

To: Gretchen Rachel Hammond

From: Timothy Mulholland, CFE,MSAF

RE: Examination of Possible Systemic Elder Abuse and Exploitation Perpetrated by the Oakland County Probate Court in Detroit, Michigan in Partnership with State Agency Employees, Senior Nursing Facilities and Michigan-based Real Estate LLCs.

Date: July 31, 2019

I. Background

1. On February 26, 2019 Gretchen Rachel Hammond, a freelance journalist and “Lead Reporter”, presented a status report on her investigation into alleged systematic elderly abuse and exploitation by the Oakland County Probate Court system in Detroit, Michigan. The Lead Reporter began this investigative journalist project in July 2018 and over the course of the past year conducted a review of 2,278 Oakland County Probate Court Files belonging to Public Administrator (PA) Jenifer Carney, PA Thomas Brennan Fraser, PA John Yun, and former PA and current Guardian and Conservator, Jon Munger. The cases reviewed were presided over by Judge Jennifer S. Callaghan, Judge Linda S. Hallmark, Judge Daniel A. O’Brien and Judge Kathleen A. Ryan. Further background into relevant Probate Court process and terminology include:

2. In the State of Michigan, a Public Administrator (PA) is appointed by the State’s Attorney General and can also assume the role of Guardian, Conservator of the estate, or both, of an individual declared by a probate court to be a Ward of the state.

3. The SCAO is the administrative body of the Michigan Supreme court and helps and sets the standards for Michigan trial courts, including probate courts, to operate effectively to serve the public. The SCAO provides Statewide policies, procedures, guidelines and directives for court

operations. In Michigan, conservatorships and guardianships are governed by Sections 701.1101-700.1512 and Sections 700.5101-700.5422 of the Michigan Compiled Laws (MCL).

4. Under the Estates and Protected Individuals Code (EPIC) of MCL, an incapacitated Person is called a Ward, who lacks sufficient understanding or capacity to make or to communicate informed decisions.

5. A Guardian is responsible for a Ward's care. A Conservator acts a Fiduciary who handles the finances and decisions regarding all assets of the Ward. Both Guardian and Conservator are appointed by the Probate Court. When a conservatorship is required, the Ward becomes a Protected Individual. Once a Petition has been filed against a Ward, the Probate Court assigns a Guardian ad Litem (GAL) to investigate and determine what actions are in the best interest of the Ward, which the Judge takes into account when determining the Order regarding the Petition.

II. Executive Summary

6. According to the Michigan State Court Administrative Office (SCAO), as of December 31, 2018 there were 60,712 adults and developmentally disabled individuals under guardianship and 10,912 adults under conservatorship.

7. Oakland County Probate Court records as of December 31, 2017 show that there were 46 new adult conservatorship cases and 156 adult guardianship cases pending on January 1, 2017; 389 new filings for adult conservatorship and 1,464 new guardianship filings during the course of 2017. On January 1, 2017, Oakland County Probate Court annual filings showed that there were a total of 4,542 adults under guardianship ordered by the court, 967 new guardianships ordered and 983 guardianship cases closed, bringing the total wards under guardianship ordered by the court to 4,526, or 7.4% of the State of Michigan total adults under guardianship. There were 1,487 conservatorships

ordered by the court, 323 new conservatorships ordered and 380 conservatorships closed, bringing the total conservatorships ordered by the court to 1,430, or 12.3% of the State of Michigan total adults under conservatorship.

8. The Lead Reporter focused on Oakland County Probate guardianships and conservatorships with the most open and pending cases which, as of August 1, 2019 included Jon Munger-448; John Yun-532; Thomas Brennan Fraser-416; Jennifer Carney-308 for a combined open caseload of 1,704. In historic caseload total, Munger had 1,717, Yun 1,472, Fraser 1,045 and Carney 435.

9. In many instances the petitions filed for guardianship and conservatorship of Wards lacked completeness. In some instances family members, even with Durable Power of Attorney (DPOA), were not properly notified and the speed with which such petitions were granted may have prevented proper due process at the expense of the Ward and the Ward's family.

10. A large volume of real estate transactions are done in a short period, often times as little five days. To this point the Lead Reporter cited that of 59 probate homes listed by four realtors predominantly used by Carney, Fraser, Yun and Munger, were sold for \$2,014,389. Below market value between 2017 and 2019.

11. The disposition of Ward's assets as well as legal and other fees and expenses appear to have been taken at face value and cannot be verified or tied out in court documentation. There is a lack of transparency, especially when it comes to attorney fees, whereby the attorney is often the guardian/custodian of the Wards.

12. In many cases observed, the Wards were placed in unlicensed Adult Care Facilities (ACF) And Adult Living Facilities (ALF).
13. The Medicaid application takes place prior to the Ward meeting the minimum of less than \$2,000 liquid cash.
14. The large volume of cases brought before the Oakland County Probate Court, along with stretched resources, may be giving rise to the proliferation of improprieties. Proper due process is sometimes lacking, and appointments of guardians and conservators are hastily appointed and on the basis of scant factual information. Durable Power of Attorneys (DPOA) and Living Wills are sometimes disregarded. Individuals have been forced from their homes to live in Nursing Homes or ALFs. Estates are drained through possible overbilling, unreported expenses, theft and selling of homes below market value. In many instances, guardian/custodian accountability and EPIC requirements and reporting have not been properly followed.

III. Scope

15. This examination focused on: (a) the process of determining an individual as incapacitated (b) the court order of guardianship/conservatorship (c) prioritization of awarding guardianship and conservatorship (d) the acquisition/disposition of Wards assets and annual reports (e) the responsibility of a fiduciary in the disposition of a ward's property and real estate (f) unlicensed senior care facilities used by guardians.

16. The Wards and cases reviewed include: (a) Virginia Wahab/Munger (b) Virgil

██████████/Carney (c) ██████████ Carney(d) Thomas Howard/Fraser (e) Nancy Haddock/Yun (f) Real Estate transactions for Wards under the conservatorship of Carney, Fraser, Yun and Munger.

IV. Approach

17. Tim Mulholland, CFE, MSAF conducted an examination of public records that were provided

by the Lead Reporter and through independent research. Given certain limitations, such as the inability to subpoena records and conduct interviews, an opinion of fact was based upon such public records as well as procedures documented and mandated by EPIC, the State Court Administrative Office (SCAO) standards and Michigan Court Law (MCL).

18. The examination included a review of:

- A. Petitions and Orders filed with the Oakland County Probate Court.
- B. Oakland County Probate Court (OCPC) Real Estate Sales records.
- C. Michigan Office of the Auditor General “Audit Report, Performance of Audit of Selected Probate Court Conservatorship and Guardianship Cases”, 2012.
- D. Michigan Supreme Court, SCAO, “Final Report on Investigative Follow-up Review, Statewide Phase to the Michigan Office of the Auditor General Performance Audit of Selected Probate Court Conservatorship Cases” January 2005.
- E. Michigan Supreme Court SCAO “Interim Report on Investigative Follow-up Review to the Michigan Office of the Auditor General Performance Audit of Selective Probate Court Conservatorship Cases” Issued October 2003.
- F. Index of SCAO-Approved Mandatory Use or Creation Forms.
- G. Michigan Judicial Institute 2018 “Introduction to Conservatorship & Guardian Proceedings .”

H. Approved SCAO Options You Should Know Before Filing a Petition for a Full Adult Guardianship.

I. Michigan Supreme Court, SCAO, "Final Report on Investigative Follow-up Review, Statewide Phase to the Michigan Office of the Auditor General Performance Audit of Selected Probate Court Conservatorship Cases" January 2005.

J. SCAO Practices for Oversight of Conservatorship Cases.

K. "Identifying & Addressing Fiduciary Misconduct" by Jeff Frank, Albert Frank, PC and Jennifer Parmalee, Braverman Law Group.

L. "Compensation of Fiduciaries and Their Attorneys", Michigan Bar Journal, January 2015.

M. "Guardianship-Acting for Adults Who Become Disabled", Provided by the Probate & Estate Planning Section of the State Bar of Michigan, 2016.

N. Handbook For Guardians Of Adults, Bradley Geller, Michigan State Long-term Care Ombudsman Program, 2012.

O. Court transcripts In the Probate Court For the County of Oakland.

V. Findings

19. **Virginia Wahab** Case ID: 0000370475-GA, Judge of Record: Hallmark, Linda S.; Case ID: 0000371616-CA, Judge of Record: Hallmark, Linda S.; Case ID: 0000376881-CZ, Judge of Record: Hallmark, Linda S.; Case ID:0000388834-DA, Judge of Record: O'Brien, Daniel A.

A. Virginia Wahab (Wahab) was hospitalized in January 2016 for two-weeks until she was released and returned home and cared for by her daughter Mimi Brun (Brun), who held Durable Power of Attorney (DPOA) for Wahab. In February of 2016 Wahab stayed at Lourdes Senior Community for rehabilitation. This was covered by Wahab's Medicare. Wahab's Medicare coverage ceased in April

2016. Brun arranged private payment while tempting to rectify Medicare coverage. Brun left for business trip to France. During this time Lourdes filed a Petition for Guardianship, seeking a Guardian who could process proper Medicare/Medicaid filings.

B. While in France Brun learned that a GAL had been assigned to and met with her mother and her daughter (Brun's sister) Ellen Morgan (Morgan). Brun did not see copy of GAL report until the night before hearing on June 29, 2016. Notice of Hearing was not received by Brun: *(MCL 700.1401 states: 1) If notice of a hearing on a petition is required and except for specific notice requirements as otherwise provided by supreme court rule, the petitioner shall cause notice of the time and place of the hearing on the petition to be given to each interested person or the person's attorney if the person has appeared by attorney or requested that notice be sent to the person's attorney. Unless otherwise provided by supreme court rule, notice must be given by 1 of the following methods: (a) Mailing a copy at least 14 days before the time set for the hearing by certified, registered, or first-class mail addressed to the person being notified at the post office address given in the person's demand for notice, if any, or at the person's office or place of residence, if known.(b) Delivering a copy to the person being notified personally at least 7 days before the time set for the hearing. (c) If the address or identity of the person is not known and cannot be ascertained with reasonable diligence, publishing once a copy in a newspaper having general circulation in the county where the hearing is to be held at least 14 days before the time set for the hearing. (2) The court for good cause shown may provide for a different method or time of giving notice for a hearing. (3) Proof that notice was given must be made at or before the hearing and filed in the proceeding. (4) If a person entitled to notice under section 3306, 3310, 3403, 3414, 3705, or 5426 is a resident in and a citizen of a foreign country, the person required to give notice must notify the consul of the foreign nation in the city of New York or of the district having jurisdiction, or the consul, vice-consul, or consular agent resident in this state, if there is one, of the matters and with the particulars described in the relevant section of this act.*

C. The Notice of Hearing was mailed to on 6/9/2016 to 20819 Littlestone, Harper Woods, MI 48328. The correct address for Mimi Brun was 14080 Elgin, Oak Park, MI 48237. On the Proof of Service it states there was unknown service address for Mimi Brun, P.O.A. Brun claimed that the

correct address was on the DPOA. Brun traveled from France to the Oakland County Probate Court hearing on Guardianship a day before the hearing began. Proper notice for interested parties is covered by MCL 700.5506.

D. The GAL report, from Matthew J. Brown on June 27, 2016, states that Wahab had dementia. No official medical or IME was provided to support this diagnosis. *MCL 700.5306(1) sets forth that Guardianship: Court-appointed: Requires finding "by clear and convincing evidence" that the person is incapacitated, and that the appointment is necessary to provide continuing care and supervision to the incapacitated individual.*

The GAL recommended granting Petition filed by Lourdes that a Guardian be appointed for Wahab. The reason cited was that Brun was in France and has done nothing to establish government benefits to resolve the \$31,000 that is owed to the nursing home. GAL Brown recommended granting the Petition.

E. Brun attended the hearing and voiced her intent to const the Petition for Guardianship. Hallmark granted the petition and appointed Jon Munger as Guardian and Special fiduciary. Hallmark also stripped Brun of her DPOA. *(MCL 700.5313(2)(b) sets forth a prioritized list of persons who could be appointed as guardian, including a person who the ward "chooses to serve as guardian," but only if that person is "suitable and willing to serve. In this case there was no medical or professional IME (independent medical evaluation) to refute the Ward's desire to have no Guardian. Second, the Judge is required by law to honor certain priorities. The first priority is a person selected by the individual, him or herself, if that person is willing and able to serve. Second priority is a family member, if there is one who is willing and able to serve. If there is family disagreement, mediation should be considered. Only if the individual indicates no preference and there is no family to serve, can the judge appoint a professional guardian (PC 631 Order Appointing Guardian).* Also notable is MCL700.5306(3), which states in addition, where the court finds by clear and convincing evidence that an individual is incapacitated sand lacks the capacity to care for himself or herself, the court may appoint a limited guardian to provide guardianship services to the individual, but the court shall not appoint a full guardianship.

F. On July 19, 2016, Brun filed a Motion for Reconsideration Regarding Appointment of Special Guardian and Revocation of Brun's DPOA. MCR 2.119(F) A motion for rehearing or reconsideration of a decision must be served and filed no later than twenty-one days after entry of an order deciding the original motion. Reconsideration was denied, although this ruling or result was not seen by examiner. Rather it was inferred by the subsequent Petition To Terminate or Modify Guardianship filed in March 2018 and Petition to Terminate or Modify Conservatorship filed by Brun on June 6, 2018. The Hearing Transcripts from this Petition and subsequent granting of Petition by Order that Munger be removed as Guardian and Conservatorship provide documented and sworn testimony relating to the facts surround this case. Case Nos. 2016-370,475-GA; 2016-371,616-CA.

G. Subsequent to the Order appointing Munger Guardian and Conservator, Brun was prohibited by Munger and Lourdes from visiting her mother.

H. Attorney fees charged by Munger from June 29, 2016 through September 30, 2017 totaled \$6,097 dollars. The invoice lacked detail and appear to have co-mingled legal fees with duties of guardianship. In addition, a police report was filed on August 8, 2017 after Munger entered the home, owned by Bradely Jay Silverstein (whom Brun had sold the home in 2017), listed items said to be stolen were recorded (*Case Report #170008875*).

I. The Appointed GAL for Brun's Petitions To Modify Guardianship and conservatorship was Lisa J. Orlando who on March 13, 2018 filed a GAL Report with a Recommendation (Case#2016-370,475-GA) that "The original petition for guardianship for Virginia Wahab was filed by Lourdes because Virginia was not discharged after treatment according to limits to coverage for services under her insurance plan, resulting in a growing outstanding balance owed to the facility for Virginia's continued care, not due to any neglect or abuse suffered by Virginia. As a result, Jon Munger was appointed guardian by

this court. The dispute over the balance due is the subject of other proceedings in this court. Under MCL 700.5313(3)(b), the Petitioner has priority over a professional guardian and, if suitable and willing to serve as guardian, the court shall appoint an adult child of the legally incapacitated individual.....I recommend that the Court grant this Petition to Modify and remove Jon Munger as guardian of Virginia Wahab and appoint Mimi Brun as guardian with full powers as permitted by statute.

On June 22, 2018 GAL Orlando filed a GAL Report (Case#2016-371-616-CA) recommending: “ I recommend that the Petition to Terminate or Modify the Conservatorship be granted and Jon Munger be removed as conservator with no succeeding conservator appointed. However, if this Court should determine that a conservator is still necessary, then MCL 700.5409(10)(d) states that Petitioner has priority over a professional conservator as an adult child of the protected individual. The petitioner, Mimi Brun is the daughter of Virginia Wahab. She is able and willing to be her mother’s conservator and is Virginia’s choice. Nowhere, in either GAL report submitted by Orlando did she say the Wahab had dementia and that she could attend Court hearing.

J. Confiscation of personal items belonging to Brun were noted on Page 87 of the sworn testimony, line 14, Munger said that “at no time did I remove artwork, other than a single painting which hung over the wall over the mantle. Then on page 88, line 9-10, Munger said: It’s very colorful. I walk around it every day in my office (*MRPC 8.4 Fiduciary Misconduct, Improper Use of Assets or Income: A fiduciary’s improper use of assets or income prohibits self-dealing*). On page 155, line #19-25, Munger said in email to Brun, “I went to the home the following day, and it was apparent no one was residing in the home. Accordingly, we had the locks changed (Munger stated under oath that he did not have locks changed) and the home secured. Upon our entry into the home, it was apparent that you had left a great deal of personal property behind, including artwork. We deem this to be abandoned property under the law.

For the time being, we are holding that personal property and artwork as security for repayment of the \$25,000 you were ordered to pay nearly eight months ago.” No statute can be found supporting this reason for entering the home, changing the locks and removing property and Order to Pay \$25,000 was neither validated nor signed by Brun and had no legal standing.

K. On restriction of visitation rights of Wahab by Brun: page 125, line #8-15) Munger stated: there are no visitation restrictions other than for your client(Brun) that was imposed by me, in discussion with Lourdes. Brun has not visited her mother since June of 2018, or nineteen months on date of court transcripts. There are no statutes found that prohibit such restriction on the basis of money owed to a facility and without lawful notice or restriction.

L. The transcripts show that Munger knew very little about Wahab, her condition, her wishes, her incidents, or line items for which he billed Wahab. When asked on page 130, line#8-18, if he had seen Wahab’s medical records after being admitted to the hospital, he replied: “ No, I don’t know, there may have been some, I don’t recall.” Munger also could not answer questions relating to eight annual visits and condition or evaluation Wahab as her Guardian and services for which Wahab was charged.

M. Judge Hallmark granted Burn’s Petition to have Munger removed as Guardian and Conservator and herself appointed and DPOA restored. Wahab passed away on April 25, 2019.

N. Upon review of the facts surrounding this case it appears that there were lapses in procedures by the Court, specifically in Notification of Hearing to Brun and the basis for which the Petition for disallowing Brun DPOA and appointing Munger as Guardian and Conservator, the denial of visitation of Brun to Wahab, the lack of performance of duties as on the part of Munger as Guardian and Conservator, the removal of property and contradictions in sworn testimony regarding such duties.

██████████ Case ID: ██████████

██████████; Judge of Record: HALLMARK, LINDA, S.

A. On March 2, 2018 a Petition was filed by Senior Care Network External Case Manager, Matthew Martin for appointment of Guardian for ██████████ which requested that Jenifer Carney (Carney) be appointed Temporary Guardian (no record of this petition has been obtained by this examiner other than that indicated from the Notice of Hearing. On March 7, 2018 Judge Linda Hallmark (Hallmark) granted Order, petitioned by GAL Martin, to appoint Carney Temporary Guardian (Probate Court Disposition Sheet) ahead of a scheduled full hearing for March 28, 2018.

B. On March 8, 2018 Carney' billing invoice showed that ██████████ was charged \$84.00 for a Medicaid Application through MI Bridges online and an additional \$21.00 for setting up an online account at MI Bridges. An Individual can have up to \$2,000 in countable assets and still be eligible for Medicaid (Handbook for Guardian of Adults, Bradley Geller, 2012, Michigan State Long-term Care Ombudsman Program). From the Petition To allow Accounts it showed ██████████ with Balance of Assets on Hand of \$384,793.30, including a Comerica Bank account with \$73,313.30.

C. On March 15, 2018, A Notice of Hearing was filed to hear Petition to Modify Adult Guardianship by ██████████ whose name was misspelled on the Notice as ██████████

D. On March 20, 2018, Carney petitioned for Appointment as Conservator of ██████████. as Temporary Guardian. In the Petition Carney stated in #6 that "Ms. ██████████ is blind and has been diagnosed with dementia among other medical problems. She has had multiple interactions with police and adult protective services for wandering, self-neglect, and failure of family/friends to help her. Ms. ██████████ estate planning attorney relayed that she does not have a valid power of attorney".

There is no record of a medical diagnosis of dementia. There was only one reported instance, of wandering and no record of self-neglect and [REDACTED] (niece of [REDACTED]) made contact with Carney notifying her willingness and ability to provide care for [REDACTED]. Petition was Ordered by Hallmark to appoint Carney Special Conservator to marshal assets in Flagstar Bank joint accounts.

E. On March 20, 2018, An Order was issued Appointing Guardian Ad Litem /Attorney/Lawyer-Guardian Ad Litem Donald F. Slavin. GAL Slavin recommended on March 29, 2018 in the Acceptance of Appointment and report of Guardian Ad Litem that [REDACTED] be appointed as [REDACTED] Guardian. GAL Slavin noted in his visit to [REDACTED] that she would like [REDACTED] to be her Guardian.

F. On March 28, 2018, Jennifer Carney was appointed Full Guardian of [REDACTED]. This was despite the fact that Moberly was willing to serve as Guardian. *(MCL 700.5313(2)(b)) sets forth a prioritized list of persons who could be appointed as guardian, including a person who the ward “chooses to serve as guardian,” but only if that person is “suitable and willing to serve.” Therefore, Judge is required by law to honor certain priorities. The first priority is a person selected by the individual, him or herself, if that person is willing and able to serve. Second priority is a family member, if there is one who is willing and able to serve. If there is family disagreement, mediation should be considered. Only if the individual indicates no preference and there is no family to serve, can the judge appoint a professional guardian (PC 631 Order Appointing Guardian).*

In addition the hearing was held and Order was granted despite the appointment of a new GAL and before his report to the court, which was completed on March 29 and filed with the court on April 4.

G. On or about April 4, 2018 [REDACTED] filed a Petition for Modification of Guardianship and hearing was scheduled for April 25, 2018, but was rescheduled for April 25, 2018. GAL Donald Slavin filed an Acceptance of Appointment and Report of Guardian Ad Litem on April 15, 2018 where he recommended Carney be appointed Conservator given her experience to explore any evidence of fraud that may have been perpetrated against [REDACTED] and how she has handled multiple conservatorships in the past effectively. No record of this statement was provided to verify claim. [REDACTED] also filed

Petition For Appointment of Conservatorship stating that her Aunt, Janicki, is blind, hard of hearing, and unable to care for herself and surrounded by people who do not have her best interest at heart.

H. On April 25, 2018 an Order Regarding Termination/Modification Of Guardian was granted giving Carney and [REDACTED] co-guardianship. Carney was appointed Conservator.

I. On June 29, 2018, an Order Appointing Guardian Timothy J. Barrie Ad Litem/Attorney/Lawyer-Guardian Ad Litem regarding Hearing to Terminate Adult Conservatorship and for [REDACTED] to move [REDACTED] back to Kentucky. On July 10, 2018, Barrie issued a vague Acceptance and Report of Guardian Ad Litem that gave no detail or indication of interview with Janicki and recommendation to grant guardianship to a professional Guardian.

J. A Petition To Modify Guardianship was filed on July 19, 2018. On August 6, 2018, William Spern submitted a Report of Guardian Ad Litem stating that upon his visit with [REDACTED], he found her aware of her surroundings and that she wished to attend hearings to contest the petitions, have an independent evaluation of her ability to care for herself, to have a court-appointed attorney and to have a full trial. She wished to return home and does not wish to be moved to Kentucky. [REDACTED] was also interviewed and stated that [REDACTED] was unable to care for herself and wished to move her to Kentucky where she can give her the full care that she needs. [REDACTED] also expressed concern that Carney was dissipating funds quickly and questionably by the conservator. Based on Spern's visit with [REDACTED] and [REDACTED], it was recommended Guardianship be scheduled for a hearing, for the appointment of an attorney and evaluation of [REDACTED] regarding her ability to care for herself.

K. On August 8, 2018 an Order Regarding Termination/Modification of Guardianship was granted and Moberly was appointed Full Guardian and permitted to move [REDACTED] to Kentucky.

L. On October 3, 2018, an Order Allowing Accounts approved the Final Account and Fees and Discharged the Fiduciary, Carney.

M. The initial Inventory (Guardian) filed on May 4, 2018 reported Total Assets for [REDACTED] of \$311,793.31 and amended (Conservator) on May 4, 2018 to \$394,918.25 a Comerica Bank account was discovered in the amount of \$73,313.30 and amended once again on June 4 to \$395,918.26 when Ford Motor Company shares in the amount of \$9,033.44 and Travelers Companies, Inc. shares in the amount of \$2,091.52 were discovered. Expenses from March 7, 2018 through April 24, 2018 totaled \$5,217.82 in the Account of Fiduciary, Short Form on May 16, 2018, of which Carney's legal fees totaled \$4,028 (77.2% of total). Expenses from April 25, 2018 through August 10, 2018 totaled \$49,149.48 in the Account of Fiduciary Short Form filed on August 31, 2018. Carney's legal fees totaled \$4,109.25 (8.4% of total) and Medilodge was paid \$12,708.00, in addition to Blue Cross and Medicare insurance coverage. There was also a commission paid to a Richard Mohr without detailing what he commission was for. [REDACTED]'s Jaguar was sold and no amount, other than gain from sale of \$200.00. It is deduced that the Richard Mohr commission was related to the sale of the automobile.

N. The only detail provided on the expense reports were those of Carney's legal fees. It would be beneficial to see further detail. For example, the legal fees appear to be comingled with fees that should fall under those of Guardian fees. It is recognized in Michigan law that a fiduciary performing administrative duties cannot receive the rate of compensation as an attorney for professional services (*Wisner v Mobley's Estate, 70 Mich 271,285,38NW 262-1888*). Numerous line items on the Carney billing invoice show charges for questions related to entry into home, calls related to installing a hand rail on at [REDACTED]'s home and many others. In total, during the 107-day period from March 7, 2018 through August 10, 2018, total expenses of \$49,149.48 were 12.4% of total assets and Carney's legal fees of \$8,137.25 were 16.6% of total fees. Compensation of Attorney Fees must be for necessary services and

actions undertaken must be Beneficial (*Compensation of Fiduciaries and Their Attorneys, Michigan Bar Journal, January 2015*).

O. Upon review of the above facts there appears to be reason to question the contention on the part of Carney to pursue guardianship and conservatorships when it was discovered there was a family member willing and able to provide care for the incapacitated person. In addition there appears to be statements made by Carney that [REDACTED] had multiple interactions with police and adult protective services for wandering, self-neglect, and failure of family/friends to help her. This statement does not appear to be supported by actual facts surrounding this case. Last, the legal fees charged by Carney appear to be comingled with her duties as Guardian of [REDACTED]

21. **Virgil** [REDACTED] Case ID: 2015-0000362461-GA; Judge of Record: Ryan, Kathleen, A.

A. In the Annual Report of Guardian on Condition of Legally Incapacitated Individual for the period of December 15, 2017 through December 15, 2018 Carney checked the box (7a) stating that [REDACTED]'s mental condition was good. Carney also checked the box (8a) that [REDACTED]'s current social condition at Lasher Hills Care Center was excellent and (8c) stating that [REDACTED] also attended all social activities.

In the GAL report by Drew Carnwath, on November 9, 2017 Carnwath stated that he met with [REDACTED] who was moved to Lasher Hills after trying to "elope" from Grovecrest Senior Living in Pontiac, Michigan where he was first moved in August, 2017. It was further stated in the report that [REDACTED], on the day was moved to Lasher Hills, was placed in lockdown after a "violent outburst where police were contacted and he was hospitalized." Carnwath further reported that Donald Badaczewski, Esq., met with [REDACTED] and determined that he "likely meets the threshold for

impairment relative to the application of the Mental Health Code and not EPIC". Carnwarth said " I believe that Jenifer Carney should file a Petition for Appointment of a Guardian for an Individual with Developmental Disability."

B. On the Account of Fiduciary, Short Form for the period from December 9, 2017 through December 8, 2018, it showed fees paid to Jennifer Carney Law-Fiduciary Fees of \$1,090.00 and Jennifer Carney Law-Legal Fees of \$13,252.95. Jennifer Carney Law firm, serving as both Fiduciary and Attorney, was paid a total of \$14,342.95, or 28.2% of total Expenses, Losses and Other Disbursements of \$50,851.55 and 94.9% of ██████████'s Social Security income.

C. The Jennifer Carney Law firm Invoice #51371 on 12/20/2018 shows that both Guardian duties, fiduciary duties and legal services were all billed at the \$100.00 per hour legal rate. "It has been long recognized in Michigan law that a fiduciary performing administrative duties cannot receive the same rate of compensation as an attorney for professional services." (Compensation of Fiduciaries and Their Attorneys, Michigan Bar Journal January 2015.)

D. On 2/20/2018 ██████████'s home at 116 W. Brooklyn Ave Pontiac, Michigan was listed for \$44,900. On 2/27/2018, Carney filed a Petition Regarding Real Estate or Dwelling to Merced Lira for 41,400. On 3/21/2018 an Order Regarding Real Estate Dwelling approved the sale to Merced. On 3/28/2018 the listing was removed. The Record Date of transfer of property from Grantee Jennifer Carney to Lira Merced was 4/4/2018 as per the Fiduciary Deed (Liber 5167 Page 713 #0051297 dated 4/4/2018. The State Equalized Value (SEV) was \$19,280 (Oakland County Residential Property File 14-08-376-008).

On May 7, 2018 a Notice of Mortgage Foreclosure Sale was given on 116. W. Brooklyn Ave Pontiac, Michigan under Beth E. ██████████, the deceased mother of Virgil ██████████ Beth E. ██████████ was Grantor to Carney in January 2018. The Notice was that the sale (From Carney to Merced) be rescinded by the foreclosing mortgagee Earnest Inc., assigned to by original mortgage holder New Century

Mortgage on April 10, 2018 (Liber 51706, page 471). Earnest claimed to be owed \$38,984.00 on the outstanding mortgage. A Sheriff's Deed on Mortgage Sale (Oakland County #61300) on 6/04/2018 by Sheriff Terrence Fortuna conducted a sale to Earnest Inc. for \$38,984.00, the amount of the outstanding mortgage in default plus interest, from Beth E. [REDACTED]. There was no record of previous sale to Merced on 4/04/2018. A Quit Claim Deed was filed by Earnest Inc. to Evergreen Mortgage Notes, LLC, owned by the Orion Financial Group (Record Date 12/19/2018-Deed Date 11/08/2018) was signed on November 8, 2018 for the property address; 116 W. Brooklyn Ave, Pontiac, Michigan (Liber 52451 Page 442 #0203867).

Trulia estimated the value of 116 W. Brooklyn Ave, Pontiac, Michigan on 5/05/2019 at \$78,627 and compared it to other similar 3 bedroom properties in the 48340 zip code. Today, Zillow showed that this property is on the market and listed, as of 8/03/2018, at \$99,000, which was just lowered from \$104,900 on 8/02/2019. The facts surrounding the sale of 116 W. Brooklyn Ave, under the Fiduciary Duties of Carney should be reviewed for greater clarity into the complexity of the transactions.

E. Upon review of the above facts there appears to be reason to question the competency of the Annual Report of Guardian on Condition of Legally Incapacitated Individual for the period of December 15, 2017 through December 15, 2018 and the contradiction with the Report of the GAL prior to the Annual Report being submitted. The amount of fees paid the Jennifer Carney Law firm should be further investigated as it represents a large percentage of both net with and total expenses of the Incapacitated Individual. Furthermore, the investigation should determine if Guardian and Fiduciary Duties were comingled with that of the Attorney fees. Last, the sale of property lacks the chronological documentation for such complexity and unusual nature of the transactions that took place, and if proper Fiduciary duty was prudently adhered to.

22. **Nancy Haddock:** Case ID: 2016-0000367800-CA; Judge of Record: Hallmark, Linda, S.

A. On January 14, 2016 a petition was filed by Catherine Haddock, DPOA of her mother Nancy Haddock (Ward), for Guardianship. A Notice of Hearing was sent on January 16, 2016 and the hearing was set for February 10, 2016. Another document of Notice of Hearing, on the same date, crossed out the February 10, 2016 hearing date and a date was written in for January 20, 2016. The written change in date was not initialed.

B. On January 18, 2016 GAL Krystal Abbott submitted a Report of Guardian Ad Litem "Regarding Petition For Temporary Appointment of Guardian" stating no objections to the Petition and recommended Temporary Guardianship be granted to Catherine Haddock. GAL Abbott reported that the Ward objected to the appointment of a Guardian. MCL700.5106 states that the court shall only appoint a professional guardian or professional conservator if the court finds on the record all of the following:

(1) The appointment of the professional guardian or professional conservator is in the ward's, developmentally disabled individual's, incapacitated individual's, or protected individual's best interests. On March 30, 2016, the Scheduling Order For Contested Hearing on Petition To Appoint Guardian and Conservator ordered that an independent examination shall be conducted by independent examiner Dr. Leonard Swistak. No report of this examination has been located.

(2) There is no other person that is competent, suitable, and willing to serve in that fiduciary capacity (*section 5212, 5313, or 5409*).

C. On January 20, 2018, Jon Yun was granted Temporary Guardianship of the Ward. *MCL 700.5306(1) sets forth that Guardianship: Court-appointed: Requires finding "by clear and convincing evidence" that the person is incapacitated, and that the appointment is necessary to provide continuing care and supervision to the incapacitated individual. (MCL 700.5313(2)(b) sets forth a prioritized list of persons who could be appointed as guardian, including a person who the ward "chooses to serve as guardian," but only if that person is "suitable and willing to serve. In this case there was no medical or professional IME (independent medical evaluation) to refute the Ward's desire to have no Guardian. Second, the Judge is required by law to honor certain priorities. The first priority is a person selected by the*

individual, him or herself, if that person is willing and able to serve. Second priority is a family member, if there is one who is willing and able to serve. If there is family disagreement, mediation should be considered. Only if the individual indicates no preference and there is no family to serve, can the judge appoint a professional guardian (*PC 631 Order Appointing Guardian*). The Ward had two children, one of which filed the Petition for Guardianship and Conservatorship, and also had Medical DPOA for the Ward.

D. On February 10, 2016, a GAL report was filed for The Petition for Conservatorship by Catherine Haddock. The Ward preferred that Michael Hatch, father of petitioner's son whom she also trusted, was also nominated by the family and possessed vast investment and financial planning expertise, be appointed Conservator. The Ward objected to Jon Yun being appointed as Conservator. Abbott recommended that Jon Yun be appointed with vague explanation as to the reason overruling the preference of the Ward and Ward's family.

E. Following a Contested hearing (details leading to not obtained, but serves to enlighten chronology) on Guardianship and Conservatorship on March 30, 2016, Judge hallmark appointed Yun and Ward's son Dennis Haddock as co-Guardians and co-conservators. Dennis Haddock was appointed co-guardian and co-conservator despite the fact that in the Ward's Will & Testament dated March 19, 2013, the Ward explicitly states in the Sixth Paragraph that she has made no provisions for her son Daniel P. Haddock and where it states: "I have not ae a provision for my son, Dennis P. Haddock, and to him I leave nothing. This is not an oversight on my part, but a decision by me after due deliberation and consideration, and for reasons known only to me." In the Ninth paragraph the Ward States: "I nominate my daughter, Catherine A. Haddock, and give full power to sell, mortgage, hypothecate, invest, reinvest, exchange, manage, control, and in any way use and deal with any and all property of my estate during the administration thereof in such a manner as my Personal Representative, in her sole discretion may deem best..." Her niece Jud Podvin her daughter's successor. Catherine A. Haddock

was also designated as DPOA by the Ward in a General Durable Power of Attorney signed on March 19, 2013.

F. On June 9, 2017 Catherine Haddock, the Ward's daughter, who originally petitioned for Guardianship and Conservatorship but was denied, wrote a letter to Judge Hallmark after Petitioning For Modification of Guardian and Conservator. Catherine Haddock wrote this letter due to family concerns about the Ward's health and well-being. Specifically, the letter states concerns about (1) the need for proper annual health screenings, untreated diabetes, uncontrolled vaginal bleeding and a urinary tract infection and venous stasis ulcers and in need of a wound care specialist (there are pictures of the referred to wound). (2) No supplemental oxygen has been administered C -pap machine at night in over one year. (3) Day to day health care needs and (4) insufficient spending money.

G. As per the Annual Report filed on May 9, 2017, there was no mention of the above medical issues and checked the box where the Ward is content with her living conditions. The Annual Report is inconsistent with the conditions described in Catherine Haddock's letter. There was also Petition to Modify Guardianship and Conservatorship. The GAL Report by Richard Strenger on January 9, 2017 recommended: "Based on my observations and my visit with Ms. Haddock, conversations with John Yun's office, with Nancy's son Dennis, with the staff at Independence Village, and calls to others, I believe there should be a contested hearing to see if Dennis Haddock should be removed as co-conservator and co-Guardian." The report cited concerned about neglect of duty on the part of Dennis Haddock.

H. For the period from March 1, 2017 to February 28, 2018: Loss on disposition of home was

\$63,105.66. Yun filed a Petition to sell Ward's home to Mike Haikin, who listed on social media profile "Flipper" for \$137,505.00 on November 3, 2017. Equalized value was \$93,910. The Home was listed at \$180,400 in the first and second Accounting Reports. An Order to Sell was granted on November 22, 2017 to Mike Haikin. On the Second Accounting it listed the Disposition at \$117,294.34 for a Loss On Disposition of \$63,105.66. No records of the sale have been viewed and there was no explanation given for how the home sold for less than that approved by the court. This transaction should be investigated further.

Attorney fees were also \$10,639.51 in the March 1, 2016 to February 28, 2017 period and were \$15,503.63 in the March 1, 2017 to February 28, 2018, for a total of \$25,693.14. The attorney fees, and other fees also, provide insufficient description.

I. Upon review of the above facts there appears to be sufficient reason to question the appointment of Guardian and Custodian Condition in view of clear defined MCL guidelines and rulings. The physical condition and health of the Ward should also be investigated to see if proper Guardian duties were adhered to, as well as the accuracy of Ward visit and condition of the Ward in the Annual report filed by the Guardian and Conservator. The sale of the property must be investigated as the disposition of 35% of the value listed is significant and the purchaser of the home was a potential flipper. It is not clear as to the urgency to sell in such a fashion that would warrant such a discount and if proper Fiduciary Duty was prudently adhered to.

23. Thomas Cooper Howard Case ID: 2016-0000372887-CA; Judge of Record: Ryan, Kathleen, A.

A. Thomas Brennan Fraser (Fraser) was appointed Conservator for Thomas Cooper Howard

(Ward) on October 13, 2016. Guardian was and Abou-Rass, Bashar (Abou-Rass), neighbor and medical doctor by profession who had been taking care of Ward was appointed Temporary Guardian. The Order Regarding Appointment of Conservator claimed mental deficiency as evidence that Ward is in need of conservatorship. In Fraser's Annual report of Guardian on Condition of Legally Incapacitated Individual file don January 18, 2017, the Mental health section 6, where it asks the current mental condition , the box fair was checked. This examiner did not have any GAL report or that of a mental health professional.

B. During the hearing, October 12, 2016, on Conservatorship attended by Abou-Rass, as Temporary Guardian and Petitioner, Daniel A. Kosmowski as GAL, and Karen Siddal a social worker who worked with Ward in rehabilitation as Interested Person, transcripts reveal that GAL states Ward fell in COSTCO parking lot and broke his arm. A social worker at the Notting Hill rehab facility was worried about his gong home with no support. This was not a medical petition or IME. Ward objected to a conservatorship and the court appointed an attorney for Ward, Melinda Cameron and also ordered a psychological evaluation. Abou-Rass was appointed Temporary Guardian and the GAL was appointed Conservator after Abou-Rass was advised by the court to file an emergency petition for Conservatorship, given that he was uncomfortable for the role. No psychological evaluation was viewed by this examiner. Of note is that actual records show Brennan being appointed as Conservator and his contract for legal fees was approved by the court. Abou-Rass never met Fraser and was caught by surprise at this appointment. An Amended Inventory (Conservatorship) was filed on October 12, 2016 showing Ward's Balance of Assets on Hand of \$1,280,154.76. Liquid cash in bank accounts totaled \$423,849.74.

On December 2, 2016, a contested Hearing was held in Ryan's court but it was noted that Ward

was hospitalized and waived his appearance. The court granted Fraser the appointment as Conservator and Guardian and removed Abou-Rass as Guardian. The Ward was moved to Sunrise Senior Living in Bloomfield Hills, MI. (Sunrise)

C. The first Account of Fiduciary was filed on December 15, covering the period from December 2, 2016 through December 2, 2017, where Fraser Petitioned and was approved for legal fees of \$14,602.33, and Fiduciary fees of \$4,215.50. The records do not show detail breakdown and appear to co-mingle Fiduciary fees with legal fees. The Account of Fiduciary show \$227,652.95 was spent during that one year period. Of these disbursements, \$48,584.80 was expensed as a property valuation markdown on Ward's vacation property in Cheboygan, MI and \$29,105.78 was expensed as a property valuation markdown on Ward's primary residence in Bloomfield Hills, MI. No record of appraisal was seen by this examiner nor were any detail of expenses associated with Patient Pay of \$100,446.36 provided.

D. On October 29, 2017, Judith Kruse (Kruse), a former neighbor and friend of Ward, wrote a letter to the court after having visited the Ward at Sunrise. Kruse wrote that she visited the Ward on September 16, 2017 at Sunrise in Room 308. Ward was not responsive for the knock at the door and Kruse claimed that she did not even recognize him when she saw him. The room was furnished with a small television and recliner. "For a man of his means she was shocked to see his living conditions." She called Fraser's office and was told that Abou-Rass was removed as Guardian and replaced by Fraser due to conflict of interest that Abou-Rass had being named in Ward's Will. No record of any Will was mentioned in proceedings that determined Guardianship and conservatorship. If this is true, then MCL 700.5313(2)(b) provided that Abou-Rass was higher in priority for Guardianship and Conservatorship if he were willing and able, which he stated in the court record hearing on October 12, 2016, that he was. She had also expressed

concern that the Ward was being neglected by the Guardian and was not responsive to her calls, nor those of Abou-Rass. In the Annual Report of Guardian On Condition of Legally Incapacitated Individual on January 4, 2018, Fraser checked the box in 3.e. that Ward's living arrangement was average and 3.f. that Ward was content with living condition.

E. On December 8, 2016 Fraser filed a Petition Regarding Real Estate Dwelling at 3117 Restmore Road, Cheboygan, MI. for \$109,500, with an SEV of \$73,400 and listed value on first accounting of \$146,800 . On January 13, 2017, Fraser filed a Petition to sell Ward's home at 5113 Provincial, Bloomfield Hills, Michigan for \$400,000., with an SEV of \$201,480.00. Both else raise the question as to the necessity to sell Real estate assets in such quick fashion. The Cheboygan offer was dated December 16, 2016 and the Bloomfield Hill sale was January 13, 2017. The Ward clearly had ample cash on hand and there was no urgency to sell. The Cheboygan sale is of greatest concern given that it sold \$37,300 below that listed on the accounting, and the \$155,000 asking price when the Ward put the home for sale in 2015. Under EPIC, trustees are fiduciaries by statutory definition. MCL 700.1104(e). It stands to reason that a trustee's most important duty, underlying all other duties, is his or her *fiduciary duty*. A trustee stands in a fiduciary relationship with the trust and with the trust's beneficiaries MCL 700.1212. This fiduciary relationship involves a duty on the part of the fiduciary (the trustee) to act for the benefit of the other parties to the relationship (the trust beneficiaries) regarding matters within the scope of the relationship.

F. Upon review of the above facts there is reason to question the process of:

(a) appointment of Guardian and Custodian

(b) The Account of Fiduciary and greater detail into legal fees, expenses and deposition of assets.

(c) The duties of Guardian as it relates to proper care of Ward and living conditions

(d) Fiduciary responsibilities in regard to disposal of real estate properties and the timing and urgency of such sales.

24. Real Estate Sales

(Oakland County Probate Court Real Estate Sales record #62019) on behalf of Wards from Carney, Fraser, Yun and Munger, and listing agents Keith Reynolds, Chasi Fox, Dianna Proctor and Thomas Hutt there were fifty-six real estate transactions examined.

A. Fraser-Reynolds

A total of twenty homes that were listed and sold in 2018 were reviewed. Fifteen were on the market for five to sixteen days and the average for all twenty homes was twenty-three days. The twenty homes were listed for a cumulative price of \$3,107, 600, sold for \$3,002,008, verses an estimated value (Zillow and Trulia) of \$3,998,573. The realized sale price verses the estimated value was \$996,655 below the estimated value. In addition, four homes were sold for a significantly higher price within one to nine months from the original date that the homes were sold.

Case#	Date Sold	Sale Price	Date Resale	Sale Price	Difference
2015363780TV/2015361584DE	4/18/18	\$213,500	10/23/18	\$361,000	\$147,500
2015362829DE/2014360340GA	3/15/18	\$198,000	11/16/18	\$320,000	\$122,000
2017378401CA	1/5/18	\$141,500	5/14/18	\$235,000	\$93,500
2017376161DE	1/24/18	\$112,500	2/22/18	\$250,000	\$137,500
Total		\$665,500		\$1,166,000	\$500,500

B. Fraser, Yun - Fox

A total of eight homes that were listed and sold in 2018 were reviewed. Three were on the market for five to twelve days and the average for all eight homes was seventy-one days. The eight homes were listed for a cumulative price of \$887,300, sold for \$832,785, verses an estimated value (Zillow and Trulia) of \$1,098,613. The realized sale price verses the estimated value was \$265,828 below the estimated value. In addition, two homes were sold for a significantly higher price within four to nine months from the original date that the homes were sold.

Case#	Date Sold	Sale Price	Date Resale	Sale Price	Difference
2017376639DE	7/18/17	\$110,000	3/12/18	\$165,000	\$55,000
2016369954GA	12/13/18	\$57,000	3/18/19	\$135,000	\$78,000
Total		\$167,000		\$300,000	\$133,000

C. Munger, Carney – Proctor

A total of twelve homes that were listed and sold in 2018 were reviewed. Six were on the market for five to twenty-one days and the average for all twelve homes was thirty-five days. The twelve homes were listed for a cumulative price of \$1,928,950, sold for \$1,811,705, verses an estimated value (Zillow and Trulia) of \$1,904,578. The realized sale price verses the estimated value was \$92,873 below the estimated value. There were no recorded resales.

D. Yun-Hutt

A total of fifteen homes that were listed and sold in 2018 were reviewed. Thirteen were on the market for one to nineteen days and the average for all twenty homes was seventeen days. The fifteen homes were listed for a cumulative price of \$2,295,000 sold for \$2,392,604, verses an estimated value (Zillow and Trulia) of \$2,798,702. The realized sale price verses the estimated value was \$406,098 below the

estimated value. In addition, two homes were sold for a significantly higher price, one of which was thirty-four days from the original date that the home was sold.

Case#	Date Sold	Sale Price	Date Resale	Sale Price	Difference
2017376827GA/2017377199CA	10/2618	\$536,000	NA	\$600,000	\$64,000
2017376045GA/2017377214CA/2017379451DE	5/11/18	\$114,923	6/14/18	\$193,000	\$78,077
Total		\$650,923		\$793,000	\$142,077

Of the fifty-five home sales sampled, the sale price was \$1,731,454 below the estimated market value. In addition, the resale of eight homes observed was \$775,577 greater than the sale price received by the Ward just one to nine months following the original sale. It is the opinion of this examiner that a further and more extensive review be conducted with real estate sales involving Munger, Carney, Yun and Fraser.

VI. Summary

It is the opinion of this examiner that there are appearances of improprieties on the part of the Guardian, and Conservator in the observed cases. As well as deficiencies in the EPIC/MCL court procedures. The volume of cases and hurried timeline sets the conditions for such improprieties to thrive. Instances of noncompliance with EPIC/ MCL procedures have been documented. Munger, Yun, Fraser and Carney, are awarded a disproportionate amount of guardianship and conservatorships and are professional Guardian/conservator for profit law firms. As such, there are appearances of conflicts of interest between what is appropriate for the Ward and the profitability of the business entities for which Munger, Yun, Fraser and Carney represent.

There were also indications of lack of proper supervisions and due process on the part of the Oakland County Probate Court in the processing of Petitions and Orders rendered thereof. Reasons for

the requested guardianship and conservatorship were summarized in vague sentences and for reasons not supported by medical documentation, and often times lacking the opinion of a qualified medical professional. Further, Munger, Yun, Fraser and Carney did not appear to exhibit the level expertise that benefited their respective Wards to justify their fees.

From the analysis of annual reports, Munger, Yun, Fraser and Carney appear to have rarely visited their respective Wards, which is not surprising given the volume of Wards under their supervision. There were also indications that Wards were sent to unlicensed facilities. Fees charged were disproportionately in favor of Munger, Yun, Fraser and Carney. Legal fees may have been comingled with fees suited for Guardian and Fiduciary duties and invoices and detailed billing was found lacking. The disposal of assets are particularly of concern, especially as it relates to the sale of homes and property of the Ward. The rights of both Wards and

VII. Impact

The impact of the actions by both the probate court, Munger, Yun, Fraser and Carney have caused or contributed to the suffering by vulnerable Wards and their families. DPOAs have been ignored and overridden and Ward's wishes have gone unfulfilled as a result of lax controls by the court and potential malfeasance and dereliction of duty on the part of Public Administrators, Guardians and Conservators. Of the 2,278 cases reviewed by Lead reporter, it was found that in 97% resulted in the Ward being forcibly removed from their home in less than one month after guardianship was assigned and then placed in small group AFCs and ALFs, some of which may have been unlicensed, causing additional physical and mental stress to Wards.

VIII. Recommendations

Upon the review and findings of this examination, it is recommended that a formal audit be

conducted into the Oakland County Probate Court process and Jon Munger, John Yun, Thomas Brennan Fraser, and Jenifer Carney, including both legal fees charged by their respective law firms and personal financial records. A formal independent investigation should also be conducted into Real Estate transactions, including a look through to the lineage of beneficiaries of parties to the transactions, including LLCs associated with such sales.

It is beyond the capability of this examination, given the limited means with which to secure and subpoena critical documents and records of said individuals, to properly assess whether there was wrongdoing, malfeasance, misappropriation of assets and neglect of fiduciary responsibility. There appears to be enough circumstantial evidence and lack of proper procedure, documentation and due process that warrants an audit such as those concocted in 2003, 2005 and 2012 by the Michigan Supreme Court and the State Court Administrative Office.

This review clearly illustrates the need for further official investigative measures. Greater transparency is needed in this process and greater use of the rising not-for-profit entities serving vulnerable people in need of guardians and conservators should be utilized rather than for-profit businesses that are thriving at the expense of vulnerable wards.