

Pat Benabe

From: "Pat Benabe" <patb42@sbcglobal.net>
To: "Governor Charlie Crist" <Charlie.Crist@eog.myflorida.com>
Sent: Friday, April 18, 2008 7:15 PM
Subject: Helen Woichowski/Lutheran Services...Ombudsman program a sham in this case

Dear Governor Crist or Peggy:

This is the response I received from Elder Affairs. It took a while to compose myself after I read the response from Ms. Caldwell...my comments are below meanwhile my mother continues to endure "invisible abuse" and violations of her rights by the "guardians".

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

From: "Clare Caldwell" <caldwellcr@elderaffairs.org>
To: <patb42@sbcglobal.net>
Sent: Tuesday, April 08, 2008 4:00 PM
Subject: Status Update

Dear Ms. Benabe: I am in receipt of your e-mails and letters regarding your mother. As you may be aware, the Long Term Care Ombudsman Program is a statewide, volunteer-based advocacy organization seeking to ensure the health, safety, welfare and rights of Florida's long term care residents. Our local district council has investigated the issues you have raised. As advocates, our roles are often challenging and require a high degree of conscientiousness with regard to confidentiality and professionalism. It is the responsibility of the ombudsmen to stay focused on the welfare of the resident.

After hearing the issues and investigating the facts and circumstances the Southwest District Council has determined that the outcome of your mother's case now rests with the judicial system. We are unable to intervene. It is the decision of the District Council to close this case and end our involvement.

Sincerely,

Clare Caldwell
 District Coordinator
 Southwest Florida Long Term Care Ombudsman Council
 2295 Victoria Ave., Room 135
 Ft. Myers, FL 33901
 239-338-2563
 caldwellcr@elderaffairs.org

I beg to differ with Ms Caldwell as the issues raised concerning health, safety, welfare, and rights of Helen Woichowski have and are consistently being violated by the "guardians" of Lutheran Services, namely Atty Neil Scott, Ann Ridings, director, Sheila Gauday, case manager, Pauline Cook, director Heron East and the issue of "**retaliation**" does come under the guidelines of the Ombudsman program.

As a resident of an assisted living facility according to the long-term care rights (<http://ombudsman.myflorids.com/rights.php>) she has a right to "**present grievances** and changes in policies, procedures, and services to the staff of the facility without restraint, interference, coercion, discrimination or REPRISAL." She called her case worker Ms. Gauday to ask for a ride to the court proceedings, hence the REPRISAL came two days later of absolutely no visitations and no incoming calls

and no more direct line to her room. To me that falls under the guidelines of the ombudsman program re: **reprisals, safety and welfare of the resident**. She is upset that no one in authority has ever spoken to her about the alleged charges against my daughter...her granddaughter...regarding the house refinancings...no one from the sheriff's department ever spoke with my mother during this so-called investigation...all the information is based on the words of the agents of Lutheran Services...**none** from the alleged victim...I find her being silenced in this way is a gross obstruction of justice...by the agents of Lutheran Services and should be immediately investigated by the Attorney General's Office as this type of abuse of the elderly is widespread and unconscionable.

The agents of Lutheran services have gone so far this time as to deny my mother a visit from a clergy person (Deacon Alvia from St. Jude's Church, Sarasota (4/2)...one whom she called. The excuse they gave for not letting clergy in to visit my mother is that I called the Deacon...phone records will prove this false...and if I did call which I didn't...what kind of twisted logic are they using to deny this visit for spiritual comfort? especially when they claim she is in "failing health," sedated and incompetent...the "guardians" do not have any personal contact with my mother...I am the one who knows her emotional state and the stress she is under...Who are they and what kind of power do they possess to deny her from speaking with me? They are isolating her to cover up the fraudulent and deceitful actions they took to obtain her guardianship and press charges against my daughter period...and it is the sole reason for trying to isolate her from having outside communication from the very beginnings of this nightmare...for if she has "dementia" as they claim she would not be able to communicate with me and tell me or anyone who has visited with her what is going on in the facility or try to exercise her rights under the law... the last ombudsman Marilyn Dos Santos stated to me that it was me upsetting my mother by sending her copies of her rights as an incapacitated person, as a resident of an assisted living facility, and guardianship laws is not acceptable...again this is twisted logic...persons with dementia or incompetency would not understand nor would she try to act on these rights that she was never informed that she had...they are claiming that she is sedated and incompetent which the two former ombudsmen, the Deacon and visitors she had can testify that she is not...and so can anyone else working in the facility to which she is confined.

I would think the onus is on the "guardians" to inform her of her rights and to protect those rights...as they are mandated by law to do...how can they justify my not being able to call my mother when she has stated that she wants to talk to family and friends...even prisoners' have a phone list...and why does Atty Scott say that my mother needs protection at this time??? Protection from whom??? Surely not from family and friends.

After two years of trying to navigate the system the least Ms Caldwell could have done is give a name and number of who to contact instead of me having to spend my days making calls and finding out it's no one's department...I will continue to work toward exposing the illegal capture of my mother and her assets...and also the ineptitude of those who are charged to make sure the rights of the elderly are protected. They are denying her constitutional rights of free speech, and her religious rights have not been honored...in this case the law is being used as a bullying tool by an officer of the court to keep my mother silenced to hide the unlawful and unethical practices of said agents...my mother is not safe under the guardianship of these people...she was in their possession from 1/06 but did not see her primary care physician until 7/07...she has not had her blood pressure taken since Sue (former nurse) quit after the new management took over...why does this woman have to go through being treated as if she were a non-human and of no value?...she is my mother, a citizen of this country and a human being who did nothing but have a stroke...and why are they saying that "she spent her money lavishly on her family" (quote from Dos Santos)...how does she know what my mother spent her money on and why...and is that a crime if she spent on her family?...she did labor in factories to earn that money since she was sixteen? Was that not her right to spend her money as she saw fit? Does anyone know the family situation that led to these decisions to refinance? No one ever asked my mother. Do you not see something wrong with this picture?

I sent the same letter that I originally sent your office to the Attorney General's office...I have not even received an acknowledgement from them as of this date...one would assume that the Attorney General's Office would investigate this situation since it involves criminal activities on the part of the agents...The

agents of Lutheran Services spent a significant time calling the real estate agent at the time of my mother's capture and stopping the sale of the house...yet they never asked the simple question is there next of kin and now the last ombudsman Marilyn Dos Santos said that my mother and daughter told them I was dead...that makes no sense at all...and the ombudsman also told me that the "guardians" had hired two companions for her because she doesn't get any visits. My mother laughed when I told this to her as she has never had any "companions"...there is more fraud going on in this case. Why all the lies? Is this why they denied an "incompetent, totally incapacitated, woman with dementia" to see her records. They know well that my mother can read and process information especially when it comes to money.

I have phone records, and other evidence I can present...I would not have become involved if there was even a slight chance that my daughter was guilty of the charges...my mother has related to me over and over that she never signed any paper taking the power of attorney away from my daughter nor did she ever have a conversation with anyone about guardianship...this all stems from an argument my daughter had with Denise Kostenius the social worker at Kensington Manor who initiated this fiasco in the first place.

Lun Namgoong from Dept of Children and Families went to visit my mother...I gave her the names and phone numbers of 3 witnesses...to this date she has only called one...she told my mother that she would be back in 3 months...my mother is approaching 90...she doesn't have time to wait...what are these agencies responsible for the protection of the elderly doing? Why is not my mother's private phone number not restored?

I am asking that something be done before it is too late....is there anyone with a sense of justice any more? Or is Helen Woichowski's fate sealed because I can't afford to purchase justice for her?

I will not stop until I expose the "guardians" and expose the "cracks" in the system which allows an elderly person to be legally kidnapped...and treated as the product for profit. This is not an isolated incident and should not be treated as such. I ask that someone please investigate this situation for this injustice has gone on far too long.

peace,
pat benabe
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