

*Patricia E. Benabe*  
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Dear Mr. Lee:

I am writing you in response to the "thorough" investigation you claim your agency made on my mother's (Helen Woichowski) case.

The first question I have for you is who is the "we" that spoke to my mother? It certainly was not you or anyone else from your office. Mr. Potter (ombudsman) was helpful in getting my mother the private phone number to her room she was entitled to from the beginning which had been withheld from her by the "guardians" and administrator of Heron East. Pauline Cook denied at that time that my mother was not allowed phone calls I have it on paper from a Linda Whitefeather from your office that the calls were "restricted for medical reasons" which is a blatant lie. They said the calls to my mother were upsetting to her and that she "had to be medicated" after the calls. This is another blatant lie which I can prove. I can forward you the communication with Ms. Whitefeather because I doubt very much if your office included this correspondence in your investigation. Mr. Wagner (ombudsman) was going to further investigate the situation when his wife took sick and removed himself from the case.

Then along comes Ms. Dos Santos who would not listen to what my mother was saying because she kept telling my mother that she now enjoys a better quality of life. Since when has Ms. Dos Santos become the family historian? How does she know what kind of quality of life my mother enjoyed before her kidnapping by Lutheran Services? Ms. Dos Santos merely regurgitated the lies Ann Ridings has told the police and other agencies to justify her actions in this kidnapping and the continued violation of her basic rights. Ms. Dos Santos did not do her job as an ombudsman intervening to make sure my mother's rights were not violated. **She told me that my mother spent lavishly on her family. How does she know this and who is she to make that kind of judgment without knowing any history? And since when did my mother have to get permission from anyone to spend her money as she saw fit.** This is mere regurgitation on the part of Ms. Dos Santos. She said my mother is better off where she is. How can she make that determination without no prior knowledge of the family and its history? Neither she nor the agents of Lutheran Services know anything about this family. Dos Santos said that Ridings hired two companions for my mother because she didn't have visits...another blatant lie which can also be proven. **My mother has not had any companions at any time.** And Ms. Dos Santos had the nerve to tell me that I was upsetting my mother by sending her copies of her rights. **Is not on the "guardians" to inform my mother of her rights and ensure that they are protected?** How can you protect yourself from abuse when you don't know what your rights are? And why is nothing being done about the current phone restrictions? There is absolutely no reason for my mother not to be able to receive phone calls and the desk refuses to give her any messages. Is she a threat to national security?

**If it is indeed your mission and statutory obligation to ensure my mother's rights why cannot she receive phone calls from anyone she chooses especially from me her only child and next of kin?** This recent and reoccurring phone restriction happened right after my mother called her case worker to ask for a ride to court (in May) which is her right as an (alleged) victim. However, the agents of Lutheran Services made sure that they had a letter from Dr. Gabriel stating that "it would be too much for her" to go to court. Did Dr. Gabriel or anyone else ask my mother her side of the story and if living stripped of her family and possessions and being confined to an impersonal institution where she does not want to be too much for her? **Is this phone and visiting restriction not considered retaliation for her trying to exercise her rights?** Are they afraid that someone might just expose their allegations of dementia and incompetency and find them guilty of wrong doing in this case?

Is it treating her with dignity when Ann Ridings would not let her read her records both medical and financial to which she has a right? Attorney Scott left her waiting all day for him to bring the records to her like he told her he would...Is it treating her with dignity? When Ann Ridings asks her "what kind of family do you have that you paid for your granddaughters wedding? Whose business is it anyway? I am

not familiar with any laws that say a family cannot take care of one another or pay for a wedding. And who are they to say things about her family like that to her? Is this treating her with dignity? She is a human being who deserves respect and her voice needs to be heard. She is being treated as if she has no value.

**Under your laws my mother has a right to unrestricted communication and visits.** Is not the rule of law supposed to apply to my mother's rights also? Under rights of incapacitated person (which she is not) she still retains **a right to the courts.** (Chapter 744 (k)...she has a right to counsel (t)and especially (c) the right to "be restored to capacity at the earliest time." and what about (f) I'll forgo the medical neglect and send that to the **Dept of Children & Families who are also negligent in investigating my concerns because they are also guilty of rubber-stamping in this case.**

Is it not stripping her of her rights when a Deacon from the Catholic Church went to visit her upon her request and was told to leave and that she could not have visits? **This is a blatant violation of her right to religious freedom.** What plausible reason do they have to deny her a pastoral visit especially when she is under intense stress from two years of internment, the manufactured one-sided charges against her granddaughter, and her needing that spiritual care?

According to Section 429.28 of Florida Statutes my mother has the right to exercise her civil and religious liberties...yet the "guardian" has continually violate her rights by using the law as a tool to subvert, obstruct, and deny my mother her rights and to do so without any concrete evidence to back them up. Your agency has failed to live up to it's obligation to protect her rights in this facility.

Furthermore the departments and agencies you mentioned in your response have been contacted. However, my mother's incoming phone calls are still suspended since last May and she is to have no visitors. She is not an enemy combatant. These restrictions should be immediately removed. The only reason for these punitive restrictions is that they don't want people to see that they are lying about her physical condition and the illegal means by which they obtained guardianship which will soon come to light.

And **who is this "council that they can make a determination on a person's life without ever having contact with the person in question using only the word of the agents of Lutheran Services who do not have evidence to back up their claims.** This is a human being we are talking about and not merely a case number for billing purposes. For your agency to close the case is a violation of your mandate to ensure that my mother's rights under the law are upheld. **Confidentiality is merely being used as a ruse to dismiss the facts regarding the unlawful violation of her right to freely communicate and your agency has not lived up to its obligations under the law.** I would hope that you will have the human decency to re-open this case or at least refer these complaints to an agency to further investigate these complaints.

Sincerely,

Pat Benabe

----- Original Message -----

**From:** [Brian Lee](#)

**To:** [patb42@sbcglobal.net](mailto:patb42@sbcglobal.net)

**Cc:** [Clare Caldwell](#)

**Sent:** Wednesday, May 14, 2008 3:34 PM

**Subject:** Re: Your concerns about the Long-Term Care Ombudsman Program

Dear Ms. Benabe,

Thank you again for writing to Florida's Long-Term Care Ombudsman Program. After a thorough review of our case documentation regarding your mother, the Southwest Florida Long-Term Care Ombudsman Council has determined that further issues regarding your mother's guardianship would be most appropriately addressed by the judicial system.

It is our mission and statutory obligation to advocate for the rights of long-term care facility residents; as a matter of course, we have spoken with your mother concerning her rights and wishes and are unable to disclose the specifics of our communication with her as we are bound by a promise of resident confidentiality. If you feel your mother has been the victim of abuse, neglect or exploitation, the appropriate organization for you to alert is the Department of Children and Families' Adult Protective Services (APS), which you have mentioned is currently involved in an investigation. If you wish to again contact APS, you may do so toll-free by calling the APS hotline at 1-800-96-ABUSE (1-800-962-2873).

All the best,

Brian Lee  
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