



Legal Assistance for Seniors
464 Seventh Street
Oakland, CA 94607

Nonprofit
U.S. Postage
PAID
Oakland, CA
Permit No. 864



the SENIOR leader

Newsletter for Legal Assistance for Seniors

CASE BY CASE

Mrs. Kleinman came to LAS because she had unusual charges on her checking account that she could not resolve. The story that staff attorney Salony Mehrok heard is becoming all too familiar. It starts with a telephone call.

Mrs. Kleinman received a call from someone claiming to be in the fraud department of her bank, concerned about some charges to her account. The person knew her name, address, bank branch and other information that made the call seem legitimate. She verified the information that they provided and was transferred to another person who asked a few questions and then told her that her account had been protected against fraud.

Three days later a deduction of \$450 appeared on her account. A week later another appeared. The two charges were more than her monthly income, and her account became overdrawn. The scammers had tape recorded Ms. Kleinman verifying her personal information and then re-recorded their conversation making it seem as if she had authorized the withdrawals. LAS attorneys were able to work with her bank to get the funds reinstated and file a police report. The bank then continued its investigation.

Ms. Mehrok recommends never giving out personal information over the phone, unless you initiate the call. If someone calls wanting to verify your information, get the person's name and phone number, thank him or her and hang up. Call your bank at the number that appears on your statements and tell them that someone claiming to be a bank employee contacted you about your bank information, and you are returning the call. Keep in mind that the banking industry wants to prevent fraud and protect customers and will be pleased that you took this step.



LAS Staff, July 2005

Medicare Part D continued

Medicare Part D becomes available on January 1, 2006. If you have questions about the plan that is right for you or questions about the Low Income Subsidy, call 1-800-Medicare, access www.medicare.gov on the Internet, or call the Health Insurance Counseling and Advocacy Program (HICAP). HICAP Counselors are available statewide and at over 30 different locations in Alameda County to meet individually with clients and

assist them with their questions about Medicare and related health insurance issues. HICAP is an unbiased and free resource for people who are trying to learn more about the new coverage and decide how it may fit their needs. Alameda County residents can receive assistance by calling HICAP at Legal Assistance for Seniors: 510-839-0393 or 1-800-434-0222.

Timeline for Transition to Medicare Part D

July – ongoing	People with low incomes and asset levels can apply for the Low Income Subsidy through the Social Security Administration.
September 15 – November 15, 2005	Insurance companies will send notices to people with Medigap and retiree plans, notifying them of how their coverage will coordinate with Medicare Part D.
October 15, 2005	Medicare will send information to all beneficiaries describing the Part D plans that will be available. Companies can begin marketing to people on Medicare. This information will also be posted on www.medicare.gov .
November 15, 2005 – May 15, 2006	This is the initial enrollment period when people on Medicare can choose a Part D plan.
December 31, 2005	This is the last day of drug coverage under Medi-Cal for people with both Medicare and Medi-Cal.
January 1, 2006	The Medicare Part D prescription drug benefit begins.

INSIDE THIS ISSUE

Page 2:

What's Happening

Page 3

You've Got Junk Mail!

Page 4

Anne Hightower is Back

Page 5

Meet LAS

Page 7

Medicare Prescription

Drug Coverage



What's Happening?

For more information or to schedule an appointment, please contact us at 1-800-393-0363

www.lashicap.org

LAS
BOARD OF DIRECTORS

Tom Field
President

Monica Dell'Osso
Secretary

Lubna K. Jahangiri
Treasurer

John Larsen
Past President

Carla Bryant

Charles Chiles

David Durant

Hon. Elizabeth Figueroa

James Forsyth

Margaret Hand

Lubna K. Jahangiri

Kelly Johnston

David C. Lee
President Emeritus

Juliana Lin

Dave Middleton

Daniel Murphy

Our mission is to ensure the independence and dignity of seniors by protecting their legal rights through education, counseling, and advocacy.

LAS Annual Fall Fundraiser

Legal Assistance for Seniors will be hosting its annual fall fundraiser on September 22, 2005. This year we celebrate the African-American Community through music, food and dance and will feature spirituals by The Lucy Kinchen Chorale and dance performances by Fua Dia Congo. Besides a variety of wonderful foods, we will be featuring wines by Esterlina and Harvest Moon Wineries.

The event takes place at the Oakland Museum and will run from 6:00-8:00 p.m. Tickets are \$125. For more information please go to our website at <http://www.lashicap.org/events.htm> or call Candace Lutian, 510-832-8040 or email clutian@lashicap.org.

Grandparents as Guardians CARE:

Compassion
Acknowledgement
Resources
Empowerment

October 15, 2005, 8 a.m. to 4 p.m. Continental breakfast, lunch and childcare provided.

Please join LAS at Taylor Memorial United Methodist Church, 1188 12th Street, Oakland. Panel topics will include financial support, legal services, health and education, and support groups. Attendees will be able to attend two panels; in addition, there will be resource and benefits check up tables. There is no fee to attend this event. Registration starts at 8 a.m. and welcoming remarks at 9 a.m.

Television Appearance

LAS was featured on yet another local cable television show recently. Douglas Uhlinger, our Assistant Managing Attorney, was interviewed for the first broadcast of Senator Liz Figueroa's new television interview show, "Figuratively Speaking with Senator Liz Figueroa." Douglas discussed the nature of the work which LAS does, with particular emphasis on how we serve elderly victims of financial abuse. Among her many hats, Senator Figueroa is a board member and long-time supporter of LAS. The interview was broadcast a number of times this summer in the East Bay.

Junk Mail, continued from page 6

- Checking in with the Better Business Bureau and the office of your state's attorney general before investing in any opportunity you have found on the Internet.
- Watching out for buzzwords such as downline, matrix, recruitment, cell, and network. These words and their synonyms are often used to dress up classic pyramid schemes.
- Realizing that just because a mailing or posting includes references does not make it legitimate. Those "satisfied customers" could be involved with the scheme or made up.
- Never agreeing to meet with someone who has posted a fabulous offer. In-person meetings simply give the con artist the chance to turn on high-pressure sales tactics.

If you live in Alameda County and feel that you are the victim of a scam contact Legal Assistance for Seniors (510) 832-3040 and District Attorney Consumer

Protection (510) 569-9281. Outside of Alameda County contact the State Department of Consumer Affairs (800) 952-5210 or your local police department.

Legal Assistance for Seniors serves Alameda County seniors who are at least 60 years old. Our assistance to victims of scams may take many forms. In some instances it may still be possible for us to contact the scammer directly and obtain some relief. If you used a credit card to purchase an item from the scammer, we may be able to get the credit card company to refund your money pending further investigation by that company. We have extensive contacts with law enforcement agencies throughout Alameda County. Through them we may be able to determine a pattern of fraud which extends to other victims and which may therefore lead us to the scammer. In appropriate cases we may also refer you to one of these agencies for criminal prosecution of the scammer. We can also help you utilize legal self-help services to obtain relief from identified scammers.

Medicare Prescription Drug Coverage Coming Soon!

By the end of this year, all Medicare beneficiaries will need to make decisions about whether to take Part D and how that will affect their current coverage. Under the Medicare Modernization Act, insurance and pharmaceutical companies will contract with Medicare to offer the Part D prescription drug benefit through private "prescription drug plans." Some of these will be Medicare HMOs, now called Medicare Advantage plans. They all must at least offer the standard benefit package, but they can charge different premiums, have different cost-sharing arrangements (co-payments depending on the drugs), have different formularies (or lists of covered drugs), and different pharmacy networks. This means people who decide they want Part D will need to research and choose the best plan for their individual needs.

People with low income and asset levels may qualify for the Low Income Subsidy (LIS), which is financial assistance that will help to pay the Part D premiums and cover gaps in the standard benefit. People already on Medicare and Medi-Cal (without a share of cost) will be automatically eligible and do not have to apply. They will also be automatically assigned to a prescription drug plan but may choose another that better fits their needs. Others with incomes at or below 150% of the poverty level (\$1,197/month for individuals and \$1,604/month for married couples) and asset levels of \$10,000 (individuals) and \$20,000 (couples) or less, should fill out the LIS application. It is available through Social Security. If accepted for the Low Income Subsidy, these people will still need to choose a prescription drug plan.

Continued on back

is that only the originators of the pyramid scheme make money and the rest lose when the pyramid scheme collapses, as they all do eventually.

Bank Notes

According to the FBI, bank notes do not exist; however, international fraud artists have invented an investment scheme that offers extremely high yields in a relatively short period of time. In this scheme, someone says that they have access to “bank guarantees” which they can buy at a discount and sell at a premium. By reselling the “bank guarantees” several times, they claim to be able to produce exceptional returns on an investment. To make their schemes sound legitimate they often refer to the “guarantees” as being issued by the world’s “Prime Banks,” hence the term “Prime Bank Guarantees” or “Prime Bank Notes”.

Why do scams work?

Two reasons: First, no one wants to think they have been taken advantage of because it is embarrassing, and if you are embarrassed you will not report it. Secondly, a lot of people want to believe that there is a way to ‘get rich quick’ honestly. The best way to avoid scams is to be educated and use common sense. You can also protect yourself by:

- Deleting any unsolicited e-mail from someone you do not know. Do not even open them (they may

contain viruses that can damage your computer).

- Remembering that businesses and your bank will never ask for personal information such as account numbers and passwords to be sent via e-mail.
 - Asking why a person you have never met would offer you a brand new television worth \$2,500 for \$50?
 - Questioning why a person you have never met might offer to involve you in an incredible money making opportunity?
 - Does this seem to good to be true? Because if it does, it probably is.
 - Recognizing a simple rule of investing: The higher the possible profit, the higher the risk. If anyone claims that a high yield investment has no risk or that your return from it will be guaranteed, do not believe it.
 - Being wary of general or unverifiable information and high-pressure sales techniques that demand immediacy without research on your part.
 - Avoiding investments you do not fully understand. Many scams are often characterized as being extremely complex and too technical for average investors to comprehend.
 - Staying away from any business opportunity whose backbone is the recruitment—by you—of new investors.
 - Never sending any money in response to an unsolicited e-mail or a posting you spotted on the Web.
- Continued on page 7*

How You Can Help

Your generosity will help in our ongoing effort to preserve the well-being and dignity of Alameda County’s senior community. LAS is a nonprofit 501(c)(3) charitable organization. All contributions to LAS are tax-deductible to the fullest extent allowable by law.

To donate, please mail your check or money order payable to LAS in the enclosed envelope. To make a secure online donation with a credit card, please go to our website, www.lashicap.org/donate.htm. For additional donation information or to be added to our mailing list, please call (510) 832-3040 or toll free at (800) 393-0363.



Legal Assistance for Seniors
464 Seventh Street
Oakland, CA 94607
<http://www.lashicap.org>
(510)832-3040
Fax: (510)987-7399

Michele Drier, Executive Director
Lenora Merlander, Chief Financial Officer
Anne Hightower, Legal Director
Janet Van Deusen, HICAP Program Manager
Susan Williams, Development Director

a BRIEF encounter

You’ve Got Junk Mail! A Guide to Avoiding Online Scams

by Candace Lutian

I always worried that my grandma would fall for a sweetheart scam—you know the type. A younger gentleman takes her places, does things for her and then disappears with all of her money or worse. I was unprepared last summer when she started talking about bank notes and selling vitamins. And this summer she mentioned a guy who had contacted her about a 52" flat screen television that he had sitting in a warehouse that he would sell to her for \$50 that she could pay online with her credit card. She also paid \$2,000 to join a ‘gifting club’ and was expecting \$16,000 in return. She won an online lottery and people were calling her on the phone and wanted to come to her house to give her the check. She just needed to pay some fees and taxes first. Oh, and she wasn’t supposed to talk about her winnings because if she did, she would be disqualified.

Is my grandma lucky or is she falling victim to online scams? How do I know that these are indeed scams? Simple, each started with an unsolicited e-mail that arrived in my grandma’s inbox. She gets dozens of these e-mails every day.

In my grandma’s case she’d become involved with a pyramid scheme and its relative, a multilevel marketing (MLM) “opportunity” (the gifting club and vitamins) and a couple of outright scams (the television, the online lottery), and she is not alone. According to the Federal Trade Commission, “Top frauds reported by consumers age 60 and over included prize promotions, sweepstakes scams, foreign money offers, advance-fee loans, and foreign lotteries – all common cross-border schemes.” In 2004, 10,555 senior Californians reported being the victim

of some type of scam or fraud, and it is estimated that only 15% of victims report these crimes.

I have this television in my warehouse I’ll sell you for \$50, payable by credit card.

The point of this scam is access to your credit cards, your social security number and anything else that they can pull off of your computer when you respond. They want your information to sell, to open up credit cards in your name, to create false identities, all of which will destroy your credit history.

Online Lotteries

Folks, as the saying goes, you’ve got to pay to play. In this case after my grandma responded to their e-mails, they started calling her and increasing the prize amount. They said that they would be delivering the check and she would just need to pay some taxes and fees. The taxes and fees were somewhere around \$50,000. If they show up, the best you can hope for is that they accept your check, give you a bogus check for the winnings and immediately cash your check at a check cashing service. You are out the \$50,000, and their check will bounce. Worst-case scenario is they will physically assault you and rob your house as well.

Pyramid Scheme

Recognize that pyramid schemes, gifting clubs and about half the MLM’s out there are illegal and they work on some variation of this theme: New recruits pay or ‘gift’ a sum of money to join the “program” and become a distributor of a product or service (or club member), and are told that they will make money based on the number of new recruits they bring in. The higher up on the pyramid you are, the more money you will make. In reality, what happens

Continued on page 6

Welcome to LAS

Welcome back, Anne



LAS welcomes back Anne Hightower as our new Legal Director. The name may be familiar to some of our readers, and for good reason; Anne was an LAS staff member for fifteen years before leaving to open her own practice. However, the call to work in the non-profit arena was strong, and so she has returned.

Long time LAS staffers are thrilled at her return. Florence Piliavin, HICAP Advocate and longtime LAS employee declared, "Anne is wonderful to work with, she is engaging and positive. I am so pleased that she is our new Legal Director."

Anne Hightower was admitted to the California bar in 1987, after prior careers in teaching and property management. She worked for a year as a family law attorney, and in 1989 came to work as staff attorney with Legal Assistance for Seniors. Over the years, she practiced public benefits, housing and elder abuse law. She obtained hundreds of restraining orders for at risk seniors who were being physically, financially or emotionally abused. In 1991, because of a client who presented a compelling case, she initiated the guardianship program, which has now obtained hundreds of legal guardianships for grandparent and kin caregivers of minors whose parents are absent. From 1992 to 2003, she served as court appointed counsel for proposed conservatees, working closely

with Alameda County judges, court staff and private bar attorneys to obtain the best possible result for elders who could no longer take care of their own personal or financial affairs. In 2003, Anne left LAS and opened her own private practice, specializing in probate and elder law, and mediation.

Anne has already begun spending time at the LAS office, attending case review and staff meetings, as well as meeting with and opening up lines of communications with the attorneys and other staff.

"Anne is wonderful to work with, she is engaging and positive."

I am so pleased that she is our new Legal Director."

-Florence Piliavin, HICAP Advocate

"Anne is very well respected in the community and is very knowledgeable about many of the areas of law that we handle. All the attorneys are very excited to have her as a resource and mentor. She brings some very positive energy into the office, and I am excited to work with her," says Diane Luong, staff attorney. Anne will be on staff full time as of October 1, 2005.

Meet LAS

An Interview with Florence Piliavin



Q: Your job title is HICAP Advocate. Tell us a little about what you do.

A: The HICAP Advocate backs up and supports the HICAP counselors, primarily focusing on Medicare and HMO appeals. We have had a number of cases involving Medicare denials of

ambulance claims. We have been very successful in our appeals to Medicare. Right now I have about twenty-five HICAP cases and another thirty-five QMB (Qualified MediCal Beneficiary) cases open. I do some preliminary paper work for Carol Federighi, the HICAP Attorney who handles the cases that go to court. I like to think of myself as carrying the briefcase for the HICAP attorneys. I also help out the community education department by doing some HICAP presentations for them. I enjoy the community education projects, because I am teaching again, only this time with seniors rather than children.

Q: How long have you been at LAS?

A: I started at LAS in 1989. This is my third career! I was a probation officer, stay-at-home mom and a teacher for 21 years. As a teacher, I taught Social Studies and History in Martinez, San Leandro and then in Oakland. I was always moving closer to my home in Berkeley. In San Leandro one of my fellow teachers was Carol Federighi who decided to go to law school and is now the HICAP attorney for LAS. Small world, huh? I volunteered with the ACLU for many years. I always wanted to be an attorney, but

once my kids were grown up, I also wanted to travel and didn't want to dedicate myself to law school, so I went to paralegal school at Merritt College instead. It was a natural transition for me.

Q: How long have you lived in Berkeley?

A: I went to U.C. Berkeley as a student. I have lived in the City of Berkeley almost continually since then. Although I lived in Los Angeles and New York for a few years, I always came back. I raised my two children in Berkeley and consider it a fascinating place to live and raise a family.

Q: You said you like to travel. Do you have other hobbies you'd like to tell us about?

A: I do love to travel, and I travel every year—sometimes in the United States, sometimes Europe. My favorite trip was to China. It was such culture shock because it was so different, and we didn't know anyone or speak the language. Other hobbies? I am an avid swimmer and I also enjoy knitting. It is important to stay active, and I keep busy.

Q: What do you find most satisfying about your job?

A: I enjoy assisting people with the difficulties that can occur with Medicare and Medi-Cal. It is very rewarding when we are able to settle a case for a client.