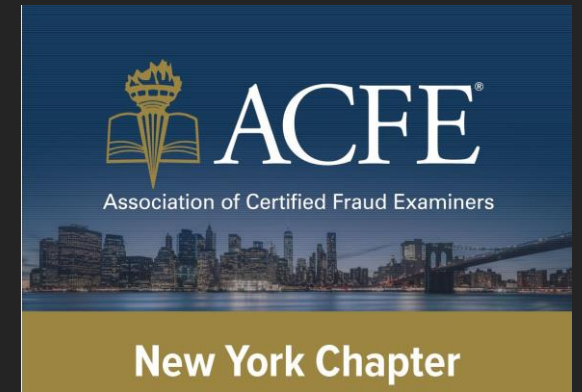


The Fraudster,  
The Con and  
The Liar:  
How Elders are  
Targeted for their  
Wealth

Dora Gomez, Fraud Fighter  
President, NYCFE



# What is Elder Abuse?

*Elder abuse is an intentional or negligent act by any person that causes harm or a serious risk of harm to an older adult. It is a term used to describe six subtypes of elder abuse: physical abuse, financial fraud, scams and exploitation, caregiver neglect and abandonment, psychological abuse, and sexual abuse.\**

\*Source: <https://www.justice.gov/elderjustice>

# What is Elder Financial Exploitation?

Financial or material exploitation of a senior or disabled adult typically includes:

- The misuse, mishandling or exploitation of property, possessions, or assets of adults.
- The use of another's assets without their consent, under false pretense, undue influence or through coercion and/or man\*

\*Source: <https://www.napsa-now.org/financial-exploitation/>

# Local Exploitation Statutes

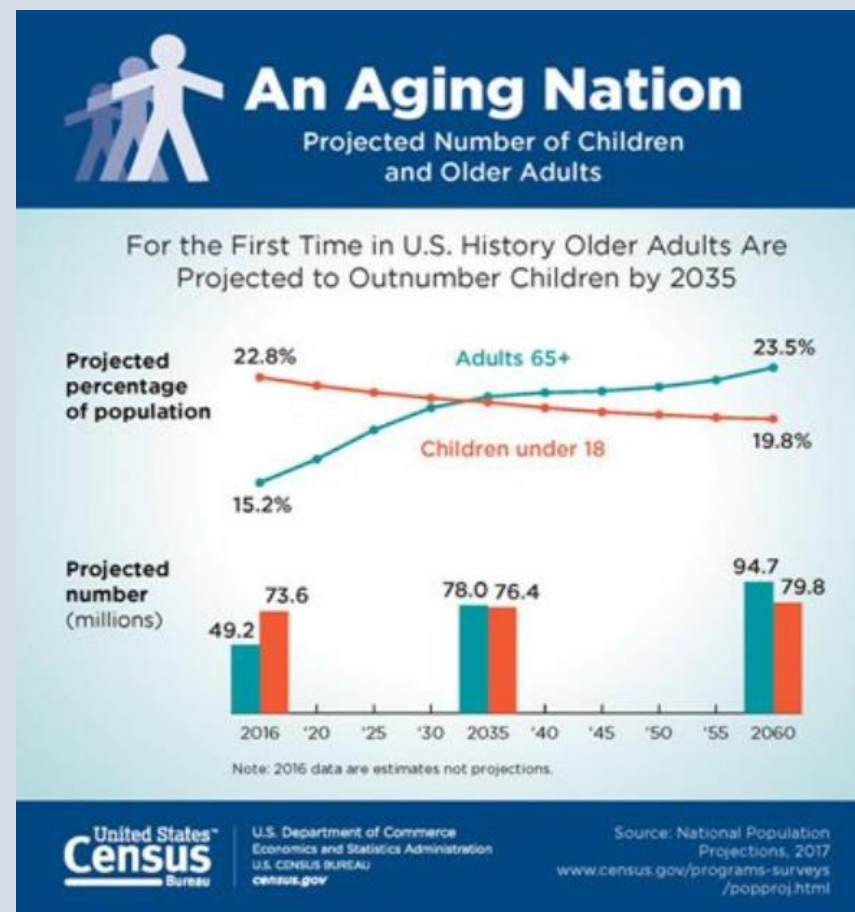
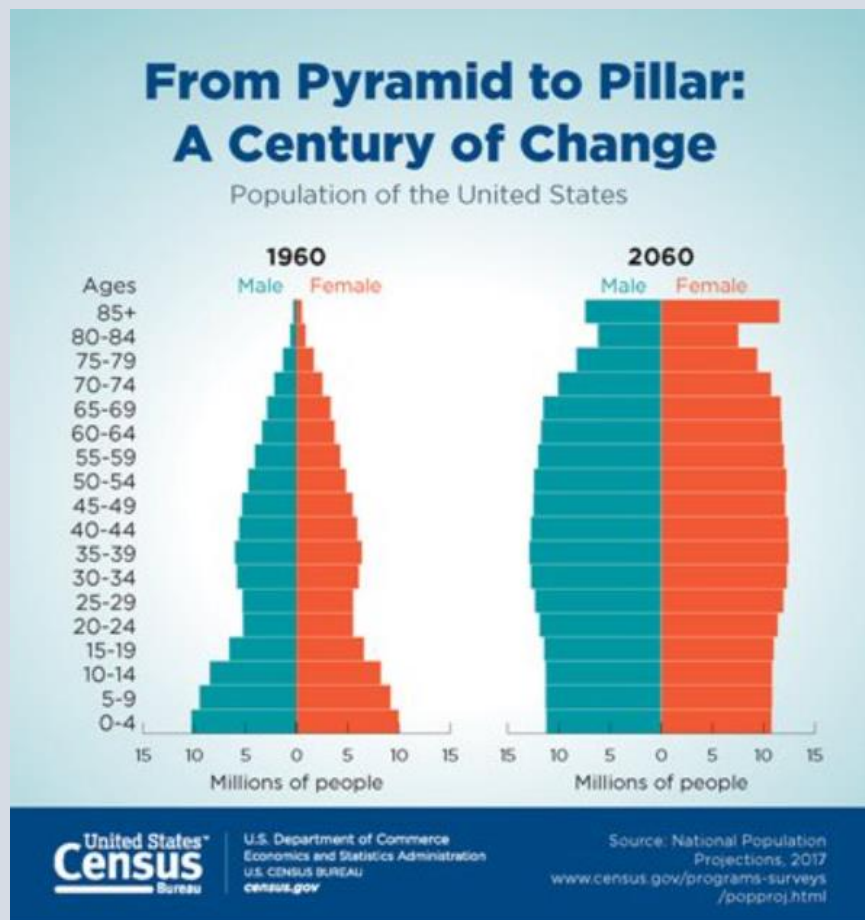
## *NYS Social Services Law §473(6)(g)*

Financial exploitation is the improper use of an adult's funds, property, or resources by another individual, including but not limited to, fraud, false pretenses, embezzlement, conspiracy, forgery, falsifying records, coerced property transfers, or denial of access to assets.

## *Civil Financial Exploitation N.J. Stat. § 52:27D-407 (2021)*

"Exploitation" means the act or process of illegally or improperly using a person or his resources for another person's profit or advantage.

# The Impact of the Aging Population



# Who is the Fraudster

**Fraudsters** are cheats, scammers, swindler, hoaxers, hustlers. Most schemes are referred to as **Digital Elder Abuse** which involves social media or technology to defraud senior citizens.

Red Flags include:

- New 'romance' from online dating website
- Computer tech support scam
- A new 'friend' on Facebook
- Frequent phone calls, texts, or emails from unknown individuals
- Claims of winnings (sweepstakes, lottery)
- Imposters posing as government or bank officials



# The Fraudster

Between 2013-2015, Seun Banjo Ojedokun, a Nigerian national, conspired with others who preyed on elders by searching online dating websites to initiate romantic relationships with vulnerable men and women .

- They phoned, e-mailed, texted and used Internet chat messenger services from Nigeria to form romantic relationships with their American victims.
- Victims lost more than \$1M by sending cash to drop accounts or checks for fake hospital bills, plane trips to visit the victims, problems with overseas businesses, and foreign taxes.
- Ojedokun's co-conspirators sentences varied from 1-yr to 234 months who were also involved in a fraudulent employment scam.



Ojedokun was sentenced to 9 years in 2016 for money laundering conspiracy related to a romance scam and other fraud schemes and arrested when he came to the U.S. to pursue a doctorate.

# In our backyard

NJ widow who received an email from what she thought was McAfee, claiming that her annual subscription had been renewed for \$499.99, which was charged to her Wells Fargo bank account.

She called the phony rep on the email and was told he could correct it by allowing her access to her computer, and her bank account.

The fraudster made several transfers to his account and accessed her HELOC that was dormant since 2016.



**Woman, 81, gets scammed out of \$420K. Now she may lose her home.**

[nj.com](#) • 6 min read



# Who is the Con



**Stranger Frauds** are perpetrated by con artists or a new friend.

Red Flags include:

- Recent “good friend” making appearances at the bank to have cash withdrawn
- Closing CDs or accounts for no reason without regard to penalties
- New powers of attorney (POA) the elder person does not understand

# The Con Artist



Known as the "Sweetheart Swindler," Desiree and her husband, Paul Hill unwittingly scammed at least six victims, 5 men and one woman who she met through dating websites or by charming her way into their life.

As a result of her trial, she was:

- found guilty of five counts of theft and one count of exploiting an elderly person
- sentenced to 273 years in prison
- Restitution to victims totaled \$60k

Hill was sentenced in a separate trial to 125 yrs.

They stole more than \$3M from seniors who thought she was romantically involved with them.

# Who is the Liar

**Friendly Frauds** are 60%\* of the time perpetrated by family members but can also include caregivers and trusted advisors.

Red Flags include:

- Several checks written as “loans” or “gifts”
- New Additional Credit/Debit Cardholder on Elder’s account
- Altered Wills and Trusts
- Malnourished elder whose nutrition/food is being limited
- Large purchases (homes, cars, extravagant vacations)



# The Liar

Jayne Carbone, 54, was the caretaker for her uncle, Wayne Kerr, for over a decade from 2007 to 2018.

- defrauded her uncle of \$493,279, by using his name and Social Security number to withdraw funds from his bank accounts.
- In 2017 Kerr signed a durable power of attorney as he trusted Carbone to help him with his finances
- To conceal the scheme, Carbone intercepted her uncle's mail, removed his bank statements and then delivered him fake statements reflecting inflated balances.



In October 2021, Carbone was convicted of wire fraud and aggravated identity theft and sentenced in MA to 54 months in prison

# Well known EFE cases

Mickey Rooney-

Was worth at least \$12M at his peak and in 2011 alleged in court hearings to have lost his fortune to elder abuse and financial exploitation by his family.



Stan Lee-

The Marvel Comics creator was victim of financial exploitation by his daughter who was charged criminally for elder abuse. She had mishandled more than \$5M of his assets and isolated him as he battled dementia.

# Associated Regulations

In 2017 the SEC approved these rules relating to financial exploitation of Senior Investors which became effective February 5, 2018:

**FINRA Rule 2165**, Financial Exploitation of Specified Adults, allowing temporary holds on disbursement of funds or securities

**FINRA Rule 4512**, Customer Account Information, requiring members to make reasonable efforts to obtain the name of and contact information for a trusted contact person for a customer's account.

Financial institutions need to understand the vital role they play in alerting appropriate authorities to suspected elder financial exploitation and filing **reports with the Financial Crimes Enforcement Network's (FinCEN)** through Suspicious Activity Reports (SARs).

# EFE Reporting

All 50 states and the District of Columbia provide Adult Protective Services (APS) programs for victims.

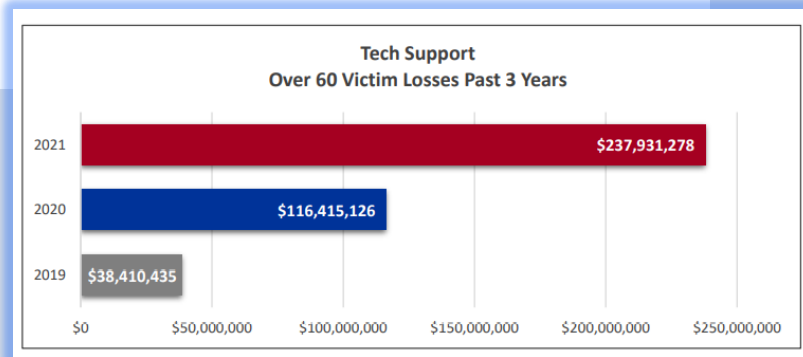
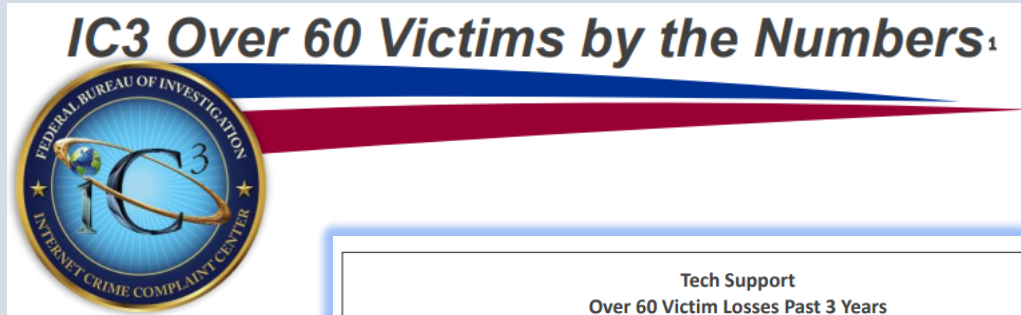
These States have different rules and consequences regarding who is legally required to report elder abuse, what activities require reporting, and how they must be reported. Elder abuse is a felony in some States.

Three States with the highest Elder populations are:

- California
- Florida
- Pennsylvania.



# The Tip of the Iceberg



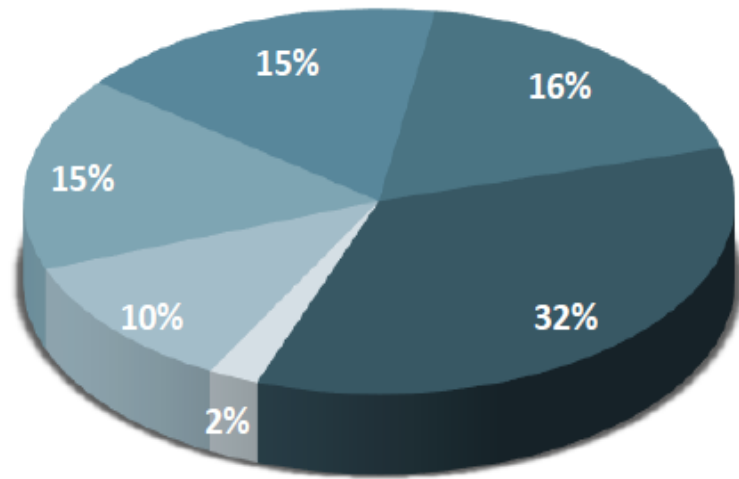
The Department of Justice has charged **more than 400 defendants** in March 2020, responsible for more than \$1 billion in losses this year in the largest coordinated sweep of elder fraud cases in history, Attorney General William Barr and Chief Postal Inspector Gary Barksdale announced today.<sup>2</sup>

- 1.) [2021\\_IC3ElderFraudReport.pdf](#)
- 2.) <https://bankingjournal.aba.com/>

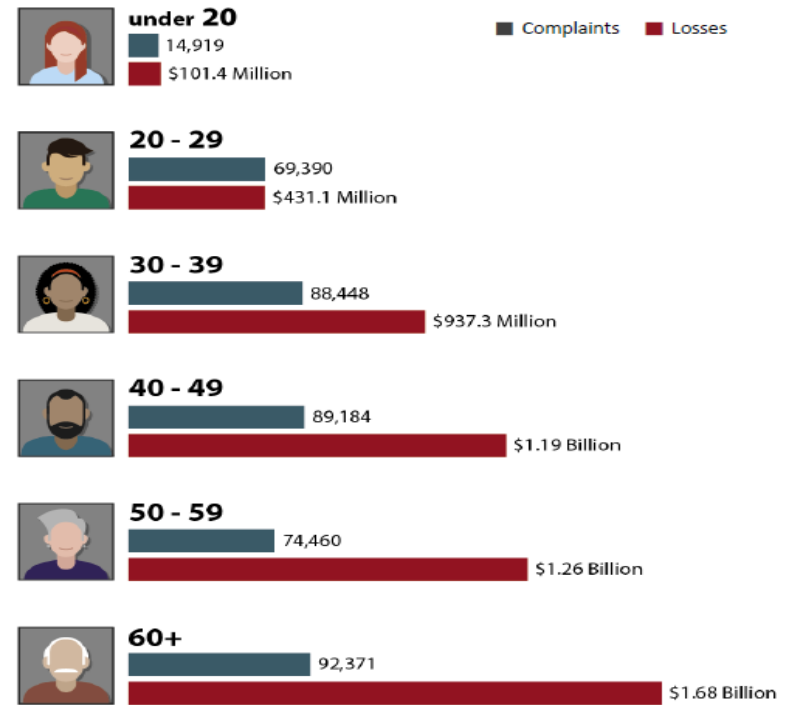


# IC3 2021 Report

### Confidence Fraud/Romance Scam Victims by Reported Age Group




Under 20 20-29 30-39 40-49 50-59 Over 60



# What can be done?

Be proactively involved in the fight against Elder Abuse and Financial Exploitation in working with:

- Connect with law enforcement to assist them as cyber experts as they may not be too familiar on how to manage.
- Connect with Attorneys who may be looking for cyber or financial experts who understand the technology difficulties and exposures in elder abuse cases.




**TRAINING & RESOURCES**  
**SAVE MONEY**

Effective training and resources arm employees with the skills to take action and appropriately engage in order to save consumers – and financial industry organizations – money. The financial industry is taking action to create a culture that supports fighting exploitation:

- Financial exploitation training
- Consumer-interaction and senior-sensitivity training
- Branch champions drive age-friendly and dementia-friendly principles from institution-wide guidelines
- Employee incentives for reporting exploitation
- Centralized place for employees to report

The graphic features a central presentation board with a line graph showing an upward trend. Surrounding the board are icons for a clipboard, a pencil, a hand holding a dollar bill, and a gear, all connected by a dashed circular line.



**ACCOUNT FEATURES**

Banks, credit unions and investment firms are innovating a number of promising new services and processes to flag cases for immediate action that can prevent exploitation before money leaves the account.

- Data analytics to identify consumers at risk
- Read-only feature that allows trusted loved ones to track account movements without giving access to funds
- Preventing the sale of inappropriate products to those with dementia
- Consumer needs and preferences form

The graphic shows a central profile icon with a list of items next to it. To the left is a shield with a star, and to the right is a dollar sign with a circular arrow. A dashed line connects the profile icon to the dollar sign.

*Most importantly, spread the word to family and friends and make them aware of elder financial exploitation red flags that may circumvent a potential tragedy to an unsuspecting elder.*

# National Elder Fraud Hotline

U.S. Department of Justice launched [National Elder Fraud Hotline](#)\* to help combat fraud against older Americans and provide services to victims.

The hotline is open Monday through Friday from 10:00 a.m. to 6:00 p.m. eastern time. Services are available for speakers of English, Spanish, and other languages.

The hotline, managed by Office of Victims of Crime (OVC), is staffed by caring professionals. Callers will be assigned a case manager and will assist with reporting the crime and connect you with other resources as needed.



**NATIONAL ELDER  
FRAUD HOTLINE**

**1-833-FRAUD-11**

**1-833-372-8311**

\*National Elder Fraud: <https://ovc.ojp.gov/program/elder-fraud-abuse/national-elder-fraud-hotline> Hotline | Elder Fraud & Abuse | OVC (ojp.gov)



Annually, June 15<sup>th</sup> is WEAAD!

# Resources on Elder Fraud

- State Elder Laws: <https://www.justice.gov/elderjustice/prosecutors/statutes>
- National Center on Elder Abuse: <https://ncea.acl.gov/WEAAD.aspx>
- ABA: [Protect the Elderly from Financial](https://www.aba.com/advocacy/community-programs/consumer-resources/protect-your-money/elderly-financial-abuse) <https://www.aba.com/advocacy/community-programs/consumer-resources/protect-your-money/elderly-financial-abuse> -
- ABA Foundation: <https://www.aba.com/news-research/research-analysis/older-americans-benchmarking-report> -
- Consumer Financial Protection Bureau: [https://files.consumerfinance.gov/f/201603\\_cfpb\\_recommendations-and-report-for-financial-institutions-on-preventing-and-responding-to-elder-financial-exploitation.pdf](https://files.consumerfinance.gov/f/201603_cfpb_recommendations-and-report-for-financial-institutions-on-preventing-and-responding-to-elder-financial-exploitation.pdf)
- <https://www.justice.gov/elderjustice/financial-exploitation> - guidance and resources
- [https://www.ic3.gov/Content/PDF/Elder\\_Fraud\\_Tri-fold.pdf](https://www.ic3.gov/Content/PDF/Elder_Fraud_Tri-fold.pdf) FBI Pamphlet on Elder Fraud
- <https://www.napsa-now.org/help-in-your-area> Adult Protective Services, locate state contact information

# Thank you!

If you become aware of possible unlawful acts related to elderly fraud and/or abuse, you are right to be concerned.

If you SEE SOMETHING, SAY SOMETHING in a timely manner to law enforcement and give the authorities a chance to make a difference.



National Adult Protective Services Association

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