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Attorney Neil Scott:
1800 Second Ave. Suite 818
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Dear Attorney Scott:

I hope this letter finds you well. I am writing you because I want my comments to be entered into the permanent records of Helen Woichowski (my mother) who is under the "guardianship" of Lutheran Services, Sarasota, Florida. I wish to have my words entered into the record as I state them and not someone else's interpretation or perception of what I have to say.

You stated in our conversation of December 18, 2007 that as an "officer of the court" it would be your duty to report any violations or irregularities regarding actions taken by Lutheran Service's or their agents (even though you are in their employment) in obtaining guardianship of my mother. I hope you are a man of integrity because I have a lot to say that needs to be heard, recorded, and investigated.

After our conversation I thought about your answers to my questions and it became clear that you base your conclusions on pieces of paper written by other "professionals" who make determinations that oftentimes leave out (knowingly or unknowingly) aspects of a given situation. The omission of relevant aspects in a given situation can and do distort the actual representation of the particular situation which has been and continues to be done by the agents of Lutheran Services. In other words this blatant omission of facts with regard to the reality of this particular situation distorts the reality of her situation.

Since the beginning of this debacle the only side being told/heard is that of Lutheran Services. They have obstructed any attempts at presenting exculpatory evidence by family and friends and by twisting facts using the alleged "incapacity" of my mother as a cloak to hide under. They claim she is "incapacitated" yet she understands "involuntary guardianship "per Dr. Gabriel" whatever that is supposed to mean because it sounds like double-speak to me.

Let me begin by saying that my mother's life and assets have been **stolen** by agents of Lutheran Services by the unethical, malicious, and deceitful actions of Denise Kostenius the initiator of this nightmare along with Ann Ridings, director of Lutheran Services. I will deal with the lies told to both myself and state agencies by case manager Sheila Gauday down the line as I now understand why the Elder Affairs officials did not respond to my requests for intervention in this situation. Shelia Gauday herself told me on November 9, 2007 that my mother was "not capable of carrying on a conversation" and I would bet my life that this is what she has told the state agencies by the lack of response from them. I am sure this statement of hers is recorded in the Elder Affairs agency records.

My mother was taken to Kensington Manor in January of 2006 because of an ongoing financial situation in the household. After her release from the hospital, due to a severe stroke, the medications costs were \$875 a month which placed an even greater burden on their already precarious financial situation. My mother could not be left alone in the house which prevented her granddaughter from holding down a full-time job or doing the necessary work to ready the house for sale. My daughter was told by a home health aid that she could have my mother placed in a facility on a **temporary emergency basis** until the home could be sold and a new residence established. My daughter and I were in communication from the time of the stroke and we agreed that this was the only option at this time for if the house was foreclosed they would all be out in the street with nothing.

In the early stages of this debacle I did not have any communication with Lutheran Services because my daughter had Power of Attorney and no one would give me any information because my daughter had the authority to act in her behalf. In good faith my daughter pursued the temporary nursing home option with the concurrence of my mother and this is where this horror story begins

On the intake form Denise Konstenius states that my mother was forgetful but made sense in her discussions even though she mentions my mother has "dementia." I would like to know how and who diagnosed my mother with "dementia" as my daughter was never informed of this by Dr. Gabriel or anyone else after the stroke. You must consider the fact that my mother was still recuperating from a severe stroke, has a speech impediment, was still somewhat disoriented, definitely not used to unfamiliar settings, professional terminology, and that she is **hard of hearing** (and still is) when all this was transpiring at Kensington Manor. My mother did agree to go to Kensington Manor of her own free will knowing that my daughter would take care of fixing up and selling the house and that she would soon be in another residence with her family, belongings, and her pets.

Konstenius stated that my mother "agrees" that she is not able to manage her own affairs and that she "understands implications of involuntary guardianship per M.D. Dr Gabriel." I know this to be a gross misrepresentation of fact as my mother would never admit to not being able to manage her own affairs and would never submit to being placed under the guardianship of any stranger especially when she has family to take care of her. I have witnesses who can testify to that fact as they are family friends for more than thirty years and know the family dynamics, history, and my mother's personality and belief system as well. They have also maintained contact with my mother since her move to Florida and have also been observers of this twisted drama as it evolved.

Kostenius goes on to say that her "only family is granddaughter, and grandson. She never bothered to ask my mother if there were any other relatives or interested parties. I would think that that would be a **standard question** to ask a person when a situation of guardianship presents itself. By the way both Ann Ridings and Kostenius were aware that Mrs. W had a grandchild and great-grandchild. Wasn't that enough of a clue to ask if there were another living relative in the picture? They never bothered to ask this question even when a family friend was trying to get "permission" to speak with my mother. Had the agents of Lutheran Services thought of anything other than stopping the sale of the house and manufacturing a case of exploitation

they would have seen my name in my mother's will. There was absolutely no attempt by Kostenius, Lutheran Services (Ann Ridings) or their legal people to see if there were any other relatives or parties interested in my mother's situation. And when I did write a letter to Ann Ridings (because she did not return my calls) again, there was no response from her. I find this lack of response unreasonable for those who claim to be working for the "best interests" of my mother. When I brought up this lack of notice of guardianship to you, you responded by saying "we did the best we could at the time." I find the attitude and actions of the agents of Lutheran Services to be an obstruction of justice by refusing to have any contact with me or hear any evidence contrary to the manufactured case they presented to the court. It shows me that the "well being" of my mother is not a consideration.

Kostenius also states that granddaughter came to "see resident one time to info house was in foreclosure and was selling house." This statement also leaves out the fact that there were plans prior to the stroke to downsize and it was with my mother's consent and knowledge that the house be sold before they lost everything. My mother had related her intent of downsizing to family friends prior to the stroke. Unfortunately because of the overzealousness of Kostenius in her position of authority she did willfully and deliberately manufacture a story of exploitation without ever asking my mother what happened to the financial stability of the household. Up until the time of the stroke my mother did manage her financial affairs and was aware of the financial problems due to circumstances that transpired in the years prior to the stroke. Also, both the probable cause report and the newspaper account present a gross lie of my mother being left with one pair of underwear and four outfits. This distortion came from Kostenius and Ridings and is an absolute lie according to my mother. This same story was also told to a family friend when she was trying to get "permission" to speak with my mother. This statement was made solely to defame my daughter.

Kostenius claims (intake form) that my mother called her bank and was told the account was overdrawn. My mother did not call any bank. How could she? She was not permitted to make or receive any phone calls while in Kensington Manor. The phone call restrictions are on record and there are the family friends who tried to make contact with my mother and were also denied. We have records. My daughter was denied calls which were very upsetting to my mother because of the lack of contact and not knowing what had happened to her granddaughter or anything else. Is it any wonder that she cried and was upset when outside contact was denied under the guise of protection...protection from whom? This action of isolating my mother from friends and relatives by Kostenius and Lutheran Services amounts to psychological torture and total incompetence in the handling of this situation and of the "professionals" who claimed they were protecting her at the very least. Are they not aware of what isolation does to one's mental and emotional health? There are certainly enough studies on what happens to one's psyche during periods of isolation. Cutting her off from the few people she has in the outside world was cruel and unconscionable. It is also a violation of her Constitutional and Civil Rights.

Elder Affairs was told that calls to my mother were upsetting to her and it was a medical decision to restrict the calls. Now that is another gross lie. Who made the medical decision? And who made the upsetting calls? My mother was upset because she had not received any calls from anyone due the restrictions placed on her. She was told she didn't know how to use the phone and/or the phone wasn't working properly. How do you think my mother felt when she

could neither make nor place calls and was cut off from the few friends and family she has left in her life? She is a highly emotional individual and felt abandoned and afraid. Does anyone understand what trauma has been inflicted on my mother by these actions that denied her outside contact for so many months? And why did not Elder Affairs question my mother themselves when I complained about her being held incommunicado? My mother has never been questioned by any of the "professionals" who have made the determinations to take away her life including you.

According to your own laws restricting a person's phone calls is ILLEGAL, yet the agents of Lutheran Services held her incommunicado for a year before an ombudsman went to the Heron East facility. At that time Pauline Cook, director of Heron East lied to the ombudsman saying that they never restricted her calls. Again I have phone records and names of those persons who answered the phones and told different stories as to why calls could not be patched through to her room. Family friends who called the facility got the same responses as me. And what upset my mother the most was a letter she received from Sheila Gauday after the ombudsman's visit giving her instruction on how to dial the phone. This is another attempt to cover-up the negligent behavior by Ms. Gauday, agent of Lutheran Services. My mother was virtually dumped into a facility without the case manager or anyone else consulting her regarding her rights or explaining institutional regulations. The "guardians" do not and have not communicated with my mother in any aspect of this situation. And why was my mother not given the direct phone number to her room when she was brought to the facility? This is a violation of her rights also.

After the ombudsman's visit with my mother he called to inform me that there is a direct number to my mother's room which the agents of Lutheran Services failed to provide to my mother and her friends and relatives. He also said that my mother is quite lucid and does not believe that she is in any way shape or form "incapacitated." I also have witnesses who did visit Mrs W who also said she was no way incompetent. She is a normal 89 year old woman who is very aware of what is happening to her, can discuss current events, past events, and hold a conversation. I would not be on the phone with her for hours each week if she had nothing to say. Ms. Gauday is perpetuating a deception by stating that my mother "does not have the ability to carry on a conversation." My mother refuses to talk to her because she says Sheila talks to her as if she were a baby.

Toward the end of the intake paper once again Kostenius states that there are "no other friends or family" and that Mrs. W. is a good ALF candidate." "we need to get finances in order"...can't read rest of intake form. My, my...all this hurry to get finances in order but without any input from my mother or concern for her emotional well being or "best interests." Why was it necessary to make that comment twice?

Had Ms. Kostenius or agents of Lutheran Services been more concerned with my mother's "well being" or "best interests" instead of her finances the family would still be intact and my mother would not be living in a constant state of grief and fear. Fear that her story will not be heard and that her granddaughter will be imprisoned for something that she did not do. Our family, like most others, has a historical relationship which no one wants to hear. My mother's financial situation has a history too. But no one in the past 2 years has been willing to

listen to my mother's side of the story because it would put this situation in perspective and prove the charges false and also show the unethical and deceitful actions taken by Denise Kostenius and Ann Ridings. Is this the reason that they tried to prevent my mother from going to her own guardianship hearing? One that she thought was regarding the sale of the house? She never was informed that this hearing was for "guardianship" which she would never have agreed to in the first place. And on top of that they tried to dissuade her from attending the hearing altogether. My mother did state in court that she wanted to be with her family. If she were "incapacitated" she would not choose to go back to a situation that would harm her. Like I stated before, none of you know the family dynamics nor do you wish to put the situation into perspective.

Ms. Kostenius had already determined in her intake paperwork that Mrs. W. was a good candidate for an assisted living facility. Who is she that she can make a determination to take away a life without any consultation with either my mother or her relatives? What happened to the social work code of ethics in this case? What happened to reasonableness? What happened to the "best interests" and well being of Mrs. W. in this instance? What happened to a "semblance of justice" in this case? And what happened to the papers my daughter signed when she brought her to Kensington Manor?

I would like to know how Mrs. W. was determined incapacitated. Who were these three phantom "mental health professionals" that I heard about from Ms. Gauday? What tests did they use to determine incapacity? My mother says she was given a 2 ½ hour test by one person who told her that she only missed two questions. Is this where the "3 mental health professionals" received their information? What standards did they use to make determination if in fact this is "the" test they used to make this determination? Did any one of them have any personal contact with her? Is this yet another paper pushing determination used to justify my mother's kidnapping? Since when does an agency have the right to terminate family relationships without just cause? And there is no just cause because there were options for my mother which no one from Lutheran Services cared to consider.

In our conversation you had already determined my daughter guilty by your comments to me. You don't know my daughter or any of her history...only what you read in the newspaper (which was planted by Lutheran Services) and by her name being on 2 house refinancing papers...you do not have a clue as to why these refinances were done or what was done with the money. You do not know the situations in the household that led to the decisions to refinance. Yet, our lives were turned upside down because there was not even a hint of an attempt by Lutheran Services to find out if other family members existed nor would they listen to any evidence to prove their story wrong. It is all one-sided and manufactured. And since I am not in a financial position to hire an attorney to reverse the guardianship or should I say pay the ransom my mother continues to languish in an impersonal facility that does nothing other than feed and bed her.

What investigation did the Sheriff's department make? They obtained the bank statements and decided that there was some kind of fraud. How? Who did they speak with? No one spoke with my mother...of course she was determined by the court to be "incapacitated" by the "three phantom mental health professional" who never spoke to her therefore she is relegated

to the status of an idiot and put on the “pay her no mind list.” Ask her how she feels about this and the anxiety and misery it has and is causing her. She is an emotional human being not merely a case number for billing purposes. That is something every one of the “professionals” has failed to take into consideration. There has been no checking...just rubber-stamping. Just look at how the “probable cause” entry begins. “...victim had four changes of clothes, 1 pair of slippers, and 1 pair of underwear.” How would the investigator know this? There is no inventory sheet and no one ever checked the contents of the suitcases. Ask my mother and she will tell you that is another lie.

Another example of the unprofessional conduct by agents of Lutheran Services is when I called Attorney Raymond Miller after I found out the court hearing was not for the sale of the house but for “guardianship.” He began by asking how long since I saw my mother. I told him that it had been a while. He then said, “**boy is she a mess**, if it weren’t for us she’d be penniless.” I told him to hold on because he did not know what he was talking about...that he did not know us or the family situation. He then told me “boy do we have evidence on her.” I couldn’t believe my ears. He was as excited as if he had just found the WMDs. He then told me I had “no rights and to go get a lawyer.” I did not find him ethical or reasonable by any standards and his comments were surely not those of someone looking out for my mother’s “best interests.” If he were indeed concerned with my mother’s “best interests” why did he not want to speak with a family member regarding the present situation?

When my mother did contact Attorney Miller and told him that her granddaughter did not exploit her he listened and told her he would get back to her when he found something out. This was in February 28, 2007. He has never returned her call. However, he did write a letter to the State Attorney saying “she sounded sincere” but ended the letter saying she was declared “totally incapacitated.” Miller knows after listening to Mrs W that she is quite aware of what is going on. He says felt “compelled” to write the prosecutor and defense attorney...so he knows she is not “incapacitated” because this letter was to cover him and not the “best interests” of his client.

Also when my daughter requested that my mother be retested he told her that she had already been tested enough and that testing cost money. Is that retort in my mother’s “best interest?” And where does it say a real estate lawyer has the knowledge or power to determine whether my mother is retested or not? If he were working in her “best interests” he should have been willing to hear evidence that would benefit my mother and not Lutheran Services.

My mother said she had her first contact with Miller after the court hearing when he walked up to her and stated “well I guess I’m your attorney.” And I did listen to the transcript of the hearing and neither my mother nor daughter had any legal representation. NONE. And from listening to the transcript I can tell from some of the answers my mother made that she did not **hear** the questions and did not understand that her freedom was on the line. I guess that does not matter to anyone. Another bed filled and the assets which she worked for confiscated by the agency.

Apparently Miller contacted Lutheran Services after my mother’s call because two days later a demonizing article appeared in the Sarasota newspaper. I will never forget that day as long as I live. **Charges: woman rips off grandma.** There is not a statement of truth anywhere

in that article as it is framed to demonize, judge, and convict in print. Todd Ruger (staff writer) never replied to my email to let the other side of the story be presented. Also that very night the phone restrictions were issued to all staff once again. Lutheran Services again tried to hide from my mother the charges they are pressing against her granddaughter. Why the need to do all this behind her back? Did they think that she would not find out? Why did no one, the police, the agents acting on behalf of the state agencies ever ask my mother what the refinancing was about? Oh yeah, forgot, she is "incapacitated."

When the article hit the paper the edict to restrict all calls was once again implemented full force. Even night and weekend staff now restricted calls. It was impossible to get through. If the agents of Lutheran Services are so sincere in their alleged efforts to protect the elderly why then did they initiate all these proceedings behind my mother's back and act illegally by shutting down her phone and then lie to the state agencies regarding this issue? Also on the intake form it is said that "granddaughter estranged at this time." Well duh...my mother is a captive in their facility and my daughter is out on the street without transportation.

Now let me tell you about case manager Sheila Gauday. She told me that it was her decision as to when my mother could receive calls or not...that she had that authority. She did not have that authority according to Florida law. And who made the "medical decision?" My mother did not have any contact with any doctor until July of 2007. Why are the agents of Lutheran Services telling lies especially in regard to my mother's ability to communicate?

There was no just cause to restrict calls as my mother wanted to have contact with relatives and few friends she has left. Gauday claims she knows my mother. She has not spent more than 10 hours with my mother since this fiasco began. Her involvement with my mother has been transportation to the doctors' offices period. And by the way, it took over a year for my mother to get an appointment with her primary care physician after a stroke of this magnitude. Gauday also told me on 11/19/07 that my mother "did not have the capacity to carry on a conversation." I told her that was an outright lie. I speak with her for hours every week. My mother does not talk to Gauday because she does not like the way she talks to her. She said Gauday talks to her as if she were a child. None of you even know this my mother or her personality. As case manager Gauday should have asked my mother who she wanted on her phone list or who she wanted contact with as it is Florida law. This consideration was not afforded to her. Why do they want to keep all their actions hidden from the supposed "victim?" My mother is not the victim of her granddaughter. She is the victim of Lutheran Services who violated Florida law to gain guardianship.

Did it ever dawn on anyone of my mother's "guardians" that she is an emotional human being with human needs like the need to communicate and be treated with respect? Did it ever dawn on the "professionals" that my mother does not have anyone in the area to visit with her, take her out shopping or for a ride? Do they not know that if my mother does not have people she trusts to communicate with that she can lose her ability to communicate? My mother is not a social person. She has let very few people into her life over the years and to deny her human and civil rights because they refuse to take any evidence other than their own is unconscionable and criminal.

My mother is a working class woman who has worked in factories since she was 16 years old. She paid her taxes, voted, worked, and went to church. Her family was her life. She took care of her father, mother, sister, and brother who all died at home. She is very attached to my daughter and grandson who have lived with her off and on for most of their lives. The behavior and actions of the agents of Lutheran Services have torn the family apart and left my mother to languish in an institution cut off from the only people in her life. There has been no fairness, justice, or reasonableness in the handling of her situation. She committed no crime and is not incapacitated by any stretch of the imagination. She is 89 and frail in body but not in mind. She does not need keepers. She deserves to have her rights restored and be able to spend her last days with family as she wishes. All this time in this institution has taken a toll on her emotionally and physically.

According to Florida law when the state takes away "a person's right to personal freedom, minimal due process requires the proper written notice and a hearing at which the alleged incompetent may appear to present evidence in his/her own behalf." Other factors such as (the opportunity to confront and cross-examine adverse witnesses before a neutral decision-maker, representation by counsel, findings by a preponderance of the evidence, and a record sufficient to permit meaningful appellate review are concomitant rights in this context that are also required and "cannot be abridged without compliance with due process of law..." Guardianship proceedings must comport with constitutional notions of substantial justice and fair play."

My mother was not afforded any of these rights especially minimal due process. All the so-called evidence you claim to have is based on Kostenius' interpretation of events and not on substance. My mother did not have a lawyer representing her as Miller had no communication with her prior to the hearing. My mother did not have an opportunity to cross-examine the allegations (and that's all they are) made by Kostenius or Ann Ridings. When she told the judge that she "could handle her own money" that did not mean that she agreed to taking power of attorney away from her granddaughter. My mother has always controlled her money and still has the capacity to balance a checkbook.

Meanwhile, my mother's health and "well-being" have been seriously compromised. She lives in an impersonal institution and her "guardians" have no concern whether her personal needs or emotional needs are being met. The main focus from the beginning has been her personal assets and the prosecution of my daughter and nothing more. My mother is a victim of a system that has made judgments on paper and not on the reality of the situation.

My mother placed a call to you on January 3, 2008 requesting her medical and financial and other records. She placed another call to your office on January 12. She has not received any of her records to which she has a right. I would appreciate it if you expedite her request. She has a right to know what is said about her and has a right to know what her "guardians" have done with her assets. She also does not have time on her side. Also she was upset by your comment to her asking if "she was going to come in and pick up the records" and then telling her that "you don't have them that Sheila has them." Would you disrespect your mother by talking to her like that? I ask that in the future you talk to her with respect. She is a human being who has been traumatized enough by the actions of the agents of the agency you represent.

I will end here for now. I have much more to say and will in the very near future. A hard copy will follow.

Sincerely,