



Commentary

Florida's Deepest Darkest Dirtiest Secret

And why it flourishes

We have documented on these pages that the guardianship crisis in Florida is full-blown. Florida leads the nation in human trafficking, Medicare and Medicaid abuse, insurance scams, IRS fraud, Ponzi schemes and all manner of fraudulent abuse of its citizens under the noses of its elected officials. While we hear lots of rhetoric about fighting fraud and fighting identity theft and fighting all manner of abuses from law enforcement and our elected officials, it's obvious that little or no progress is being made despite all the hype. This is certainly true when it comes to guardianship abuse.

Our group has been celebrating the signing into law of our first signature legislative action known as house Bill five which makes dozens of changes to the existing guardianship statute, including making guardianship abuse a felony. On the surface this would seem to be a great cause of celebration for families and victims throughout state, and it is certainly historic. But as we are learning, laws can be ignored, and without meaningful efforts at law enforcement, laws mean next to nothing. This concept has not been lost on us from the outset, but in order to change things you have to change the laws first and then engage law enforcement and prosecution.

So, in order to study the issue in greater detail so as to prove the necessity for law enforcement's cooperation, I sent out freedom of information requests to various agencies and state officials in an effort to gather statistics, data and aggregated information from state agencies with regard to questions I had about guardianship. After all, to speak intelligently about the subject when there is data, you must study that data.

The responses I got from the various agencies were shocking, incredibly disappointing and terse, but they made me understand exactly why reform will be so difficult and why this sophisticated form of abuse has been such a deep dark secret that was only obvious to those who suffered from it.

The Judicial Qualifications Commission was asked in a FOIA request whether any probate judges had been complained about or disciplined over the last 10 years. Their response was that the commission is not an agency subject to FOIA requests. They referred me to a website which talked about all of the judges that had been disciplined in the last few years and it was clear from evaluation of that website and their published data that the judicial qualifications committee acts on less than 1/10 of 1% of the thousands of complaints they receive a year. Other than an occasional slap on the wrist, this commission does not act in the public's interests and only disciplines judges when their actions are incredibly egregious, such as overt sexual misconduct, drunkenness, drug use, overt theft or other over-the-top zany actions by judges throughout the state. But as far as giving us the data that they have, they will not.

I sent a FOIA request to the Dept. of Elder Affairs requesting information about the percentage of guardianships in Florida that were preceded or initiated through an emergency temporary guardianship for the last 10 years. They replied "that after a thorough search it has been determined that the Dept. of Elder Affairs does not have any records which are mentioned in your request."

I sent a FOIA request to Dept. of Children And Families for the same information. I was referred to the Florida statute that indicates that the Dept. of Children And Families may not share even aggregated information on guardianship with anyone, except the judicial system and certain legislatures and then only by formal request. So even though they have the information I was seeking, I could not get any information from them

I sent a FOIA request to the Office of State Courts Administration who told me that they do not create or maintain any records regarding the percentage or number of guardianships in the state that were preceded or initiated by emergency temporary guardianship. They told me they were "unaware as to whether the individual Circuit Court probate courts throughout the state track the data that you are requesting".

I sent a FOIA request to the Florida Bar Association asking them to tell me how many elder law or RPPTL attorneys have been sanctioned in the last decade. They answered "*The bar's IT department was able to create a list of attorneys who have been disciplined over the past 10 years who have indicated the following practice areas noted in their bar record: Elder Probate and Trust Litigation; Real Property, Probate and Trust Law; Wills, Trusts, and Probate. The practice area designation in the bar record is voluntary and the bar's does not verify the information.*".

The information they sent to me confirmed that over the last decade not a single Probate Guardianship lawyer has ever been reprimanded in any way in the state of Florida. And most amazingly, unless a bar complaint resulted in one of those extremely rare disciplinary actions, the complaint itself was expunged from the record and the record appears revealed that no complaint was ever launched against that lawyer.

I did not even bother to ask various probate courts for data on guardianships because I did not believe that there was a snowballs chance in hell that they would ever cooperate with such a request. Same thing with the Florida State Guardianship Association.

So what is the appropriate conclusion to be drawn from this exercise?

It appears to this writer that guardianship, particularly professional guardianship is a rogue industry which operates above and in defiance of and in perversion of the law, about which no meaningful data or information can be obtained. It is an industry which is insulated and shielded from complaints from the public by institutions and elected officials who have abandoned their commitment and responsibility to be responsive to and responsible for oversight and discipline of unlicensed guardians who have repeatedly proven themselves to be sadistic, predatory and egregiously abusive on a regular basis and to continue their abuses with little or no risk.

Furthermore my recent discussions with the office of state's attorney in Miami clarify for me that in order to activate any type of even potential prosecution from the state's attorney office, a complainant would be required to convince local police to hear their complaint, accept their complaint and proceed to arrest the Guardian in question. Only after that point when the report of the arrest would be transmitted to the State's Attorney, would there even be an opportunity for the state's attorney to decide whether they would proceed to prosecute that Guardian.

Without the tools to gather data, we are left to create that data ourselves and that is the goal that AAAPG will now undertake. The information will have to come from victims and families directly after which it will be aggregated and for the first time in the history of the United States credible information and actionable data on the deep dark secrets of guardianship will see the light of day. It will be a long process but we will do our very best.

We must also commit to work with local law enforcement to make them understand the nature of the new law and their tremendous responsibility to respect it and to respect our complaints and make arrests when appropriate. To this end we have created on our website a link to a form to submit complaints to the Dept. of children and families which are automatically transmitted to local police.

Click here for the document <http://tinyurl.com/q56m5ff>

We will be initiating a campaign every victim we can find to submit such complaints were guardianships that have her continue to exist.

For now, we offer thanks to the current legislature and SHAME ON PRIOR LEGISLATURES WHO IGNORED THIS ISSUE, SHAME ON THE FLORIDA BAR FOR ENABLING LEGAL ABUSE, SHAME ON THE JUDICIAL QUALIFICATIONS COMMISSION FOR THEIR REFUSAL TO EVEN THINK A JUDGE COULD BE ACTING IMPROPERLY, SHAME ON THE DEPT. OF CHILDREN AND FAMILIES FOR ALLOWING ABUSE TO OCCUR AND FAILING TO CURB IT, SHAME ON THE DEPT. OF ELDER AFFAIRS WHO WASHES ITS HANDS OF GUARDIANS AS SOON AS THEY ARE "CERTIFIED", SHAME ON EVERY DECEITFUL PROBATE JUDGE WHO ALLOWS THIS EGREGIOUS LEGAL ABUSE TO DESTROY ADVANCE DIRECTIVES, SHAME ON EVERY PREDATORY SADISTIC GUARDIAN AND SHAME ON THE IMMORAL CONSCIENCE DEFICIENT LAWYERS THAT SHAMELESSLY PROTECT THEM JUST FOR SOMEONE ELSE'S EASY MONEY, SHAME ON THE ATTORNEY GENERAL FOR IGNORING THIS ISSUE, SHAME ON THE OFFICE OF STATEWIDE PROSECUTION FOR FAILING TO ACT ON CLEAR-CUT EVIDENCE OF GUARDIAN SELF-DEALING, SHAME ON EVERY STATE'S ATTORNEY WHO KNOWS THIS ABUSE IS A FELONY AND DOES NOTHING, SHAME ON THE SUPREME COURT FOR ALLOWING THEIR JUDGES TO ACT IN SUCH A CORRUPT FASHION FOR SO MANY YEARS AND NOT EVEN NOTICING OUR COMPLAINTS, SHAME ON THE PREDATORY REALTORS WHO STEAL WARDS PROPERTY AND RESELL IT FOR THEIR PROFIT, SHAME ON THE ANTIQUE STORE OWNERS

WHO ACQUIRE WARDS PROPERTY FOR A PITTANCE AND SELL IT FOR A FORTUNE, SPECIAL SHAME ON THE DOCTORS WHO PRESCRIBE ATYPICAL ANTIPSYCHOTICS WHEN THEY'RE NOT INDICATED FOR PATIENTS THEY HAVE NEVER EVEN SEEN, SHAME ON THE FLORIDA MEDICAL ASSOCIATION WHO KNOWS ABOUT THIS SCANDAL AND HAS DONE NOTHING FOR OVER THREE YEARS, SHAME ON EVERY LOCAL POLICE DEPARTMENT WHO HAS IGNORED OUR CRIES FOR HELP BY TELLING US IT'S A CIVIL MATTER AND THEY WON'T EVEN TAKE AN ABUSE REPORT, AND MOST OF ALL SHAME ON THE FAMILY MEMBERS WHO WOULD DESTROY THEIR OWN FAMILIES AND PARENTS SIMPLY OUT OF GREED.

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