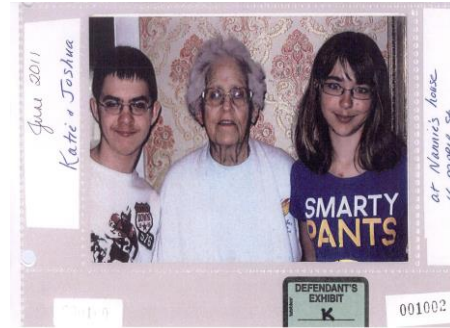


HOW TO INVESTIGATE A CASE OF ELDER FINANCIAL EXPLOITATION

Leanne Robbin
Assistant Attorney General
Leanne.Robbin@maine.gov



DATE	DESCRIPTION	AMOUNT	BALANCE
01/01	Initial deposit	1000.00	1000.00
01/15	Monthly payment	-150.00	850.00
02/01	Interest	10.00	860.00
02/15	Monthly payment	-150.00	710.00
03/01	Interest	10.00	720.00
03/15	Monthly payment	-150.00	570.00
04/01	Interest	10.00	580.00
04/15	Monthly payment	-150.00	430.00
05/01	Interest	10.00	440.00
05/15	Monthly payment	-150.00	290.00
06/01	Interest	10.00	300.00
06/15	Monthly payment	-150.00	150.00
07/01	Interest	10.00	160.00
07/15	Monthly payment	-150.00	10.00
08/01	Interest	10.00	20.00
08/15	Monthly payment	-150.00	-130.00
09/01	Interest	10.00	-120.00
09/15	Monthly payment	-150.00	-270.00
10/01	Interest	10.00	-260.00
10/15	Monthly payment	-150.00	-410.00
11/01	Interest	10.00	-400.00
11/15	Monthly payment	-150.00	-550.00
12/01	Interest	10.00	-540.00
12/15	Monthly payment	-150.00	-690.00
12/31	Year-end balance		-690.00

§353. THEFT BY UNAUTHORIZED TAKING OR TRANSFER

A person is guilty of theft if:

The person obtains or exercises **unauthorized** control

over the property of another

with intent to deprive the other person of the property

§903. MISUSE OF ENTRUSTED PROPERTY

A person is guilty of misuse of entrusted property

if that person deals with property that has been entrusted to that person as a fiduciary,

in a manner that that person knows is a violation of that person's duty and

that involves a substantial risk of loss to the owner or to a person for whose benefit the property was entrusted.

(Class D, three year statute of limitation)

If a misuse of entrusted property results in the loss of a vulnerable person's property or the loss of property entrusted to a person for the benefit of a vulnerable person and, at the time of the offense, the owner or the beneficiary of the property is a vulnerable person:

If the value of the property is more than \$1,000 but not more than \$10,000, the misuse of entrusted property is a Class C crime; and

If the value of the property is more than \$10,000, the misuse of entrusted property is a Class B crime. [2013, c. 414, §5 (NEW).]
B. [2013, c. 414, §5 (NEW).]

As used in this subsection, "vulnerable person" means an incapacitated adult as defined in Title 22, section 3472, subsection 10 or a dependent adult as defined in Title 22, section 3472, subsection 6.

"Dependent adult" means an adult who has a physical or mental condition that substantially impairs the adult's ability to adequately provide for that adult's daily needs [and] includes, but is not limited to [a] person, regardless of where that person resides, who is wholly or partially dependent upon one or more other persons for care or support, either emotional or physical, because the person suffers from a significant limitation in mobility, vision, hearing or emotional or mental functioning.

DURABLE POWER OF ATTORNEY

- I, GERALDINE E. HOXIE, do hereby appoint MEREDITH A. PURCELL my true and lawful attorney-in-fact...
- Notice to the Agent: As the "Agent" or "Attorney-in-fact," you are given power...to make decisions about the money and property belonging to the Principal and to spend it on that person's behalf.
- As the Agent, you are under a duty (called a "fiduciary duty") to observe the standards observed by a prudent person dealing with the property of another.
- As the Agent, you are not entitled to use the money for your own benefit or to make gifts to yourself or others unless the Durable Power of Attorney specifically gives you the authority to do so.
- If you violate your fiduciary duty under this Durable Power of Attorney, you may be liable for damages and may be subject to criminal prosecution.

Gerry's Interview



- Q: Did you ever authorize Meredith to write checks to herself or to take money out for her own use?
- A: I don't know. I have no idea. Whether she took it out of my account, I can't tell you that.
- Q: During the period of time, up until you realized what was happening back in March, did you ever give Meredith permission to use any of your money for her own purposes?
- A: No.
- Q: Did you allow her to borrow money from you?
- Q: As far as you know, you didn't give her permission to take any of the money for her own use?
- A: Oh no. I figured she was just paying the bills, you know.

Title 17-A: MAINE CRIMINAL CODE Chapter 15: THEFT §352. DEFINITIONS

4. "Property of another"

includes property in which any person

other than the actor has an interest that the actor is not privileged to infringe,

regardless of the fact that the actor also has an interest in the property.

Model Penal Code Commentary: "Parties to joint bank accounts also may be convicted of stealing from each other by unauthorized withdrawals from the account."

GRAND JURY SUBPOENA

YOU ARE HEREBY COMMANDED to appear before the Penobscot County Grand Jury at the Penobscot County Judicial Center, 78 Exchange Street, Bangor, Maine, on the day of , 201_ at 9:00 a.m. to testify in the proceeding of *State of Maine v* and to produce the following records: all documents relating to account numbers in the names of from [date], through [date], including but not limited to, all statements, signature cards, checks and deposit items.



EASTMILL FEDERAL CREDIT UNION
"Working hard for our Members"

ACCOUNT # 010
 4000 W. 10th Street
 East Millerville, MO 64734
 Telephone: (816) 744-1000

MEMBER INFORMATION
 NAME: [REDACTED]
 ADDRESS: [REDACTED]
 CITY: [REDACTED] STATE: [REDACTED]
 ZIP: [REDACTED]

ACCOUNT TYPE: [REDACTED]
 OPEN DATE: [REDACTED]
 BALANCE: [REDACTED]

Authorized by: *[Signature]*

Please see website at www.eastmillfcu.org

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 BALANCE: [REDACTED]

Authorized by: *[Signature]*

Please see website at www.eastmillfcu.org

Payable With Services Page 1 of 2

Check # 15428783 Account # 02186420

MEMBER INFORMATION
 NAME: [REDACTED]
 ADDRESS: [REDACTED]
 CITY: [REDACTED] STATE: [REDACTED]
 ZIP: [REDACTED]

ACCOUNT TYPE: [REDACTED]
 OPEN DATE: [REDACTED]
 BALANCE: [REDACTED]

Authorized by: *[Signature]*

Please see website at www.eastmillfcu.org

DATE: 5/15/2014

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"Working hard for our Members"

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 4000 W. 10th Street
 East Millerville, MO 64734
 Telephone: (816) 744-1000

MEMBER INFORMATION
 NAME: [REDACTED]
 ADDRESS: [REDACTED]
 CITY: [REDACTED] STATE: [REDACTED]
 ZIP: [REDACTED]

ACCOUNT TYPE: [REDACTED]
 OPEN DATE: [REDACTED]
 BALANCE: [REDACTED]

Authorized by: *[Signature]*

Please see website at www.eastmillfcu.org

EASTMILL FEDERAL CREDIT UNION
 "Working hard for our Members"

MEMBER ID: [REDACTED]
 ACCOUNT NO: [REDACTED]
 STATEMENT PERIOD: 05/15/14 - 05/31/14

MEMBER INFORMATION
 NAME: [REDACTED]
 ADDRESS: [REDACTED]
 CITY: [REDACTED] STATE: [REDACTED] ZIP: [REDACTED]

ACCOUNT BALANCE: \$1,234.56
 OPENING BALANCE: \$1,000.00
 DEPOSITS: \$234.56
 WITHDRAWALS: \$0.00
 SERVICE CHARGES: \$0.00
 INTEREST: \$0.00
 CLOSING BALANCE: \$1,234.56

Thank you for choosing Eastmill Federal Credit Union.

EASTMILL FEDERAL CREDIT UNION
 "Working hard for our Members"

MEMBER ID: [REDACTED]
 ACCOUNT NO: [REDACTED]
 STATEMENT PERIOD: 05/15/14 - 05/31/14

MEMBER INFORMATION
 NAME: [REDACTED]
 ADDRESS: [REDACTED]
 CITY: [REDACTED] STATE: [REDACTED] ZIP: [REDACTED]

ACCOUNT BALANCE: \$2,345.67
 OPENING BALANCE: \$2,000.00
 DEPOSITS: \$345.67
 WITHDRAWALS: \$0.00
 SERVICE CHARGES: \$0.00
 INTEREST: \$0.00
 CLOSING BALANCE: \$2,345.67

Thank you for choosing Eastmill Federal Credit Union.

EASTMILL FEDERAL CREDIT UNION
 "Working hard for our Members"

MEMBER ID: [REDACTED]
 ACCOUNT NO: [REDACTED]
 STATEMENT PERIOD: 05/15/14 - 05/31/14

MEMBER INFORMATION
 NAME: [REDACTED]
 ADDRESS: [REDACTED]
 CITY: [REDACTED] STATE: [REDACTED] ZIP: [REDACTED]

ACCOUNT BALANCE: \$3,456.78
 OPENING BALANCE: \$3,000.00
 DEPOSITS: \$456.78
 WITHDRAWALS: \$0.00
 SERVICE CHARGES: \$0.00
 INTEREST: \$0.00
 CLOSING BALANCE: \$3,456.78

Thank you for choosing Eastmill Federal Credit Union.