

11:58 1 Detention Center.

2 Do you understand this admonition?

3 THE WITNESS: I do.

4 THE FOREPERSON: Thank you. You are

11:59 5 excused.

6 THE WITNESS: Thank you.

7 MR. RAMAN: We're on lunch. We'll be back

8 after one or two cases in the afternoon. One more

9 witness and then we'll give you guys time to deliberate.

11:59 10 (Recess.)

11 MR. RAMAN: Okay. We're going back on the

12 record on case number 16AGJ151A-D and our next witness

13 is John Norheim.

14 Before we get to Mr. Norheim, I brought one

02:47 15 exhibit which doesn't need any kind of witness

16 introduction. It's 2A. It's supplemental instructions

17 that encompass aiding and abetting liability, conspiracy

18 liability. I'm sure all of you heard this instruction

19 many, many times at this point in your service but it's

02:47 20 there if you want to read it just like Exhibit 2.

21 THE FOREPERSON: Please raise your right

22 hand.

23 You do solemnly swear the testimony you are

24 about to give upon the investigation now pending before

02:47 25 this Grand Jury shall be the truth, the whole truth, and

02:47 1 nothing but the truth, so help you God?

2 THE WITNESS: I do.

3 THE FOREPERSON: Please be seated.

4 You are advised that you are here today to

02:48 5 give testimony in the investigation pertaining to the  
6 offenses of racketeering, theft, exploitation of an  
7 older person, exploitation of an older person/vulnerable  
8 person, offering false instrument for filing or record,  
9 and perjury, involving April Parks, Mark Simmons, Gary  
02:48 10 Taylor and Noel Palmer Simpson.

11 Do you understand this advisement?

12 THE WITNESS: I do.

13 THE FOREPERSON: Please state your first  
14 and last name and spell both for the record.

02:48 15 THE WITNESS: Jon Norheim. J-O-N,  
16 N-O-R-H-E-I-M.

17 JON NORHEIM,

18 having been first duly sworn by the Foreperson of the  
19 Grand Jury to testify to the truth, the whole truth,  
02:48 20 and nothing but the truth, testified as follows:

21

22 EXAMINATION

23

24 BY MR. RAMAN:

02:48 25 Q. Mr. Norheim, what do you do for a living?

02:48 1 A. I am a full time hearing master for Clark  
2 County Eighth Judicial District Court, Family Division.

3 Q. How long have you been a full time hearing  
4 master?

02:48 5 A. Since March 7, 2005. Twelve years ago  
6 today.

7 Q. And how long have you worked for the court  
8 system?

9 A. I was a permanent part time hearing master  
02:48 10 from September 1st, 1996 until I became full time in  
11 March of 2005, so 20 years.

12 Q. And does this job require you to be a  
13 licensed attorney?

14 A. It does.

02:49 15 Q. When did you become an attorney?

16 A. 1991.

17 Q. And throughout your career being a hearing  
18 master, either part time or full time, have you presided  
19 over guardianship matters?

02:49 20 A. I have.

21 Q. Under the hearing master position, again be  
22 it full time or part time, was there a supervisory  
23 District Court judge that made ultimate orders or  
24 findings in your cases?

02:49 25 A. At all times, yes.

02:49 1 Q. Do you recall the grouping of judges who  
2 supervised you over that 20-year period were?

3 A. I was supervised by Art Richie, Gloria  
4 O'Malley, then Gloria Sanchez, she's now Gloria  
02:49 5 O'Malley, and Charles Hoskin. There were other  
6 guardianship judges periodically. I think I may have  
7 worked briefly under Bill Voy and briefly under Diane  
8 Steel.

9 Q. An adult guardianship was not the only type  
02:50 10 of Family Court hearing that you were hearing master in?

11 A. Correct.

12 Q. Did you handle minor guardianships?

13 A. At times.

14 Q. Probates?

02:50 15 A. Yes.

16 Q. Custody matters?

17 A. Yes.

18 Q. Delinquency, things like that?

19 A. I -- not delinquency, dependency. I filled  
02:50 20 in occasionally in delinquency but not so much. Child  
21 support and temporary protective orders would be the  
22 other areas.

23 Q. Do you still practice as a hearing master  
24 for guardianship court?

02:50 25 A. I do not.

02:50 1 Q. What do you currently do?

2 A. Dependency and civil commitments.

3 Q. Up till about mid 2015 were you practicing  
4 as guardianship hearing master, commonly known as a

02:50 5 guardianship commissioner?

6 A. I believe I was transferred to dependency  
7 in the spring of 2015.

8 Q. Okay. So as somebody who has extensive  
9 experience in guardianship from a presiding judicial

02:51 10 officer role, how does somebody get into guardianship, a  
11 nutshell version of that?

12 A. How do they create a guardianship  
13 initially?

14 Q. Yes.

02:51 15 A. Initially you have to file a petition. A  
16 petition is something laid out by statute what you have  
17 to say in it so that you can show to the court that  
18 you're qualified and suitable and this is a case where  
19 guardianship is necessary. There are a whole bunch of

02:51 20 things laid out in chapter 159 which are required to be  
21 included in the petition, certain types of statement

22 like I'm not a felon, I've never had my professional  
23 license removed, I haven't had a bankruptcy in the last

24 five years, and then of course you have to establish why

02:51 25 a guardianship is necessary and the extent of that

02:51 1 guardianship. Is this regular, full, general  
2 guardianship over entire person or estate or is it a  
3 special guardianship over a limited aspect of the ward's  
4 life that they need assistance with. You would then  
02:52 5 take that petition, you need to file it, you would then  
6 need to have proof from a medical doctor that this ward  
7 needed a guardianship, proof by statute is something  
8 called a physician certificate, it is something signed  
9 by a medical doctor who has evaluated the patient and  
02:52 10 determined that they're incapable of handling whatever  
11 aspect of their life the guardian is wishing to take  
12 over. You then have to notice that petition, you set  
13 something called a citation, requires 20 days notice, it  
14 has to be served on a number of people who are  
02:52 15 statutorily identified as requiring service, that is of  
16 course the ward, anyone having care, custody and control  
17 over the ward, all family members within two degrees of  
18 consanguinity. If there are no family members up until  
19 2015, you had to notice the Public Guardian's office.  
02:52 20 But there's a list of people that have to get notice.  
21 Notice is given by a minimum of certified mail return  
22 receipt requested, but the statute allows for a greater  
23 degree of service and occasionally the court would  
24 demand a greater degree of service, that is personal  
02:53 25 service.

02:53 1 Q. Before I go any further, showing you what's  
2 been marked as Grand Jury Exhibit 16. Are you familiar  
3 with what this document is?

4 A. That is Chapter 159.

02:53 5 Q. What is Chapter 159?

6 A. I'm sorry. The Nevada Revised Statute  
7 itself. The chapter that has to do with adult and minor  
8 guardianships.

9 Q. Okay. I'll leave that for you in case you  
02:53 10 need to reference.

11 A. Thank you. I haven't done this job in two  
12 years. I may be rusty on the statutes.

13 Q. Now have you heard the terms qualified and  
14 suitable?

02:53 15 A. Yes, that is the legal term for, you need  
16 to be qualified and suitable to be able to take over as  
17 guardian. What does that mean? That means you meet the  
18 statutory, the minimum statutory requirements. There  
19 are a whole bunch of things that could potentially  
02:53 20 disqualify you and they're the kind of things that you  
21 would expect would disqualify someone. Being a felon,  
22 if you're asking for control over money, having a recent  
23 bankruptcy, having a professional license revoked,  
24 anything that would, anything that would cause you to be  
02:54 25 not reputable or not appropriate to be able to take care

02:54 1 of someone else's business.

2 Q. Okay. Regarding the doctor's note, is that  
3 any particular requirements about who that medical  
4 professional might be? Does it have to be a MD, a DO,  
02:54 5 could it be a physician's assistant or a nurse?

6 A. It doesn't, but the court is reluctant most  
7 of the times to accept. We as Clark County, we rely on  
8 certain psychologists to do competency evaluations and  
9 so if the psychologist is trained appropriately, that  
02:54 10 psychologist may be perfectly qualified to look at  
11 someone and determine what their capabilities are.

12 Q. You're speaking of a Ph.D.?

13 A. Ph.D., correct. So under certain  
14 circumstances, if you can show that Ph.D. has the  
02:55 15 necessary training to be able to identify deficiencies  
16 in wards, we would allow that. If you're going to go  
17 below that, the statute gives the court a great deal of  
18 discretion who to accept this from, but if you're going  
19 to go below that level, you're really going to have to  
02:55 20 show this person has the expertise necessary to make  
21 that diagnosis and make that determination of the ward's  
22 limitations.

23 Q. Regarding the disclosure of information to  
24 interested parties, if a person is seeking a  
02:55 25 guardianship and they're familiar that the person



02:55 1 they're seeking the guardianship on has estate planning,  
2 meaning they have a trust, they have a successor trustee  
3 that isn't them, they have a power of attorney

4 identified to handle their affairs should they become  
02:55 5 incapacitated, is this the type of information they're  
6 required to provide to the court in their petition?

7 A. Yes, and required to notice those people.

8 Q. Okay. So if that were the case, if a  
9 guardian knew of this information and didn't disclose it  
02:56 10 to the court in the documents, would that be a false  
11 document?

12 A. Yes. It would be a material omission. It  
13 would be inappropriate to omit that.

14 Q. Now with guardianship, where somebody is  
02:56 15 coming in and taking over either the person or the  
16 estate, or both person and estate, or incapacitated or  
17 diminished person, is there estate planning that could  
18 avoid the eventuality of guardianship?

19 A. Absolutely. And we had a saying for years  
02:56 20 in estate planning and probate and guardianship that  
21 guardianship is a failure to plan. If you document an  
22 appropriate plan you should never have to come in  
23 contact with the legal system. One of the defenses to a  
24 guardianship is that this ward doesn't need a guardian  
02:56 25 because they have an adequate estate plan that would

02:56 1 obviate the need for court and guardian involvement.

2 That is an absolute defense to a guardianship.

3 Q. Does the guardianship court have  
4 jurisdiction over non-guardianship assets such as trusts  
02:57 5 or proceeds from wills?

6 A. Only if a petition is filed to ask the  
7 court to take ancillary jurisdiction over that, at that  
8 trust, and then that is a noticed hearing, everyone has  
9 the opportunity to come in and then they would have to  
02:57 10 show that it's in the ward's best interest to take  
11 ancillary jurisdiction over that trust. It's supposed  
12 to be a rare occurrence. The idea is that you're  
13 supposed to create your trust and it's supposed to act  
14 independently and there shouldn't be the need for the  
02:57 15 court to become involved in it, but sometimes it's  
16 unavoidable. Sometimes if you have a trust in which all  
17 of the successor trustees are deceased, someone needs to  
18 come in and have another successor trustee appointed,  
19 some court would need to do that. It's easier and less  
02:57 20 expensive for a guardian to have that done through  
21 guardianship court rather than have a brand new probate  
22 case begun to accomplish that. As a result the  
23 legislature allows ancillary jurisdiction for those kind  
24 of purposes.

02:58 25 Q. So let's say there's a circumstance where a

02:58 1 guardian starts to touch a ward's trust assets without  
2 petitioning the court to have jurisdiction over the  
3 trust and it looks like it's primarily to pay their fees  
4 and their attorney fees, is that permissible?

02:58 5 A. Absolutely not. It is incredibly  
6 impermissible.

7 Q. I know that there's a hierarchy in the  
8 court and obviously we're speaking about your experience  
9 in guardianship court which ended about two years ago,  
02:58 10 but would cases start with you or would they start with  
11 another Family Court judge like Judge Hoskin?

12 A. Guardianship cases, and again I don't want  
13 to leave you with the impression that I was the only  
14 guardianship commissioner during that period of time,  
02:58 15 there were other people acting as guardianship  
16 commissioner and there were numerous judges that came in  
17 and out of guardianship over that period of time. But  
18 most of the time, and there are exceptions to this,

19 Judge Steel for instance in 2007/2008 basically did not  
02:59 20 use a hearing master, had all the cases originate with  
21 her and then would push down in the rare case that she  
22 wanted something heard. But for most of the time cases  
23 originated at the hearing master level and then the  
24 parties could move the judge to take the entire case or

02:59 25 take bits of the case and then it was up to the judge

02:59 1 whether he or she wanted to take parts of the case, but  
2 generally cases would start at the hearing master  
3 commissioner level.

4 Q. Have you had circumstances -- I know we've  
03:00 5 already gone over how somebody can file a petition to  
6 get guardianship over another person and that usually  
7 involves one family member getting guardianship over  
8 another should they become incapacitated in some way, or  
9 it could involve a private professional guardian coming  
03:00 10 in on the basis of being referred that somebody may need  
11 guardianship and then being appointed guardian.

12 A. Yes.

13 Q. There's normally kind of a timetable for  
14 all of this because there's notice, correct? So notice  
03:00 15 has to be provided to certain people --

16 A. Yes.

17 Q. -- about I have petitioned for guardianship  
18 over this person, these people as you said, people  
19 within two degrees of consanguinity, people who are  
03:00 20 known to be the power of attorney or successor trustee,  
21 people of importance within that proposed ward's life;  
22 correct?

23 A. Yes. Correct.

24 Q. Is there, since that notice takes awhile to  
03:00 25 accomplish, I presume that's a certified mailing type of

03:00 1 situation?

2 A. It is.

3 Q. And the ward themselves has to get notice.

4 A. That's correct.

03:01 5 Q. Is there an expedited manner in which  
6 somebody can accomplish getting a temporary guardianship  
7 started very fast where notice might be frustrated?

8 A. There are limited circumstances in which a  
9 guardianship can be obtained without any notice at all  
03:01 10 on an emergency basis and it's set forth in the statute  
11 and that statute actually changed several times during  
12 the years that I worked in guardianship. But basically  
13 if you have a life and death emergency, you can come in,  
14 and you've got the appropriate medical backing for that  
03:01 15 to show that this is a life and death situation, a  
16 guardianship can be granted so that someone could make a  
17 emergency medical decision for a ward that needed to be  
18 made that night at the hospital. Those are supposed to  
19 be rare cases. But I don't think that's what you're  
03:01 20 asking about. What you're asking about is the 20-day  
21 notice requirement to have a guardianship, a general  
22 guardianship entered, can that be shortened. The answer  
23 is yes, but it can't impact on notice. So you can get  
24 what's called an order shortening time, that is shorten  
03:02 25 the time to the hearing by court order, if that order

03:02 1 shortening time is for less than ten days, then every  
2 single family member and every person entitled to notice  
3 has to be personally served with that new court date and  
4 they have to be served at least one judicial day prior.

03:02 5 If they show up at that expedited hearing and they want  
6 their fully allocated statutory time, they're given  
7 their fully allocated statutory time. So if they show  
8 up and say I only got one day's notice but I can prove  
9 that my sister is not appropriate to be able to take  
03:02 10 care of my mother, I would, well, not just I, all the  
11 judicial officers would give that person the statutory  
12 time to be able to gather that information and present  
13 it to the court.

14 Q. Mr. Norheim, can you tell me about the  
03:02 15 approved and granted list, what exactly that is, how  
16 does it work?

17 A. Sometime in the early 2000s I believe, it's  
18 contemporaneous with the major statutory revisions in  
19 2003, our Eighth Judicial District Court rules were  
03:03 20 amended to add a, for probate and for guardianship to  
21 create a list every Friday by 5 o'clock for the following  
22 week of cases that are on calendar for the following  
23 week and whether they on their face meet all of the  
24 statutory requirements and therefore should be approved  
03:03 25 and granted without opposition or whether there are

03:03 1 deficiencies that stop that from happening, i.e. you  
2 don't have a proper physician certificate or your  
3 accounting doesn't include a recapitulation or your, or  
4 there are things in your pleadings that the court has  
03:03 5 concerns about. If so those are posted on the approved  
6 and granted list which is both online and a physical  
7 printout in front of the courtroom.

8 Q. Okay. So from the court's website, if I  
9 had a matter on in guardianship court, I could go on  
03:04 10 after, I don't know, Friday at 5:00 p.m. or something  
11 like that --

12 A. Correct.

13 Q. -- and see if, I don't even have to come to  
14 court the next week because my case has been approved  
03:04 15 and granted?

16 A. Yes. If you have pre-submitted an order  
17 and you've done everything that the EDCR required, you  
18 would not have to come to court. However, if you did  
19 not come to court and someone came to oppose your  
03:04 20 matter, which you can do statutorily, you do not have to  
21 file a written opposition to a guardianship, you can  
22 show up and contest that guardianship. If that happens  
23 you don't stay on the approved and granted list, you  
24 risk losing your hearing if you don't show up. It would  
03:04 25 be probably bad practice not to show up.

03:04 1 Q. Okay. Would an initial petition for  
2 guardianship be something that I would normally see on  
3 the approved and granted list?

4 A. No, it would not normally be on the  
03:04 5 approved and granted list because the statute requires  
6 the ward to be present at the hearing so that they can  
7 be advised of their rights, so that they can be  
8 questioned about what they think they need or don't  
9 need. The only way you can get on the approved and  
03:05 10 granted list for an initial guardianship would be to  
11 have everything down that the statute required and have  
12 a doctor say that this ward is incapable of coming to  
13 court.

14 Q. You're familiar on the petition, usually  
03:05 15 it's on the physician's affidavit, there's a check box  
16 or some kind of explanation, I do not believe it would  
17 be in the ward's interest, they would not be able to  
18 understand or help in the proceeding, something that  
19 excuses them from --

03:05 20 A. Yeah.

21 Q. -- being at the court. How often would  
22 that be checked in your experience?

23 A. About 25 percent of the time.

24 Q. Was it more prevalent in cases regarding  
03:05 25 specifically, you were informed by the foreperson we're



03:05 1 talking about April Parks. Was it more frequent that  
2 Miss Parks' guardians were not present?

3 A. Yes.

4 Q. Her wards?

03:06 5 A. Yes.

6 Q. So more frequently than normal there would  
7 be a notation, a physician's affidavit that the presence  
8 of the proposed ward would not be helpful to the  
9 process, therefore exempt them?

03:06 10 A. Yes, that's my personal recollection. I  
11 have not studied or gone through and analyzed them but  
12 my recollection is that she had fewer wards present than  
13 average.

14 Q. Okay.

03:06 15 A. So, yes, I believe she was more likely than  
16 the average.

17 Q. Have you found in your experience that  
18 having the ward present is helpful?

19 A. Yes. It's statutorily required. There's a  
03:06 20 reason for that. This is a dramatic thing to do to  
21 someone. You're taking basic human rights away from  
22 them. They should be part of the process.

23 Q. Is there ever any delving on the part of  
24 the court or yourself as a hearing master about well,  
03:07 25 the physician said it wouldn't be helpful to the process

03:07 1 based upon they have severe Alzheimer's dementia to be  
2 part of this process or they're bedridden, has there  
3 ever been any scrutiny about that?

4 A. There is sometimes. I can tell you when it  
03:07 5 would automatically happen and that is if a family  
6 member came in and said, you know mom is well enough,  
7 she can, and then absolutely we would demand that the  
8 ward be present or get extra information. If the court  
9 is given enough medical information, sometimes on its on  
03:07 10 it will question whether or not it's really appropriate  
11 to leave the ward back at the nursing home and not have  
12 them participate. It was very important to me, it was  
13 very important to every judge that I worked for to make  
14 sure that wards were there as often as medically  
03:07 15 possible to be able to participate in their cases.

16 Q. Okay.

17 A. Intentionally excluding someone or  
18 manipulating the court to not have someone present in  
19 court is extremely bad. That's a huge violation of  
03:08 20 basic fundamental human rights and statute.

21 Q. Would you, outside of a family member or  
22 somebody complaining or maybe the ward themselves  
23 complaining, would you have any way to know whether in  
24 fact that had been doctored or manipulated to prevent  
03:08 25 the ward from appearing?

03:08 1 A. No.

2 Q. Could you tell us about what letters of  
3 guardianship are and what their importance is?

4 A. Letters of guardianship are your, is your  
03:08 5 actual document that gives you authority. And this is a  
6 vestige of a long gone era in which the king would issue  
7 you, on parchment paper, letters and put a seal on the  
8 bottom. When I first started practicing we actually  
9 still put gold seals on the bottom of letters of

03:08 10 guardianship and then the county became too poor to  
11 afford those seals anymore. But still that is the  
12 official document. This is confusing to a lot of people  
13 out in the community who look at an order appointing  
14 guardian as the document that gives them authority, but

03:09 15 it's not, it's your letters of guardianship. You should  
16 not be able to access a bank account or make a medical  
17 decision without first presenting your letters of  
18 guardianship. It's an important distinction because  
19 letters of guardianship can't be issued until certain

03:09 20 financial protections have been put in place. In Nevada  
21 it's either bond or blocked account or you've been  
22 exempted from that because you're under the statutory  
23 threshold. But, I'm sorry, I'll go back to answer your  
24 question.

03:09 25 Q. Just because we have --

03:09 1 A. I'll stop pontificating.

2 Q. That's fine. Statutory threshold would be  
3 20,000?

4 A. It was 10,000 when I stopped.

03:09 5 Q. Ten thousand. Ten thousand, if somebody  
6 has finances that are worth 10,000 are less, that goes  
7 into something called summary?

8 A. Summary administration. The legislature  
9 has decided, and this has existed for a long time and  
03:09 10 about every few years, if you tell me it's 20,000 that's  
11 probably accurate cause it gets bumped every few years.

12 Q. I don't want to put words in your mouth.

13 A. It started at 3500 back in the early  
14 1990's, it went to 5000, 7500, \$10,000. And that's the  
03:10 15 snapshot, that's not how much you're going to take in  
16 over the next year, that's how much you currently have  
17 right now, what's the value of your estate. So small  
18 estates, the legislature has decided that small estates  
19 should not have the same kind of scrutiny that larger  
03:10 20 estates have.

21 Q. Is there a process when it comes to the  
22 actual issuance of the letters of guardianship, is there  
23 a swearing or something?

24 A. Yes. Guardians are sworn in by a notary.  
03:10 25 In almost all cases that happens at the clerk's office

03:10 1 and the notary at the counter will swear them in. It's  
2 not mandated by law. So for instance if you're a  
3 co-guardian and you're living out of state, you can have  
4 your, you can have your swearing in done before a notary  
03:10 5 someplace else and simply bring in that oath to the  
6 clerk and then they'll issue the letters once they see  
7 the appropriate oath has been given someplace else.

8 Q. So the whole swearing and the issuance of  
9 letters and I guess in that process making sure that the  
03:11 10 guardian has a blocked or, a blocked account or a bond  
11 if they, if the estate is worth more than 20,000, that  
12 doesn't happen in your courtroom, that happens with the  
13 clerk or a notary?

14 A. It does. It does happen downstairs, it  
03:11 15 doesn't happen in court, you're correct. Part of giving  
16 someone a oath and part of making them go through this  
17 is to help them to understand how important this is and  
18 the responsibilities that come with this and the fact  
19 that they're swearing to take on this fiduciary role and  
03:11 20 do right by the person that they're responsible for. So  
21 we make them go through this process. We also make them  
22 fill out an admonishment of duties and responsibilities,  
23 including private professional guardians. They all have  
24 to have gone through the check list and initialed off on  
03:11 25 each and every duty that they're responsible for and

03:11 1 show they understand what they can and cannot do under  
2 Nevada law. And you have to have that admonishment of  
3 rights before you have letters of guardianship issued as  
4 well.

03:12 5 Q. If a guardian was accepting letters of  
6 guardianship, and obviously that comes after a petition  
7 and a ruling by a judicial officer such as yourself, if  
8 they then go and get their letters of guardianship and  
9 haven't gotten a bond or blocked the account if it's not  
03:12 10 summary, that would be wrong; correct?

11 A. They should not get letters issued under  
12 those circumstances, correct.

13 Q. Is there --

14 A. Or if they haven't filled out their  
03:12 15 admonishment and signed off that they understand and  
16 agree to all the things they're responsible for.

17 Q. Regarding the bonding or blocked account  
18 requirement, is there any kind of compliance or  
19 safeguard in place to make sure the people are doing  
03:12 20 what they say they are doing?

21 A. Well, they're not supposed to -- they're  
22 supposed to show that proof at the window and then the  
23 clerk files that in the file so that we have proof in  
24 our file that that account has been blocked.

03:12 25 Q. Okay. But there's no way to check up after

03:12 1 that?

2 A. Correct. We won't know until the first  
3 accounting the next time they're back in court if  
4 they've gotten around it.

03:13 5 Q. And the first accounting happens a year  
6 down the road?

7 A. Correct, a year and a month is the due date  
8 after the letters of guardianship are issued.

9 Q. So this is all predicated on, A, the person  
03:13 10 whose got the letters providing adequate proof, and B,  
11 the clerk doing their job?

12 A. Correct.

13 Q. The initial inventory when somebody gets  
14 guardianship over another person, they're required to  
03:13 15 file an inventory of that person's assets; is that  
16 correct?

17 A. They are.

18 Q. That includes debts?

19 A. It's a snapshot of the ward's financial  
03:13 20 situation at that moment in time.

21 Q. Do you recall when the initial inventory  
22 should be filed?

23 A. Give me the statute. I probably have to  
24 look it up. It's 45, 60, 90 days, something like that.

03:13 25 I can no longer remember. And I believe it may have

03:13 1 changed.

2 Q. But it's relatively fresh into the process?

3 A. Relatively fresh. In the early part of the  
4 process.

03:14 5 Q. Certainly not closer to where the annual  
6 accounting occurs?

7 A. Oh no, no, no. It's supposed to be done  
8 initially.

9 Q. Can somebody frustrate the process? What I  
03:14 10 mean is convey false information to the court about what  
11 assets the ward has exist and thereby when it was more  
12 than \$10,000 make the court believe this is actually a  
13 summary situation and that draws less scrutiny?

14 A. All you have to do is be willing to lie.

03:14 15 Because the court doesn't have the ability to do  
16 independent investigation, it's prohibited by the Code  
17 of Judicial Conduct. Neither the judge, nor I, nor  
18 anyone who works for the judge or I, is allowed to go in  
19 and actually do that the independent research. So if

03:14 20 you swear that the assets are under \$10,000 and there's  
21 no family member or ward coming in to tell the court  
22 otherwise, you would go into summary administration  
23 based on your sworn statement, yes.

24 Q. Now you do say sworn. So I mean all of

03:14 25 this is under penalty of perjury --



03:15 1 A. It is.

2 Q. -- and other requisite crimes that come  
3 with filing false documents with the courts?

4 A. That's correct.

03:15 5 Q. And obviously if crimes are committed they  
6 could be prosecuted and potentially punished?

7 A. They should be.

8 Q. Would the annual accounting, you've already  
9 said that occurs one year, it's due at the one year mark  
03:15 10 and it's late 30 days after that?

11 A. Correct. It's an annual accounting. It's  
12 due every year. The anniversary of your letters of  
13 guardianship. It's considered late if you're more than  
14 a year and 30 days. It's like your credit card bill.

03:15 15 It's due on a particular day but they don't assess a  
16 late payment until you're -- sorry. I apologize. What  
17 was your question?

18 Q. What would you normally, what would the  
19 guardian normally include in the annual accounting?

03:15 20 A. What is included in the annual accounting  
21 is laid out specifically both in Chapter 159 and the  
22 Eighth Judicial District Court rules. The front page of  
23 an accounting is always something called a  
24 recapitulation. A recapitulation is a summary of what's  
03:16 25 in the accounting and lets you know where to look on

03:16 1 specific pages to find things. So it would start with  
2 the beginning balance, this is how much the ward had.  
3 If this is the second annual accounting it would start  
4 with this is what the ward had at the end of the first  
03:16 5 annual accounting. It would then say these are the  
6 additions, this is what the ward took in in income, in  
7 gifts, lottery winnings, and this is what the  
8 expenditures were and this is the reference to where  
9 those expenditures can be found in the full accounting  
03:16 10 behind it. And then the bottom line is this is the end  
11 balance, this is what the ward has left.

12 Q. Okay. Is there back-up documentation  
13 required?

14 A. No.

03:16 15 Q. So --

16 A. That changed in, prior to 2003 receipts  
17 were required to be submitted with all accountings. In  
18 2003 the statute was amended to remove the requirement.  
19 A family member may as a matter of right request that  
03:17 20 receipts be produced and the court has discretion if it  
21 has concerns about an accounting to require receipts as  
22 well.

23 Q. So in 2003 the court actually said we no  
24 longer --

03:17 25 A. The legislature.

03:17 1 Q. The legislature said we no longer need  
2 receipts to back up accountings?

3 A. Correct. Well, no. The receipts no longer  
4 have to be produced with the accounting. However any  
03:17 5 family member, anyone on that list that we talked about  
6 earlier that was entitled to notice, they may as a  
7 matter of right request those bills, the actual  
8 receipts. So the receipts have to be held and kept so  
9 that they can be produced if requested, but they don't  
03:17 10 have to submitted with the accounting.

11 Q. And those include anything the ward's money  
12 is spent on, that would include guardianship fees?

13 A. No. Guardianship fees and attorney's fees  
14 have to be accompanied by a bill, so they can't just be  
03:18 15 this is how much we spent.

16 Q. But that goes in the annual accounting?

17 A. That would be -- it goes in the annual  
18 accounting. It's an expenditure or a proposed  
19 expenditure. So if this is the second annual  
03:18 20 accounting, what should happen is the second annual  
21 accounting should reflect the guardian fees and the  
22 attorney's fees that were granted by the court in the  
23 first annual accounting and paid during the second  
24 annual accounting period.

03:18 25 Q. Now at the end of a guardianship, be it

03:18 1 that the ward has died or no longer needs a  
2 guardianship, there would be a petition to terminate the  
3 guardianship; correct?

4 A. Correct.

03:18 5 Q. And that would include either with it or  
6 sometime shortly thereafter a final accounting?

7 A. Correct. You're required to produce a  
8 final accounting. The guardianship terminates upon the  
9 ward's death or regaining of capacity, which means your

03:18 10 ability to spend, well, there's some wind-up stuff  
11 without getting into too much detail, but your authority  
12 to start, to continue to act on behalf of the ward when  
13 they have died is greatly diminished. And then you have  
14 to get your final accounting in and then you're done.

03:19 15 You don't get discharged. You can get your guardianship  
16 terminated, but you can't get discharged until you've  
17 come to the court and gotten all of your expenditures  
18 approved.

19 Q. Okay. So a circumstance where a ward is  
03:19 20 dead for quite awhile and a guardian is billing out to  
21 go clean out their headstone or put flowers, would that  
22 be permissible?

23 A. No, completely inappropriate. On a number  
24 of levels.

03:19 25 Q. Sure. But if that in fact occurred and the

03:19 1 expenditure was disguised as a legitimate guardian  
2 expense, would the court have any way to know not to  
3 approve that?

03:19 4 A. Probably not. I might get tipped off by  
5 the fact that it's a headstone, but I wouldn't  
6 necessarily know that it was the ward's unless they tell  
7 me the ward has died, I have no way of knowing that the  
8 ward has died.

03:20 9 Q. Is there any analysis or examination on  
10 whether a guardian should be using the services of an  
11 attorney? And this is simply coming up because  
12 attorney's fees are very, very expensive.

03:20 13 A. Yeah. There are, there's a lot of dispute  
14 in the legal community now as to how this issue ought to  
15 be handled, but right now under Chapter 159 guardians  
16 are entitled to legal representation paid for by the  
17 ward's estate if it's reasonable and necessary. That's  
18 the way the statute sits right now. So the court feels  
19 that it cannot decline the ability to hire an attorney  
03:20 20 from a guardian.

21 Q. The guardian under statute is entitled to  
22 the use of an attorney; correct?

23 A. Yes.

24 Q. Should they feel they need one?

03:20 25 A. It's not mandated but it's a right. But

03:20 1 again reasonable and necessary fees.

2 Q. Now regarding this whole court compliance,  
3 we've touched on it, with compliance, is that something  
4 that primarily just sends, somebody send letters when  
03:21 5 various required documents aren't being filed at  
6 prescribed time periods? Like somebody neglected to  
7 file their first annual accounting, a year and a half  
8 later a letter is issued. Is that generally how the  
9 compliance works?

03:21 10 A. Again I want to differentiate between how  
11 compliance works now that there's a compliance division  
12 and how compliance worked prior to say 2015. Prior to  
13 2015 compliance was just about making sure that  
14 deadlines had been met. You were in compliance for  
03:21 15 instance if you had filed your inventory on or before  
16 the date it was due. The compliance officer would not  
17 actually look at the inventory to determine whether it  
18 was appropriate or whether it matched the allegations in  
19 the petition.

03:22 20 Q. Was there a person who was primarily in  
21 charge of compliance before 2015?

22 A. From 2010 to 2015 we had a compliance  
23 officer. The idea was for them to be independent of the  
24 judiciary so they report to court administration. But  
03:22 25 yes, there was somebody, there was a person in place

03:22 1 from 2010 to 2015.

2 Q. Was that Linda Sisson?

3 A. It was.

4 Q. When we talk about one of the qualifiers  
03:22 5 that makes you not a person suitable to be a guardian,  
6 you mentioned being a felon, losing professional  
7 licensures being some of the things that make one not  
8 suitable to be a guardian.

9 A. Yes.

03:22 10 Q. Did the court have any capacity to figure  
11 out whether somebody's a felon or lost a professional  
12 licensure by way of background check or anything else?

13 A. No. Prior to 2007 the court routinely had  
14 access to Scope and would run anybody who was asking to  
03:23 15 be a fiduciary in our court system, we would run them to  
16 see whether or not they had a felony. That decision was  
17 made, and I'm not sure who made that decision, but  
18 Family Court no longer has access to Scope. So after  
19 2007 we do not have the ability to check to see if  
03:23 20 somebody has a felony.

21 Q. Okay. In your experience, about how many  
22 people were considered private professional guardians,  
23 they regularly appeared in front of guardianship court  
24 and they supervised or they were assigned three or more  
03:23 25 wards?

03:23 1 A. During the time I was there, there were  
2 between 20 and 25 people who had gone through the  
3 process, gotten the license, done all the appropriate  
4 things under the statute to be considered appropriate as  
03:23 5 a private professional guardian.

6 Q. Was Miss Parks' firm, A Private  
7 Professional Guardian LLC, one of the larger ones as far  
8 as number --

9 A. Probably in the first few years I did this  
03:24 10 I saw her so infrequently I probably wouldn't have  
11 recognized her. Towards 2012, 2013, 2014, she started  
12 appearing much more frequently, had far more wards and  
13 was certainly one of the five people that appeared most  
14 frequently.

03:24 15 Q. So top five?

16 A. Yeah.

17 Q. That's fair. Regarding the accounting, and  
18 this is obviously a general question, if there were lies  
19 contained in what money was spent on, as far as I did  
03:24 20 this activity, therefore I billed my ward this amount of  
21 money, I paid myself, here is the accounting, court  
22 approve this. If there were lies contained within that  
23 document and nobody on behalf of the ward to object to  
24 those lies saying this isn't true, would the court have  
03:25 25 any way of knowing these are in fact lies?



03:25 1 A. No. We don't have any investigative  
2 capacity. In fact we're precluded by the code of  
3 judicial responsibility from doing that research  
4 ourselves. So if you're willing to lie and you don't  
03:25 5 think there's anybody that's going to catch you, you're  
6 likely to avoid court detection.

7 Q. If there were billing issues such as I am a  
8 private professional guardian and I have many wards and  
9 I submit all kinds of accountings and I represent in my  
03:25 10 accountings that on a particular day I spent one time  
11 traveling to visit the ward and one time visiting with  
12 that ward, but in truth on that very day I had one hour  
13 of travel to visit six wards who were in the same group  
14 home and I billed them each the one hour of travel and  
03:25 15 the one hour of visitation even though I really only  
16 spent about ten minutes with each ward and if you  
17 prorate the travel it should have been ten minutes per  
18 ward, would it have been inappropriate to bill as if it  
19 was a one hour travel and visit per ward?

03:26 20 A. Yes, that is inappropriate. You're only  
21 allowed to bill for the time you actually spent with the  
22 ward and if you're driving out you have to prorate that  
23 driving time.

24 Q. And there would be no real way for the  
03:26 25 court to detect that kind of deception?

03:26 1 A. Only if I got super lucky and two of those  
2 accountings were on the same day and I was diligent  
3 enough to catch that. That would be incredibly hard to  
4 spot and if they were on different days it would be  
03:26 5 impossible to spot.

6 Q. So there was no way to cross check the  
7 accountings on one professional guardian's ward versus  
8 another?

9 A. No.

03:26 10 Q. Is there any way to figure out whether a  
11 guardian actually spent the time they said they did on a  
12 given task? If they claim I was on the phone an hour  
13 with the victim's family, provided the victim's family  
14 doesn't say anything and dispute the billing, do you  
03:27 15 have any way of knowing whether they were actually on  
16 the phone?

17 A. No.

18 Q. Or whether they conducted a two hour visit  
19 versus a ten minute visit, would you have any way to  
03:27 20 know?

21 A. No. In fact that's the easiest way to  
22 deceive the court. I have no way of telling how long a  
23 particular task took. Now there are extreme examples  
24 that the court would recognize. If you took, if  
03:27 25 something was obvious on its face then it could be

03:27 1 explored and disallowed.

2 Q. Would it be permissible for a guardian to  
3 bill a guardianship type of fees, somewhere in the range  
4 of 100 maybe up to \$170 an hour for services that they  
03:27 5 would normally farm out to a PCA company?

6 A. We have a concept in guardianship that we  
7 commonly refer to as push down and that is that you have  
8 a fiduciary responsibility to complete each task in the  
9 most efficient way to the ward while still giving the  
03:28 10 ward full service. So if something can be pushed down  
11 to a lower level and you choose to do it yourself,  
12 that's fine, but you can't bill full price for that. So  
13 if you're running an errand that could be done by  
14 somebody for \$10 an hour, you couldn't charge \$75 an  
03:28 15 hour for doing that. It becomes difficult with the  
16 limited descriptions that the court gets to really know  
17 whether that's a task that can be pushed down, but if  
18 the court becomes aware of it, it does require the push  
19 down.

03:28 20 Q. Is the general guidance then, I guess what  
21 you're describing, is that an overall idea that the  
22 guardian is supposed to maximize value for the ward as  
23 far as making sure their finances last as long as they  
24 can?

03:28 25 A. Right.

03:28 1 Q. Because they've been supplanted into making  
2 those kind of decisions for an incapacitated person?

3 A. That's correct. They have a fiduciary duty  
4 to protect that ward's assets and use them  
03:29 5 appropriately.

6 Q. Do you regularly, in the role of hearing  
7 master for guardianship, would you look at  
8 sustainability? If a guardian has a person who has a  
9 net worth of \$30,000, spending ten to 15,000 on various  
03:29 10 things per year, do you look at sustainability of what  
11 that guardian is doing?

12 A. Absolutely. It should come up at the very  
13 beginning of the case. So in a properly done case I'm  
14 told immediately what the assets are and what the plan  
03:29 15 is for sustainability and a budget is then created.  
16 That would be done any time the account is blocked  
17 because you can't get any money out without a periodic  
18 release of funds. You can't get any money out without a  
19 court order. So you need to discuss sustainability at  
03:29 20 the outset with a budget that there's a court hearing on  
21 and that all of the family members and all the  
22 appropriate people are present at. If that starts to  
23 break down and you look, maybe the ward lives longer  
24 than you anticipated, that needs to be revisited from  
03:30 25 time to time, but one of the reasons the recapitulation

03:30 1 is a beginning balance and a end balance and it lets you  
2 know on page 1, are we losing money or gaining money,  
3 can we sustain this model compared to the ward's age and  
4 life expectancy, is this going to carry them for the  
03:30 5 rest of their lives, and if it isn't and these expenses  
6 are necessary, what is our plan when we run out of  
7 money, what are we going to do. Guardians by law are  
8 not allowed to leave a case just because the ward has an  
9 inability to pay them. That's in Chapter 159.

03:30 10 Q. You're familiar with NGA standards?

11 A. I use to be. I'm probably not as familiar  
12 with them two years later, but yes.

13 Q. I'm only going to ask you about one  
14 specific NGA standard. Are you familiar that a guardian  
03:30 15 is supposed to visit a ward once a month?

16 A. A minimum of once a month, yes, that's the  
17 minimum standard to make sure the ward is being taken  
18 care of appropriately.

19 Q. Is there a problem from a court perspective  
03:31 20 the guardian being over the estate and fiduciary with  
21 inflating the amount of visits that have no real value  
22 to the ward for the purpose of padding their bottom line  
23 and making more money off the ward because they can  
24 charge for all those visits?

03:31 25 A. That would be completely inappropriate.

03:31 1 It's a fine line in terms of you have a responsibility  
2 to make sure that your ward is getting the care that  
3 they need and if it requires you to do a lot of trips  
4 out to take care of a ward then you need to do that. On  
03:31 5 the other hand, those things need to actually be for the  
6 ward's benefit, they need to be necessary and there  
7 shouldn't, there can't be a cheaper way of doing it and  
8 you decide not to take that cheaper route.

9 Q. Is there any way for the court to determine  
03:31 10 whether it was over visits for the purpose of  
11 profiteering versus -- so for example, say Mrs. Smith is  
12 in a facility, she's not really conscious, she's  
13 intubated, and for some reason a guardian at \$150 an  
14 hour decides they want to come visit three times a week  
03:32 15 and that obviously costs the ward a lot of money  
16 provides no real benefit.

17 A. That would be the classic scenario where  
18 the once a month would be the appropriate number of  
19 visits. If the ward is unconscious, on a ventilator,  
03:32 20 there's no reason to do anything other than to observe  
21 the ward once a month, check on their medical records,  
22 make sure they're getting the appropriate care and  
23 treatment, but there's no benefit to the ward of  
24 standing over them and talking to them.

03:32 25 Q. What about companionship, just simply

03:32 1 hanging out with a ward at this high rate, isn't there  
2 services that are supposed to be used at a much less  
3 rate?

03:32 4 A. Yes. You should be able to do that with  
5 someone who doesn't charge full price. I will tell you  
6 that depending on the ward's level of capacity, if they  
7 want to pay someone to take them to movies or dinner,  
8 and they've got plenty of money, I would never deprive  
9 the ward of the right to do that. I wouldn't want it to  
03:33 10 be at the price of a guardian, but I'd want the ward to  
11 be able to have those experiences if that's what the  
12 ward wanted. You get concerned about people who are  
13 late in life and many of their friends and family  
14 members have died and they want companionship and they  
03:33 15 want to enjoy, maybe they've got dementia but they still  
16 have a great deal of capacity and they still have the  
17 ability to enjoy going to the movies or going to dinner,  
18 I'd want that if they can afford that and it's not going  
19 to impact their ability to live, I would want that to be  
03:33 20 done, but not at \$75 an hour, no.

21 Q. Would it be appropriate for a guardian,  
22 let's say one of these top five private professional  
23 guardians, they would regularly be filing petitions and  
24 various accountings and documents of this nature;  
03:33 25 correct?

03:33 1 A. Yes.

2 Q. Should, seeing how when they do  
3 guardianship services they're billing at a guardianship  
4 rate, should they utilize runner services or Wiznet so  
03:34 5 that they're not billing out their wards \$150 an hour  
6 for simple things like court filings, things that are  
7 not skilled, that do not necessarily require a guardian  
8 to do?

9 A. Yes.

03:34 10 Q. So if a private professional guardian  
11 billed out, excessively adding, well, billed out at all  
12 at the guardianship rate for simple filing tasks, would  
13 that be wrong?

14 A. Typically, yes. Cause you, you're still  
03:34 15 referencing the top five, the larger firms?

16 Q. Yes.

17 A. If you were to say, one of these people and  
18 you only had a handful of guardians and it was just you  
19 as a sole practitioner, they might not be able to push  
03:34 20 those things down and the court would have to have some  
21 understanding that they couldn't necessarily do that.  
22 But with regard to the people who have substantial size  
23 practices, yes, absolutely, they should be able to  
24 accomplish those things for a reasonable amount of  
03:34 25 money.



03:35 1 Q. In the course of having Miss Parks as a  
2 guardian, I know you said that she was not so prominent  
3 in your early years as a guardianship commissioner, but  
4 in the later years she was one of the top five people in  
03:35 5 front of you.

6 A. Well, understand that private professional  
7 guardians make up a very small fraction of overall  
8 guardians. So when I say top five, that may mean I see  
9 her once a week.

03:35 10 Q. The vast majority of guardianships involve  
11 one family member over another. Is that true?

12 A. Yes.

13 Q. Generally were Miss Parks' accountings and  
14 petitions approved by the court?

03:35 15 A. Generally, yes. Not towards the end and  
16 not always without a lot of questions.

17 Q. Okay. And then towards the end were there  
18 complaints received by the guardianship court on  
19 Miss Parks' guardians?

03:35 20 A. Yes.

21 Q. Do you recall about how many cases were  
22 there complaints and further examination was done?

23 A. Several. More than a few. I -- five, six,  
24 maybe as many as ten.

03:36 25 Q. And even in that five, six, maybe as

03:36 1 many --

2 A. It's probably a substantial number for  
3 cases.

4 Q. In that grouping, and we don't know the  
03:36 5 history of those cases, they were all at least past  
6 petition for guardianship letters issued?

7 A. Yes.

8 Q. In those cases provided, it was simply  
9 petition issue, inventory happen, and in some of them  
03:36 10 there were many years of accountings that had occurred,  
11 those were all approved up to the point of complaint,  
12 correct? Even that grouping.

13 A. I believe so. I think there were certain  
14 instances in those complaints about failure to file  
03:36 15 certain things.

16 Q. Yes.

17 A. So I don't want to say they were all  
18 approved because I believe in some of those contested  
19 cases she hadn't filed things that she was required to  
03:36 20 file. So I don't want to make a blanket statement that  
21 they were all approved. Many of them were not even  
22 brought to the court's attention.

23 Q. But the vast majority were approved?

24 A. I'm sure that's true.

03:37 25 MR. RAMAN: Does any of the ladies and

03:37 1 gentlemen of the jury have questions for Mr. Norheim?

2 BY A JUROR:

3 Q. What's two degrees of consanguinity?

4 A. Oh, good. It's, you go to the common

03:37 5 ancestor and then you go back down. So I'll tell you

6 what it is. It's parents, grandparents, children,

7 grandchildren, brothers and sisters. And under Chapter

8 159 they don't get notice if they're under 14 years of

9 age. You go up to the common, it's each drop up and

03:37 10 then drop down. So your sister is actually two degrees

11 of consanguinity, you go up to your parents and then

12 back down to her, so that's two jumps. Does that answer

13 your question?

14 Q. Not really.

03:37 15 A. Not really? I'm sorry. Parents,

16 grandparents, children, grandchildren, brothers and

17 sisters.

18 Yes, ma'am.

19 BY A JUROR:

03:37 20 Q. If a ward wanted an attorney to in fact

21 perhaps have complaints about their guardian --

22 A. Yes.

23 Q. -- how would they go about that?

24 A. They have a right to an attorney under

03:38 25 statute. The problem is that it's an unfunded statutory

03:38 1 requirement so there's no actual attorneys to appoint  
2 for free. Now if you can afford an attorney, great, no  
3 problem, but if you can't, we typically, I believe we  
4 got every single person who walked in and requested an  
03:38 5 attorney, we managed to somehow get an attorney for.

6 Q. How would they go about it over their  
7 guardian? I mean how do they get to the courts or how  
8 do they get to somebody?

9 A. They're required to be in court so I ask  
03:38 10 them.

11 Q. I mean after the guardian is appointed, two  
12 years down the road if they want an attorney --

13 A. If they were to say walk into the self help  
14 center in our building, our self help center would give  
03:38 15 them a form to have a court appointed attorney. If they  
16 could get to any of the resources that we have. But  
17 otherwise if, if a doctor has excused the ward's  
18 appearance, then there's no ability really and they  
19 don't ever come to court, there's no ability to get them  
03:39 20 an attorney.

21 Q. So they have to just live with their  
22 situation?

23 A. I am hopeful, hopeful, hopeful that this  
24 legislative session the legislators will decide to fund  
03:39 25 that mandate and get an attorney for every single ward.

03:39 1 THE FOREPERSON: If there is no further --  
2 Mary Ann.

3 THE WITNESS: Yes, ma'am.

4 BY A JUROR:

03:39 5 Q. I have a question.

6 A. Sure.

7 Q. Would it be appropriate for the appointed  
8 guardian to assign some other staff member to go out in  
9 their place and do the visit? Like if the guardian

03:39 10 actually went quarterly, but the assistants went more  
11 regularly and yet still charged almost the same amount  
12 of money.

13 A. I would expect if the assistant went, that  
14 that would be at a significantly reduced rate.

03:40 15 Q. And I have one more question.

16 A. Sure.

17 Q. On the letters that go out regarding  
18 deadlines, is that some kind of, I mean I would assume  
19 the court has some kind of system that would

03:40 20 automatically calculate when those letters needed to go  
21 out. And then who is responsible for sending those  
22 notices out and then who follows up? Do they get called  
23 into court to --

24 A. Good question. The court now, as of 2015,

03:40 25 does have an automated system. It did not prior to that

03:40 1 have an automated system. So the guardianship  
2 compliance officer would have to hand check each of  
3 these cases, a very time consuming process, a letter  
4 would be sent out from her to the person who hasn't  
03:40 5 complied telling them they haven't complied, she would  
6 then attempt to reach them by phone if she hadn't heard  
7 from them within a couple of weeks, she would send a  
8 second letter, and then she would put on the court's  
9 calendar something called an order to show cause and  
03:41 10 that's sent out to presumably the guardian that hasn't  
11 done it. She would send out to the guardian an order to  
12 come to court on a specific day and time and show cause  
13 why they shouldn't be removed as guardian for failure  
14 for instance to get their accounting in on time. Those  
03:41 15 calendars took place once a month on Fridays.

16 BY A JUROR:

17 Q. Did you say there was no compliance officer  
18 after 2015?

19 A. No, no. There's no me after 2015. No.

03:41 20 After 2015 there are now at least two compliance  
21 officers and staff and there's now an automated system,  
22 she asked about an automated system to let those  
23 compliance officers know without having to dig down and  
24 do the research as to who is behind. That automated  
03:41 25 system has now existed since mid 2015.

03:41 1 BY A JUROR:

2 Q. One last question. When you said the  
3 initial guardianship is appointed and they have to have  
4 sent notification to all the family members, et cetera,  
03:42 5 and get registered signed receipts --

6 A. Yes.

7 Q. -- do they bring all of those to court and  
8 the court reviews those or --

9 A. Here's what they have to do. By law, and  
03:42 10 here's what we typically want them to do. So by law  
11 they have to mail it out. They do not have to ensure  
12 that the person goes to the post office and picks it up.  
13 So they file something called a certificate of mailing  
14 that shows the outgoing mail to all of these people.

03:42 15 The court unfortunately has to rely, I don't know, Judge  
16 Hoskin, Judge O'Malley, none of us know who the family  
17 members are. The petitioner tells us. So if the  
18 petitioners lies to us about who, they want to omit

19 their brother because they think their brother might  
03:42 20 contest this, we don't know there's a brother unless  
21 some other family member comes in and rats them out. So  
22 we just look to see that the family members that are  
23 identified and part of your petition has to identify  
24 those family members. So the court looks to see if each

03:43 25 of the family members, each of the interested parties

03:43 1 that's listed in the petition has been served  
2 appropriately.

3 Q. Thank you.

4 THE FOREPERSON: If there's no further  
03:43 5 questions.

6 By law, these proceedings are secret and  
7 you are prohibited from disclosing to anyone anything  
8 that has transpired before us, including evidence and  
9 statements presented to the Grand Jury, any event  
03:43 10 occurring or statement made in the presence of the Grand  
11 Jury, and information obtained by the Grand Jury.

12 Failure to comply with this admonition is a  
13 gross misdemeanor punishable up to 364 days in the Clark  
14 County Detention Center and a \$2,000 fine. In addition,  
03:43 15 you may be held in contempt of court punishable by an  
16 additional \$500 fine and 25 days in the Clark County  
17 Detention Center.

18 Do you understand this admonition?

19 THE WITNESS: I do understand.

03:43 20 THE FOREPERSON: Thank you. You're  
21 excused.

22 THE WITNESS: Thank you very much. Did you  
23 want your statutes back?

24 MR. RAMAN: Yes. Thank you.

03:43 25 THE WITNESS: Thank you very much.