

**Patricia E. Benabe**



April 2, 2008

Dear Ms. Caldwell:

I am writing you to inform you of the most recent developments (3/27 – 4/2/08) regarding my continuing requests for help for my mother who is currently under the "guardianship" of Lutheran Services. I recently sent a letter to your department with a number of complaints and received a response from Brian Lee who said I should forward all further correspondence to you. I am attaching the letter in case you have not read it so what I have to say now will make some sense. Below is a new complaint that has not been addressed.

On 3/26/08 new complaint...My mother Helen Woichowski placed a call to her case worker Sheila Gauday requesting a ride to court for her granddaughter's trial. According to Florida law as an (alleged) victim in the case she **has a right to be present at all hearings and/or proceedings**. Sheila told my mother she had no knowledge of any court proceeding but would get back to her. My mother placed another call on the following Friday and was told Sheila was not in...she called back later and was told that Sheila was busy...my mother placed 3 more calls and no one picked up the phone...is that treating a person with dignity or respecting their rights? My mother has all her capacities no matter what Lutheran Services say and it is very upsetting to her to be talked to like she is an idiot. I have witness who speak to her and have gone to visit her. All Lutheran Services has is papers signed by "professionals" **who have not even had contact with her. In other words a lot of rubber stamping has gone on.**

I placed a call to the ombudsman's office after my mother informed me of Sheila's response to her request. On 3/27 I received a call from Marilyn Dos Santos...she met with my mother later that day...On 3/31 I received a call from Marilyn and she informed me that all Lutheran Services papers were in order (her opinion) and that she didn't see any problems other than **me upsetting my mother by sending her a copy of her rights as an incapacitated person and also her rights under guardianship and as the alleged victim**. She also informed me that there was a letter dated 2/1 08 from Dr. Gabriel stating that court would be too taxing for a person in her condition. This is double-speak as far as I'm concerned. Sheila tells my mother that she is not aware of any court proceedings yet Marilyn Dos Santos tells me about the letter. This letter was solicited from Dr. Gabriel for the sole purpose of keeping my mother silenced. This they have been trying to silence her since the very beginnings of this fiasco.

My mother told Ms. Dos Santos over and over that she wants to be in court and that what she has been through since her kidnapping and that is what is upsetting to her. Yet, Ms. Dos Santos, according to my mother, kept telling her how wonderful and lucky she was to be at Heron East. Where is the advocacy for my mother here? My mother is in more peril if she does not get to court. None of the "guardians" or professionals know my mother or her disposition.

You need to check Marvin Potter's report as he is the ombudsman who gave me the direct line to my mother's room (941-343-1249) which was not even given to my mother by Pauline Cook who is director of Heron East **or was she ever given or told her rights as a resident of the facility.**

Ms. Dos Santos also told me that (do not know who she spoke to from Lutheran Services) **that both my mother and my daughter said that I was dead, that being the reason that the agents of Lutheran Services involved in this case did not make contact with next of kin.** Yet, Atty Neil Scott (guardianship attorney for Lutheran Services) when I questioned him on this matter told me "we did the best we could at the time" and brushed me off. I asked Dos Santos if believed that my mother and daughter made those statements. She then told me that my mother and had enough money to live on the rest of her life **but spent lavishly on her**

family. Who is she that she can make these judgmental and arbitrary statements regarding a family she knows nothing about?

Ms. Dos Santos told me that my mother now enjoyed a better quality of life. How would she know this when she has no idea of the quality of life my mother had before this fiasco began and who is she that after an hour visit know anything about the family or the quality of life they enjoyed together? She again told me that I was the one upsetting my mother by sending her a copy of her rights as an "incapacitated person," and "rights under guardianship." According to all the statutes I read it is the duty of these individuals involved to inform my mother of her rights and make sure that these rights are protected. My mother's rights in all areas have been consistently denied by these people from who are supposed to be her "guardians" especially in the area of communication with those of her choice. Not to mention that they never informed her of the "guardianship" hearing nor did she ever get to speak to an attorney prior to the hearing. Nor did the alleged attorney stand up to defend my mother when she told the judge that she wanted to go back and live with her family. Where was her defense and why do they keep trying to make me the villain in this case? Their papers might be in their proper place in the book but the reality is that there is a cover-up going on.

On 3/29 there was a message on my answering machine from my mother. I called but her phone was not answering. I waited about 15 minutes and called back as this is the usual time I call her and still no answer. I called the desk and asked Lisa to check to see if my mother was o.k. as she was not answering...she came back and told me my mother was in her room. I told her I was going to call again and if there was no answer that I would call her back. When I did call her back she said the phone wasn't working. I asked her to report this and told her that my mother is highly stressed now with the court proceedings about to take place and that she needed open communication. I asked her to patch me through to my mother's room and she told me that she could not do that as she was on a portable phone. Does the main switchboard number use a portable phone?

3/30/08. I again called 941-343-1249 and again no answer. I called the main number and told Martha the phone wasn't working and she said she knew it. I told her I needed to speak with my mother she put me on hold and then Irma came on and said she would have my mother call me. She also gave me Ann Ridings number as she was the "guardian" on call. The phone was supposed to be fixed that day but as I write it is not. I did not call Ann Ridings she will not return my calls.

My mother called me again on 3/31 and still no resolution to the phone issue. I left a message with Judy to tell them to repair my mother's phone. On 3/31 I once again called the ombudsman's office; spoke to Jane Irwin about the phone situation. I then called a family friend (Lisa Parziale) to tell her of the latest activities in regard to allowing my mother free communication. She dialed my mother's number (3 way calling which I don't have) and a message came on saying it is an invalid number to try again. We tried this several times with the same result. Called Sheila Gauday and left a message for her to call me re: the phone situation. I also put in a call to Pauline Cook from Heron East and left her a message. As of today neither of them has called back. I called the desk again to see if Martha had delivered the message to my mother and she told me that Pauline was taking care of it. My mother told me that Pauline never gave her any messages. I called the phone company to check the line and they said that because the phone rings on the callers end they can't check it. This number no longer rings in her room.

4/1/08, my mother called and while I was on the phone I dialed her phone number from my cell phone and the phone was ringing. I asked her if she was calling from her room or another phone. She said she was in her room. I should have gotten a busy signal if she was calling from her room number. Something was done to her phone. This is absolutely outrageous behavior from people who are supposed to be her "guardians."

4/2/08 Deacon Umberto went to visit my mother this afternoon. She had called him to have someone to talk to because of the situation. She needs to talk to someone she feels safe with. He had not been in the room 10 minutes when he was called out of the room by a staff person. I do not have her name right now. Only he and God know what the staff person told him as he did not return to my mother's room. According to Florida statutes my mother has a right to communicate freely with anyone she wishes. My

mother happens to be a Catholic and she called a Catholic clergy person to unload on and they made him leave. They are purposely using her "health" as a guise to abuse her rights to speak freely. It is not I who is upsetting my mother. Ask her!!! She has been upset ever since she was placed under their "guardianship" without her knowledge or concurrence. I don't care what papers they have in their files. My mother says she didn't sign my daughter's power of attorney away and she tells me over and over that Ann Ridings came in her room one day and asked her to write her name on a piece of paper to see how it was spelled . I would like to see the original documents and see if her signature is merely Xeroxed or signed in ink.

Why have these "guardians" from the very beginning held my mother incommunicado for a year before the ombudsman intervened? I have it in writing that they denied my mother her calls based on a medical decision because calls were upsetting to her. No one ever asked my mother who she wants to communicate with. Even prisoners have a phone list. What is their purpose in trying to silence her other than trying to cover up their unethical and criminal behavior in this case?

I will call the Sarasota ombudsman's office again tomorrow and ask for another ombudsman to remedy the phone situation. My mother will also call them in the morning.

Marilyn Dos Santos did not advocate in my mother's best interests. What is stressing my mother out is her treatment and the bogus charges filed against my mother by Lutheran Services behind her back and her continued incarceration. You need to ask my mother what her wishes are. She made her end of life wishes formal before she moved to Florida. When she relocated to Florida she had Attorney Goldsmith draw up her wishes according to Florida law.

I ask that you forward this complaint to the proper offices for resolution if you find that it is not in your purview. My family has endured enough. My mother needs the phone situation rectified before she flips out. She is able to call out from her room at this time but no one can get through to her and the people at the desk, especially Martha do not deliver messages. One last thing...when she calls now the number that comes up is the main number for Heron East. What is being done to my mother is psychological torture to say the least.

Sincerely,

Pat Benabe (next of kin)