

## Local attorney conspires with guardian; guardian convicted

Excerpts reflect Hillsboro and Pinellas County, Florida news releases and Pasco County, FL court records. March 1997 – March 2001

**Gus M. Bilirakis** is running for re-election to the United States Congress from his hometown, Florida's Ninth District, as an advocate for issues of the elderly.

81-year old Adele Fletcher was living the good life in Holiday, Florida. She dined regularly with friends, drove to Wendy's nearly every day for lunch, belonged to a local singles club, loved to walk her dog, Cricket, and kept Cricket and her condo in immaculate condition. A brother's inheritance will change her life.

Adele and a surviving brother were earning interest income from a nearly One Million-dollar estate, but Adele had questions about her future taxes. It was complicated, so Adele's stockbroker arranged a meeting with **Attorney Gus M. Bilirakis and his client, professional guardian Fran Lang**.

During their meeting with Adele, Lang's opinion was that a voluntary guardianship with Lang as guardian would be appropriate; however, after introducing such a plan to Adele, Lang felt that Adele was too confused. Instead, **Bilirakis and Lang** drew up, and Adele signed, a pre-need agreement. It stated that if Adele ever became unable to or incapable of handling her own affairs, Lang would become her guardian – within two months **Bilirakis and Lang** asked a judge to declare Adele incapacitated.

In their petition to have Adele declared incapacitated, **Bilirakis and Lang** sited four reasons for

such a finding: Adele "forgets to pay household bills, forget(s) where the checkbook is, pays condo rent two and three times on occasion, and has no memory of when she last saw a doctor." Court records show that **Bilirakis and Lang** also declared Adele to be indigent – that she "has no assets" or that they are "unknown or unattainable." **Bilirakis and Lang** declared under penalty of perjury these facts to be true. Further, **Bilirakis** claimed that he "investigated" and found their declarations to be factual and that he would not be paid for his professional work until such time as it was determined that Adele was no longer indigent.

Adele's friend, neighbor and condo president Chris Zervas said that Adele always paid her bills on time and had a perfect payment record with her utility and insurance companies, which reflected her ability to find her checkbook. She recently paid her condo maintenance fee and a condo special assessment fee with separate checks at the same time, but they were not double payments. Zervas reported that because of Adele's fine health, she had no need of medical attention and therefore doesn't have a clear memory of last seeing a doctor.

The court appointed a committee to evaluate Adele. The committee determined that she was 90-100 percent incapacitated. Thirty-six days later, Fran Lang became Adele's guardian on July 2, 1997. Two weeks later **Bilirakis and Lang** re-declared to the court

that Adele "has sufficient assets" so that Adele must now pay each of them for their services and court costs.

In early November, a court order impounded Adele's car. A previous order suspended Adele's driver's license.

Lang took Adele from her home on December 12. Chris Zervas later found Adele locked in an assisted living facility against her will, without a court order. Lang used Adele's assets, fully under Lang's control, to pay herself and to pay for Adele's confinement and medication to keep her quiet. Zervas could not find Adele's dog, Cricket.

Zervas immediately set out to free his friend. With the help of other neighbors they hired an attorney. Their first order of business took them to court requesting a re-examination of Adele's fitness, which found that she could go back home. The state closed the assisted living facility after determining it was owned by a convicted sex offender, in violation of state regulations. Cricket was found at the home of a Lang associate and returned to Adele.

The court found that Lang's guardianship business involved fraud against many of her 60 other clients. In March 2001 Lang was convicted of first-degree felony fraud and has paid over \$114,000.00 in restitution.

**Gus Bilirakis** seeks re-election to help protect senior citizens.