will never know how many times the Michigan Supreme Court has allowed the integrity of the legal system to be breached without proper disciplinary action being applied, because the files are buried.”

“Unfortunately, the Michigan Constitution does a great disservice to the people of Michigan concerning this matter,” he added. “The Michigan Supreme Court, through its rules of secrecy and absolute control, is able to shelter individual justices from all scrutiny concerning their role in frustrating the public’s desire to have an ethical legal system.”

“Corrupt to Its Very Core”

The Michigan Supreme Court holds tri-annual Administrative Hearings during which members of the public are invited to be heard on judicial rules or administrative orders the justices are considering either for adoption or amendment.

A January 2000 hearing in Flint, Michigan, addressed the contributions of attorneys to judicial campaigns and the possible quid pro quos that could arise from them. As the Michigan Code of Judicial Conduct presently stands, donations from attorneys to judicial campaigns of more than \$100 are permitted but must be unsolicited.

During public commentary, Gilbert Engels, a small business owner and great-grandfather, rose to speak. Twelve years earlier, he was embroiled in the Wayne County Probate Court when his mother Gertrude was declared legally incapacitated. Then–Wayne County Probate Judge Joseph Pernick ruled that neither Engels nor his sister had any rights to or interest in Gertrude’s home, despite her having signed over a Quit Claim Deed to them in 1976.

As he faced the Michigan Supreme Court Justices, Engels admitted to feeling “like David standing in front of the Goliath.”

Nevertheless, he told them that “the system is corrupt to its very core.”

In beginning his story, Engels said he had filed a 1995 complaint in federal court charging then–Wayne County Probate Judge Milton Mack, Jr., his colleague Freddie Burton, Jr. and a number of attorneys “with conspiring together to operate a racketeering enterprise.”

He was immediately reminded that his three minutes were up and that the justices could not address specific cases. Engels hurriedly summed up his argument.

“I am telling you that the citizens' confidence in jurisprudence is going to zero if we don't correct it,” he said. “The responsibility [lies] with you to turn around and correct this system. It is polluted from one end to the other, [a] system that's for sale. It's a disaster.”

Engels passed away in 2014.

Four years later, the Michigan Supreme Court entertained a proposed amendment to Judicial Canons which would allow judicial campaigns to actively solicit over \$100 in contributions from attorneys.

Once a probate judge's term is up, they are rarely opposed for reelection. When a challenger does surface, the incumbent judge's campaign boasts extensive donations from attorneys who have regularly conducted business in their courtrooms.

The House of Probate

At the Oakland County Probate Court, relationships between the four judges as well as those between the judges and the attorneys who work in their courtrooms are not simply limited to judicial campaigns. They have a history that is not always on the surface.

Judge Jennifer Callaghan, who began her career as an Assistant Attorney General, was hired by Oakland County Public Administrator John Yun in 2010 as an associate attorney and regularly took guardianship and conservatorship cases at the Oakland County Probate Court. When Callaghan ran for Oakland County Probate Judge in November 2016, Yun's office served as her campaign headquarters, where she received almost \$160,000 in contributions.

Donors were a who's-who of regular Oakland County Probate Court faces, including public administrators, attorneys, GALs and real estate agents. Included in the list of hosts for an August 2016 Callaghan fundraiser were Kemp Klein attorney and shareholder Alan A. May and his then-colleague Barbara Andruccioli.

Oakland County Probate Chief Judge Kathleen Ryan, retiring probate judge Elizabeth Pezzetti, and Judges Linda S. Hallmark and Daniel A. O'Brien attended as "Honored Guests." Ultimately, Callaghan won with 68 percent of the vote.

Callaghan's husband Sean is an FBI agent serving in the Detroit office.

Her Judicial Staff Attorney Christine A. Waid used to work for former Oakland County Public Administrator Jon Munger. His firm's email address is still listed on her profile at the State Bar of Michigan (SBM) and her name is included an attorney with the firm [listed as a defendant](#) in a 2016 lawsuit.

Yun and former Oakland County Public Administrator Jon B. Munger worked out of the same address on Gateway Park Drive in Clarkston, Michigan, before Munger relocated his Munger & Associates headquarters half a mile down the street. While Callaghan recuses herself as judge in Yun cases, Munger regularly appears in front of her.

The ongoing deceased estate hearings concerning musician and civil rights activist Aretha Franklin, who passed away in August 2018 without leaving a will, is presided over by Callaghan. As he is presently the guardian to Franklin's eldest son, Clarence, Munger is an interested party in the case.

Judge Linda S. Hallmark was appointed as Oakland County Probate Court Judge in 1997 by then-Governor John Engler (R) after spending three years in private practice at May's then-law firm May & May, PC. She has been unopposed since taking the bench.

May has donated not only to judicial campaigns, but to individuals running for Michigan's House and Senate.

Hallmark's Judicial Staff Attorney and Rochester City Councilman Ryan Deel used to be in business with his wife Melinda, a family law attorney who makes regular appearances as a Guardian ad Litem during Oakland County guardianship and conservatorship hearings.

Oakland County Chief Judge Kathleen Ryan and Judge Daniel A. O'Brien were elected as Oakland County Probate Court judges in 2010 and 2008, respectively.

Prior to running in 2010, Ryan was a founding partner of Ryan & Schouman, PLC on East West Maple Road in Walled Lake, Michigan. Before he was elected, O'Brien was in private practice under the name O'Brien Legal Services and was headquartered at the same East West Maple Road address as Ryan's firm, something omitted in his [judicial](#) biography.

Among the top donors during O'Brien's 2008 campaign were Ryan and her founding partner attorney, Daniel Schouman. In an October 2010 [interview](#) given to the *Royal Oak Tribune*, Ryan boasted that "I am the only candidate who has been endorsed by an Oakland County Probate Judge, specifically Judge Daniel A. O'Brien."

However, she failed to mention that the two had worked in the same building.

Ryan hails from one of Michigan's most accomplished legal and political families. Her father James served on the US 6th Circuit Court of Appeals and is a former Associate Justice on the Michigan Supreme Court. Her elder brothers, Daniel Ryan and James Ryan, Jr., both entered the judicial and political arenas.

Daniel is a retired Wayne County Circuit Court Judge. James Ryan Jr.'s company Public Affairs Associates (PAA) has longstanding ties to Democrat Governor Gretchen Whitmer and was among the [top donors](#) for her inauguration committee. Kathleen Ryan's 2010 campaign for Oakland County Probate Court judge received contributions from May, Munger and Oakland County Public Administrator Thomas Brennan Fraser, as well as cash and in-kind contributions from O'Brien.

She also received a donation from Attorney General Dana Nessel, who on March 25, 2019, announced an Elder Abuse Taskforce charged in part with reviewing measures to reform Michigan's probate system.

Although Nessel has since received complaints from families who have alleged crimes committed by guardians and conservators at the Oakland County Probate Court, she has yet to announce any official investigation into them.

The Attorneys

Yun, Munger, Fraser and Oakland County Public Administrator Jennifer Carney comprise the court's most prolific guardians and conservators and have a combined open guardianship and conservatorship caseload of 1,704. They also have close professional ties.

Munger and Fraser were both Kemp Klein attorneys before they started private practices in 2009 and 2008 respectively.

Beginning in 2010, Munger employed Carney before she branched out to start her law firm in 2017.

Another former Munger employee, Edward A. Hutton III is now the Oakland County Probate Court's administrator.

In problematic cases, Munger and Fraser have been represented by Bloomfield Hills, Michigan, attorney Joseph Ehrlich, who in 1995 was retained by Guardian Inc. of Wayne County during an investigation into the embezzlement of assets belonging to hundreds of wards.

On February 28, 2014, Fraser and his spouse signed a Quit Claim Deed for \$1 transferring interest in their \$272,000 property on Shadow Drive in Troy, Michigan, to a company called STRSF LLC. Incorporated the previous July, STRSF's Resident Agent (an individual responsible for the management of an LLC's legal and tax matters, alongside ensuring forms such as Annual Reports are filed in a timely manner) is Ehrlich.

On June 9, 2016, STRSF signed another \$1 Quit Claim Deed of the same property back to Fraser. The reason for the back-and-forth transfer is unknown.

Fraser and Munger and May's former Kemp Klein colleague Andruccioli was one of the subjects of a 2017 [media investigation](#) alleging she was one of a group of public administrators who had worked alongside a Michigan realtor to open probate cases on deceased estates without notifying next-of-kin. In the resulting fallout, State Public Administrator Michael Moody [fired](#) Andruccioli from her role as public administrator.

In January 2018, then-Oakland County Probate Court Register Jill Koney Daly, who had held the position for more than a decade, announced her retirement to take a part-time job as an attorney at the statewide estate probate and elder law firm Chalgian & Tripp.

Five months later, in a [unanimous decision](#), the four Oakland Probate Court judges hired Andruccioli as Koney Daley's replacement with a starting salary of \$102,650. According to Oakland County's salary schedule for FY 2018, she'd been placed at the very top of the pay grade; the same as an individual who has served in the role for five years.

Two heavyweight attorneys from Chalgian & Tripp and Kemp Klein—Philip E. Harter and Thomas V. Trainer, respectively—served as co-editors for the revised edition of *The Michigan Guardianship and Conservatorship Handbook*. [Published by](#) the State Bar of Michigan's Institute of Continuing Legal Education, the 522-page volume includes chapters authored by Andruccioli, O'Brien and State Court Administrator Milton Mack, Jr.

Mack the Shield

An attorney, former Wayne City Councilman and Democrat Party activist, Mack was appointed to the Wayne County Probate bench by then-Governor James Blanchard (D). He held the position until 2015, when he was appointed by the Michigan Supreme Court as State Court Administrator.

Mack has served on the three-person Wayne County Election Commission, as president of The Michigan Probate Judge's Association, and as a Chair of both the State Bar of Michigan's Judicial Conference and the Southeast Michigan Council of Governments (SEMCOG). His wife, Laura, is presently a judge at the 29th District Court in Wayne, Michigan.

Mack's 1998 campaign to retain his position as probate court judge was overwhelmingly supported by attorneys. Top donors included May and Chase. Others, such as Barbara Safran, Melinda Cameron and Jeffrey Coval, presently and regularly serve as Guardian ad Litem for the Oakland County Probate Court.

From his earliest days as a Wayne County Probate Court Judge, Mack has remained both a pervasive and highly influential presence in the anatomy of Michigan probate law in as much as he has been a staunch defender of the judges who dispense it.

In 1996, following the Guardian Inc. scandal at his own court, Mack was asked to join the panel of the Michigan Supreme Court's Guardianship Task Force as a representative of the Michigan Probate Judge's Association. Although in its 1998 report, the Task Force made multiple recommendations, only one was enacted.

Director of Public Policy at The ARC Michigan, Dohn Hoyle was a fellow panelist. Both at a local level and as an Executive Director, Hoyle has been involved with The ARC, one of the state's leading advocacy and resource groups for people with Developmental Disabilities, for the past 45 years.

“Mack and the Association were the main force against any changes to guardianship,” Hoyle says. “And they carry a lot of weight. They were working behind the scenes saying, ‘We don’t want this,’ and the legislators really listened to them.”

“As part of the Task Force, we recommended that a judge would have to find, on the record, that a guardianship was necessary,” he adds. “Of course, they fought that successfully and we never got that put in the statute. None of it was logical. But, recommendations didn’t see the light of day once Mack and the Association came out against them.”

Spinning the Audit

Five years after its Task Force had made its recommendations, Michigan Supreme Court justices received an October 23, 2003, report from the Office of the Auditor General that reviewed conservatorship cases filed in Wayne, Washtenaw, Calhoun, Jackson and Huron Counties.

Its findings noted that assertions contained in conservator’s annual accountings were generally not accurate or valid, and added that probate courts had not performed investigations when discrepancies were identified.

“Michigan probate courts operate independently and determine what controls, if any, will be put in place to monitor conservatorship cases,” the report concluded. “Probate court’s procedures and controls for administering and monitoring conservatorship cases were generally not effective.”

Before passing away in 2015, former Supreme Court Chief Justice Elizabeth Weaver published a tell-all [book](#) *Judicial Deceit — Tyranny & Unnecessary Secrecy at the Michigan Supreme Court*.

In the book, Weaver cited a memo she and her fellow justices received from then–Chief Justice Maura Corrigan on the morning the audit was released to them.

According to Weaver, the memo noted the auditor’s report citing “many specific, dramatic and troubling cases as examples of improper accounting and documentation, delinquent reporting and other deficiencies. Some examples suggest that protected individual’s estates may have lost money either through negligence or wrong-doing.”

“I believe that public confidence in probate courts is at stake,” the memo concluded.

Weaver asserted that the Auditor General report had been in the hands of both Corrigan and the State Court Administrator’s Office long before she ever saw it.

“There was time to prepare to deflect criticism and to spin the story,” she wrote, and added that Mack was another individual kept in the loop “long enough to take in the report, call for an examination of the cited files and speak with his judges.”

Weaver revealed a September 2003 letter she discovered from Mack to the State Court Administrator's Office in which Mack stated that many of the issues raised in the Auditor General's report "were matters of judicial discretion and decisions were made at duly noted hearings with everyone having the opportunity to testify in open court."

"The safeguards the court had in place appeared to be working and any mistakes were not the result of any systematic, structural defect or flaw," Mack concluded.

At Corrigan's request, the State Court Administrator's Office engaged in a two-year review of the Auditor General's findings. In a report issued January 2005, the SCOA concluded that Michigan statute "presumes that a court ward has interested persons who are both willing to serve and have the ward's best interests at heart, but this is not the case for many court wards. Such situations present the highest risk for fraud and other abuses of the system."

The ADDMS Scandal

Even as Mack penned his 2003 memo assuring the State Court Administrator of working safeguards, another probate scandal was brewing, this time in Macomb County.

In November 2002, Sterling Heights Councilwoman Kathryn George was elected to the Macomb County Probate Court bench. Two of George's campaign contributors were a Shelby Township, Michigan, attorney Alan F. Polack and then-Macomb County Court Administrator Leonard E. Reinowski, Jr.

Less than a month after George began her tenure, Polack co-founded ADDMS Guardianship Services with fellow attorney William K. Cashen. Reinowski was brought on board as an Accounts Manager.

In a [blog post](#), former Macomb County Probate Court Chief Judge Pamela Gilbert O'Sullivan recalled "numerous occasions [that] I had conversations with the State Court Administrator's Office in an effort to seek its assistance regarding Judge George's failure or refusal to comply with the Court's practices, policies, and procedures."

By 2004, both O'Sullivan and then-Macomb County Probate Court Register Donald J. Housey were sending reports to the State Court Administrator's Office regarding George's continual appointment of ADDMS to guardianship and conservatorship cases, despite complaints the court was receiving from families alleging financial mismanagement.

In 2005 and 2008, the State Court Administrator's Office appointed an Auburn Hills, Michigan, forensic investigation team The Whall Group to complete an audit of both the probate court and ADDMS files. The Whall Group's reports were never made public.

In a subsequent [wrongful termination](#) lawsuit, Housey's attorney, citing the Whall Group report, stated, "ADDMS overbilled estates and mismanaged the affairs of the clients they represented [and] found that a substantial number of cases handled by ADDMS lacked adequate accounting for assets and income."

A [2008 memo](#) authored by then-State Court Administrator Carl Gromek noted that ADDMS sold wards' vehicles without the bill of sale and a copy of the Secretary of State title. The organization also sold wards' homes at significantly less than market price.

The Whall report speculated that clerks would set aside a petition that included a recommendation of ADDMS as a guardian and conservator until George's name came up as the assigned judge.

In her blog, O'Sullivan recalled that her numerous complaints to the State Court Administrator resulted in a 2006 meeting between herself, Housey, George and Gromek.

"Mr. Gromek yelled at me that 'This is bullshit and you should be ashamed of yourself. If I hear any more of this, I'm going to remove you as Chief Judge. Am I clear?'" she wrote. "It was very clear to me that the State Court Administrator did not want to hear of any more problems or my court's concerns."

In January 2008, the Michigan Supreme Court replaced O'Sullivan with George as Macomb County Probate Chief Judge. In a [dissenting opinion](#), Weaver noted that "a cloud of doubt over her appointment remains."

The following May, George placed Housey on administrative leave. Meanwhile, the Whall Group sent its second report to the Michigan Supreme Court. In June, the justices removed George as Chief Judge.

"The damage that has occurred to the vulnerable Macomb County citizens needing guardian and conservator services to protect them and their property must cease and those responsible must be held accountable," Weaver wrote.

ADDMS Guardianship Services was removed from cases at the court. The fiduciary taskforce assigned to them was led by John Chase, Jr., the Wayne County Probate lawyer who had investigated the activities of Guardian Inc. and was accused in a 2011 [lawsuit](#) of conspiring to drain the Rosa Parks estate.

George was assigned to mental health cases. No action was taken against George by Michigan's Judicial Tenure Commission, and no criminal charges were brought against Polack, Cashen or Reinowski.

Continuing Scandals

In 2011, the *Detroit News* reported that Gerald Terlep, a man regularly assigned by the Macomb County Probate Court to testify as to whether individuals were legally incapacitated, had falsely claimed to be a medical doctor. The report added that George had previously endorsed Terlep “as qualified by the court for each case for over six years.”

In 2014, despite her allegedly-problematic tenure in Macomb County, George was spending time as a visiting judge in the Wayne County Probate Court where she oversaw the case of Mailauni Williams and her mother Lennette.

The court’s Chief Judge, at the time, was Mack.

After problems with Lennette’s pregnancy and delivery at a Detroit hospital left Mailauni developmentally disabled, Lennette sued the hospital and won a multi-million-dollar settlement for herself and her daughter, the disposition of which, ultimately, led mother and daughter to George’s courtroom.

In June 2014, Voice of Detroit [reported](#) that George issued an order authorizing the Grosse Pointe Farms, Michigan police to forcibly remove Mauliani from Lennette’s home; one which they allegedly executed at gun-point.

George also stripped Lennette of her parental rights and assigned attorney Mary S. Rowan to act as Mauliani’s guardian. Rowan, who has a [notorious reputation](#) for punishing families who attempt to [intercede](#) in her guardianship cases, kept mother and daughter separated for six months.

When Lennette fought back, George [charged her](#) with Contempt of Court and jailed her for ten days while sanctioning Lennette’s attorney Allison Folmar for speaking on behalf of her own client.

Celebrated activist Cornell Squires said at the time “The judge’s demeanor showed that she was a racist. Her behavior was offensive to Lennette, her attorney, and all the Black people in the courtroom. I’ve seen some wicked judges, but she is the worst.”

In November, 2014 mother and daughter were [reunited](#) but left emotionally and financially devastated. According to Voice of Detroit, it all happened because Mack was “Apparently outraged that a Black woman would have the gall and intelligence to speak her mind in court.

“When is the corruption of probate courts in Wayne County and everywhere going to end? Jail the judges!” Lennette told the Voice of Detroit. “They kidnapped my daughter to make me sign over the malpractice money in her case. No one should be allowed to get away with the thieving and plundering of estates they are guilty of.”

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On May 30, 2019, George was the focal point of another [scandal](#), again involving a guardianship company with ties to attorneys who, this time, had donated to her 2014 reelection campaign. The WXYZ story of a couple allegedly imprisoned in their own home by a Sterling Heights, Michigan guardianship company Caring Hearts of Michigan, Inc., whom George assigned over their daughter, erupted on social media.

It was in the midst of a firestorm of public outrage that Nessel and the Michigan Supreme Court [announced](#) their intention to investigate both the case and George.

Expanding a Guardian's Powers

Six days before The Whall Group released its May 2008 report to the Michigan Supreme Court, The Michigan Probate Judge's Association endorsed an [article](#) Mack published in the *Quinnipiac Probate Law Journal* in which he argued against State Mental Health Code restrictions on involuntary treatment for people with mental illnesses.

Among those prohibitions was the use of electroshock therapy on individuals over the age of 15 who had not consented and did not have a guardian. However, a [2001 report](#) to The Department of Community Health Recipient Rights Advisory Committee noted that probate judges were ignoring the law and signing orders authorizing involuntary electroshock treatment anyway.

As an example, the report cited an order in which then-Calhoun County Probate Judge Phillip Harter authorized the use of up to 12 treatments on a patient in Marshall, Michigan's Oaklawn Hospital. In an email explaining his decision, Harter wrote, "I believe the better procedure is to have [a] guardian appointed for the purpose of consenting to electroshock treatment."

In 2004, Mack sat on a commission appointed by then-Governor Jennifer Granholm (D) to address what she called a public mental health system that was "broken."

The commission's [subsequent list](#) of proposed actions increased a guardian's range of powers over their wards by, for example, the ability to "petition the court for authority to consent to mental health treatment." As the year drew to a close, Granholm [signed off](#) on a series of amendments to the Mental Health Code, collectively known as Kevin's Law (named after a University of Michigan Graduate Student who was killed in August 2000 by a paranoid schizophrenic).

Kevin's Law expanded the definitions of "persons requiring treatment" and allowed for family members and guardians to be able to file a probate court petition ordering outpatient mental care.

However, it did not apply to individuals with drug or alcohol issues, or those with Alzheimer's or other disorders affecting the brain. However, Mack felt the legislation did not go far enough.

“I can appoint a guardian for someone who has an illness because they’re incapacitated,” he [told](#) the Michigan Public Radio program *Stateside*. “But the guardian can’t consent to mental health treatment, even if that would restore their capacity to make important decisions and terminate the guardianship.”

At an April 14, 2010, joint session of Michigan’s House of Representatives and Senate, then–Michigan Supreme Court Chief Justice Marilyn Kelly [addressed](#) legislators concerning Mack’s ideas to expand a court’s ability to order involuntary mental health treatment.

“Under Judge Mack’s plan, courts would consider a person’s condition and also have the authority to appoint a guardian who can consent to involuntary mental health treatment on the person’s behalf,” she said. “The object is to keep the person from getting into the criminal justice system in the first place.”

The idea won Mack universal acclaim from the media, peers and the Michigan Supreme Court as an advocate for the mentally ill.

The Power to Push Legislation

By 2015, the Michigan Supreme Court [appointed](#) Mack to the position of State Court Administrator, one that he told *Stateside* allowed him the ability to work more closely with the Michigan legislature to ensure support for his initiatives.

Farmington Hills, Michigan attorney Steven G. Cohen, who was penalized by the Michigan Attorney Grievance Commission after he accused Wayne County Judge Freddie Burton, Jr. and attorneys John Chase, Jr. and Melvin Jefferson, Jr. of draining the Rosa Parks estate, found Mack’s appointment “one of the oddest and scariest things I’d ever seen.”

“As Chief Judge of the Wayne County Probate Court, he presided over and protected a very abusive court,” Cohen says. “It meant that the Michigan Supreme Court was either unaware [of] or backed what was a terrible performance in Wayne County. It concerned me to see Milton Mack being given a safe landing.”

Mack’s enhanced level of influence helped to ensure the December 2018 passage of House Bills 5810, 5818 and 5819, which amended Michigan’s existing mental health codes and expanded the definition of those to be considered incapacitated to include individuals who had been exempt under Kevin’s Law.

HB 5810 was particularly significant. It modified existing language regarding an individual experiencing a serious mental illness or developmental disability that had allowed for an “Emergency Situation” to be declared on the basis of a competent clinical opinion *and* a substantial risk of physical or mental harm to themselves or others. The new bill simply stated that an emergency situation applied if an individual “presents a risk of harm.”

The requirement that *both* one physician and a licensed psychologist or psychiatrist had to provide testimony or a written deposition to accompany a probate court petition was reduced to either/or.

HB 5818 provided the authority for either a full or limited guardian to execute a written consent for mental health treatment.

Mack called the legislation, “a monumental step forward [that] makes Michigan a national leader in making it easier to ask for outpatient mental health treatment—before a crisis and before contact with the justice system.”

Hoyle doesn’t see it that way.

“I think [Mack] will act like he’s always acted,” Hoyle says. “He will continue to be pro-guardianship. To continue to promote a system which has produced the kind of outcomes the system has produced doesn’t make him a friend of someone who is aging or with a disability.”

Civil Death for the Developmentally Disabled

According to a March 2018 [report](#) released by the National Council on Disabilities, an estimated 1.3 million Americans with disabilities have been directly impacted by guardianship. Hoyle asserts that 73 percent of Michigan’s developmentally disabled population are under some form of guardianship.

“We have kind of a mill,” he says. “The issue isn’t one of a blindfolded lady justice deciding upon whether they need one or not. It’s automatically assumed. The system continues to portray the necessity of guardianship.”

In its report, the Council took the system to task.

“It has often been noted that an individual subject to guardianship moves through the world indistinguishable from the rest of the population,” the report noted, “except that he or she has undergone a kind of civil death and is no longer permitted to participate in society without mediation through the actions of another if at all.”

The report’s key findings stated that “people with disabilities are widely (and erroneously) seen as less capable of making autonomous decisions than other adults regardless of the actual impact of their disability on their cognitive or decision-making abilities. This can lead to guardianship petitions being filed when it is not appropriate and to guardianship being imposed when it is not warranted by the facts and circumstances.”

“Prisoners have more rights than people under guardianship,” Hoyle says. “I don’t think people recognize that, they ignore it or don’t pay attention to it. So, probate judges are able to continue what they’ve always done, which is not to the benefit of the people who are given guardians.”

Nearsighted Ageism

Guardianship reform, disability and seniors advocates believe there is a reason, rooted in American culture, that so few Americans, media outlets and major civil rights organizations ignore guardianship’s monumental flaws and catalytic, paralleled atrocities.

Four decades ago, Ann Arbor attorney Bradley Geller was working on a project for the United States Commission on Civil Rights examining age discrimination in programs receiving federal financial assistance.

“It was extensive, and it was blatant,” he recalls. “It wasn’t like race or sex discrimination. Providers did not hide the fact that they discriminated on the basis of age. It was always justified in a cost-benefit analysis. A public health official in Texas said that \$1,000 of dental care for an older adult may mean nothing but \$100 for a 5-year-old is invaluable.”

National Association to Stop Guardian Abuse Director Marcia Southwick believes such preferential treatment of the young in comparison to seniors is ingrained in American culture.

“There is a huge problem,” she says. “The elderly and people with disabilities are warehoused. You see ads for nursing homes or burial insurance. America is driven by a consumer culture. Advertisers want to sell to the young, so they are a part of pushing the narrative that the elderly don’t count.”

“The problem is Michigan’s judges have stereotypic notions that older adults are running inexorably downhill with respect to their mental and physical capacities,” Geller asserts. “There is an ideology that we must protect older individuals and those with developmental disabilities against risk and make them as safe as possible. We try to maximize that safety by not honoring their independence.”

Julie Weckel is a social worker and owner of the Michigan-based senior advocacy organization Geriatric Connections.

“Ageism is easy to see in a country that is based on pulling yourself up by the bootstraps and being independent,” she says. “When people can no longer function at their highest physical capacity, the country sees them as lacking. So we disregard them or, whether it’s through good intentions or not, we try to take over for them with absolutely no proof that we would do better.”

“We don’t have a system in place to educate people on what they can do to be supportive of our seniors,” she adds. “I’m hoping to get to an old age. I’m going to do my best to survive and to

thrive, which means I have to accept that this is a reality that I have some power over. So, I have to embrace aging, and I sure don't want anyone coming to take my rights away."

Executive Director of the National Association of Social Workers (NASW) Michigan Maxine Thome feels similarly affected.

"I'm subjected to so much ageism that I fear every birthday," she notes. "I get tired of people saying to me, 'Are you still working?' And I reply, 'I don't feel that old.' We need to work to rebuild the image of the elderly as one of this country's pillars of wisdom."

National advocate Catherine Falk, the daughter of the late actor Peter Falk, notes that American ageism is nearsighted.

"There's something very sad about preying on the elderly and the disabled, who truly have no voice in the matter," she says. "I'm headed in that direction. We're all headed in that direction or have someone we know who is already there. It hits me hard."

"America is very 'me-centered,' and there's a stigma, not just with the elderly but with the disabled," Falk adds. "Any adult with a disability is treated awfully in this country. This isn't a joke. There are better living conditions in prisons than there are in nursing homes."

"I've travelled all over the world, and I'm always blown away by other countries, like France, Mexico and Italy, where the elderly person is at the top of the food chain of hierarchy and respect," she asserts. "The family system in America is ass-backwards. You hit the age of 55 or 60 here and you are just trash to be discarded."

"If we are successful and we are lucky, we are able to age another year every year," Weckel notes. "As Americans, we have to work on the idea that our future is going to entail us being not as strong, clear or as healthy as we are now. If we can recognize that, there's hope for looking around us and knowing how we would want to be treated."

A Small World

As 76-year-old Nancy Lee Haddock looks around her small room at the Suncrest Adult Group Home in Highland, Michigan, she sees no reason for hope. She was placed at the facility in late 2018 by her then-guardian Yun. Since then, the four walls of her bedroom have represented the borders to her entire world.

It is one in which she spends her waking hours watching television or completing stacks of books containing word-search puzzles. There is little else for her to do and nowhere for her to go. Haddock clams to be fed only starchy food, "noodles and potatoes and stuff." The overabundance of carbohydrates are detrimental to her because she has diabetes.

“You lose track of time in here,” she says. “There are people here and it’s not their fault. There’s no reason for me to be here. I can read, take my own pills and make dinners for myself.”

Haddock used to work on the lunch line for the Walled Lake, Michigan, school system. Her husband was an electrician before he passed away, leaving Haddock to raise her two children alone. In order to do so, she took on extra jobs delivering newspapers and working at a local McDonald’s.

Heavily involved in her local church community, Haddock often allowed people in need to stay in the home where she’d lived since the late 1960s. The same home played host to Haddock’s extended family during holidays, and in the summer, neighbors were always welcome to swim in the back-garden pool. Eventually, more than a half-century of collected memories filled the house.

The possessions Haddock has left today have been reduced to a small collection of framed photographs of her family and a painting of a dog placed over the single-bed in which she hardly ever sleeps.

“I’m told that [Yun] gutted my home,” she says. “I don’t know where my belongings are. I assume that he pitched them.”

Haddock added that she was not told when her home was sold by the public administrator.

“I tried to call Mr. Yun, but they got me off the phone,” she recalls. “I never got to talk to him, so I knew I was getting kicked around.”

The Unexpected Administrator

Haddock’s daughter Catherine struggles daily with overwhelming guilt, since it was her who originally filed the petition for guardianship of Nancy at the Oakland County Probate Court.

A Registered Nurse specializing in psychiatric medicine for 11 years, she never expected that presiding Oakland County Judge Linda Hallmark would appoint a public administrator instead of her.

On the advice of one of her church group friends, Haddock had signed a Durable Power of Attorney in 2013 naming Catherine as the holder and executor of her will. Two years later, the family threw Haddock a surprise birthday party. Photographs show a jubilant woman surrounded by her children and grandchildren.

But underneath Haddock’s glee during family get togethers, there was a problem that Catherine immediately recognized.

“Mom always was the kind of person who would pick up stuff at the Salvation Army on a whim,” she recalls. “As she grew older, and after my brother and I moved out, she became very lonely. She would tell me that it made her sad when she saw elderly couples walking together holding hands. She wanted to be with somebody. So I think she started to collect things to make up for that. The problem is, she never threw anything out.”

Feeling as if it was getting out of hand, Catherine offered help.

“The house needed work,” she says. “I felt like she was overwhelmed. It needed cleaning out, but Mom was very prideful and she really didn’t want me to interfere. We would go out every week to a restaurant or to church, but we just wouldn’t talk about it.”

Deception from Good Intentions

After Haddock experienced a fall in her home in 2016, Catherine called an ambulance.

“When she was in the emergency room, I could hear the nurses and paramedics talking about the state of her home,” Catherine remembers. “They told me I should do something or someone else would.”

On the advice of a social worker at the Pontiac hospital where Catherine worked, she filed a January 14, 2016, petition to become guardian and conservator of her mother.

“The whole time, I was worried about whether this was the right thing to do,” Catherine says. “My brother was upset with me for starting the process, but the court assured me they would do nothing without the whole family agreeing to it.”

Looking back, Catherine feels she was duped from the start.

A January 20, 2016, Guardian ad Litem report was dated the same day as the petition’s hearing. It stated that Haddock had “a myriad of issues: hoarding, depression, slight dementia, anxiety, hypertension, alcoholism, poor decision making (i.e., allowing strangers to live with her) [and] repetitive falls.”

Recommending a contested hearing and Independent Medical Examination, the report never mentioned Haddock’s Durable Power of Attorney. However, it did note that Haddock had received an inheritance from her mother in excess of \$100,000.

Catherine asserts that she was never given the report until after the hearing. She claims the report is a lie and refutes any idea that her mother was an alcoholic.

Indeed, during an interview with this investigation, more than two years after the report was filed, Haddock had no problems recalling her life, Michigan history and the name of the current

president. With the aid of a walker, she was able to move around her small bedroom and adjoining bathroom.

Ironically, it was Haddock's own objection to having a guardian at all that brought Yun into the picture.

"It was a really quick hearing," Catherine says. "I was told that Yun was only going to be temporarily assigned, and I believed it."

After the hearing, Catherine called Yun's office and reality began to sink in.

"I was told that the judge would never allow me to be guardian because my mother had objected and because I had a bankruptcy," she says. "I was shocked. It was like they completely dismissed the idea, and they weren't going to consider anything else."

According to Yun's accounting, within five days of being appointed guardian, he had changed the locks on Haddock's home, which he valued at \$180,400.

A February 8, 2016, line item states that Yun was sorting through "the ward's paperwork and jewelry. Bag, file and inventory."

However, no jewelry is mentioned either in his report of Nancy's income or an inventory of her assets, which Yun totaled at \$456,239.55.

Southwick notes that a guardian's independence in determining and dispensing with a ward's personal possessions is a nationwide issue and a possible catalyst to embezzlement.

"There are no independent witnesses or family standing by to ensure that everything of value is documented properly when inventory is done," she says. "Instead, it's left up to the guardian. What's to prevent hundreds of thousands of items from going missing?"

Post-Guardianship Decline

In February 2016, Yun had Haddock moved to Senior Living at Independence Village in White Lake, Michigan.

"We didn't want her to go there," Catherine says. "It was really far away from all of us. But Yun's office told us it was only temporary."

Yet, Haddock remained there for more than two years.

"Her bathroom was filthy," Catherine recalls. "There was no dresser, so all her clothes were in bags on the floors. My mom had a CPAP machine at home, which she needed for respiratory distress, but it wasn't in her room at Independence Village."

When Catherine went to Haddock's home to fetch it, she noticed that all the locks had been changed. Yun's office refused to allow Catherine back in.

"Everyone at his office or at the nursing home seemed to be fighting with us whenever we would call with concerns about Mom," Catherine says. "She wasn't being showered and her bed sheets were never changed. She had terrible vaginal bleeding and they put a pad under her but never changed it. She smelled and looked terrible. But they always acted like problems were either her fault or our fault."

"After a while, Yun's office told me that all my calls were costing my mom money," Catherine asserts. "They said they had 800 other cases to deal with, and then they stopped taking my calls."

Haddock's niece Judy Podvin also tried to contact Yun.

"Every time I called, they just hung up on me," Podvin says. "In court, they accused everybody else of not being involved, even though they would never take our calls."

Meanwhile, Haddock's health began to decline. On April 18, 2017, she was transported to Intensive Care Unit (ICU) unit at Huron Valley Hospital suffering from sepsis, pneumonia, dangerously unstable blood sugar levels and respiratory failure.

Pictures the family took of Nancy while in the hospital's intensive care unit show both of her lower legs blackened with fungus from untreated pressure sores. Catherine says no one from Yun's office called her to let her know. She found out through hospital staff, who had Haddock's Durable Power of Attorney on file.

"Mom was completely out of it," she recalls. "The hospital staff were asking me who was taking care of her. They were clearly concerned because she was in such bad condition."

Filed less than two months earlier, Yun's Annual Report on Haddock's condition noted "pelvic bleeding" and "breathing difficulties" but said nothing about her other conditions. Under the section asking whether his ward had any unmet needs, Yun simply typed "N/A [Not Applicable]."

Curiously, the report notes visits to Haddock from Yun's office on February 1, August 25, December 8 and December 27, 2016. Yun's account line items show only the August 25 and December 27 visits. Haddock was billed twice for the same August 25 visit.

Rejected by Attorneys

Seeing her mother clinging to life on a respirator was the last straw. Catherine began to search for an attorney using the State Bar of Michigan's website.

“I talked to one lawyer and he told me that, generally, other lawyers don’t like to go after these people,” Catherine recalls. “He said that he could take my money and go to court, but that he’d seen a lot of these guardianship cases and the family never gets someone back.”

When Catherine described the neglect her mother was suffering, she said the attorney told her, “The only thing you can do is file against the facility. John Yun won’t get into trouble for neglect or for not taking care of the patient.”

Catherine took matters into her own hands and drafted a June 26, 2017, letter to Hallmark in which she detailed her mother’s condition. Before filing it with the court, she faxed the letter to Yun’s office. This time, it was Yun’s office who called Catherine to set up a meeting for July 10, which Podvin also attended alongside Yun’s staff attorney, Jane Eaton.

“This was the first time we met with John Yun,” Catherine says. “But he was there with his attorney [Jane Eaton] and a staffer.”

“I was saying that I had a list of concerns that I was going to send to the judge,” Catherine says. “But I wanted to give him a chance to respond. I kept emphasizing that I wasn’t doing this to get my mom’s money but because I wanted her in a healthy environment being taken care of.”

“We told him that we loved Nancy and just wanted to be there for her,” Podvin recalls. “He just laughed at us and said, ‘Oh, now you’ve come out of the woodwork?’”

“I was shocked,” Catherine adds. “I told him that we’d been calling all the time and he just said, ‘We have no record of that.’”

Yet Yun’s own accounting bills Haddock for at least a dozen occasions during which members of her family had contacted his office. A June 7, 2017, account line item charged Haddock \$490 when Eaton “met with ward’s daughter and niece, had a lengthy discussion regarding care and setting up meeting to discuss modification with them.”

Catherine and Podvin deny any meeting ever occurred before the July 10 conference in Yun’s office.

“We told him he could keep her money,” Podvin says. “We just wanted Nancy to have basic medical necessities and for her to be able to meet with her church friends.”

Both Catherine and Podvin state that Yun agreed to allow them to work with Independence Village and promised to contact the facility authorizing both women to receive Haddock’s medical information and exercise medical decisions. A Yun account line item from July 11 noted that the office had “prepared consent for Catherine Haddock to obtain information re: Nancy’s care.”

Yet Catherine and Podvin recall an unexpected reception from a facility director when they arrived at Independence Village.

“She was hostile to us,” Podvin says. “She told us Yun’s office had called them and told them we were coming but the facility didn’t have to talk to us. So we never got any information.”

“They said they never received any paperwork from John Yun,” Catherine asserts. “They wouldn’t let us talk to the doctor.”

The Quick Sale

Meanwhile, Yun had started work on the sale of Haddock’s home.

By February 8, 2017, he was meeting with his realtor, Tom Hutt. The following August, he prepared an ex-parte petition and order (one filed without the knowledge of opposing parties) for the sale.

Listed on October 12, 2017, it was sold by a realtor with Community Choice Realty Associates, Andrey Yakunin. Investor Mikhail Haikin (listed on the petition as “Mike”) bought the home for \$137,505.

Hallmark granted Yun’s petition even though it did not include a real estate contract or any other supporting documentation regarding an appraisal. He simply attached a July 2017 receipt showing that the taxes had been paid.

The reason as to why Hallmark approved a petition lacking any corroborating information for the sale price is unknown. The reason for the ex-parte petition is unknown. Both Haddock and Catherine say they were not informed of the sale.

On May 31, 2018, Yakunin listed the home for a little under a quarter million dollars. It sold the following July.

In the three annual accounts Yun filed since obtaining guardianship and conservatorship of Haddock in 2016, the public administrator charged her estate a combined total of \$379,402.63, including \$34,890.95 in attorney and fiduciary fees.

In September 2018, Yun moved Haddock to Suncrest Village in Highland Michigan.

Founded in 2012 by Michigan real estate and corporate attorney Peter M. Deahl and administered by Registered Nurse Amie Pagano, the home has been subject to two investigations that determined violations including inadequate training of staff, and failure to file prompt

incident reports involving altercations between a member of staff and a resident, as well as reports on the deaths of residents while in hospice.

“I’m so angry at myself,” Catherine says. “I thought that John Yun was looking out for my mother. I thought that they were doing their jobs. It never dawned on me that they would swoop in and take over because my mom had money and that they would keep her indefinitely. They knew they could do that because we were a vulnerable family and no one was going to stick up for us.”

Haddock feels like she’s been robbed.

“I feel like John Yun should be arrested for stealing money from a senior citizen. He hasn’t done a thing for me,” she says. “But I feel like I’m in jail here. There’s no reason for me to be here. There’s no way for me to go to church. I don’t have any money to go anywhere.”

On March 27, 2019, Haddock filed a petition with Hallmark to remove Yun as guardian and conservator. It was supported by letters from Catherine, Podvin and numerous members of her extended family. The petition noted breaches of Haddock’s statutory rights both in the establishment of the guardianship and throughout its course.

At a hearing the following June, Yun resigned as Haddock’s guardian and conservator. Haddock also filed an objection to his 2019 account that includes charges for Personal Funds and Clothing she claims she never received and utility bills on the home Yun sold two years earlier.

Both Catherine and Podvin say they were “shocked” when Hallmark granted the public administrator’s request for 45 days to come up with receipts for each of his charges.

Same Old, Same Old

No formal criminal investigations have been announced by Nessel into the activities of public administrators in Michigan’s probate courts. Some families who have attended Listening Sessions to air their complaints have been told to leave materials with the Attorney General’s staff or call her office directly. However, they say nothing has changed.

They provided this investigation with emails to State Public Administrator Michael Moody dating back to well before Nessel’s election. Each time they reached out, the families say they were either ignored or advised to “get an attorney.”

Both Moody and his wife Laura, who is presently Nessel’s Chief of Staff, predate Nessel as employees of the Attorney General’s office (in Michael’s case as far back as 1995).

Jayne Collins, whose mother Nancy is under Fraser's conservatorship, thought that might change after Nessel announced her Task Force and told members of the public that she wanted them to come forward with case information she could investigate.

Collins says she did as instructed and called Nessel's office to detail Nancy's case.

On June 13, 2019, Collins received an emailed response from Moody she and other families claim was all too familiar.

"I am working with [Assistant Attorney General] Scott Teter in our office to review your concerns about elder abuse," Moody wrote. "I am inquiring into this matter and will be contacting Thomas Fraser. In the meantime, I wanted to make sure that you have reached out to an attorney to help with some of your immediate concerns regarding your mother's care."

Noting that the Michigan State Bar had a lawyer referral service, Moody added, "I will follow up once I have been able to conduct further inquiry into your case."

Collins says it took eight weeks and one sternly worded email from her before she heard from Moody. In describing an August 9 phone call with him, Collins asserts, "It was just more deflection. Same old, same old. Eventually, you begin to wonder, 'what's the point?' Not only my mom and I, but thousands of people are being ripped off and abused. The damage that is being done is horrific, but it's obviously not going to change."

Nessel claims otherwise.

During the final stop of her listening tour, held August 12 in Marquette, Michigan, she assured the audience that her Taskforce has partnered with a bipartisan coalition of state legislators to ensure that its guardianship reform initiatives are enacted.

"We wanted this Taskforce to be action-oriented," she said. "We are taking into account everything you're saying. We are incorporating concerns into our initiatives. They will be proposed in September as soon as the legislature reconvenes."

However, Nessel didn't mention the pushback that proposed reforms and changes to existing legislation has historically received from individuals such as Mack, the Probate Judge and Michigan Guardianship Associations, and the Probate and Estate Planning Section of the State Bar of Michigan (SBM).

In December 2017, the Michigan Senate introduced SB 0713, which would have added new provisions to existing legislation with regards to the visitation of older adults. They included allowing a ward to visit and communicate with the ward of his/her choice, for individuals to petition the court both for orders of visitation and the requirement that a guardian provide written notification within two weeks of a ward's move or admission to a hospital.

Minutes from a September 8, 2018, [annual meeting](#) of the Probate and Estate Planning Section noted that its members would “oppose the bill” and that the Section had provided “alternate language to the sponsor.”

To date, SB 0713 has never been put to a vote.

The question is raised as to why Nessel’s Taskforce would not meet the same level of pushback for its proposed legislation. Furthermore, if Michigan judges are not following the law as already written, how would additional legislation make any difference?

Attorney Bradley Geller, whose federal lawsuit pushing for guardianship reforms was successfully dismissed by the defendants, including Nessel, believes the involvement of the Michigan Supreme Court in proposed reforms will make all the difference.

“If the Supreme Court were to come in and support reforms, the legislators would be swayed far more heavily than they have been by the Probate Judges and Probate and Estate Planning Sections,” Geller says. “I think the Michigan Supreme Court has had enough and there will be consequences for judges who do not follow the law.”

Michigan attorneys like “Paul” (who requested anonymity) believe that reform can only start with Michigan Supreme Court Justices.

“In my view, the Michigan Supreme Court has an exclusive duty and responsibility for what these judges are doing because the Judicial Tenure Commission won’t do anything about them,” he says. “They are the only option. Most people don’t know that they are the final arbiter. I don’t think they or the Michigan Supreme Court know the full extent of what’s happening here.”

As for the public administrators themselves, Nessel has only reaffirmed that, in taking guardianship and conservatorship cases, they are acting outside of their job descriptions. Although Nessel added that, if found to be doing so improperly, she would fire public administrators, she did not clarify how that would provide any tangible changes to their actions as guardians and conservators.

Meanwhile, all wards and their families can do is hope for the best.

They include Jody Rice-White, a former candidate for Michigan’s House of Representatives, who spent a month in the maximum security division of the Oakland County Jail after speaking out about O’Brien to the Oakland County Board of Commissioners.

“I have to believe that the three branches of state government, working side by side, will help us fight the villains in our judicial system,” she says. “We need a judicial system that monitors its judges.”

Christine Abood, whose mother Gloria died while under Yun's guardianship, emphasized the consequences of inaction from Nessel's office.

"If she doesn't investigate, prosecute and jail now, these attorneys will know that they can be protected by the AG's office and Michael Moody," she asserts. "It is being set up as a comfort zone for corruption to continue in Michigan."

Randy Asplund, whose mother Roberta is presently in isolation in a long-term care facility while an order recently issued from a Washtenaw County Judge has granted the sale of her home, feels like Nessel is failing alleged probate victims.

"I have yet to see the Taskforce step in and take any meaningful action against the judges or their appointed fiduciaries," he says. "I really feel kicked in the gut. What's happening to my mom and so many others like her is just heartbreaking to the extreme. The one hope for justice in Michigan has abandoned its people."

Tim Mulholland, CFE, MSAF a forensic accountant and certified fraud examiner who conducted and independent review of Oakland County Guardianship cases says that any investigation or audit should be independent of Michigan's courts.

"Although Oakland County was not a subject of any of the previous audits, despite the fact that it is one of the largest probate courts in the state," he says. "The close associations and business ties of court officers and the law firms involved an independent audit is recommended."

The Last Word on Guardianship

Former Michigan Supreme Court Chief Justice Elizabeth Weaver wrote of her time at the Michigan Supreme Court, "Unnecessary secrecy is the crux of the problem. It allows the worst propensities in human nature, hatred, lust for power, revenge and deceit, to take root and grow. Unnecessary secrecy enables and facilitates people, even good people to do bad things."

"Do right and fear not," she concluded.

During Nessel's [announcement](#) of the Task Force, Michigan Supreme Court Justice Richard Bernstein stated that it was the intention of the justices to finally do right by Michigan's wards.

"Our goal is to ensure that Michigan's aging population is receiving the protections promised by our laws," he said. "Our court is committed to taking action so that our adult guardianship system is providing proper care for vulnerable individuals." Whether Bernstein and his colleagues will reverse decades of secrecy concerning surrounding alleged probate corruption that has been unresolved by the Task Force's two predecessors remains in question.

Like Geller and Paul, in a statement to this investigation, Michigan Elder Justice Initiative Managing Attorney Alison Hirschel was optimistic.

“Previously, we lacked a specific champion in the Supreme Court or the Department of Attorney General who was committed to reform on guardianship issues,” she writes. “However, Michigan Supreme Court Justices Bernstein and [Megan] Cavanagh seem very determined and committed to this new effort. It is a different time than when the previous Task Forces were created. Models of and thoughts about guardianship are changing across the country and the world.”

Cohen, on the other hand, says he has “zero confidence” the Task Force will succeed where others have failed, and adds that some probate court judges and attorneys have simply blinded themselves to their own corruption.

“Guys like Chase, Jefferson and May have been running roughshod for so long that they’ve utterly lost their principles,” he says. “I truly believe that they don’t see what they’re doing as being corrupt. They’ve been breaking the rules with impunity for so long that they don’t see a problem with it. My speculation is that these are very powerful people who exert their power behind the scenes and make life very difficult for anyone who challenges their authority and their abuses.”

Abood who, with Collins, Asplund and Rice-White are part of a local probate victim’s advocacy group called SOS-Probate, believe that Michigan’s vulnerable will continue to suffer because of that impunity.

“The judges know the loopholes and use them to take advantage of vulnerable individuals and their families,” she says. “The result is that the elder becomes lost in a system overrun by the greed of public administrators whose only goal is profit. We need to start over with a new system that protects the ward, the family, their property, and their rights and wishes.”

Asplund states that given their loss of constitutional and civil rights, wards should at least have more of a voice. “They should retain the right to accept help from someone they trust, but also to refuse and cancel that aid if it is their wish,” he explains. “To remove the rights of the individual and give them to a corrupt fiduciary results in a destructive ripple effect.”

Hoyle believes the entire guardianship system must be demolished.

“A guardianship does more to alienate family members and makes it impossible for a vulnerable person to develop any relationships,” he asserts. “It’s not a useful tool and it hasn’t been a useful tool on behalf of people, ever.”

It’s a philosophy echoed by some of those individuals working on a national level.

“This is an intrusion on personhood that’s just shocking,” Southwick says. “How can you protect someone by taking away their rights? Courts say that they are protecting a ward and acting in a ward’s best interests, but who is to define what the best interests of any individual person are? What is going on must become a part of the national vocabulary. Laws are no good if no one is prepared to enforce them.”

Advocate Marti Oakley agrees.

“You have to return to a system of law,” she says. “Until we see prosecutions against these guardians and courts, this is going to go on. But these people are so well-connected and so well-funded that nothing happens. I don’t think, in my lifetime, any attempt will be made to put a stop to this. You have to disband these probate and family courts in favor of a court where the law is applied, where you do have rights and the [US] Constitution is in place.”

Falk is determined to get federal legislators to listen, despite push-back from pro-guardian advocacy groups who insist that guardianship abuse is rare and that those journalists who have investigated it exaggerated the problem.

“These are not isolated incidents,” she says. “Even if they were, one case is one case too many. This should not be happening in America. But it’s a well-oiled machine running perfectly to line the pockets of the very people denouncing our attempts to reform it. I’ve never seen anything this corrupt in my life. You can’t sugarcoat it, and it’s outrageous that we are having this discussion at all.”

Examination of Possible Systemic Elder Abuse and Exploitation Perpetrated by the Oakland County Probate Court in Detroit, Michigan in Partnership with State Agency Employees, Senior Nursing Facilities and Michigan-based Real Estate LLCs.

Lead Examiner: Tim Mulholland, CFE, MSAF

I. Background

1. On February 26, 2019 Gretchen Rachel Hammond, a freelance journalist and “Lead Reporter”, presented a status report on her investigation into alleged systematic elderly abuse and exploitation by the Oakland County Probate Court system in Detroit, Michigan. The Lead Reporter began this investigative journalist project in July 2018 and over the course of the past year conducted a review of 2,278 Oakland County Probate Court Files belonging to Public Administrator (PA) Jenifer Carney, PA Thomas Brennan Fraser, PA John Yun, and former PA and current Guardian and Conservator, Jon Munger. The cases reviewed were presided over by Judge Jennifer S. Callaghan, Judge Linda S. Hallmark, Judge Daniel A. O’Brien and Judge Kathleen A. Ryan. Further background into relevant Probate Court process and terminology include:
2. In the State of Michigan, a Public Administrator (PA) is appointed by the State’s Attorney General and can also assume the role of Guardian, Conservator of the estate, or both, of an individual declared by a probate court to be a Ward of the state.
3. The SCAO is the administrative body of the Michigan Supreme court and helps and sets the standards for Michigan trial courts, including probate courts, to operate effectively to serve the public. The SCAO provides Statewide policies, procedures, guidelines and directives for court operations. In Michigan, conservatorships and guardianships are governed by Sections 701.1101-700.1512 and Sections 700.5101-700.5422 of the Michigan Compiled Laws (MCL).
4. Under the Estates and Protected Individuals Code (EPIC) of MCL, an incapacitated Person is called a Ward, who lacks sufficient understanding or capacity to make or to communicate informed decisions.
5. A Guardian is responsible for a Ward’s care. A Conservator acts a Fiduciary who handles the finances and decisions regarding all assets of the Ward. Both Guardian and Conservator are appointed by the Probate Court. When a conservatorship is required, the Ward becomes a Protected Individual. Once a Petition has been filed against a Ward, the Probate Court assigns a Guardian ad Litem (GAL) to investigate

and determine what actions are in the best interest of the Ward, which the Judge takes into account when determining the Order regarding the Petition.

II. Executive Summary

6. According to the Michigan State Court Administrative Office (SCAO), as of December 31, 2018 there were 60,712 adults and developmentally disabled individuals under guardianship and 10,912 adults under conservatorship.
7. Oakland County Probate Court records as of December 31, 2017 show that there were 46 new adult conservatorship cases and 156 adult guardianship cases pending on January 1, 2017; 389 new filings for adult conservatorship and 1,464 new guardianship filings during the course of 2017. On January 1, 2017, Oakland County Probate Court annual filings showed that there were a total of 4,542 adults under guardianship ordered by the court, 967 new guardianships ordered and 983 guardianship cases closed, bringing the total wards under guardianship ordered by the court to 4,526, or 7.4% of the State of Michigan total adults under guardianship. There were 1,487 conservatorships ordered by the court, 323 new conservatorships ordered and 380 conservatorships closed, bringing the total conservatorships ordered by the court to 1,430, or 12.3% of the State of Michigan total adults under conservatorship.
8. The Lead Reporter focused on Oakland County Probate guardianships and conservatorships with the most open and pending cases which, as of August 1, 2019 included Jon Munger-448; John Yun-532; Thomas Brennan Fraser-416; Jennifer Carney-308 for a combined open caseload of 1,704. In historic caseload total, Munger had 1,717, Yun 1,472, Fraser 1,045 and Carney 435.
9. In many instances the petitions filed for guardianship and conservatorship of Wards lacked completeness. In some instances family members, even with Durable Power of Attorney (DPOA), were not properly notified and the speed with which such petitions were granted may have prevented proper due process at the expense of the Ward and the Ward's family.
10. A large volume of real estate transactions are done in a short period, often times as little as five days. To this point the Lead Reporter cited that of 59 probate homes listed by four realtors predominantly used by Carney, Fraser, Yun and Munger, were sold for \$2,014,389. Below market value between 2017 and 2019.
11. The disposition of Ward's assets as well as legal and other fees and expenses appear to have been taken at face value and cannot be verified or tied out in court documentation. There is a lack of transparency, especially when it comes to attorney fees, whereby the attorney is often the guardian/custodian of the Wards.
12. In many cases observed, the Wards were placed in unlicensed Adult Care Facilities (ACF) and Adult Living Facilities (ALF).

13. The Medicaid application takes place prior to the Ward meeting the minimum of less than \$2,000 liquid cash.
14. The large volume of cases brought before the Oakland County Probate Court, along with stretched resources, may be giving rise to the proliferation of improprieties. Proper due process is sometimes lacking, and appointments of guardians and conservators are hastily appointed and on the basis of scant factual information. Durable Power of Attorneys (DPOA) and Living Wills are sometimes disregarded. Individuals have been forced from their homes to live in Nursing Homes or ALFs. Estates are drained through possible overbilling, unreported expenses, theft and selling of homes below market value. In many instances, guardian/custodian accountability and EPIC requirements and reporting have not been properly followed.

III. Scope

15. This examination focused on: (a) the process of determining an individual as incapacitated (b) the court order of guardianship/conservatorship (c) prioritization of awarding guardianship and conservatorship (d) the acquisition/disposition of Wards assets and annual reports (e) the responsibility of a fiduciary in the disposition of a ward's property and real estate (f) unlicensed senior care facilities used by guardians.
16. The Wards and cases reviewed include: (a) Virginia Wahab/Munger (b) Virgil Vandecar/Carney (c) Thelma Janicki/ Carney (d) Thomas Howard/Fraser (e) Nancy Haddock/Yun (f) Real Estate transactions for Wards under the conservatorship of Carney, Fraser, Yun and Munger.

IV. Approach

17. Tim Mulholland, CFE, MSAF conducted an examination of public records that were provided by the Lead Reporter and through independent research. Given certain limitations, such as the inability to subpoena records and conduct interviews, an opinion of fact was based upon such public records as well as procedures documented and mandated by EPIC, the State Court Administrative Office (SCAO) standards and Michigan Court Law (MCL).
18. The examination included a review of:
 - A. Petitions and Orders filed with the Oakland County Probate Court.
 - B. Oakland County Probate Court (OCPC) Real Estate Sales records.
 - C. Michigan Office of the Auditor General "Audit Report, Performance of Audit of Selected Probate Court Conservatorship and Guardianship Cases", 2012.

- D. Michigan Supreme Court, SCAO, “Final Report on Investigative Follow-up Review, Statewide Phase to the Michigan Office of the Auditor General Performance Audit of Selected Probate Court Conservatorship Cases” January 2005.
- E. Michigan Supreme Court SCAO “Interim Report on Investigative Follow-up Review to the Michigan Office of the Auditor General Performance Audit of Selective Probate Court Conservatorship Cases” Issued October 2003.
- F. Index of SCAO-Approved Mandatory Use or Creation Forms.
- G. Michigan Judicial Institute 2018 “Introduction to Conservatorship & Guardian Proceedings .“
- H. Approved SCAO Options You Should Know Before Filing a Petition for a Full Adult Guardianship.
- I. Michigan Supreme Court, SCAO, “Final Report on Investigative Follow-up Review, Statewide Phase to the Michigan Office of the Auditor General Performance Audit of Selected Probate Court Conservatorship Cases” January 2005.
- J. SCAO Practices for Oversight of Conservatorship Cases.
- K. “Identifying & Addressing Fiduciary Misconduct” by Jeff Frank, Albert Frank, PC and Jennifer Parmalee, Braverman Law Group.
- L. “Compensation of Fiduciaries and Their Attorneys”, Michigan Bar Journal, January 2015.
- M. “Guardianship-Acting for Adults Who Become Disabled”, Provided by the Probate & Estate Planning Section of the State Bar of Michigan, 2016.
- N. Handbook For Guardians Of Adults, Bradley Geller, Michigan State Long-term Care Ombudsman Program, 2012.
- O. Court transcripts In the Probate Court For the County of Oakland.

V. Findings

- 19. **Virginia Wahab** Case ID: 0000370475-GA, Judge of Record: Hallmark, Linda S.; Case ID: 0000371616-CA, Judge of Record: Hallmark, Linda S.; Case ID: 0000376881-CZ, Judge of Record: Hallmark, Linda S.; Case ID:0000388834-DA, Judge of Record: O’Brien, Daniel A.
- A. Virginia Wahab (Wahab) was hospitalized in January 2016 for two-weeks until she was released and returned home and cared for by her daughter Mimi Brun (Brun), who held Durable Power of Attorney (DPOA) for Wahab. In February of 2016 Wahab stayed at Lourdes Senior Community for rehabilitation. This was covered by Wahab’s Medicare. Wahab’s Medicare coverage ceased in April 2016. Brun arranged private payment while attempting to rectify Medicare coverage. Brun left for business trip to France. During this time Lourdes filed a Petition for Guardianship, seeking a Guardian who could process proper Medicare/Medicaid filings.
- B. While in France Brun learned that a GAL had been assigned to and met with her mother and her daughter (Brun’s sister) Ellen Morgan (Morgan). Brun did not see copy of GAL report until the night before hearing on June 29, 2016. Notice of Hearing was not received by Brun: *(MCL 700.1401 states: 1) If notice of a hearing on a petition is required and except for specific notice requirements as otherwise provided by supreme*

court rule, the petitioner shall cause notice of the time and place of the hearing on the petition to be given to each interested person or the person's attorney if the person has appeared by attorney or requested that notice be sent to the person's attorney. Unless otherwise provided by supreme court rule, notice must be given by 1 of the following methods: (a) Mailing a copy at least 14 days before the time set for the hearing by certified, registered, or first-class mail addressed to the person being notified at the post office address given in the person's demand for notice, if any, or at the person's office or place of residence, if known. (b) Delivering a copy to the person being notified personally at least 7 days before the time set for the hearing. (c) If the address or identity of the person is not known and cannot be ascertained with reasonable diligence, publishing once a copy in a newspaper having general circulation in the county where the hearing is to be held at least 14 days before the time set for the hearing. (2) The court for good cause shown may provide for a different method or time of giving notice for a hearing. (3) Proof that notice was given must be made at or before the hearing and filed in the proceeding. (4) If a person entitled to notice under section 3306, 3310, 3403, 3414, 3705, or 5426 is a resident in and a citizen of a foreign country, the person required to give notice must notify the consul of the foreign nation in the city of New York or of the district having jurisdiction, or the consul, vice-consul, or consular agent resident in this state, if there is one, of the matters and with the particulars described in the relevant section of this act.

- C. The Notice of Hearing was mailed to on 6/9/2016 to 20819 Littlestone, Harper Woods, MI 48328. The correct address for Mimi Brun was 14080 Elgin, Oak Park, MI 48237. On the Proof of Service it states there was unknown service address for Mimi Brun, P.O.A. Brun claimed that the correct address was on the DPOA. Brun traveled from France to the Oakland County Probate Court hearing on Guardianship a day before the hearing began. Proper notice for interested parties is covered by MCL 700.5506.
- D. The GAL report, from Matthew J. Brown on June 27, 2016, states that Wahab had dementia. No official medical or IME was provided to support this diagnosis. *MCL 700.5306(1) sets forth that Guardianship: Court-appointed: Requires finding "by clear and convincing evidence" that the person is incapacitated, and that the appointment is necessary to provide continuing care and supervision to the incapacitated individual.* The GAL recommended granting Petition filed by Lourdes that a Guardian be appointed for Wahab. The reason cited was that Brun was in France and has done nothing to establish government benefits to resolve the \$31,000 that is owed to the nursing home. GAL Brown recommended granting the Petition.
- E. Brun attended the hearing and voiced her intent to const the Petition for Guardianship. Hallmark granted the petition and appointed Jon Munger as Guardian and Special fiduciary. Hallmark also stripped Brun of her DPOA. *(MCL 700.5313(2)(b) sets forth a prioritized list of persons who could be appointed as guardian, including a person who the ward "chooses to serve as guardian," but only if that person is "suitable and willing to serve. In this case there was no medical or professional IME (independent medical evaluation) to refute the Ward's desire to have no Guardian. Second, the Judge is required by law to honor certain priorities. The first priority is a person selected by the*

individual, him or herself, if that person is willing and able to serve. Second priority is a family member, if there is one who is willing and able to serve. If there is family disagreement, mediation should be considered. Only if the individual indicates no preference and there is no family to serve, can the judge appoint a professional guardian (PC 631 Order Appointing Guardian). Also notable is MCL700.5306(3), which states in addition, where the court finds by clear and convincing evidence that an individual is incapacitated and lacks the capacity to care for himself or herself, the court may appoint a limited guardian to provide guardianship services to the individual, but the court shall not appoint a full guardianship.

- F. On July 19, 2016, Brun filed a Motion for Reconsideration Regarding Appointment of Special Guardian and Revocation of Brun's DPOA. MCR 2.119(F) A motion for rehearing or reconsideration of a decision must be served and filed no later than twenty-one days after entry of an order deciding the original motion. Reconsideration was denied, although this ruling or result was not seen by examiner. Rather it was inferred by the subsequent Petition To Terminate or Modify Guardianship filed in March 2018 and Petition to Terminate or Modify Conservatorship filed by Brun on June 6, 2018. The Hearing Transcripts from this Petition and subsequent granting of Petition by Order that Munger be removed as Guardian and Conservatorship provide documented and sworn testimony relating to the facts surround this case. Case Nos. 2016-370,475-GA; 2016-371,616-CA.
- G. Subsequent to the Order appointing Munger Guardian and Conservator, Brun was prohibited by Munger and Lourdes from visiting her mother.
- H. Attorney fees charged by Munger from June 29, 2016 through September 30, 2017 totaled \$6,097 dollars. The invoice lacked detail and appear to have co-mingled legal fees with duties of guardianship. In addition, a police report was filed on August 8, 2017 after Munger entered the home, owned by Bradely Jay Silverstein (whom Brun had sold the home in 2017), listed items said to be stolen were recorded (*Case Report #170008875*).
- I. The Appointed GAL for Brun's Petitions To Modify Guardianship and conservatorship was Lisa J. Orlando who on March 13, 2018 filed a GAL Report with a Recommendation (Case#2016-370,475-GA) that "The original petition for guardianship for Virginia Wahab was filed by Lourdes because Virginia was not discharged after treatment according to limits to coverage for services under her insurance plan, resulting in a growing outstanding balance owed to the facility for Virginia's continued care, not due to any neglect or abuse suffered by Virginia. As a result, Jon Munger was appointed guardian by this court. The dispute over the balance due is the subject of other proceedings in this court. Under MCL 700.5313(3)(b), the Petitioner has priority over a professional guardian and, if suitable and willing to serve s guardian, the court shall appoint an adult child of the legally incapacitated individual.....I recommend that the Court grant this Petition to Modify and remove Jon Munger as guardian of Virginia Wahab and appoint Mimi Brun as guardian with full powers s permitted by statute. On June 22, 2018 GAL Orlando filed a GAL Report (Case#2016-371-616-CA)

recommending: “ I recommend that the Petition to Terminate or Modify the Conservatorship be granted and Jon Munger be removed as conservator with no succeeding conservator appointed. However, if this Court should determine that a conservator is still necessary, then MCL 700.5409(10)(d) states that Petitioner has priority over a professional conservator as an adult child of the protected individual. The petitioner, Mimi Brun is the daughter of Virginia Wahab. She is able and willing to be her mother’s conservator and is Virginia’s choice. Nowhere, in either GAL report submitted by Orlando did she say the Wahab had dementia and that she could attend Court hearing.

- J. Confiscation of personal items belonging to Brun were noted on Page 87 of the sworn testimony, line 14, Munger said that “at no time did I remove artwork, other than a single painting which hung over the wall over the mantle. Then on page 88, line 9-10, Munger said: It’s very colorful. I walk around it every day in my office (*MRPC 8.4 Fiduciary Misconduct, Improper Use of Assets or Income: A fiduciary’s improper use of assets or income prohibits self-dealing*). On page 155, line #19-25, Munger said in email to Brun, “I went to the home the following day, and it was apparent no one was residing in the home. Accordingly, we had the locks changed (Munger stated under oath that he did not have locks changed) and the home secured. Upon our entry into the home, it was apparent that you had left a great deal of personal property behind, including artwork. We deem this to be abandoned property under the law. For the time being, we are holding that personal property and artwork as security for repayment of the \$25,000 you were ordered to pay nearly eight months ago.” No statute can be found supporting this reason for entering the home, changing the locks and removing property and Order to Pay \$25,000 was neither validated nor signed by Brun and had no legal standing.
- K. On restriction of visitation rights of Wahab by Brun: page 125, line #8-15) Munger stated: there are no visitation restrictions other than for your client(Brun) that was imposed by me, in discussion with Lourdes. Brun has not visited her mother since June of 2018, or nineteen months on date of court transcripts. There are no statutes found that prohibit such restriction on the basis of money owed to a facility and without lawful notice or restriction.
- L. The transcripts show that Munger knew very little about Wahab, her condition, her wishes, her incidents, or line items for which he billed Wahab. When asked on page 130, line#8-18, if he had seen Wahab’s medical records after being admitted to the hospital, he replied: “ No, I don’t know, there may have been some, I don’t recall.” Munger also could not answer questions relating to eight annual visits and condition or evaluation Wahab as her Guardian and services for which Wahab was charged.
- M. Judge Hallmark granted Brun’s Petition to have Munger removed as Guardian and Conservator and herself appointed and DPOA restored. Wahab passed away on April 25, 2019.
- N. Upon review of the facts surrounding this case it appears that there were lapses in procedures by the Court, specifically in Notification of Hearing to Brun and the basis for

which the Petition for disallowing Brun DPOA and appointing Munger as Guardian and Conservator, the denial of visitation of Brun to Wahab, the lack of performance of duties as on the part of Munger as Guardian and Conservator, the removal of property and contradictions in sworn testimony regarding such duties.

20. **Thelma Janicki** Case ID: 2018-0000381581-GA; 2018-0000382139-CA; 2019-0000386735-DE; Judge of Record: HALLMARK, LINDA, S.

- A. On March 2, 2018 a Petition was filed by Senior Care Network External Case Manager, Matthew Martin for appointment of Guardian for Thelma Janicki (Janicki), which requested that Jenifer Carney (Carney) be appointed Temporary Guardian (no record of this petition has been obtained by this examiner other than that indicated from the Notice of Hearing. On March 7, 2018 Judge Linda Hallmark (Hallmark) granted Order, petitioned by GAL Martin, to appoint Carney Temporary Guardian (Probate Court Disposition Sheet) ahead of a scheduled full hearing for March 28, 2018.
- B. On March 8, 2018 Carney' billing invoice showed that Janicki was charged \$84.00 for a Medicaid Application through MI Bridges online and an additional \$21.00 for setting up an online account at MI Bridges. An Individual can have up to \$2,000 in countable assets and still be eligible for Medicaid (Handbook for Guardian of Adults, Bradley Geller, 2012, Michigan State Long-term Care Ombudsman Program). From the Petition To allow Accounts it showed Thelma Janicki with Balance of Assets on Hand of \$384,793.30, including a Comerica Bank account with \$73,313.30.
- C. On March 15, 2018, A Notice of Hearing was filed to hear Petition to Modify Adult Guardianship by Lisa Moberly (Moberly) whose name was misspelled on the Notice as Lisa Mobley (s/b Moberly).
- D. On March 20, 2018, Carney petitioned for Appointment as Conservator of Janicki. as Temporary Guardian. In the Petition Carney stated in #6 that "Ms. Janicki is blind and has been diagnosed with dementia among other medical problems. She has had multiple interactions with police and adult protective services for wandering, self-neglect, and failure of family/friends to help her. Ms. Janicki's estate planning attorney relayed that she does not have a valid power of attorney". There is no record of a medical diagnosis of dementia. There was only one reported instance, of wandering and no record of self-neglect and Moberly (niece of Janicki) made contact with Carney notifying her willingness and ability to provide care for Janicki. Petition was Ordered by Hallmark to appoint Carney Special Conservator to marshal assets in Flagstar Bank joint accounts.
- E. On March 20, 2018, An Order was issued Appointing Guardian Ad Litem /Attorney/Lawyer-Guardian Ad Litem Donald F. Slavin. GAL Slavin recommended on March 29, 2018 in the Acceptance of Appointment and report of Guardian Ad Litem that Moberly be appointed as Janicki's Guardian. GAL Slavin noted in his visit to Janicki, that she would like Moberly to be her Guardian.

- F. On March 28, 2018, Jennifer Carney was appointed Full Guardian of Janicki. This was despite the fact that Moberly was willing to serve as Guardian. (*MCL 700.5313(2)(b)*) sets forth a prioritized list of persons who could be appointed as guardian, including a person who the ward “chooses to serve as guardian,” but only if that person is “suitable and willing to serve.” Therefore, Judge is required by law to honor certain priorities. The first priority is a person selected by the individual, him or herself, if that person is willing and able to serve. Second priority is a family member, if there is one who is willing and able to serve. If there is family disagreement, mediation should be considered. Only if the individual indicates no preference and there is no family to serve, can the judge appoint a professional guardian (*PC 631 Order Appointing Guardian*). In addition the hearing was held and Order was granted despite the appointment of a new GAL and before his report to the court, which was completed on March 29 and filed with the court on April 4.
- G. On or about April 4, 2018 Lisa Moberly filed a Petition for Modification of Guardianship and hearing was scheduled for April 25, 2018, but was rescheduled for April 25, 2018. GAL Donald Slavin filed an Acceptance of Appointment and Report of Guardian Ad Litem on April 15, 2018 where he recommended Carney be appointed Conservator given her experience to explore any evidence of fraud that may have been perpetrated against Janicki and how she has handled multiple conservatorships in the past effectively. No record of this statement was provided to verify claim. Moberly also filed Petition For Appointment of Conservatorship stating that her Aunt, Janicki, is blind, hard of hearing, and unable to care for herself and surrounded by people who do not have her best interest at heart.
- H. On April 25, 2018 an Order Regarding Termination/Modification Of Guardian was granted giving Carney and Moberly co-guardianship. Carney was appointed Conservator.
- I. On June 29, 2018, an Order Appointing Guardian Timothy J. Barrie Ad Litem/Attorney/Lawyer-Guardian Ad Litem regarding Hearing to Terminate Adult Conservatorship and for Moberly to move Janicki back to Kentucky. On July 10, 2018, Barrie issued a vague Acceptance and Report of Guardian Ad Litem that gave no detail or indication of interview with Janicki and recommendation to grant guardianship to a professional Guardian.
- J. A Petition To Modify Guardianship was filed on July 19, 2018. On August 6, 2018, William Spenn submitted a Report of Guardian Ad Litem stating that upon his visit with Janicki, he found her aware of her surroundings and that she wished to attend hearings to contest the petitions, have an independent evaluation of her ability to care for herself, to have a court-appointed attorney and to have a full trial. She wished to return home and does not wish to be moved to Kentucky. Moberly was also interviewed and stated that Janicki was unable to care for herself and wished to move her to Kentucky where she can give her the full care that she needs. Moberly also expressed concern that Carney was dissipating funds quickly and questionably by the

conservator. Based on Sperr's visit with Janicki and Moberly, it was recommended Guardianship be scheduled for a hearing, for the appointment of an attorney and evaluation of Janicki regarding her ability to care for herself.

- K. On August 8, 2018 an Order Regarding Termination/Modification of Guardianship was granted and Moberly was appointed Full Guardian and permitted to move Janicki to Kentucky.
- L. On October 3, 2018, an Order Allowing Accounts approved the Final Account and Fees and Discharged the Fiduciary, Carney.
- M. The initial Inventory (Guardian) filed on May 4, 2018 reported Total Assets for Janicki of \$311,793.31 and amended (Conservator) on May 4, 2018 to \$394,918.25 a Comerica Bank account was discovered in the amount of \$73,313.30 and amended once again on June 4 to \$395,918.26 when Ford Motor Company shares in the amount of \$9,033.44 and Travelers Companies, Inc. shares in the amount of \$2,091.52 were discovered. Expenses from March 7, 2018 through April 24, 2018 totaled \$5,217.82 in the Account of Fiduciary, Short Form on May 16, 2018, of which Carney's legal fees totaled \$4,028 (77.2% of total). Expenses from April 25, 2018 through August 10, 2018 totaled \$49,149.48 in the Account of Fiduciary Short Form filed on August 31, 2018. Carney's legal fees totaled \$4,109.25 (8.4% of total) and Medilodge was paid \$12,708.00, in addition to Blue Cross and Medicare insurance coverage. There was also a commission paid to a Richard Mohr without detailing what he commission was for. Janicki's Jaguar was sold and no amount, other than gain from sale of \$200.00. It is deduced that the Richard Mohr commission was related to the sale of the automobile.
- N. The only detail provided on the expense reports were those of Carney's legal fees. It would be beneficial to see further detail. For example, the legal fees appear to be comingled with fees that should fall under those of Guardian fees. It is recognized in Michigan law that a fiduciary performing administrative duties cannot receive the rate of compensation as an attorney for professional services (*Wisner v Mobley's Estate*, 70 Mich 271,285,38NW 262-1888). Numerous line items on the Carney billing invoice show charges for questions related to entry into home, calls related to installing a hand rail on at Janicki's home and many others. In total, during the 107-day period from March 7, 2018 through August 10, 2018, total expenses of \$49,149.48 were 12.4% of total assets and Carney's legal fees of \$8,137.25 were 16.6% of total fees. Compensation of Attorney Fees must be for necessary services and actions undertaken must be Beneficial (*Compensation of Fiduciaries and Their Attorneys*, Michigan Bar Journal, January 2015).
- O. Upon review of the above facts there appears to be reason to question the contention on the part of Carney to pursue guardianship and conservatorships when it was discovered there was a family member willing and able to provide care for the incapacitated person. In addition there appears to be statements made by Carney that Janicki had multiple interactions with police and adult protective services for

wandering, self-neglect, and failure of family/friends to help her. This statement does not appear to be supported by actual facts surrounding this case. Last, the legal fees charged by Carney appear to be comingled with her duties as Guardian of Janicki.

21. **Virgil Vandecar:** Case ID: 2015-0000362461-GA; Judge of Record: Ryan, Kathleen, A.

- A. In the Annual Report of Guardian on Condition of Legally Incapacitated Individual for the period of December 15, 2017 through December 15, 2018 Carney checked the box (7a) stating that Vandecar's mental condition was good. Carney also checked the box (8a) that Vandecar's current social condition at Lasher Hills Care Center was excellent and (8c) stating that Vandecar also attended all social activities. In the GAL report by Drew Carnwath, on November 9, 2017 Carnwath stated that he met with Vandecar, who was moved to Lasher Hills after trying to "elope" from Grovecrest Senior Living in Pontiac, Michigan where he was first moved in August, 2017. It was further stated in the report that Vandecar, on the day was moved to Lasher Hills, was placed in lockdown after a "violent outburst where police were contacted and he was hospitalized." Carnwath further reported that Donald Badaczewski, Esq., met with Vandecar and determined that he "likely meets the threshold for impairment relative to the application of the Mental Health Code and not EPIC". Carnwath said "I believe that Jenifer Carney should file a Petition for Appointment of a Guardian for an Individual with Developmental Disability."
- B. On the Account of Fiduciary, Short Form for the period from December 9, 2017 through December 8, 2018, it showed fees paid to Jennifer Carney Law-Fiduciary Fees of \$1,090.00 and Jennifer Carney Law-Legal Fees of \$13,252.95. Jennifer Carney Law firm, serving as both Fiduciary and Attorney, was paid a total of \$14,342.95, or 28.2% of total Expenses, Losses and Other Disbursements of \$50,851.55 and 94.9% of Vandecar's Social Security income.
- C. The Jennifer Carney Law firm Invoice #51371 on 12/20/2018 shows that both Guardian duties, fiduciary duties and legal services were all billed at the \$100.00 per hour legal rate. "It has been long recognized in Michigan law that a fiduciary performing administrative duties cannot receive the same rate of compensation as an attorney for professional services." (Compensation of Fiduciaries and Their Attorneys, Michigan Bar Journal January 2015.)
- D. On 2/20/2018 Vandecar's home at 116 W. Brooklyn Ave Pontiac, Michigan was listed for \$44,900. On 2/27/2018, Carney filed a Petition Regarding Real Estate or Dwelling to Merced Lira for 41,400. On 3/21/2018 an Order Regarding Real Estate Dwelling approved the sale to Merced. On 3/28/2018 the listing was removed. The Record Date of transfer of property from Grantee Jennifer Carney to Lira Merced was 4/4/2018 as per the Fiduciary Deed (Liber 5167 Page 713 #0051297 dated 4/4/2018. The State Equalized Value (SEV) was \$19,280 (Oakland County Residential Property File 14-08-376-008). On May 7, 2018 a Notice of Mortgage Foreclosure Sale was given on 116. W. Brooklyn Ave Pontiac, Michigan under Beth

E. Vandecar, the deceased mother of Virgil Vandecar. Beth E. Vandecar was Grantor to Carney in January 2018. The Notice was that the sale (From Carney to Merced) be rescinded by the foreclosing mortgagee Earnest Inc., assigned to by original mortgage holder New Century Mortgage on April 10, 2018 (Liber 51706, page 471). Earnest claimed to be owed \$38,984.00 on the outstanding mortgage. A Sheriff's Deed on Mortgage Sale (Oakland County #61300) on 6/04/2018 by Sheriff Terrence Fortuna conducted a sale to Earnest Inc. for \$38,984.00, the amount of the outstanding mortgage in default plus interest, from Beth E. Vandecar. There was no record of previous sale to Merced on 4/04/2018. A Quit Claim Deed was filed by Earnest Inc. to Evergreen Mortgage Notes, LLC, owned by the Orion Financial Group (Record Date 12/19/2018-Deed Date 11/08/2018) was signed on November 8, 2018 for the property address; 116 W. Brooklyn Ave, Pontiac, Michigan (Liber 52451 Page 442 #0203867). Trulia estimated the value of 116 W. Brooklyn Ave, Pontiac, Michigan on 5/05/2019 at \$78,627 and compared it to other similar 3 bedroom properties in the 48340 zip code. Today, Zillow showed that this property is on the market and listed, as of 8/03/2018, at \$99,000, which was just lowered from \$104,900 on 8/02/2019. The facts surrounding the sale of 116 W. Brooklyn Ave, under the Fiduciary Duties of Carney should be reviewed for greater clarity into the complexity of the transactions.

- E. Upon review of the above facts there appears to be reason to question the competency of the Annual Report of Guardian on Condition of Legally Incapacitated Individual for the period of December 15, 2017 through December 15, 2018 and the contradiction with the Report of the GAL prior to the Annual Report being submitted. The amount of fees paid the Jennifer Carney Law firm should be further investigated as it represents a large percentage of both net with and total expenses of the Incapacitated Individual. Furthermore, the investigation should determine if Guardian and Fiduciary Duties were comingled with that of the Attorney fees. Last, the sale of property lacks the chronological documentation for such complexity and unusual nature of the transactions that took place, and if proper Fiduciary duty was prudently adhered to.

22. **Nancy Haddock:** Case ID: 2016-0000367800-CA; Judge of Record: Hallmark, Linda, S.

- A. On January 14, 2016 a petition was filed by Catherine Haddock, DPOA of her mother Nancy Haddock (Ward), for Guardianship. A Notice of Hearing was sent on January 16, 2016 and the hearing was set for February 10, 2016. Another document of Notice of Hearing, on the same date, crossed out the February 10, 2016 hearing date and a date was written in for January 20, 2016. The written change in date was not initialed.
- B. On January 18, 2016 GAL Krystal Abbott submitted a Report of Guardian Ad Litem "Regarding Petition For Temporary Appointment of Guardian" stating no objections to the Petition and recommended Temporary Guardianship be granted to Catherine Haddock. GAL Abbott reported that the Ward objected to the appointment of a

Guardian. MCL700.5106 states that the court shall only appoint a professional guardian or professional conservator if the court finds on the record all of the following:

- (1) The appointment of the professional guardian or professional conservator is in the ward's, developmentally disabled individual's, incapacitated individual's, or protected individual's best interests. On March 30, 2016, the Scheduling Order For Contested Hearing on Petition To Appoint Guardian and Conservator ordered that an independent examination shall be conducted by independent examiner Dr. Leonard Swistak. No report of this examination has been located
- (2) There is no other person that is competent, suitable, and willing to serve in that fiduciary capacity (*section 5212, 5313, or 5409*).

- C. On January 20, 2018, Jon Yun was granted Temporary Guardianship of the Ward. *MCL 700.5306(1) sets forth that Guardianship: Court-appointed: Requires finding "by clear and convincing evidence" that the person is incapacitated, and that the appointment is necessary to provide continuing care and supervision to the incapacitated individual. (MCL 700.5313(2)(b) sets forth a prioritized list of persons who could be appointed as guardian, including a person who the ward "chooses to serve as guardian," but only if that person is "suitable and willing to serve. In this case there was no medical or professional IME (independent medical evaluation) to refute the Ward's desire to have no Guardian. Second, the Judge is required by law to honor certain priorities. The first priority is a person selected by the individual, him or herself, if that person is willing and able to serve. Second priority is a family member, if there is one who is willing and able to serve. If there is family disagreement, mediation should be considered. Only if the individual indicates no preference and there is no family to serve, can the judge appoint a professional guardian (PC 631 Order Appointing Guardian). The Ward had two children, one of which filed the Petition for Guardianship and Conservatorship, and also had Medical DPOA for the Ward.*
- D. On February 10, 2016, a GAL report was filed for The Petition for Conservatorship by Catherine Haddock. The Ward preferred that Michael Hatch, father of petitioner's son whom she also trusted, was also nominated by the family and possessed vast investment and financial planning expertise, be appointed Conservator. The Ward objected to Jon Yun being appointed as Conservator. Abbott recommended that Jon Yun be appointed with vague explanation as to the reason overruling the preference of the Ward and Ward's family.
- E. Following a Contested hearing (details leading to not obtained, but serves to enlighten chronology) on Guardianship and Conservatorship on March 30, 2016, Judge hallmark appointed Yun and Ward's son Dennis Haddock as co-Guardians and co-conservators. Dennis Haddock was appointed co-guardian and co-conservator despite the fact that in the Ward's Will & Testament dated March 19, 2013, the Ward explicitly states in the Sixth Paragraph that she has made no

provisions for her son Daniel P. Haddock and where it states: "I have not ae a provision for my son, Dennis P. Haddock, and to him I leave nothing. This is not an oversight on my part, but a decision by me after due deliberation and consideration, and for reasons known only to me." In the Ninth paragraph the Ward States: "I nominate my daughter, Catherine A. Haddock, and give full power to sell, mortgage, hypothecate, invest, reinvest, exchange, manage, control, and in any way use and deal with any and all property of my estate during the administration thereof in such a manner as my Personal Representative, in her sole discretion may deem best..." Her niece Jud Podvin her daughter's successor. Catherine A. Haddock was also designated as DPOA by the Ward in a General Durable Power of Attorney signed on March 19, 2013.

- F. On June 9, 2017 Catherine Haddock, the Ward's daughter, who originally petitioned for Guardianship and Conservatorship but was denied, wrote a letter to Judge Hallmark after Petitioning For Modification of Guardian and Conservator. Catherine Haddock wrote this letter due to family concerns about the Ward's health and well-being. Specifically, the letter states concerns about (1) the need for proper annual health screenings, untreated diabetes, uncontrolled vaginal bleeding and a urinary tract infection and venous stasis ulcers and in need of a wound care specialist (there are pictures of the referred to wound). (2) No supplemental oxygen has been administered C -pap machine at night in over one year. (3) Day to day health care needs and (4) insufficient spending money.
- G. As per the Annual Report filed on May 9, 2017, there was no mention of the above medical issues and checked the box where the Ward is content with her living conditions. The Annual Report is inconsistent with the conditions described in Catherine Haddock's letter. There was also Petition to Modify Guardianship and Conservatorship. The GAL Report by Richard Strenger on January 9, 2017 recommended: "Based on my observations and my visit with Ms. Haddock, conversations with John Yun's office, with Nancy's son Dennis, with the staff at Independence Village, and calls to others, I believe there should be a contested hearing to see if Dennis Haddock should be removed as co-conservator and co-Guardian." The report cited concerned about neglect of duty on the part of Dennis Haddock.
- H. For the period from March 1, 2017 to February 28, 2018: Loss on disposition of home was \$63,105.66. Yun filed a Petition to sell Ward's home to Mike Haikin, who listed on social media profile "Flipper" for \$137,505.00 on November 3, 2017. Equalized value was \$93,910. The Home was listed at \$180,400 in the first and second Accounting Reports. An Order to Sell was granted on November 22, 2017 to Mike Haikin. On the Second Accounting it listed the Disposition at \$117,294.34 for a Loss On Disposition of \$63,105.66. No records of the sale have been viewed and there was no explanation given for how the home sold for less than that approved by the court. This transaction should be investigated further. Attorney fees were also \$10,639.51 in the March 1, 2016 to February 28, 2017 period and

were \$15,503.63 in the March 1, 2017 to February 28, 2018, for a total of \$25,693.14. The attorney fees, and other fees also, provide insufficient description.

- I. Upon review of the above facts there appears to be sufficient reason to question the appointment of Guardian and Custodian Condition in view of clear defined MCL guidelines and rulings. The physical condition and health of the Ward should also be investigated to see if proper Guardian duties were adhered to, as well as the accuracy of Ward visit and condition of the Ward in the Annual report filed by the Guardian and Conservator. The sale of the property must be investigated as the disposition of 35% of the value listed is significant and the purchaser of the home was a potential flipper. It is not clear as to the urgency to sell in such a fashion that would warrant such a discount and if proper Fiduciary Duty was prudently adhered to.
23. **Thomas Cooper Howard** Case ID: 2016-0000372887-CA; Judge of Record: Ryan, Kathleen, A.
- A. Thomas Brennan Fraser (Fraser) was appointed Conservator for Thomas Cooper Howard (Ward) on October 13, 2016. Guardian was and Abou-Rass, Bashar (Abou-Rass), neighbor and medical doctor by profession who had been taking care of Ward was appointed Temporary Guardian. The Order Regarding Appointment of Conservator claimed mental deficiency as evidence that Ward is in need of conservatorship. In Fraser's Annual report of Guardian on Condition of Legally Incapacitated Individual file don January 18, 2017, the Mental health section 6, where it asks the current mental condition , the box fair was checked. This examiner did not have any GAL report or that of a mental health professional.
 - B. During the hearing, October 12, 2016, on Conservatorship attended by Abou-Rass, as Temporary Guardian and Petitioner, Daniel A. Kosmowski as GAL, and Karen Siddal a social worker who worked with Ward in rehabilitation as Interested Person, transcripts reveal that GAL states Ward fell in COSTCO parking lot and broke his arm. A social worker at the Notting Hill rehab facility was worried about his going home with no support. This was not a medical petition or IME. Ward objected to a conservatorship and the court appointed an attorney for Ward, Melinda Cameron and also ordered a psychological evaluation. Abou-Rass was appointed Temporary Guardian and the GAL was appointed Conservator after Abou-Rass was advised by the court to file an emergency petition for Conservatorship, given that he was uncomfortable for the role. No psychological evaluation was viewed by this examiner. Of note is that actual records show Brennan being appointed as Conservator and his contract for legal fees was approved by the court. Abou-Rass never met Fraser and was caught by surprise at this appointment. An Amended Inventory (Conservatorship) was filed on October 12, 2016 showing Ward's Balance of Assets on Hand of \$1,280,154.76. Liquid cash in bank accounts totaled \$423,849.74. On December 2, 2016, a contested Hearing was held in Ryan's court but it was noted that Ward was hospitalized and waived his appearance.

The court granted Fraser the appointment as Conservator and Guardian and removed Abou-Rass as Guardian. The Ward was moved to Sunrise Senior Living in Bloomfield Hills, MI. (Sunrise)

- C. The first Account of Fiduciary was filed on December 15, covering the period from December 2, 2016 through December 2, 2017, where Fraser Petitioned and was approved for legal fees of \$14,602.33, and Fiduciary fees of \$4,215.50. The records do not show detail breakdown and appear to co-mingle Fiduciary fees with legal fees. The Account of Fiduciary show \$227,652.95 was spent during that one year period. Of these disbursements, \$48,584.80 was expensed as a property valuation markdown on Ward's vacation property in Cheboygan, MI and \$29,105.78 was expensed as a property valuation markdown on Ward's primary residence in Bloomfield Hills, MI. No record of appraisal was seen by this examiner nor were any detail of expenses associated with Patient Pay of \$100,446.36 provided.
- D. On October 29, 2017, Judith Kruse (Kruse), a former neighbor and friend of Ward, wrote a letter to the court after having visited the Ward at Sunrise. Kruse wrote that she visited the Ward on September 16, 2017 at Sunrise in Room 308. Ward was not responsive for the knock at the door and Kruse claimed that she did not even recognize him when she saw him. The room was furnished with a small television and recliner. "For a man of his means she was shocked to see his living conditions." She called Fraser's office and was told that Abou-Rass was removed as Guardian and replaced by Fraser due to conflict of interest that Abou-Rass had being named in Ward's Will. No record of any Will was mentioned in proceedings that determined Guardianship and conservatorship. If this is true, then MCL 700.5313(2)(b) provided that Abou-Rass was higher in priority for Guardianship and Conservatorship if he were willing and able, which he stated in the court record hearing on October 12, 2016, that he was. She had also expressed concern that the Ward was being neglected by the Guardian and was not responsive to her calls, nor those of Abou-Rass. In the Annual Report of Guardian On Condition of Legally Incapacitated Individual on January 4, 2018, Fraser checked the box in 3.e. that Ward's living arrangement was average and 3.f. that Ward was content with living condition.
- E. On December 8, 2016 Fraser filed a Petition Regarding Real Estate Dwelling at 3117 Restmore Road, Cheboygan, MI. for \$109,500, with an SEV of \$73,400 and listed value on first accounting of \$146,800. On January 13, 2017, Fraser filed a Petition to sell Ward's home at 5113 Provincial, Bloomfield Hills, Michigan for \$400,000., with an SEV of \$201,480.00. Both else raise the question as to the necessity to sell Real estate assets in such quick fashion. The Cheboygan offer was dated December 16, 2016 and the Bloomfield Hill sale was January 13, 2017. The Ward clearly had ample cash on hand and there was no urgency to sell. The Cheboygan sale is of greatest concern given that it sold \$37,300 below that listed on the accounting, and the \$155,000 asking price when the Ward put the home for sale in 2015. Under EPIC, trustees are fiduciaries by statutory definition. MCL 700.1104(e). It stands to reason that a

trustee's most important duty, under- lying all other duties, is his or her *fiduciary duty*. A trustee stands in a fiduciary relationship with the trust and with the trust's beneficiaries MCL 700.1212. This fiduciary relationship involves a duty on the part of the fiduciary (the trustee) to act for the benefit of the other parties to the relationship (the trust beneficiaries) regarding matters within the scope of the relationship.

- F. Upon review of the above facts there is reason to question the process of:
- (a) appointment of Guardian and Custodian
 - (b) The Account of Fiduciary and greater detail into legal fees, expenses and deposition of assets.
 - (c) The duties of Guardian as it relates to proper care of Ward and living conditions
 - (d) Fiduciary responsibilities in regard to disposal of real estate properties and the timing and urgency of such sales.

24. Real Estate Sales

(Oakland County Probate Court Real Estate Sales record #62019) on behalf of Wards from Carney, Fraser, Yun and Munger, and listing agents Keith Reynolds, Chasi Fox, Dianna Proctor and Thomas Hutt there were fifty-six real estate transactions examined.

A Fraser-Reynolds

A total of twenty homes that were listed and sold in 2018 were reviewed. Fifteen were on the market for five to sixteen days and the average for all twenty homes was twenty-three days. The twenty homes were listed for a cumulative price of \$3,107, 600, sold for \$3,002,008, verses an estimated value (Zillow and Trulia) of \$3,998,573. The realized sale price verses the estimated value was \$996,655 below the estimated value. In addition, four homes were sold for a significantly higher price within one to nine months from the original date that the homes were sold.

Case#	Date Sold	Sale Price	Date Resale	Sale Price	Difference
2015363780TV/2015361584DE	4/18/18	\$213,500	10/23/18	\$361,000	\$147,500
2015362829DE/2014360340GA	3/15/18	\$198,000	11/16/18	\$320,000	\$122,000
2017378401CA	1/5/18	\$141,500	5/14/18	\$235,000	\$93,500
2017376161DE	1/24/18	\$112,500	2/22/18	\$250,000	\$137,500
Total		\$665,500		\$1,166,000	\$500,500

B. Fraser, Yun - Fox

A total of eight homes that were listed and sold in 2018 were reviewed. Three were on the market for five to twelve days and the average for all eight homes was seventy-one days. The eight homes were listed for a cumulative price of \$887,300, sold for \$832,785, verses an estimated value (Zillow and Trulia) of

\$1,098,613. The realized sale price verses the estimated value was \$265,828 below the estimated value. In addition, two homes were sold for a significantly higher price within four to nine months from the original date that the homes were sold.

Case#	Date Sold	Sale Price	Date Resale	Sale Price	Difference
2017376639DE	7/18/17	\$110,000	3/12/18	\$165,000	\$55,000
2016369954GA	12/13/18	\$57,000	3/18/19	\$135,000	\$78,000
Total		\$167,000		\$300,000	\$133,000

C Munger, Carney – Proctor

A total of twelve homes that were listed and sold in 2018 were reviewed. Six were on the market for five to twenty-one days and the average for all twelve homes was thirty-five days. The twelve homes were listed for a cumulative price of \$1,928,950, sold for \$1,811,705, verses an estimated value (Zillow and Trulia) of \$1,904,578. The realized sale price verses the estimated value was \$92,873 below the estimated value. There were no recorded resales.

D Yun-Hutt

A total of fifteen homes that were listed and sold in 2018 were reviewed. Thirteen were on the market for one to nineteen days and the average for all twenty homes was seventeen days. The fifteen homes were listed for a cumulative price of \$2,295,000 sold for \$2,392,604, verses an estimated value (Zillow and Trulia) of \$2,798,702. The realized sale price verses the estimated value was \$406,098 below the estimated value. In addition, two homes were sold for a significantly higher price, one of which was thirty-four days from the original date that the home was sold.

Case#	Date Sold	Sale Price	Date Resale	Sale Price	Difference
2017376827GA/2017377199CA	10/26/18	\$536,000	NA	\$600,000	\$64,000
2017376045GA/2017377214CA/2017379451DE	5/11/18	\$114,923	6/14/18	\$193,000	\$78,077
Total		\$650,923		\$793,000	\$142,077

Of the fifty-five home sales sampled, the sale price was \$1,731,454 below the estimated market value. In addition, the resale of eight homes observed was \$775,577 greater than the sale price received by the Ward just one to nine months following the original sale. It is the opinion of this examiner that a further and more extensive review be conducted with real estate sales involving Munger, Carney, Yun and Fraser.

VI. Summary

It is the opinion of this examiner that there are appearances of improprieties on the part of the Guardian, and Conservator in the observed cases. As well as deficiencies in the EPIC/MCL court procedures. The volume of cases and hurried timeline sets the conditions for such improprieties to thrive. Instances of noncompliance with EPIC/ MCL procedures have been documented. Munger, Yun, Fraser and Carney, are awarded a disproportionate amount of guardianship and conservatorships and are professional Guardian/conservator for profit law firms. As such, there are appearances of conflicts of interest between what is appropriate for the Ward and the profitability of the business entities for which Munger, Yun, Fraser and Carney represent.

There were also indications of lack of proper supervisions and due process on the part of the Oakland County Probate Court in the processing of Petitions and Orders rendered thereof. Reasons for the requested guardianship and conservatorship were summarized in vague sentences and for reasons not supported by medical documentation, and often times lacking the opinion of a qualified medical professional. Further, Munger, Yun, Fraser and Carney did not appear to exhibit the level expertise that benefited their respective Wards to justify their fees.

From the analysis of annual reports, Munger, Yun, Fraser and Carney appear to have rarely visited their respective Wards, which is not surprising given the volume of Wards under their supervision. There were also indications that Wards were sent to unlicensed facilities. Fees charged were disproportionally in favor of Munger, Yun, Fraser and Carney. Legal fees may have been comingled with fees suited for Guardian and Fiduciary duties and invoices and detailed billing was found lacking. The disposal of assets are particularly of concern, especially as it relates to the sale of homes and property of the Ward.

VII. Impact

The impact of the actions by both the probate court, Munger, Yun, Fraser and Carney have caused or contributed to the suffering by vulnerable Wards and their families. DPOAs have been ignored and overridden and Ward's wishes have gone unfulfilled as a result of lax controls by the court and potential malfeasance and dereliction of duty on the part of Public Administrators, Guardians and Conservators. Of the 2,278 cases reviewed by Lead reporter, it was found that in 97% resulted in the Ward being forcibly removed from their home in less than one month after guardianship was assigned and then placed in small group AFCs and ALFs, some of which may have been unlicensed, causing additional physical and mental stress to Wards.

VIII. Recommendations

Upon the review and findings of this examination, it is recommended that a formal audit be conducted into the Oakland County Probate Court process and Jon Munger, John Yun, Thomas Brennan Fraser, and Jenifer Carney, including both legal fees charged by their respective law firms and personal financial records. A formal independent investigation should also be conducted into Real Estate transactions, including a look through to the lineage of beneficiaries of parties to the transactions, including LLCs associated with

such sales. It is beyond the capability of this examination, given the limited means with which to secure and subpoena critical documents and records of said individuals, to properly assess whether there was wrongdoing, malfeasance, misappropriation of assets and neglect of fiduciary responsibility. There appears to be enough circumstantial evidence and lack of proper procedure, documentation and due process that warrants an audit such as those concocted in 2003, 2005 and 2012 by the Michigan Supreme Court and the State Court Administrative Office.

This review clearly illustrates the need for further official investigative measures. Greater transparency is needed in this process and greater use of the rising not-for-profit entities serving vulnerable people in need of guardians and conservators should be utilized rather than for-profit businesses that are thriving at the expense of vulnerable wards.

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Gretchen Rachel Hammond is an award-winning freelance investigative journalist based out of Chicago. Her work has won or been nominated for four successive Chicago Press Club awards, been recognized by the National Association of Lesbian and Gay Journalists (NLGJA), and covered topics such as [criminal justice](#), abuse at [ICE detention facilities](#), and [alleged discrimination](#) on the part of the Illinois Department of Children and Family Services leading to the unnecessary separation of children from their parents.