

Say NO to:

- Strangers on the telephone
- Giving any portion of credit card, social security, or bank account numbers over the phone
- Sweepstakes, door-to-door solicitors, junk mail flyers
- Adding a name to your deed, bank accounts, or other property without getting legal advice
- Signing papers or forms without getting independent advice
- Signing a Power of Attorney without getting legal advice
- Agreeing to ANY home improvement without getting more than one bid from LICENSED contractors who have a LICENSE for the work being proposed
- Borrowing money against your home to loan someone else
- Loaning money
- Wiring money



ELDER & HEALTH LAW CLINIC

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With grant funding from the Sandy Foundation
McGeorge School of Law, Elder & Health Law Clinic
with support from Capital Stage Company
proudly presents

“No.” is a complete sentence.

Featuring Capital Stage

- Home Improvements – Sign & Swipe
 - Terri: Tiffanie Mack
 - Mrs. Sullivan: Claudia Wrazel
- Pressure for Property
 - Son: Jacob Garcia
 - Father: Dan Harlan



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AALS CLE May
2022

Presenters



Melissa Brown
Elder & Health Law Clinic
McGeorge School of Law



Genevieve Mann
Elder Law Clinic
Gonzaga Law School



Yvonne Troya, Medical
Legal Partnership for Seniors
UC Hastings School of Law



Michael Stevenson-
Producing Artistic Director



Lacey Mickleburgh
Elder & Health Law Clinic
McGeorge School of Law.

Michael has worked as an actor and director for Capital Stage since its early days as a professional theatre company. He directed the smash hits *The Humans*, *The Other Place*, *Sweat*, *The Thanksgiving Play*, *Luna Gale*, *Stupid F---ing Bird*, *How To Use A Knife* and *Ideation*, and played the role of Stiva in *Anna Karenina* in October of 2014. Other directing credits include: *Mr. Burns*, *A Post Electric Play*, *Clybourne Park*, *Mauritius*, *Erratica*, and *Les Liaisons Dangereuses* at Capital Stage. Originally from Chicago, Michael received his M.F.A. from American Conservatory Theatre where he met his wife, actress and teacher Jamie Jones.

Actors -



Dan Harlan
Dan is currently a member of the B Street acting company and has been active in the Sacramento theatre community for many years.

Tiffanie Mack

Tiffanie graduated in May 2015 with her B.A. in Theatre from California State University, Sacramento. She was fortunate enough to be chosen as an apprentice at Capital Stage right after she graduated for their 2015-2016 season. During the apprenticeship, she made her professional debut in *Mr. Burns: A Post Electric Play*. Since then, she has been seen in *The Behavior of Broadus* and *Love and Information*. More recently, Tiffanie performed in Capital Stage's season opener, *An Octoroon*. She plans to return to school and get her Master's Degree in theatre.



Claudia Wrazel

By day, Claudia is an attorney and mediator at her firm, Wrazel Mediation. She received her B.A. from UCLA and her J.D. from USC Law School. She has played the role of Dora Flood in *Cannery Row*, Kate Keller in *All My Sons*, Ms. Prism in *The Importance of Being Earnest*, Raynelle Turpin in *Dearly Departed*, and Aunt March in *Little Women, the Musical*.



Jacob Garcia received his A.A. in Theatre from San Joaquin Delta College in Stockton, and is a recent graduate of Sacramento State University where he earned his B.A. in Theatre. As a member of the Apprentice Company, he was the Assistant Stage Manager of *Mr. Burns, A Post Electric Play*, by Anne Washburn. You may have seen him in *Love and Information*, *Subculture*, and *Blackberry Winter*.

Home Improvements – Unlicensed Contractor

Actors:

Terri: Tiffanie Mack

Mrs. Sullivan: Claudia Wrazel

Michael (Narrator) : sets the scene and introduces the actors.

In this first scene, we address an all too common situation in which unlicensed contractors take advantage of elders. Terri, relying on the friendship between her mother and Mrs. Sullivan, attempts to gain access to Mrs. Sullivan's credit card account by posing as a contractor for a home improvement job.

Narrator: Terri, the daughter of a church friend, arrives with folder of paint, design, contract, other stuff, along with an iPhone or Pad with Square credit card reader.

Terri: Good Morning Mrs. Sullivan! It's nice to see you! Your home is really nice. I can see why you want to stay here!

Mrs. Sullivan: Thank you Terri. Jerry and I really wanted to stay here the rest of our lives. With him not around to help, it's getting harder for me. I don't ever want to go to a nursing home. With the money from Jerry's life insurance policy, I think he would want me to use to fix up the house. I'm anxious to hear your ideas about what we can do to make it easier, especially as I get even older.

Terri: Well, that is what the goal is. My team and I have had a lot of happy clients so far, and I'd like to add you to the list. I brought over some sketches for us to look at, paint, flooring and fixture samples. Once we get an idea of what you want, all I'll need is a deposit so I can get started with the materials, get my crew together and get you on the calendar.

Narrator: *An hour passes - they look over the samples.*

"No." is a complete sentence.

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Mrs. Sullivan: I really like what we've picked. Especially, the walk-in tub. Nothing is better than to treat yourself to a bubble bath! Are you sure this is within my budget?

Terri: It should be, unless when we start work we find hidden problems. But your house looks like it is in good shape. Tell you what, since you are a friend of my Mom's, I'll agree to eat up to 25% of any unexpected cost. How's that sound?

Mrs. Sullivan: I surely appreciate that. Let's hope I don't have to take you up on that offer!

Terri: No worries. Now, here's a simple agreement for you to e-sign. All you have to do is check these boxes on my iPad. I have this deal on my phone so I can take your credit card deposit. All I need is 25% of the estimate to get started...\$10,000.

Narrator: Three weeks go by and Mrs. Sullivan has not heard from Terri. She is embarrassed to bring it up to her friend at church and in fact has stopped going to church. She now realizes she has been scammed and is ashamed for being so trusting. She feels guilty about squandering the money. Jerry would never have done this.

Facilitators will engage the audience to discuss the scene and brainstorm strategies/tools to help Mrs. Sullivan resist Terri's pressure to sign the contract.

Act II picks up:

ACT II

Narrator: Let's see how Mrs. Sullivan does with making sure Terry is a licensed contractor and gets advice from a trusted third party before she signs and swipes.

"No." is a complete sentence.

Terri: No worries. Now, here's a simple agreement for you to e-sign. All you have to do is check these boxes on my iPad. I have this deal on my phone so I can take your credit card deposit. All I need is 25% of the estimate to get started...\$10,000.

Mrs. Sullivan: I know it takes a lot of work and studying to get your license. Your Mom must be so proud of you. You'll make sure your license number is on the bid, as well any other workers, right?

Terri: You know, I brought an old contract with me. Darn it! I meant to pick up the new one. You can go ahead and I'll add the number later.

Mrs. Sullivan: I know, paperwork is a challenge. I hate it. But you know, this is a big decision. Why don't you leave the bid here. My friend's cousin is a retired contractor. I'd like to get him in our plans.

"No." is a complete sentence.

No Is a Complete Sentence Act II Points

Unlicensed Contractor

Act II picks up before Mrs. Sullivan hands over her credit card,

1. Don't sign agreement without scope of work, detailed estimate
 - a. I'm excited about the project and looking forward to the design, layout, and estimate.
2. Ask for license of contractor and any subs, insurance
 - a. I know it takes a lot to get your license, You'll make sure it's on the bid and make sure any other workers are on the bid, too.
3. Get recommendations from other customers
 - a. I'd love to see some of your work in person. Can we set up a time to go look at it?
4. Talk to someone else (retired contractor friend, etc.), kids, friends
 - a. This is a big decision. My friend's cousin is a retired contractor. I'd like to get her in on our plans.

Pressure for Property, Power of Attorney Adding Family Member to Deed

Actors:

Son: Jacob Garcia

Dad: Dan Harlan

Michael (Narrator): Sets the Scene and Introduces the Actors

We've save the toughest situation for last: pressure and undue influence from a family member to add them to your deed, bank account and giving over power of attorney.

Son: Dad, there's been something I've been meaning to talk with you about. I've heard that the state can take your house after you die if you go into a nursing home. And while you know I would do everything possible to keep that from happening, since you said us kids'd get the house anyway, I wanted to see if you'd just sign it over now. You could still live here, but I'd hate for the government to get it. You've paid enough taxes over the years and what did you get for it? Waiting in line at the VA clinic.

Dad: Are you sure that's what would happen? What about the other kids? And who would pay the taxes and everything?

Son: I'll make sure they'd get their share. You can live here as long as you want. I'll pay the taxes. It's hard to think about you dying, but it will be even worse if the government gets your house. Just another example of the little guy getting screwed by the government.

Dad: Are you sure about this? My friend Joe died last year after being in a nursing home and his wife still lives there.

Son: That's the thing, he had a wife. Since you and Mom got divorced, you're not in the same boat. I've been doing some research about what to do to protect your home for your kids and this website said this is the way to go.

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Dad: Well, OK. I sure don't want it to go to the government.

Son: All right, I have real estate friend who can do the paperwork for free for us. I'll give her a call.

Narrator: *A week passes.*

Son: Hey Dad, I have the deed to the property ready for you to sign. While we're at it, sign this power of attorney form too.

Dad: I don't know son. What's it for?

Son: I want to be able to help you in any way I can. This power of attorney will let me make sure all your bills are paid. You've worked your whole life. Now it's time for you to sit back, relax and let me take care of you. You've earned it.

Dad: Ok. It'd be nice to have your help.

Narrator: One year later, the father opens the mail and sees the property tax bill is past due. He calls his bank because he wants to apply for a credit card with airplane miles to use when he visits his grandkids. His request was declined due to high credit balances and delinquent accounts.

Facilitator will engage the audience to discuss the scene and brainstorm strategies/tools to help Dad resist pressure to add his son to his deed, accounts and power of attorney.

Act II picks up:

ACT II

Narrator: Let's see how Dad can resist pressure from his Son to add him to the deed, bank accounts and turn over power of attorney by suggesting that all the kids be brought into the loop and the impact giving away property may have on his health care benefits.

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Son: Hey Dad, I have the deed to the property ready for you to sign. While we're at it, sign this power of attorney form too.

Dad: I don't know son, What's it for?

Son: I want to be able to help you in any way I can. This power of attorney will let me make sure all your bills are paid. You've worked your whole life. Now it's time for you to sit back, relax and let me take care of you. You've earned it.

Dad: Ok. It'd be nice to have your help, but let's get your sisters in the loop. Now's a good time to talk about what I want in the future with all you kids.

Son: Are you sure? You know how the girls are. They over think EVERYthing. Besides, I'm the oldest and have had a lot of business experience.

Dad: I know son, but I just want to make sure that when the time comes, everything goes smoothly and that there are no surprises for you kids. Besides, I think I really want to get some legal advice on this, too. At the senior center they had someone come out and talk about how you may lose medical coverage if you give away or add someone to your property. I just want to do everything correctly. I don't want you kids to be stuck with a problem or a medical bill on my account.

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Adding Family Member to the Deed

Act II picks up after a week passes and sone comes back with deed and power of attorney.

1. Don't deed property without legal advice.
 - a. I'd like to meet with Joe's lawyer to see how he did it.
 - b. What about taxes? I don't want you to be stuck with an increase.
2. Don't sign a power of attorney without legal advice.
 - a. I think Joe's attorney helped him with a lot of stuff. I want to see what my options are. I've heard that I need to name someone to make health decisions in case I can't. I think we can do all of this at once.
3. Discuss with family, trusted friend, advisors,
 - a. Let's get your sisters in the loop. Now's a good time to talk about what I want in the future with all you kids.
4. Impact on Future Health Care Needs
 - a. At the senior center they had someone come in to talk about nursing home. I heard if you give away property, you may lose coverage. I just want to all of this correctly. Don't want you kids to be stuck with a problem.