

PROTECT YOURSELF AGAINST ELDER ABUSE & EXPLOITATION!

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FROM THE FLORIDA ATTORNEY GENERAL

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TAX FRAUD

One of the more common scams associated with tax season is “phishing,” which can occur when individuals pose as Internal Revenue Service (IRS) representatives and send consumers e-mails seeking personal information, allegedly for the purpose of processing refunds. The emails are usually created to look official and may include subject lines that read “Refund Notice” or similarly misleading phrases. The Attorney General reminded consumers that *the IRS does not send e-mails asking for personal information to process refunds*. Consumers can visit the agency’s website at <http://www.IRS.gov> and click on “Where’s My Refund” to check on the status of their refunds.

Another scheme which often surfaces during tax season is fraudulent charities which email consumers seeking contributions they claim can be written off as tax-deductible. Also common are Social Security refund scams which are based on offers of social security tax refunds, even though no such refund exists. The Attorney General’s Economic Crimes Division has investigated many of these complaints in the past and offers the following advice for consumers as they begin to prepare their tax returns for 2007:

- Consumers should never allow anyone purporting to be an agent for the IRS into their home unless he or she has proper identification.
- Never give out personal identification information to anyone who is soliciting money.
- Do not respond to e-mails asking for information relating to refunds. The IRS’s website is the legitimate source for checking on refund status.

Consumers may file complaints about tax-related scams and any other types of fraud by calling the Attorney General’s fraud hotline, 1-866-966-7226, or by filing a complaint online at: <http://www.myfloridalegal.com>.

FROM THE FTC (Federal Trade Commission)

www.ftc.gov

1-877-FTC-HELP (1-877-382-4357);

TTY: 1-866-653-4261

IDENTITY THEFT

How identity thieves get your personal information:

- They get information from businesses or other institutions by:
 - stealing records or information while they're on the job
 - bribing an employee who has access to these records
 - hacking these records
 - conning information out of employees
- They may steal your mail, including bank and credit card statements, credit card offers, new checks, and tax information.
- They may rummage through your trash, the trash of businesses, or public trash dumps in a practice known as "dumpster diving."
- They may get your credit reports by abusing their employer's authorized access to them, or by posing as a landlord, employer, or someone else who may have a legal right to access your report.
- They may steal your credit or debit card numbers by capturing the information in a data storage device in a practice known as "skimming." They may swipe your card for an actual purchase, or attach the device to an ATM machine where you may enter or swipe your card.
- They may steal your wallet or purse.
- They may complete a "change of address form" to divert your mail to another location.
- They may steal personal information they find in your home.
- They may steal personal information from you through email or phone by posing as legitimate companies and claiming that you have a problem with your account. This practice is known as "phishing" online, or pretexting by phone.

How identity thieves use your personal information:

- They may call your credit card issuer to change the billing address on your credit card account. The imposter then runs up charges on your account. Because your bills are being sent to a different address, it may be some time before you realize there's a problem.
- They may open new credit card accounts in your name. When they use the credit cards and don't pay the bills, the delinquent accounts are reported on your credit report.
- They may establish phone or wireless service in your name.
- They may open a bank account in your name and write bad checks on that account.
- They may counterfeit checks or credit or debit cards, or authorize electronic transfers in your name, and drain your bank account.
- They may file for bankruptcy under your name to avoid paying debts they've incurred under your name, or to avoid eviction.
- They may buy a car by taking out an auto loan in your name.
- They may get identification such as a driver's license issued with their picture, in your name.
- They may get a job or file fraudulent tax returns in your name.
- They may give your name to the police during an arrest. If they don't show up for their court date, a warrant for arrest is issued in your name.

If Your Personal Information Has Been Lost or Stolen

Financial accounts: Close accounts, like credit cards and bank accounts, immediately. When you open new accounts, place passwords on them. Avoid using your mother's maiden name, your birth date, the last four digits of your Social Security number (SSN) or your phone number, or a series of consecutive numbers.

Social Security number: Call the toll-free fraud number of any of the three nationwide consumer reporting companies and place an initial fraud alert on your credit reports. An alert can help stop someone from opening new credit accounts in your name. See [consumer reporting company contact](#)

[information](#). For more information about fraud alerts, see the [Fraud Alerts](#) box.

Driver's license/other government-issued identification: Contact the agency that issued the license or other identification document. Follow its procedures to cancel the document and to get a replacement. Ask the agency to flag your file so that no one else can get a license or any other identification document from them in your name.

If your information has been misused, file a report about the theft with the police, and file a complaint with the Federal Trade Commission, as well. If another crime was committed for example, if your purse or wallet was stolen or your house or car was broken into report it to the police immediately.

File a report with your local police or the police in the community where the identity theft took place, and file a complaint with the Federal Trade Commission. You can file a complaint online at www.consumer.gov/idtheft. If you don't have Internet access, call the FTC's Identity Theft Hotline, toll-free: 1-877-IDTHEFT (438-4338); TTY: 1-866-653-4261; or write: Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

FORECLOSURE FRAUD

Foreclosure Rescue Scams

Foreclosure rescue firms use a variety of tactics to find homeowners in distress: Some sift through public foreclosure notices in newspapers and on the Internet or through public files at local government offices, and then send personalized letters to homeowners. Others take a broader approach through ads on the Internet, on television, or in the newspaper, posters on telephone poles, median strips and at bus stops, or flyers or business cards at your front door. The scam artists use simple and straight-forward messages, like:

“Stop Foreclosure Now!”; “We guarantee to stop your foreclosure.”; “Keep Your Home. We know your home is scheduled to be sold. No Problem!”; “We have special relationships within many banks that can speed up case approvals.”; “We Can Save Your Home. Guaranteed. Free

Consultation”; “We stop foreclosures everyday. Our team of professionals can stop yours this week!”

Phony Counseling or Phantom Help

The scam artist tells you that he can negotiate a deal with your lender to save your house if you pay a fee first. You may be told not to contact your lender, lawyer, or credit counselor, and to let the scam artist handle all the details. Once you pay the fee, the scam artist takes off with your money.

Sometimes, the scam artist insists that you make all mortgage payments directly to him while he negotiates with the lender. In this instance, the scammer may collect a few months of payments before disappearing.

Bait-and-Switch

You think you’re signing documents for a new loan to make your existing mortgage current. This is a trick: you’ve signed documents that surrender the title of your house to the scam artist in exchange for a “rescue” loan.

Rent-to-Buy Scheme

You’re told to surrender the title as part of a deal that allows you to remain in your home as a renter, and to buy it back during the next few years. You may be told that surrendering the title will permit a borrower with a better credit rating to secure new financing – and prevent the loss of the home. But the terms of these deals usually are so burdensome that buying back your home becomes impossible. You lose the home, and the scam artist walks off with all or most of your home’s equity. Worse yet, when the new borrower defaults on the loan, you’re evicted.

In a variation, the scam artist raises the rent over time to the point that the former homeowner can’t afford it. After missing several rent payments, the renter – the former homeowner – is evicted, leaving the “rescuer” free to sell the house.

In a similar equity-skimming situation, the scam artist offers to find a buyer for your home, but only if you sign over the deed and move out. The scam artist promises to pay you a portion of the profit when the home sells. Once

you transfer the deed, the scam artist simply rents out the home and pockets the proceeds while your lender proceeds with the foreclosure. In the end, you lose your home – and you’re still responsible for the unpaid mortgage. That’s because transferring the deed does nothing to transfer your mortgage obligation.

Fraudulent foreclosure “rescue” professionals use half truths and outright lies to sell services that promise relief and then fail to deliver.

Bankruptcy Foreclosure

The scam artist may promise to negotiate with your lender or to get refinancing on your behalf if you pay a fee up front. Instead of contacting your lender or refinancing your loan, though, the scam artist pockets the fee and files a bankruptcy case in your name – sometimes without your knowledge.

A bankruptcy filing often stops a home foreclosure, but only temporarily. What’s more, the bankruptcy process is complicated, expensive, and unforgiving. For example, if you fail to attend the first meeting with the creditors, the bankruptcy judge will dismiss the case and the foreclosure proceedings will continue.

If this happens, you could lose the money you paid to the scam artist as well as your home. Worse yet, a bankruptcy stays on your credit report for 10 years, and can make it difficult to obtain credit, buy a home, get life insurance, or sometimes get a job.

Where to Find Legitimate Help

If you’re having trouble paying your mortgage or you have gotten a foreclosure notice, contact your lender immediately. You may be able to negotiate a new repayment schedule. Remember that lenders generally don’t want to foreclose; it costs them money.

Other foreclosure prevention options, including reinstatement and forbearance, are explained in *Mortgage Payments Sending You Reeling? Here’s What to Do*, a publication from the FTC. Find it at www.ftc.gov.

You also may contact a credit counselor through the Homeownership Preservation Foundation (HPF), a nonprofit organization that operates the national 24/7 toll-free hotline (1.888.995.HOPE) with free, bilingual, personalized assistance to help at-risk homeowners avoid foreclosure. HPF is a member of the HOPE NOW Alliance of mortgage servicers, mortgage market participants and counselors. More information about HOPE NOW is at www.995hope.org.

Red Flags

If you're looking for foreclosure prevention help, avoid any business that:

- guarantees to stop the foreclosure process – no matter what your circumstances
- instructs you not to contact your lender, lawyer, or credit or housing counselor
- collects a fee before providing you with any services
- accepts payment only by cashier's check or wire transfer
- encourages you to lease your home so you can buy it back over time
- tells you to make your mortgage payments directly to it, rather than your lender
- tells you to transfer your property deed or title to it
- offers to buy your house for cash at a fixed price that is not set by the housing market at the time of sale
- offers to fill out paperwork for you
- pressures you to sign paperwork you haven't had a chance to read thoroughly or that you don't understand.

FROM AARP

www.aarp.org

Call 1-888-OUR-AARP (1-888-687-2277)

Credit Card Fraud

Not long ago a woman dined at a favorite restaurant. She paid by credit card. When she received her next credit card bill, though, she was shocked. She saw charges of several hundred dollars for things that she didn't buy.

Credit card fraud is increasing. It costs businesses billions of dollars each year. And it costs you, too. Businesses pass these costs on to you in the form of higher prices, interest rates and fees. If you are victimized by a credit card scam, you also pay with your time and inconvenience getting your credit cleared.

You are not usually required to pay unauthorized charges – especially if you call the credit card company immediately after discovering a problem.

When the woman at the restaurant called her credit card company, they said she was a victim of “skimming” – a growing area of credit card theft. At the restaurant an employee probably ran her credit card twice, once for the meal charge and a second time on a magnetic card reader. The employee then copied the data onto a blank credit card and sold it to a third person or used it personally. The woman didn’t have to pay for the unauthorized charges.

Today, you, like most people, undoubtedly use credit cards routinely. Few people pay cash. Credit cards are just so convenient. And even though fraud is increasing, the good news, consumer advocates say, is that credit card theft is one of the easier crimes to prevent.

Credit card companies are taking steps to make the cards more secure. Some display a photograph of the cardholder so criminals can't make face-to-face purchases with a stolen credit card. Most cards have holograms, secret imprints, or hidden images so thieves have a harder time making a new credit card with a stolen card number.

Despite these improvements, you still be a victim of credit card fraud. Even though credit card companies usually won't make you pay for the merchandise that thieves buy, it can be nerve-wracking to lose a credit card or find unauthorized charges on your credit card bill. That's why it's important to protect your credit card, your credit card number, and your credit card sales slip.

Protect your credit cards:

Use common sense when it comes to your credit cards. Don't lend your card to anyone else. If you want someone else to use your credit card, go with the person and do it yourself. Some other tips:

- Only carry one or, at most, two credit cards.
- Don't write your PIN (personal identification number) on your credit card. This prevents thieves from using your card and PIN to withdraw money at an ATM machine.
- Write down the phone numbers of the credit card companies and keep them in a safe place to have them handy if a credit card is stolen or lost.
- Immediately report lost or stolen cards to the credit card company. The credit card company can stop the thief by canceling your credit card and number.

Guard Your Credit Card Number

Thieves don't need your credit card to charge merchandise to your account. They only need the card number. Criminals use stolen credit card numbers to make purchases over the phone or through the mail. Sophisticated lawbreakers can even make a new credit card with your name and number on it.

If you receive an offer for a new credit card in the mail and don't intend to use it, cut up the application form into several pieces. Some crooks go through trash looking for discarded but still usable applications in your name. Also,

- When checking out at store registers, shield your credit card from the people around you. Someone might be looking over your shoulder to copy your number.
- Don't give your credit card number to telemarketers unless you are sure they represent a reputable company or you placed the call. Con artists pretend to sell you something just to get your credit card number.

- Con artists also may pretend to be your credit card company or bank and say they need to verify your card number because of some “computer problem.” Don’t fall for this scam. Verify directly with the credit card company using the telephone number on your card, not the number the caller may give you. They number they give on the phone you may be false.
- Make sure your transactions are accurate. Be on guard for dishonest merchants who might change your credit card slip after you sign it.
- Always add up your charge slip before signing the credit card receipt. Don't leave blank spaces where additional amounts could be added.
- Never sign a blank charge slip.

Check Those Receipts

- Keep track of your credit card receipts as proof the purchases you actually authorized.
- Read your monthly billing statement carefully to see if it includes purchases or transactions you did not make. Report any to the credit card company right away.
- Always check your receipts against your billing statement. If you think a charge amount was changed, call your credit card company immediately.
- Shred your receipts and anything with your credit card number on it. Thieves go through trash looking for this valuable information.

Door-to-Door Sales: Protect Yourself from Fraud (*these tips apply to phone solicitations, also!!*)

The salesperson may be selling home improvements such as siding and storm windows, funeral contracts, living trusts, magazines, or kitchen equipment. They could offer to clean your gutters, check your chimney, or fix your steps. Be careful. You'll be glad you made the decision not to let them in. Door-to-door con artists - male or female - are charming and friendly. Their smiles are inviting. **They are successful because they seem so honest.**

Door-to-door con artists often:

Preventing Elder Abuse & Exploitation
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- Greet you by name to seem friendly. (They may have seen your name on your mail or in a city directory.)
- Use tricks to get into your home. They might say they are from a utility company and need to test your water or electricity or that they are looking for an address in the neighborhood. Don't let a creative story relax your caution on whom you let in your home.
- Come up to you while you are outside your home so you can't close the door on them.
- Want cash. If they say they'll take a check, it will probably only be when banks are open so they can cash it right away, before you have a chance to change your mind or try to stop payment on the check.
- Play on your sympathy, saying that you are letting down your family if you don't buy, or that the salesperson's own family will go hungry if you don't make the purchase.
- Say they are working in your neighborhood but can't give you names of past customers.

**** Don't allow anyone you don't know into your home. It is ok to say "NO" or "no thank you!"**

**** Always ask to see the salesperson's credentials. Many communities require door-to-door salespersons to have a permit. Look up the phone number for your local business permit office yourself and call to check the permit. (Look under City Government in the blue pages.) Using a number the con artist gives you, may connect you to the salesperson's friend.**

Investigate Both the Seller and the Offer

Take your time making a decision. Never buy right away. Tell the salesperson you will get back in touch after you have had a chance to read all the material given to you. This gives you time to compare store prices and to check the Better Business Bureau or consumer affairs office about the company. Read the information carefully to be sure you know what the quoted price includes. Are there extra charges for shipping or installation? How can you get a refund?

If You Decide to Buy

- Be certain you understand all terms of the contract. Make sure the contract is complete, signed and dated. **Have someone else review it with you!**
- Don't rely on verbal promises. Every promise the salesperson makes must be in writing or you can't hold them to it.
- Never sign a contract with blank spaces. Cross out any blanks.
- Get all terms of the sale in writing, including the total price, warranties, return policy, financing, and all conditions of sale.
- Be sure you have a street address (not a post office box number) and phone number so you can get in touch with the company.

How to Get Out of the Deal

If you change your mind within three business days, you can get out of a door to door sales contract and receive a full refund. This is called the cooling-off period. Along with your contract or receipt, you should be given two copies of a cancellation form that you need to sign, date and mail. You don't have to have any reason for canceling.

The Federal Trade Commission's Cooling Off Rule applies only to sales of \$25 or more made in person at your home or at temporary facilities such as hotel rooms, convention centers, fairgrounds and restaurants. It applies even if you invite the salesperson to come to your home. Your right to cancel for a full refund is until midnight of the third business day after the sale.

The Cooling Off Rule does not apply to car sales, purchases from a store, mail or phone orders, purchases for emergencies, or arts and crafts sold at fairs or schools.

To cancel:

- Sign, date, and mail one copy of the "Notice of Cancellation" form to the address on the form.
- Make sure the envelope is post-marked before midnight of the third business day after the sale. (Saturday is a business day.)
- Send the form by certified mail so you have proof of mailing and receipt (or hand deliver the form.)
- Keep the other copy of the cancellation form along with your contract or receipt.

If you didn't get a cancellation form, write a letter. Because the seller broke the law by not giving you a cancellation form, you have extra time to cancel. You still must cancel in writing. The sooner you do this, the better.

After You Cancel

After you cancel, the seller has ten days to refund your money and return any note you may have signed about financing the sale.

Sellers must tell you within ten days whether they will pick up the goods they have already provided or let you keep them. They cannot require you to send the product back.

ELDER ABUSE

*From the Administration on Aging
National Center on Elder Abuse
www.ncea.aoa.gov*

Warning Signs of Abuse

While one sign does not necessarily indicate abuse, some tell-tale signs that there could be a problem are:

- Bruises, pressure marks, broken bones, abrasions, and burns may be an indication of physical abuse, neglect, or mistreatment.
- Unexplained withdrawal from normal activities, a sudden change in alertness, and unusual depression may be indicators of emotional abuse.
- Bruises around the breasts or genital area can occur from sexual abuse.
- Sudden changes in financial situations may be the result of exploitation.

- Bedsores, unattended medical needs, poor hygiene, and unusual weight loss are indicators of possible neglect.
- Behavior such as belittling, threats, and other uses of power and control by spouses are indicators of verbal or emotional abuse.
- Strained or tense relationships, frequent arguments between the caregiver and elderly person are also signs. Read our section on [Factsheets & Publications](#) for more information about how caregivers can prevent elder abuse.

Most important is to be alert. The suffering is often in silence. **If you notice changes in personality or behavior, you should start to question what is going on.**

What is Elder Abuse?

Elder abuse is a term referring to any knowing, intentional, or negligent act by a caregiver or any other person that causes harm or a serious risk of harm to a vulnerable adult. The specificity of laws varies from state to state, but broadly defined, abuse may be:

- **Physical Abuse** - Inflicting, or threatening to inflict, physical pain or injury on a vulnerable elder, or depriving them of a basic need.
- **Emotional Abuse** - Inflicting mental pain, anguish, or distress on an elder person through verbal or nonverbal acts.
- **Sexual Abuse** - Non-consensual sexual contact of any kind.
- **Exploitation** - Illegal taking, misuse, or concealment of funds, property, or assets of a vulnerable elder.
- **Neglect** - Refusal or failure by those responsible to provide food, shelter, health care or protection for a vulnerable elder.
- **Abandonment** - The desertion of a vulnerable elder by anyone who has assumed the responsibility for care or custody of that person.

Elder abuse can affect people of all ethnic backgrounds and social status and can affect both men and women.

Signs of Self Neglect

Tragically, sometimes elders neglect their own care, which can lead to illness or injury. Self-neglect can include behaviors such as:

- Hoarding
- Failure to take essential medications or refusal to seek medical treatment for serious illness
- Leaving a burning stove unattended
- Poor hygiene
- Not wearing suitable clothing for the weather
- Confusion
- Inability to attend to housekeeping
- Dehydration

Self-neglect accounts for the majority of cases reported to adult protective services. Oftentimes, the problem is paired with declining health, isolation, Alzheimer's disease or dementia, or drug and alcohol dependency.

In some of these cases, elders will be connected to supports in the community that can allow them to continue living on their own. Some conditions like depression and malnutrition may be successfully treated through medical intervention. If the problems are severe enough, a guardian may be appointed.

SIGNS OF POSSIBLE EXPLOITATION

A **fiduciary** is a person in a position of trust and confidence who is required to act in good faith for another person.

Investment agent

Selling an annuity or other insurance product that consumes a good portion of the senior's monthly income.

Selling product that has larger up-front commission, and/or results in a large early surrender or cancellation fee if the senior changes their mind.

Selling product that includes too much risk for the person's age or overall circumstances.

Agent under a power of attorney

Using the person's money for the agent's own needs (to pay the agent's bills, credit cards, car payments, mortgage, etc.).

Putting the agent on the bank account as an owner, not just as an authorized signor under the authorities given in the power of attorney.

Putting the agent on the bank account as owner and removing the owner's name from the account entirely.

Using the power of attorney to change the beneficiary designations to the agent rather than to the person's previous beneficiaries (particularly in situations where the agent is not a family member).

Refusal of the agent to account to the person regarding the handling or management of the person's finances, accounts, or other property.

Family or caregiver exploitation or undue influence

Isolating the person from other friends and family.

Telling the person that the family member or caregiver is the only one that really loves them, and using language to convince the person that others do not care for the person or that their care and concern is motivated by other factors (such as greed or control).

Taking control of most, if not all, of the person's affairs.

Restricting or terminating telephone access, and controlling the receipt and sending of the person's US mail.

Using medications to subdue or “drug” the person into submission or an inability to protect themselves or respond appropriately.

Using verbal intimidation, threats, or engaging in intimidating non-verbal conduct.

Screening the person’s telephone calls.

Changing the person’s physician or other health care providers without apparent medical justification.

Refusing public services, such as Meals on Wheels or other home-based services routinely used by the elderly.

Taking the person to the caregiver or family member’s own attorney to have documents prepared for the person.

IMPORTANT FLORIDA NUMBERS **TO CALL**

To report suspected abuse, neglect or exploitation

- 1-800-96-ABUSE or 1-800-962-2873
- TDD/TTY: 1-800-453-5145
- Fax: 1-800-914-0004

In an Emergency . . . call 9-1-1.