

MAINE COUNCIL ON ELDER ABUSE PREVENTION

January 24, 2014

Meeting Minutes

Attendees: Elizabeth Ward-Saxl; Jess Maurer; Holly Stover; Linda Weare; Lyn Carter; Quincy Hentzel; Kathy Brill; Kelly Glidden; Pat Hood; Nan Bell; Jaye Martin; Lynne Caswell; Judy Shaw; Kathleen Willette; Mary Jane Richards; Tracy Poulin; Jim Martin; Tim Schneider; Amanda Asfahl; Lindsay Laxon; and Lori Parham.

- 9:00-9:05 **Introductions, welcome new members, approve minutes**
- Welcome of new member, Tim Schneider, Public Advocate of Maine
 - Review of minutes – Elizabeth moved to approve, Quincy seconded, approved unanimously
- 9:05-9:45 **Presentation: Maine Office of Securities – Securities and Financial Fraud**
- *Agency's mission:* investigation and prosecution of violations of securities laws. Office functions include: licensing, reviewing registration statements for securities, investigations, examinations, and outreach
 - Office Licensing Stats for FY2011
Broker-dealers: 1311 Broker-dealer agents: 91,929
Investment advisers: 963 Investment adviser representatives: 2023
 - Corp Fin FY2011
29,380 applications to register, 237 private placements
 - **Examinations:** as a result of Dodd-Frank, Maine was given larger population of investment adviser representatives to regulate. All “switch” advisers have now been visited.
 - **Investigations and Enforcement**
 - Office fully funds an assistant attorney general position in criminal division to prosecute cases
 - Administrative or criminal remedies preferred, as opposed to civil.
 - The Administrator has full subpoena authority under the Maine Uniform Securities Act and conducts on the record interviews (sworn testimony)
 - The Office works with regulators are the federal level (FBI, US Attorney’s Office), and national organizations (NASAA).
 - Cases can take anywhere from 6m-3yrs to investigate
 - 2010-2011- sanctions 27 respondents, \$8.8M in restitution, \$2.4M penalties (\$ goes to general fund), consent agreements (not disclosable)/orders (reportable)- all on our website, 3 summary C&D (for those that are difficult to locate), referred 8 cases for civil/criminal prosecution, 3 criminal cases prosecuted successfully.
- Enforcement Cases - Highlights**
- North Atlantic Securities
 - While conducting an examination, examiners found questionable transfers from the representative’s elderly mother-in-law’s account to his, and the rep

had forged her name to documents to effect the transfers. The case required a three day administrative hearing, at the conclusion of which, the Administrator revoked the license of broker-dealer and investment adviser (the entities), and the rep's license, too. Currently awaiting a law court appeal decision.

- Eric Murphy- criminal case involving a commercial real estate broker. Convinced family and friends to invest in a real estate venture which resulted in him selling unregistered securities and forging documents. He was convicted of theft by deception, securities fraud, and forgery – he received the most severe sentence we have had in Maine: 9 years, 9 years concurrent, and 4 years for forgery.
 - James Philbrook – NH insurance agent who was also licensed in Maine convinced elderly couple \$190k+ into a pay per view program to be hosted by Carmen Elektra. The pay per view program never existed and Philbrook used the couple's money to pay off his son's embezzlement restitution.
 - He was convicted of theft by misapplication and received 8 years, all but three suspended
 - Jesse Bean- Insurance agent in Aroostook County who sold a 78 year old client an annuity and then convinced the client to sell annuity prematurely to enter into a real estate transaction in WI which was a scam. He is paying restitution to the estate of the victim.
 - Thomas Renison/Peter DiRosa – convinced 77 year old Maine resident to invest \$600k for big vacation/golf resort in Eastern Europe. None of it existed, DiRosa sentenced to just under 5 years
- Maine law allows for award of restitution in hearing by the Administrator. While the failure to pay restitution when ordered by the Administrator can be pursued in civil court, it cannot be pursued criminally.
 - If the victim has passed away, restitution payments go to authorized representative for the estate.

New Role as Intake Agency for Financial Institution Referrals for Elder Abuse

- The Office also serves as the first point of contact for the new Financial Institution Training developed by the MCEAP working group: Federal guidance now allows reports of suspected elder financial abuse to state authorities, beyond APS. The Office of Securities will be an intake agency for those that are not dependent or incapacitated. The Office will work with APS and other agencies to ensure that referrals from financial institutions go to the right place. The Office will review and analyze information and report back to financial institution regarding status of investigation (close feedback loop). Plans are to enter into an MOU with APS and LSE to work collectively, along with the Ombudsman.

9:45-10:00 Update from the Outreach and Education Committee on Elder Abuse Summit and Outreach Materials

Review of documents provided by email to the group

- Brochure is in the works - will have draft for next meeting
- Gaps in membership needs to be discussed at next MCEAP meeting
- Website redesign in progress – announcement will go out when most updates have been made
- Summit – May 14th – draft agenda reviewed
 - Exhibitor tables will be by invitation only

- 200 something attendees max
- Outstanding question of whether to charge for admission, payment for food may not be covered by grant, but that will be discussed further.
- Elder Abuse Awareness Day
 - Coordinated social media campaign – schedule of FB, Twitter stuff
 - Bumper stickers

10:00-10:15 **Discussion by Policy Committee on Systems Work Completed and Recommended Next Steps**

- Monitor background check program Delaware
 - Workforce background check grant at point of showing to providers how the web portal will work.
 - Nursing facility administrators will be able to look up potential employees on web portal for listing on sex offender registry, law enforcement issues, and nursing licensure status. DE has greater number of resources for review, including an APS registry. The system uses free resources to provide information in a central place and also runs reports and can be used to send letters to check references.
 - Wrap back feature- in DE system, fingerprints go into the system and if you get arrested in the future, it notifies the facility that you have an arrest, so that the facility doesn't have to keep checking every year. There is no state statute in Maine that requires fingerprints for those working in home health or nursing.
- Discussion about whether the state/ interested parties etc. want to pursue legal changes to require fingerprints for CNAs and those that work in a licensed care facility. This is a hot topic right now.
- Partnering with Maine Council on Aging and speaker of the house to move forward with initiatives and ideas that came out of Speaker's Roundtable and Summit on Aging. One take away was the need to use technology to keep to people in their homes, but also being mindful of privacy issues and avoiding additional avenues for exploitation.

Priorities:

1. Strengthen connections between first responders and various agencies to ensure appropriate referrals and additional training. Need to be broader in approach in getting information out to folks
 2. Increasing number of TRIADS
 3. User friendly planning tool for older adults and their caregivers to avoid financial exploitation – significant interest from financial institutions
 4. Create financial exploitation strike force in Maine- still at conversation stage with law enforcement and prosecutors. Aging Summit audience wants amber alert style system like a fraud center, to send out alerts.
- Executive council of the Maine Council on Aging will meet next week to discuss recommended/prioritized ideas that will come back to the MCEAP for possible new work groups
 - Initiative: Facilitate and support ongoing emergency and transitional housing for older victims of abuse and exploitation. Jim Martin and Doreen McDaniel are working with Jess

Mauer to put together a statewide meeting to discuss what we have and how to develop new options. Hopefully this will happen in February.

- Speaker was very interested in having MCEAP take a role in moving some of the Aging Summit actions forward. Steering committee for MCEAP will be meeting next week to talk about MCEAP's approach to the Maine Council on Aging executive committee recommendations. The MCEAP Steering Committee will come back to the full Council with recommendations on how to move forward with some of these action items.
- No systems work memo created, so no updates on that.

Additional Comments

- AARP has launched a Fraud Watch Network. Folks can sign up and search the site and sign up for alerts that will give new scams. Lauri is happy to provide additional information. This may be added as a link to the MCEAP website; Lauri will send the information to Dona.
- Jaye will resend the Save the Date for the Elder Abuse Summit.

10:15-10:30 Update from the Financial Exploitation and Law Enforcement Officer working groups

- Prevention and early detection- Law enforcement WG will be creating quick reference guide that officers can use to refer calls to the right place. Ensuring a "warm handoff", including lists of agencies by county – final draft should be out in February and will do testing with small law enforcement groups. Hopefully going out statewide in March.
- Police Chief's Roadshow in the fall will present the opportunity to provide information. Ricker Hamilton at OADS might also be a resource.

Question to the Group: USM nursing students need a trainer for elder abuse broadly. Has MCEAP established a plan for handling these types of requests?

- No process for MCEAP itself. APS can provide training, LSE the same. Because this is a statewide group, perhaps this might be something that the education and outreach committee can work on. In the meantime, use ad hoc approach.

10:30-11:00 Discussion of community best practices and upcoming events

- Feb 7th: Judy to speak at brokerage firm conference for DAs and law enforcement to discuss elder abuse.
- Feb 8th: Spectrum Generations in Hallowell features an event for seniors about bullying.

Additional Comments:

- SAGE Maine may be interested as they work with GLBT elders– bullying can be a big issue, especially with housing as seniors no longer get to choose their neighbors.
- NO Bull project may also be able to spread the word: young man with FB page and website who goes around the state and promotes no bullying.
- Money Minders will be expanding statewide. AAA got a grant to resume for a year. There is an advisory council that will be created looking for members. Hoping for March/April for most of AAAs to have some capacity.