



TESTIMONY

Presented by

**Lorraine Cortés-Vázquez
Commissioner**

on

Oversight: Elder Fraud

before the

**New York City Council
Committee on Aging**

on

**Wednesday, October 30, 2024
At 10:00 a.m.**

Introduction

Good afternoon, Chair Hudson, and members of the New York City Council Committees on Aging and Public Safety, I am Lorraine Cortés-Vázquez, Commissioner of the New York City Department for the Aging (NYC Aging). Today, we have an opportunity to address a critical issue that affects the safety of older adults: elder fraud and scams. As many of you know, older adults are already a vulnerable population and unfortunately a target for criminals seeking to defraud them or take advantage of their needs at this time in their life. While scams and other opportunistic crimes affect us all, they do disproportionately affect older adults, including those unfamiliar with technology, those who need to adapt to a new or unfamiliar system or process, and those reliant on entitlements or other public assistance. The NYC Aging Office of Elder Justice was established to assist those who have experienced scams as well as other forms of elder abuse, and to let older adults know that they are not alone.

We are pleased to see that across a range of crime areas, crimes against older adults in the five boroughs has trended down over the past year. While there is still work to be done, we are pleased with the advances we've made through the Cabinet for Older New Yorkers regarding public safety, and our partnership with the New York Police Department (NYPD). I'm happy to be joined today by my colleagues from the NYPD as we have worked closely between our agencies to respond to the needs of older adults and develop innovative programs like the Older Adult Liaisons which are in every NYPD precinct and police service area (PSA). At the 17 older adult town halls we have hosted across the city with Mayor Adams over the past year, public safety has come up as an ongoing concern. Our partnership with the NYPD has been instrumental in helping older adults access the services they need when they are victims of crimes.

Elder Abuse & Crimes Against Older Adults

Elder fraud, which can be a form of elder abuse, may be perpetrated by a trusted individual or a random stranger and is typically financial in nature where the older adult is defrauded out of a monetary benefit. Older adults are targets of fraud or scams often because they are viewed as vulnerable or having access to larger amounts of cash compared with other parts of the population.

As you know, the older adult population of this city is growing exponentially, with more than 1.8 million older adults expected to live in the five boroughs by 2030, and NYC Aging has expanded our programs and resources to actively address this issue. For example, in 2022, we developed a Memorandum of Understanding (MOU) with the NYPD to enhance our collaboration in Chinatown and Manhattan North, ensuring a coordinated response to elder abuse and crimes. This MOU allows for NYPD to refer specific cases to NYC Aging through the Elder Crime Victims Resource Center (ECVRC) so that we can contact those older adults and pursue a greater degree of service and support for older adult victims. Not all cases which are referred are specifically for fraud or victims of scams, but those types of referrals do happen. In FY2024, there were 1,342 referrals for grand larceny as part of the MOU. While grand larceny is not the only category where fraud or scams may occur for older adults, there is a higher instance in this major crime category where the referral to NYC Aging was because of a scam or financial fraud against an older adult.

Additionally, NYC Aging is placing an increased focus on the victim side of these issues, offering resources and assistance to help individuals regain their independence and feel less alone during what might be an incredibly stressful time. When an older adult comes to the ECVRC to seek services or complete an intake, they may also be connected to eight elder justice programs across the five boroughs, if their fraud case was also a case of elder abuse. These programs support survivors and their families when they are victims of abuse. While not all crimes which are referred are related to elder fraud, the types of services an older adult may receive includes counseling, safety planning, court accompaniment, legal assistance, education, and coordination with the District Attorney and local law enforcement when appropriate. These services at NYC Aging, both the

direct provided services through the ECVRC unit and our contracted elder justice providers help to address the needs of older adult victims and walk them through the process of seeking justice.

Older Adult Liaison Program

In June 2023, in observance of World Elder Abuse Awareness Day, Mayor Adams joined NYC Aging and the NYPD to announce that an older adult liaison has been designated in each of the 77 police precincts and in all 9 PSAs across the five boroughs. The liaisons are tasked with connecting victims with support services, educating the public on older adult programs available to them, and informing older New Yorkers on steps they can take to keep themselves safe. This initiative serves as a vital resource for older adults at risk of violence, abuse, or fraud.

As we have discussed with the Committee on Aging in the past, the idea of older adult liaisons stemmed from discussions that took place alongside NYPD Deputy Commissioner Mark Stewart within the Cabinet for Older New Yorkers. As Cabinet members discuss issues facing older adults, public safety comes up repeatedly. When Deputy Commissioner Stewart heard of some early ideas regarding making NYPD officers experts in aging issues, it was his vision and persistence that got the idea across the finish line. Through our partnership with the NYPD in the Cabinet for Older New Yorkers, over 6,000 police officers have gone through trainings to make sure they can identify elder abuse when they see it. We have also made significant strides in reaching vulnerable populations and providing them with essential tools and knowledge to recognize and report abuse.

The liaisons also review complaint reports made to the NYPD involving older adults to provide assistance and follow-up, educate older adults on the latest crime prevention tips, and attend precinct community council meetings to help keep the public informed. In many instances the liaisons have been present in older adult centers throughout the city as a way to introduce themselves to older adults in their local communities. Moreover, at each of the above-mentioned older adult town halls hosted by Mayor Adams across the city, the liaisons are also in attendance so they can directly engage older adults and help ensure they are familiar with the officers assigned to their local precincts.

Combatting Elder Fraud & Scams

Elder fraud and scams are pervasive threats to older New Yorkers and the ECVRC team conducts briefings at older adult centers about common scams, ensuring that older adults are informed and empowered. Presentations at Older Adult Centers across the city are central to our strategy, helping to raise awareness and provide essential information directly to those who need it most. This goes beyond just the ECRVC and is a focus of other NYC Aging units. Recently, the NYC Aging Government Affairs Unit hosted educational sessions about our programs and services with elected offices in all five boroughs. Constituent services staff in elected offices had the opportunity to hear from ECVRC staff about the types of abuse older adults experience and the assistance we can provide in order to better refer older adults to our programs. This is incredibly timely as we recently learned of a scam where older adults are contacted by political campaigns which utilize deceptive fundraising tactics which set up recurring donations and ultimately drain bank accounts. They receive a never-ending barrage of text messages asking for more donations which adds to the confusion around the number of times these older adults gave to campaigns. As you can see, education and prevention or necessary tools to combat elder fraud and scams against older adults.

We also recognize the critical need for support in navigating financial systems when older adults fall victim to scams. The ECVRC routinely works with older adults who have been victims of scams or suspect they may be a victim and walk them through a process to remedy the situation or seek restitution. Recently, a 95-year-old woman who was the victim of an imposter scam sought services from the ECVRC. Someone pretended to be a Chase Bank employee and withdrew \$60,000 from her account because she willingly gave over critical account information to the individual perpetrating the scam thinking they were a legitimate bank employee. When she

contacted Chase Bank after realizing the mistake, they refused to return the funds, and the bank requested she fill out forms through an online process, which she was unable to complete. However, with the help of the ECVRC program at NYC Aging, the older adult was able to submit online complaint forms which she would not have been able to do on her own, and the bank ultimately reversed the funds. This is a huge success and a testament to the importance of the ECVRC's work with older adults. We are eager to look into legislative approaches on the federal level which would require that banking or financial institutions set up greater safeguards and ensure a process where charges can be reversed before the fraud is completed.

Interagency Collaboration

As always, the NYPD plays a pivotal role in our fight against elder abuse and fraud. If a victim suspects they are being scammed by a family member, a trusted individual, or even a random member of the public, it is imperative that they reach out for help. In another recent instance, an older adult reached the ECVRC through our intake line after he thought he was paying his Spectrum bill but in reality was paying scammers. We were able to work with him and our partners at the NYPD to complete a police report which allows the ECVRC to assist in filing restitution applications with the State Office of Victims Services as well as helping the NYPD to investigate the crime against this older adult.

Our joint work with other agencies goes beyond the NYPD and in the past year, we have worked with the New York City Department of Consumer and Worker Protection (DCWP) to help educate older adults about common scams often seen around the holidays. A copy of the flyer which has been distributed to programs last year is included as an exhibit. We worked to connect DCWP to older adult centers throughout the city so that they could give presentations on common scams and ways to avoid becoming a victim. This partnership reinforces education around scams and elder fraud and helps older adults learn what they should look out for when something feels like it's too good to be true. Finally, the NYC Aging Office of Elder Justice, where the ECVRC is housed, regularly meets with district attorney offices in New York City to discuss cases when referred as part of the MOU and collaborate on recent crime trends. Overall, partnerships with other agencies and law enforcement offices is key to collectively addressing elder fraud and abuse.

Conclusion

Addressing elder fraud and scams against older New Yorkers is not just a matter of protecting a vulnerable population, it reflects our commitment to the values established as part of our Community Care Plan where we are engaging multiple programs, agencies, and providers to help keep older adults in their homes and communities longer. NYC Aging's initiatives, like the ECVRC and the Older Adult Liaisons Program, is taking proactive steps to empower older adults and provide essential support. By fostering awareness and ensuring that older New Yorkers have access to the resources they need, we can significantly mitigate the risks they face and help them navigate these challenging situations.

Moreover, our collaboration with the NYPD and other city agencies is crucial in creating a comprehensive support network. This partnership allows NYC Aging to effectively address an older adult's needs in cases of elder abuse and fraud, ensuring that victims receive the assistance they deserve. The stories of individuals who have successfully recovered from scams highlight the importance of this collaboration and the impact it can have on restoring not just financial security, but also trust and confidence in our community. As we move forward, it is imperative that we continue to enhance outreach and education so that we ensure that older New Yorkers know they are not alone, have the tools to recognize scams and elder fraud, and know where to find services and support.

As always, we look to Council's partnership as well when we work to build an age-inclusive city where older adults feel safe, valued, and empowered. Thank you for your time today and I look forward to answering your questions on this vital issue.

EXHIBIT A: Holiday Scam Prevention Tips Flyer

Holiday Scam Prevention Tips



Charitable Giving Scams

If you are planning to make a donation, watch out for fake phone numbers, copycat organization names, or sweepstake promises. All legitimate charities must be registered with the New York Attorney General's Office.



Fake Online Ads

If you see an ad on a website or on social media, check it out elsewhere and research complaints. Many fake ads look real, but more people are reporting ordering items that never arrive.



Giftcard Scams

Be careful of websites or social media accounts that offer free or discounted gift cards. Only purchase gift cards from credible, legitimate sources. Also be suspicious of anyone asking to pay a bill with a gift card. Government agencies will never ask for payment using gift cards.



Temporary Holiday Job Scams

Be careful of holiday or seasonal jobs advertised online that require personal/bank account information or payment in order to apply.



Mail Theft

Where possible do not send cash, gift cards, or other valuable items that can be used if your mail is stolen. Also, watch out for texts or emails that say you'll be receiving a package but then ask you to enter personal information or pay a "delivery charge."



Fake Holiday E-Cards (phishing emails)

Scammers have been known to use holiday e-cards to install a virus or malware to steal your personal information. Avoid suspicious of holiday pyramid schemes, emails with links or attachments that end with ".exe".

IF YOU BECOME A VICTIM OF SCAMS

If you become a victim, call 212-AGING-NYC (212-244-6469).



Contact Your Bank

Report the fraud immediately to your bank or credit card lender.



Secure Your Accounts

Update passwords to your bank accounts.



Report It

Call NYC Aging's Elder Justice Unit for support.



Wednesday, October 30, 2024

**STATEMENT OF JOSH LEVIN
DIRECTOR OF LEGISLATIVE AFFAIRS
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON PUBLIC SAFETY & COMMITTEE ON AGING**

**COUNCIL CHAMBERS
OCTOBER 30, 2024**

A 67-year-old retiree heads to the bank to withdraw money from an ATM. After punching in the number and grabbing the cash, two strangers bump into the elderly adult, who drops their ATM card. The strangers apologize, pick up the card, wipe it off, and hand it back to the retiree. One of the two strangers quickly exits the vestibule, while the other stays and continues apologizing. The retiree thinks nothing of it – until they get home and see the next day that their bank account has been drained.

Good morning Chair Salaam, Chair Hudson, and members of the Council. My name is Josh Levin; I am the Director of the Legislative Affairs Unit of the New York City Police Department (NYPD). I am joined today by Assistant Chief Jason Savino of the Detective Bureau, Deputy Chief Julie Morrill of the Quality Assurance Section of the Professional Standards Bureau, and Captain Spiro Papavlasopoulos, Commanding Officer of the Community Affairs Bureau's Crime Prevention Division, as well as Commissioner Lorraine Cortés-Vázquez, Commissioner of the Department for the Aging. Thank you for this opportunity to discuss the NYPD's commitment to preventing and investigating financial fraud and abuse perpetrated against older New Yorkers.

The story I laid out at the beginning of our testimony is sadly one we see happen to all community members, regardless of age, but it is especially harmful when it targets the elderly, a vulnerable population. According to a paper from the National Institute of Justice, the research, development and evaluation agency of the U.S. Department of Justice, the elderly can be particularly susceptible to financial fraud for multiple reasons, including possible lack of financial literacy, social isolation, or cognitive decline.

Given this reality, the NYPD dedicates significant resources to the fight against financial fraud in general, but especially in regard to the elderly. I'd like to take the next few minutes to explain our two-fold approach to combatting these types of crimes. First, the proactive community campaigns we wage to educate elderly community members on common scams like the scenario I mentioned earlier. And second, the thorough investigative steps we take if such a crime is committed.

Turning to the first prong, our proactive approach, the best cure is prevention. If you can educate the community, they can remove themselves from a harmful situation, which prevents any financial loss and avoids any contact with the justice system entirely. We will speak more in depth to the work of the Crime Prevention Division, but I want to briefly highlight here some of their efforts. There are, embedded in each precinct and Police Service Area, Crime Prevention Officers (CPOs) whose job is to provide educational outreach to the community and implement affirmative

community initiatives to prevent these crimes. These liaisons conduct community outreach and regularly hold older individual safety presentations – to date, we have done over 2,700 such community events. We don't expect anyone to come to us, so we meet these community members where they are. We go to McDonalds, adult centers, libraries, houses of worship, to provide personal and financial safety informational sessions daily, citywide. These events typically run from 30 to 60 minutes, and we provide printed flyers, videos, and PowerPoint presentations to inform elderly community members of the types of scams we see being perpetrated. We publish materials online, on the Crime Prevention and Safety Tips section of our website: <https://www.nyc.gov/site/nypd/services/law-enforcement/crime-prevention-and-safety-tips.page>, and have attached some of these materials as an exhibit for your review. On that website you can find out who your older adult liaison is, watch videos on how specific scams are perpetrated, and view our many informational flyers, published in multiple languages, which identify types of frauds and how to protect yourself. Finally, the liaisons are there to provide support and guidance to victims of crime as they navigate the justice system. This type of affirmative outreach and information is critical because prevention is better than cure.

Despite our outreach efforts, however, financial fraud still occurs. Even one occurrence is too many, but when it does happen, we explore any and all leads in order to bring justice to these vulnerable community members. An investigation of a financial crime utilizes the same tools the Detective Bureau leverages in other cases. For example, in the hypothetical scenario I opened my testimony with, the first step is to speak to the victim and ascertain the facts. Specifically, the description of the perpetrators, what tactics they used, and what, if anything, they said to the victim. This helps us not only identify the suspects, but also provides clues if this crime was part of a larger pattern. Next, we canvas for video, and we will try to recreate, step-by-step, where the suspects came from, the vehicle they drove, what they were wearing, who acted as a look out, and where they went. We obtain transaction information from financial institutions to track the money. We work with those same financial institutions to freeze stolen funds, while we work with our district attorney partners to help us narrow in on relevant evidence and build a solid case.

Now, turning to one of the bills being heard today: **Intro. 1101** would require the Department to publish information on our website relating to identity theft crimes and the processes regarding filing complaints. The Department would also be required to train officers on receiving complaints and investigating these crimes. The NYPD whole-heartedly supports the intent of this bill, demonstrated by the fact that much of this work is already being done by the Community Affairs Bureau and the Police Academy. The Department looks forward to working with the Council to craft a version of this legislation which would most effectively achieve our shared goal of protecting these vulnerable New Yorkers from these predatory crimes.

No one should ever have their peace of mind shattered and their financial future stolen from them. The Department cares deeply about preventing and investigating these types of crimes, but we understand that words only matter so much. We hope that the dedicated actions of the NYPD that we discuss today will demonstrate that commitment. Thank you for the opportunity to speak with you today, and it is our pleasure to answer any questions you may have.

Exhibit A: NYPD Informational Flyers

NYPD CRIME PREVENTION DIVISION
PRESENTS

Coffee with a Crime Prevention Officer



*Connecting with the community
one coffee at time*



Crime Prevention Division

SCAM ALERT



NYPD
New York City Police Department

Scammers will CONTACT you in different ways:



- Call or Text
- Email
- In person



You will be asked for MONEY through:



It will be:

- Unsolicited
- About a problem or prize
- Urgent

- Venmo/Zelle
- Western Union and wire transfers
- Gift Cards
- Cryptocurrency

Be on alert for people claiming to represent:

- Government agencies and utilities
- Banks and retail companies
- Dating app connections

Safety tips:

- Don't respond to unknown calls or texts
- Use official websites to submit information
- Don't let others use your phone
- Be aware of your surroundings
- Check in with family about scams
- Only use gift cards for shopping, not payments

For more information, call the NYPD at (646) 610-SCAM

NYPD Crime Prevention Division

BEWARE: CHINESE PHONE SCAMS

请注意： 中文电话诈骗



Please be alert of fraudulent phone calls, texts, or voice messages impersonating staff members of the Chinese Consulate, Chinese Embassy or officers of the Chinese police, prosecutor's office or court. The phone number may be spoofed and appear to be correct but it's a SCAM. When receiving phone calls requesting your bank account information, credit card or Social Security number or wire transfer of money, you should immediately hang up the phone to avoid suffering financial loss. If you have already sent money related to one of these phone calls, please immediately contact the local police and your banking institution. Remember, the New York City Police Department does not inquire about the immigration status of crime victims or those who call or approach the police seeking assistance.

If you have any information that may help the police regarding these incidents, please call Crime Stoppers @ 1-800-577-TIPS.

请警惕冒充中国领事馆工作人员，中国大使馆工作人员或者冒充中国警察，检察院以及法庭打来的电话，短信或者电话留言。这类看似真实的电话号码是经过程序修改的。这是一个诈骗电话。当你接到这类电话的时候，他们往往要求你提供你的银行账户，信用卡号码或者社会安全号码以及电汇金钱。你应该马上挂断电话以免遭受经济上的损失。如果你接到这类的电话，并且已经把钱汇出，请马上联系当地警方和你的银行机构。请记住，纽约市警察局是不会询问任何受害人的移民身份，包括那些联系警方或者那些寻求警方帮助的人。

如果你有任何有关这类案件的信息可以提供给警方，请致电罪案举报热线 (Crime Stoppers) @1-800-577-TIPS.

SCAM ALERT Gift Card Awareness  **NYPD**
New York City Police Department

Scammers will ask you for GIFT CARDS in order to:



- Pay an IRS debt
- Keep your Social Security benefits
- Keep your utilities on (electricity, water or heat)
- Pay for tech support
- Pay for a family member in trouble
- Pay a member of the military needing money
- Pay bail or ransom
- Avoid arrest or deportation



They will tell you:

- It's urgent - don't tell anyone
- Which gift card to buy
- To provide the gift card number and PIN



Safety tips:

- Gift cards are for gifts, not for payment
- Stick to stores you know and trust - avoid buying from online auction sites
- Check the card before you buy it - make sure the PIN on the back isn't showing
- Keep your receipt - this will help you file a report if you lose the gift card

For more information, call the NYPD at (646) 610-SCAM



Stamp Out Mailbox Fishing!

If you're mailing checks, money orders, or tax returns, protect yourself from mailbox fishing and check fraud:

- Drop mail containing checks **inside** the post office to ensure that your mail is not stolen from a mailbox.
- When writing checks, use **permanent ink** that cannot be erased.
- Check your **account balance** frequently to ensure that the proper amount is debited.
- If you see anyone tampering with a mailbox, report it **immediately** to 911.



NYPD



**Testimony of
Kevin Jones
AARP New York**

Committees on Aging and Public Safety

Subject: Guardianship

10/30/2024

Contact: Kevin Jones (646) 668-7550 | kjones@arp.org

Good afternoon, Chair Hudson and members of the Committee on Aging.

My name is Kevin Jones, and I am the AARP New York Associate State Director for Advocacy. I am here today on behalf of the 1.3 million older adults living in the five boroughs of New York City. Thank you for the opportunity to testify.

We appreciate the opportunity to discuss the critical issue of elder fraud and the need for stronger protections for vulnerable older adults. Fraud and financial abuse are serious threats to the well-being and independence of older New Yorkers.

Every year, thousands of older adults fall victim to scams that can devastate their finances, erode their confidence, and isolate them from the support they need. AARP New York is dedicated to educating and empowering older adults to protect themselves from these threats. Financial literacy is essential in this fight, equipping individuals to recognize, resist, and report fraud. A comprehensive approach to elder fraud prevention must include city-sponsored educational programs and resources to help seniors navigate financial decisions safely and protect their assets.

Additionally, AARP New York strongly supports Resolution Number 561 by Council Member Crystal Hudson, which calls upon the New York State Legislature to establish a statewide public guardianship system to address the current inequities and deficits and safeguard vulnerable New Yorkers in need of protective arrangements.

Guardianship is a legal process in which a court appoints someone to make decisions for a person who is unable to manage their own affairs. This arrangement can limit essential civil liberties, such as the ability to choose where to live, how to spend money, and what medical treatment to receive. Therefore, guardianship should always be considered a last resort.

While guardianship can be a lifeline for those who genuinely need support, the current system has significant limitations. Courts often appoint family members as guardians, but finding willing and able relatives is not always possible. This leaves vulnerable older adults at risk, especially those with limited resources. Public guardianship programs intended to fill this gap are typically underfunded and understaffed, with some guardians responsible for multiple individuals. This lack of resources can compromise the care and oversight that these older adults deserve.

AARP New York believes a well-resourced public guardianship system is crucial to safeguarding vulnerable older adults. Such a system must prioritize transparency, accountability, and rigorous oversight. While many guardians fulfill their roles responsibly, there have been cases of abuse, mismanagement, and conflicts of interest. Council Member Hudson's proposed resolution would ensure that guardians are trained, monitored, and held accountable and that the rights of those under guardianship are safeguarded.

We also encourage the state to explore less restrictive alternatives to guardianship wherever feasible. These include limited guardianship, powers of attorney, and supported decision-making agreements, allowing older adults to retain more control over their lives and decisions. AARP has long advocated for reforms that promote these alternatives, and we are committed to working

with lawmakers to create systems that respect individual autonomy while providing essential protections.

AARP New York supports the City Council's call for the state to pass legislation implementing a comprehensive statewide public guardianship system to ensure all older New Yorkers have access to the appropriate and ethical care they deserve.

Thank you.

**DIANE ROSE MINISTRIES
NATIONAL CENTER FOR ECONOMIC &
ENTERPRISE DEVELOPMENT
AGING GRACEFULLY WELL
IN NEW YORK CITY**

**PUBLIC TESTIMONY BEFORE
THE NEW YORK CITY COUNCIL
THE DEPARTMENT OF AGING
THE DEPARTMENT OF PUBLIC SAFETY
THE DEPARTMENTS OF HOUSING**

OCTOBER 30, 2024

NOVEMBER 19, 2024

Submitted by:

Minister Dr. Diane Rose, D.Ph., LMHC

Public Testimony In Full Submitted by: Minister Dr. Diane Rose for the Aging Gracefully Ministry

Presented on October 30, and November 19, 2024

Good afternoon. It's a pleasure to see you again Councilwoman Hudson (Chair of the Aging Committee of the New York City Council) and Councilman Salaam welcome (Chair of the Public Safety Committee of the New York City Council). My name is Minister Dr. Diane Rose and today I represent those across the Nation who are attempting to Age Gracefully Well wherever they live. As such, this Ministry serves as a Faith Based Model we attempt to share internationally as our Aging Population across the World continues to grow with similar challenges both here and abroad!

As the focus today is on Public Safety, I would like to begin with a quote made by one of New York City's finance while out protecting citizens in a Mall when asked, what do you think would be the best approach to "policing" in the City of New York. She said, and I quote, without hesitation, "We Need to be MORE ProActive rather than ReActive! I asked her to say more. "Well, we must wait until a crime is committed before, we can act. So, we are always looking for crime which places your entire body on high alert! The response is often knee jerked!" Recognizing her passion in describing the same I asked, how does that may you feel? She responded, "it's exhausting! No, it's damn exhausting!" So, I offered her a moment to release as I am trained to do and asked, so what do you do to relax and relax while on high alert? She said, "I just breathe, pray and hope. I said, with God we can do all things! Her face lit up, Amen! We all said, "Amen! Wow, someone stopped listening to her, I observed.

I immediately said to myself, if I were Mayor, I'd implement group and individual counseling during orientation and intermittently throughout a police officer's duty. I'd make it mandatory and call it - "let's debrief our feelings!" So, I decided not to share with her my concerns about the safety of those who are aging and what to do about it because I realized my Sister was simply exhausted! Albeit, this is the nature of those of us who are older, we are very caring always thinking about the experiences and lives of others. Yet, who advocates, cares, protects, and or supports us! Especially when it comes to scams, as we heard today, of all kinds? Too many to keep up with as was said earlier, yet those that are presented to elders are the usual scams online. Well, I am here to talk to you about a different kind.

As you may well know, there are approximately 70 million older persons 60+ in the nation and 78 million defined as Grandparents whose average age is 60. In New York City, there is a total of approximately two million older people above the age of 60 and another million age 50-59. By 2030 there will be 1.4 billion people in the world and 125 million here in the USA! That's an increase of about 40%. As a Nation of Immigrants, we can be confident that here in the States someone has a loved one who is aging in another part of the World whom they may care for even at a distance. Yet rather than go into the scarcity of resources and absence of so many things across this World's landscape, I would like to focus on my beloved City of New York and what's happening here!

A Smart City is also a *Safe City*.. A city that must enhance its performance, in its entirety, to ensure safety and security for those of us *Aging Gracefully Older*. *A Smart Safe City* is a prerequisite to create a robust economic and social environment to age gracefully and to attract investment over the long term. The growth of a *Smart City* and the longevity of its inhabitants rely upon investments that improve the quality of life for all who live there.

What I have learned in my interactions with older people, such as those who reach out to me as well as my own family members. Need I include myself as I am “*an older person*” than some. The rapid urbanization and the increase of the population of migrants to the city has made public safety and aging gracefully well a key socioeconomic challenge which needs immediate and urgent attention. Older persons, as a key pillar that holds up society, deserves LIFE, in the city that they’ve contributed their lives to. Yet, what is occurring amid an absence of services, legislation, policy and just well thought of interventions and of course MONEY is a population made vulnerable not due to their doing but to the absence of an infrastructure that supports us. The result, a what I have defined as a DEATH rather than a LIFE Cycle. People are dying and they’re dying invisible! Shoved aside, pushed out, and targeted, as we well know, for scams. So, this dying invisible may be an answer to the decrease of our population size, it does so unnecessarily and is a cruel way to think about how anyone wants to die and/or age. The Bible, if I can pause and say, promises long life and health to our bones. This promise is made and made abundantly, so we are told (Psalm 91:16, Prov. 3:8, John 10:10) Amen!

Yet, for the last four years, I have come before several “bodies” to advocate on behalf of Aging Gracefully in the Cities of the United States for we are ALL AGING! Here, in New York City, I have met individuals at the highest levels of City Hall to Public Safety, to Public Agencies, to Private Business Concerns (i.e., financial, and retail), and Nonprofit Organizations (to include the Church) paid to serve. I have met with no 10% results accept to be offered a reduced metro card that could save money (though taking the Express Bus and am limited to discounted travel) rather than the Access - A - Ride transportation denied in the State, though one was found eligible in another State. That makes for 90% of the needs going unaddressed because the 80% of the population not eligible for Public Benefits. To

do 90% of nothing about 80% of the population in one City, I have defined, is nonfeasance. To do something is a Public Health and Safety Duty to our eldest citizens for to do nothing makes them targets in their own homes. To do nothing because something is not on the books makes one vulnerable by the absence of legal, human, and social protections to one's privacy and their sanctity. This is cruelty, especially for the oldest of these. Nonfeasance is defined as: *failure to perform an act required by humanely conscionable action born out of mercy for our fellow human beings (The Good Samaritan). If the law is not available, human consciousness says create one rather than send a person away to wait for something one can act upon. What a tragedy!*

Now, the impact of nonfeasance on being responsible:

- 1) The allocation of resources is not going to aging populations
- 2) The affordability of housing (300K on waiting list for more than 10 years) has led to an increase in homelessness of 250%
- 3) The availability, accessibility, and affordability of housing has created a criminal network of "letting" apartments and/or homes to those in needs with the intent to con them due to their "vulnerability."
- 4) Exploitative housing methods go unchecked and unenforceable and lead to these individuals becoming vulnerable to cries, scams, invasions of privacy, document theft, as well as other discriminatory behaviors, harassment and intimidation creating a hostile environment where this older person now lives with nowhere else to go. This "condition" is like those exploited when trafficked. Yet, it has no legal definition for it and instead is explained away. Also, absent a trusted individual to go to who supports them. How sad!

- 5) The person subject to the above scam is then violated violently for refusing to go along with a scam, fighting for their rights, desirous of a solution, instead is further victimized while perpetrators continue abuse because they know, as was said, and are very savvy at getting away with it.

Such vulnerability leads to characteristic, as mentioned above, like human trafficking as they become subject to violence and other abuses from those who live outside the home. The result is physical, emotional, and psychological decline in health. The absence of privacy has one on high alert while technology abuse is an understatement and efforts to “get help” given to students as Thesis and or Dissertation project. Though well intentioned is absent real investment. A domino effect of the experience of trauma creates a state of survival not the life God Promised that has not be resolved for four years. When one act would have solved it - well, they were given a reduced transportation card so what gives? The State is engaged in a Master Plan dependent on its current electorate. What does the victim do in this instance.

Meanwhile, with no where to turn, those who come to me believe that God will create a turn around. This individual simply wanted to make it legal where she lives as it impacts every area of her life otherwise. To include business, employment, and other life supports affected. This is simple sustenance gracing the surface of what it means to live gracefully well in a home while she ages. Forced into the lifestyle of poverty and illegal immigration like the con artist who created the situation. She now suffers from depression due to the abuses.

A few recommendations for addressing nonfeasance and enhancing Public Health and Safety in Housing to Age Gracefully in any City:

- 1) The person must be believed and not further traumatized, discriminated against, harassed and abused. There must be created an atmosphere of

- safety where they can vent - like what is offered to those subjects to domestic violence as this is domestic in nature.
- 2) The protection of “public” from harm and crimes such as these results in disaster and can result in death and/or being badly beaten.
 - 3) Mitigate the socio-economic effects of the two most important contributors to someone secure in their *being*: that of health, housing, income, safety, meaningful work activity.
 - 4) Crime Prevention is Proactive and may need to be redefined who does what where i.e., more training in Engagement and Assessment Strategies (i.e., social workers, QMHPs to work alongside of CPPOs). Eliminating the aspects of Shame and the import of Trauma informed approaches
 - 5) Ensure Public Health activities involve educating the public beyond Senior Centers where only 25% of the older public access. These can include education across several industries and the use of the Media that might reach them (ie., newspapers, public information announcements on television).
 - 6) Interventions, Interventions, Interventions and referrals via a web of resources that expands to meet people where they are at. Make liaisons available outside of precincts and during hours older people prefer.
 - 7) Integrating into public policy and legislative actions laws that address the crime of con artists who illegally is letting apartments not just trying to force or move people out.
 - 8) Making these committee meetings begin with hearing first from the public as all others leave by the time we get to hear from the public at hearings.
 - 9) Create greater opportunities for older people to secure federal benefits i.e., Section 8 Programs

10) Expand the Elder Abuse Action Model* beyond the field of employment/workers albeit “others,” to include the individual.

I would like to close stating that it was very difficult to prepare this testimony. Yet, my Pastor’s Pastor asked at this time in our Nation’s History, what do we enjoy the most that like our ancestors and predecessors, we are willing to die for. I decided then that it is to: “Defend the poor and the fatherless; do justice for the afflicted and needy, Psalm 82:3” and as I have been given the mandate to “Arise, and shine, for my light has broken through and the Eternals Anointing has Appointed me to, Isaiah 60:1, Isaiah 61: 1-4.

Thank you for listening and doing something!

Chairwomen

Crystal Hudson, Aging*

Perina-Ana Sanchez, Housing

Dr. Natasha Williams, Civil/Human Rights

And

Chairman

Yusef Salaam, Public Safety*

Cordially,

Minister Dr. Diane Rose, D.Ph, LMHC

**Elder Abuse Action Model as Developed by Dr. D. Rose*



**TESTIMONY OF CHRISTIAN GONZÁLEZ-RIVERA
OF THE BROOKDALE CENTER FOR HEALTHY AGING, HUNTER COLLEGE
BEFORE THE NEW YORK CITY COUNCIL COMMITTEES ON AGING AND PUBLIC SAFETY**

**JOINT OVERSIGHT HEARING
"ELDER FRAUD"**

OCTOBER 30, 2024

My name is christian gonzález-rivera and I'm the director of strategic policy initiatives at the Brookdale Center for Healthy Aging, a research and policy center based at Hunter College.

Brookdale generally supports the three pieces of legislation you are hearing today. However, we would like to share some highlights from Brookdale's research on technology access among older adults and our knowledge about guardianship to recommend ways to improve these bills.

Int 1092 would require NYC Aging to expand access to financial literacy and scam awareness information aimed at older New Yorkers. We support the bill's language calling for distributing resources in both online and offline formats to reach older adults with varied digital access. Printed materials, made available at community centers, libraries, and senior centers, would effectively extend this protection to disconnected seniors.

However, simply providing materials to older adults may not go far enough to educate older adults who may not understand what they are reading and how it applies to their lives. This includes people with limited proficiency in English and people with lower levels of formal education that are most at risk for online scams. For this reason, we want to point out that our research highlights the importance of "warm experts"—trusted individuals who provide personalized guidance to older adults in their own language and in a way that they can understand. Such experts could be family members, friends, or trusted staff from older adult centers or other community-based organizations. We therefore recommend that informational materials be aimed not just at older adults themselves, but that they also develop materials that would allow warm experts to effectively communicate this information to older adults.

Int 1101 would require the NYPD to provide information on identity theft and fraud reporting and train officers on how to receive and act on such reports. As pertains to this bill, we would like to point out that scams and digital threats are constantly changing and evolving, necessitating ongoing education to keep up with scammers. While the bill proposes initial training for NYPD officers, we recommend regular refresher courses for officers to stay informed on emerging scam tactics. In addition, NYPD officers should be trained in how to respond to these reports in a patient and empathetic manner. Lastly, information and services from the NYPD must be available in different languages. Ensuring that the trainings are ongoing and up to date, that officers are trained on how to respond to identity theft complaints empathetically and, providing multilingual resources and partnering with community organizations to distribute this information would make Int 1101 more effective in reaching these

populations, ensuring they feel empowered to report fraud and seek assistance, instead of keeping it to themselves.

Res 0561 calls on the state legislature to establish a public guardianship system with centralized oversight. While we support greater oversight for the guardianship system, and the inclusion of nonprofits in a public program, we recommend that the system remain open to providing older adults with the option of engaging in Supported Decision-Making (SDM), rather than traditional guardianship, whenever possible.

SDM currently serves as an alternative to guardianship for people with intellectual and developmental disabilities (I/DD), codified under Article 82. SDM allows people with I/DD to stay in control of their lives with support from trusted individuals. New York's model is world-leading, built around a facilitated process that helps people with I/DD realize that they can make their own decisions. A version of SDM for older adults is under development, offering them a similar approach to retain control over their lives, even as they may need more or different supports. Establishing a system now that will remain open to SDM for older adults once it's available ensures they, too, can benefit from a model that respects their autonomy, giving them the power to make their own decisions rather than placing that power entirely in the hands of a guardian.

Thank you for your attention to these issues and for the opportunity to testify.



**New York City Council
Committee on Aging
Committee on Public Safety**

October 30, 2024

Thank you, Chairs Hudson and Salaam and members of the Committees on Aging and Public Safety for the opportunity to testify today. JASA welcomes today's hearing to share our experience serving older New Yorkers facing elder fraud and abuse, and those in need of court appointed guardianship.

JASA is a not-for-profit agency that honors older New Yorkers as vital members of society, providing services that support aging with purpose and partnering to build strong communities. For over 50 years, JASA has served as one of New York's largest and most trusted agencies serving older adults in the Bronx, Brooklyn, Manhattan, and Queens. JASA has a comprehensive, integrated network of services that promotes independence, safety, wellness, community participation, and an enhanced quality of life for New York City's older adults. These programs reach over 40,000 clients of diverse backgrounds and include home care, case management services, senior centers, NORC supportive services, home-delivered meals, caregiver support, continuing education, licensed mental health, senior housing, advocacy, legal services, adult protective services, and guardianship services. JASA also has an extensive history of providing information and referral services and benefits and entitlements assistance to ensure older New Yorkers are aware of and take advantage of the vast array of services available.

JASA's mission is to sustain and enrich the lives of the aging in the New York metropolitan area so that they can remain in the community, with dignity and autonomy. Inherent in our mission is embracing an age-friendly New York, identifying the needs of our clients and members, and working with the City to foster an environment where older adults are integral and thrive.

Elder Justice

Each year, hundreds of thousands of older adults across our communities experience the devastating impacts of abuse, neglect, and exploitation. Many victims are frail, isolated, and entirely dependent on others to meet their most basic needs, unable to defend themselves or seek help on their own. For these reasons, JASA's Elder Justice team is not only essential but life-changing. With teams of highly specialized attorneys and social workers, JASA stands at the forefront of identifying, preventing, and addressing elder abuse. As a trusted authority in elder justice, JASA provides comprehensive legal aid and social support directly to seniors in Brooklyn North and Queens South, offering these vulnerable individuals the protection and assistance they need.

JASA's attorneys secure orders of protection, litigate to recover misappropriated assets, and work closely with law enforcement and the District Attorney to ensure justice is served. Our social workers provide compassionate individual and group counseling, court advocacy, and case assistance to help clients access essential services, such as benefits, transportation, and lock changes for added security. Together, these teams form a crucial safety net, unwavering in their dedication to protect seniors from harm and empower them to live with dignity and respect.

Partnerships and Collaborative Outreach

Elder Justice programs at JASA emphasize a multidisciplinary approach, working closely with government agencies and community-based organizations to strengthen connections with entities involved in criminal justice and social support. This collaborative model helps expand and better coordinate outreach and education, ensuring that efforts are aligned and tailored to populations historically underserved. In partnership with the New York City Department for the Aging, JASA also works closely with the New York City Family Justice Center in each borough, providing seamless support to clients with cases in criminal or family court and assisting with family court hearings and legal referrals. Through these collaborations, JASA ensures that the services offered are truly responsive to the unique needs of diverse communities. JASA continues this effort by being an active participant in the New York State office for the Aging's Enhanced Multidisciplinary Teams. These are county based teams that unite professionals from multiple disciplines (including but not limited to: social work, nursing, legal, healthcare, law enforcement, behavioral health) to address cases of abuse against older adults, including financial exploitation, physical, psychological, and sexual abuse, as well as neglect by others.

JASA continues its partnership with the Queens Coalition (Brooklyn Legal Services Corp. A, JASA, The Legal Aid Society, and Neighborhood Housing Services of Jamaica,) to provide workshops and training focused on foreclosure prevention, fraud, deed theft and scam awareness.

JASA has hosted a *Chat with the Expert* series dedicated to addressing elder abuse and preventing scams, providing new opportunities to share information and raise awareness.

JASA|LSEJ conducts Elder abuse prevention training, reaching over 400 individuals annually. A few of these trainings were conducted in collaboration with council members and assembly members; including Speaker Adrienne Adams, Selvena Brooks-Powers, and Assemblymember Michael Novakhov among others.

To further advance the fight against elder abuse, JASA's Elder Justice Training Institute provides workshops throughout the year in partnership with leading community and government agencies. These workshops empower advocates, equip service providers with essential knowledge, and strengthen the broader network of elder abuse prevention.

Through the Elder Justice Institute and the Elder Justice Conference JASA has trained and reached over 350 professionals. In every facet of our work, JASA is deeply committed to protecting New York's most vulnerable older adults, delivering life-saving services, and fostering a safer, more compassionate community for all.

Protective Services

JASA also operates two critical programs safeguarding New York's most vulnerable adults: the Community Guardian Program (CGP) and Adult Protective Services (APS) contracted through the Human Resources Administration (HRA).

APS serves adults who may be at risk and eligible for adult protective services. APS staff conduct eligibility assessments and provide an array of voluntary support services for eligible adults who are facing a risk in the community. APS does not have the authority to provide involuntary services. In New York City, APS is provided directly by HRA as well as three non-profit vendor agencies including JASA.

When a person is unable to manage their individual needs independently, guardianship is one of several options to consider. However, it should be viewed as a last resort. There are other "less restrictive" formal and informal options for assisting a person without becoming a guardian. If APS determines that an individual requires a higher

level of support and lacks the capacity to participate in efforts to ensure their safety and protection, APS will make a referral to the NYC Office of Legal Affairs for an Article 81 Guardianship petition.

In guardianship cases, the initial step is always to identify a trusted caregiver (which may or may not be a family member) or private guardian before appointing a court-appointed guardian. However, this option is often limited to those with means; for low-income individuals, there are few resources for private guardianship support. Additionally, even when trusted caregivers are available, they may lack the training required to meet the needs of a high-risk client—or, in some cases, may misuse their role as guardians. Unfortunately, the courts have a limited pool of trained guardians to select from when appointing guardianship, underscoring the urgent need for trained nonprofit professionals capable of serving this population effectively.

In New York City, HRA contracts with three Community Guardian Programs, JASA is one of them. JASA is appointed, by the Courts, as the Article 81 legal guardian for hundreds of adults across all five boroughs who have been deemed "incapacitated" under New York State's Mental Hygiene Law. They are unable to care for themselves or make reasonable decisions, or are at risk of harm. These clients often include those struggling with serious mental illness, dementia, homelessness, victims of financial abuse and other significant challenges. JASA serving as guardian ensures these individuals remain as independent as possible, maintaining their dignity and autonomy within their communities.

JASA's responsibilities as court-appointed guardians are determined by the court based on the specific needs of the incapacitated person and may include property management, financial oversight, advocacy in healthcare, and support with daily living. With the right support, individuals in guardianship can remain safely in their homes, avoiding institutionalization and achieving a higher quality of life. The cost-benefit of this approach is clear: adequate community support reduces the burden of institutional care and contributes to a healthier, more connected society.

The provision of guardianship services is demanding, and JASA's dedicated staff shoulder immense responsibility, often facing challenging situations requiring a wide range of professionals to handle the myriad of situations they encounter. The staffing required to adequately care for clients and navigate the intricacies of guardianship includes a network of social workers, case workers, financial staff, attorneys and legal assistants. High caseloads, systemic challenges, and underfunded programs are driving worker burnout in our field. We strongly urge increased investment in education, capacity building, and infrastructure to enhance the quality of non-profit guardianship programs. By strengthening partnerships with government agencies, the courts, and

community-based organizations, we can create a more effective support system. Additional funding would reduce turnover and enable us to hire more specialized professionals, including additional attorneys, forensic accountants, Medicaid specialists, healthcare providers like psychiatrists and nurse practitioners, and social workers to better meet the diverse needs of those we serve.

JASA's Commitment

JASA's unwavering commitment to New York's vulnerable adults drives our programs, our advocacy, and our partnerships. With adequate investment and dedication, we can create a safer, more just society for our elder community members and ensure that every individual, regardless of age or circumstance, receives the care, protection, and dignity they deserve.

Molly Krakowski
Senior Director Government Affairs
JASA
mkrakowski@jasa.org
www.jasa.org



Good Afternoon Chairs Hudson and Salaam,

Thank you for the opportunity to provide testimony on behalf of the Korean American Family Service Center (KAFSC). KAFSC has long been committed to uplifting and empowering the Korean American community, with a special focus on those impacted by gender-based violence, including elder abuse. Elder fraud is an escalating concern within immigrant communities, where language barriers, cultural isolation, and limited access to trustworthy resources increases vulnerability. Recently an elderly Korean received a call in Korean from someone posing as a government official, claiming they owed back taxes and would face arrest if they didn't pay immediately. Out of fear, the client almost shared their bank details but contacted KAFSC first. This type of scam highlights the need for more fraud prevention resources.

KAFSC commends the City Council for addressing these unique challenges and we support the following proposals:

Introduction 1092, which aims to educate older adults about elder fraud, end-of-life preparation, and financial literacy, is pivotal to safeguarding our seniors. At KAFSC, we see firsthand how limited awareness around financial scams and healthcare fraud can place elderly community members at risk. Empowering seniors with knowledge in their preferred languages equips them to protect their assets, autonomy, and peace of mind.

Introduction 1101, which seeks to improve police training on identity theft and fraud, also addresses a significant gap in elder fraud protection. Many older adults we serve are hesitant to report incidents, given language or cultural differences with law enforcement. Enhanced training for officers, focusing on compassion, clear communication, and cultural sensitivity, will encourage seniors to report issues without fear.

Lastly, Resolution 561, advocating for a state-established public guardianship system, is a crucial step in supporting older adults who cannot manage their own affairs due to health or cognitive challenges. In immigrant communities, language barriers can complicate access to reliable guardianship options. A public guardianship system would address these disparities, ensuring that all seniors can receive the protections they deserve.

Thank you for your attention to these important issues and for incorporating the feedback of immigrant communities into your proposals.



Making New York a better place to age

**New York City Council
Committee on Aging & Public Safety
Chair Hudson & Salaam
October 30th, 2024
Oversight Elder Fraud**

My name is Kevin Kiproviski and I am the Director of Public Policy at LiveOn NY. Thank you for the opportunity to testify.

LiveOn NY's members include more than 110 community-based nonprofits that provide core services under the NYCAging portfolio and many other home and community based services in our city.

Background

Aging is a complicated and unique process that we all experience in our own way. Some of us will experience conditions that leave us unable to handle our affairs and our current system leaves many of us that are in that situation without adequate support. While there are some public programs available through nonprofits that take on these challenges admirably and with care, many are left with inadequate, questionable, or without any support at all despite state law requiring it.

Additionally many scams are designed to target older adults and lead to a higher rate of fraud among older Americans than their younger counterparts. We must recognize these scams and provide resources to older New Yorkers to protect themselves from predatory actors. Additionally, engaging with the police is often necessary to file official complaints against the perpetrators of the fraud and for many that may be difficult for a variety of reasons. The bills proposed today would provide much needed resources to both help prevent these types of scams and assist victims in pursuing justice.

As with many issues facing older New Yorkers we find that supports that help a person either avoid scams entirely, or help them adequately prepare for situations that would otherwise require guardianship are highly preferable to dealing with the issues after they occur. We support a wide range of early interventions and light touch supports across all areas of aging, from housing to nutrition to community supports and we are excited to work with the council to continue exploring these types of investments that would both continue to allow older New Yorkers to contribute to and engage in our communities and save our safety nets both money and time to support the folks who truly need it.

Recommendations

- **Explore programs that would assist New Yorkers in planning for end of life issues -** Programs that would help New Yorkers learn about their legal options and support them in designating a power of attorney before they may experience severe decline can help unburden



Making New York a better place to age

our court systems and create healthier and safer contingencies than a court ordered guardianship for those that may have alternative available to them

- **Pass Reso 0561.** Call on the Governor to create a statewide public guardianship system to address current inequities and deficits and safeguard vulnerable New Yorkers in need of protective arrangements.
- **Pass Intros 1101 and 1092** The resources provided through these bills would help keep existing support programs up to date with the latest information on scams and resources to help prevent them. Additionally information and assistance with a police report is key in helping victims move through the process of trying to remedy the fraud they experienced.

We are grateful to support your work with our members and partners here today. Thank you for the opportunity to testify and thank you for your attention to these important issues.

For questions, please email Kevin Kiprovski, Director of Public Policy at LiveOn NY, kkiprovski@liveon-ny.org

LiveOn NY's members provide the core, community-based services that allow older adults to thrive in their communities. With a base of more than 100 community-based organizations serving at least 300,000 older New Yorkers annually. Our members provide services ranging from senior centers, congregate and home-delivered meals, affordable senior housing with services, elder abuse prevention services, caregiver supports, case management, transportation, and NORCs. LiveOn NY advocates for increased funding for these vital services to improve both the solvency of the system and the overall capacity of community-based service providers.

LiveOn NY also administers a citywide outreach program and staffs a hotline that educates, screens and helps with benefit enrollment including SNAP, SCRIE and others, and also administers the Rights and Information for Senior Empowerment (RISE) program to bring critical information directly to seniors on important topics to help them age well in their communities.



**MET
COUNCIL**

Feeding the hungry. Serving the poor.
Changing lives.

**Oversight Hearing of the NYC Council Committee on Aging
jointly with the Committee on Public Safety**

October 10th, 2024

Chair Hudson, Chair Salaam, and fellow members of the Committees on Aging and Public Safety thank you for holding this oversight hearing on Elder Fraud. My name is Lillian Wu; I am the Director of Geriatrics Programs at the Metropolitan Council on Jewish Poverty. I am writing this testimony in support of Local Law 1092-2024, Local Law 1101-2023, and Resolution 561.

As social workers, we provide support and services to clients who experience challenges accessing information, resources, and guidance. When it comes to elder abuse, we can write with absolute confidence that this lack of access to information and support wholly contributes to our clients being abused, manipulated, groomed, and scammed.

Many of our geriatric clients are unaware of the danger of scammers seeking to take advantage of older adults who are not well-versed in technology. We all receive spam calls claiming to be from bill collectors or Social Security, but only those who are well-versed in recognizing potential fraud or scams can hang up the phone without fear of a consequence. However, for our elderly and vulnerable clients, many of whom are on low or fixed incomes, this creates real fear. We have clients who may not understand cancellation or verification requirements for specific digital payment options or those who may not know that the Social Security Office will not call out of the blue and threaten to close a case. Many of our clients are not fluent in English and receive notices to apply for programs that they do not understand or have the comprehension to assess. Scammers are convincing, and the loss of funds, safety, and confidence is real. The pressure of the moment created by the scammer makes the client feel they have no choice.

Met Council provides training and educational sessions covering elder abuse and financial literacy. Our staff provides clear guidance and support, and we offer resources, such as our elder helpline, which allows clients to connect with licensed social workers prior to making any important financial decisions.

As a city and state, we lack sufficient and culturally competent programming for seniors who are vulnerable to hacking and other financial fraud. Older adults who participate in the use of technology face significant barriers and steep learning curves that make them particularly vulnerable to fraud and predatory scams. Although the crime of scamming and fraud is widespread, the information and resolutions are not equitable and accessible for many of our older adult clients.

With our experience supporting thousands of New Yorkers through decades of service, we fully support Local Law 1092-2024, Local Law 1101-2023, and Resolution 561. LL 1092 will allow for the better distribution of essential materials for our clients and, in doing so, will support the educational work we

already do, allowing us to spread information about fraud further. LL 1101 will support training and reporting for those who are tasked with the investigation and eventual prosecution of these crimes. Often, these scams are difficult to track and stop and this training and enhanced reporting will allow our police to better prevent crimes and protect our clients. Lastly, Res. 561 shows, through an evidence-based analysis, that New York State must change its guardianship system. Passing the suggested legislation and creating a robust public guardianship system will allow us to serve and protect our clients and all those throughout New York State in need of protection against scams and fraud.

We fully support all three of these laws and resolutions and hope to see continued progress toward protecting aging New Yorkers.

Thank you for your time.

Sincerely,

A handwritten signature in blue ink, appearing to read 'LW', is positioned below the word 'Sincerely,'.

Lillian Wu
Director of Geriatrics Programs
Metropolitan Council on Jewish Poverty



**NEW YORK CITY COUNCIL
COMMITTEES ON AGING AND PUBLIC SAFETY**

**Oversight Hearing on Elder Fraud – October 30, 2024
Public Testimony**

Thank you, Chair Hudson, Chair Salaam, and fellow Committee Members, for the opportunity to testify today. My name is Kimberly George and I'm the President and CEO at Project Guardianship.

Thank you for holding today's hearing on elder abuse, a pressing issue for aging New Yorkers, their families, and our broader communities. I'm here today to talk about the urgent issues unfolding in our guardianship system, what it means for New Yorkers and especially low-income New Yorkers, women, people of color, members of the LGBTQ+ population, and why it is so important for the Council to pass Resolution 561 and for Governor Hochul to heed its call to action.

Article 81 of New York's Mental Hygiene Law provides that the court, having ruled out all lesser restrictive alternatives, shall appoint a guardian to protect and promote the interests of persons with limitations that affect their ability to make decisions for themselves. However, there is no public fund to compensate guardians. Instead, the system relies on family caregivers and the personal wealth of those in need of a guardian to pay for their own services, neither of which reflects the experience of today's older adults who are increasingly aging alone and with limited financial resources.

In some areas, nonprofits have stepped in to fill the gap, raising funds from private and public sources to serve as guardians for those with no other option. In doing so, they have demonstrated their keen ability to deliver the highest quality guardianship services for those in their care. Unfortunately, the absence of a permanent, adequate funding source to fulfill the mandate of Article 81 has prevented nonprofits from meeting the demand for services at scale. Furthermore, the perennial threat of funding cuts puts nonprofit services—and, critically, those in receipt of guardianship services—at risk.

The lack of investment in our guardianship system has also caused challenges for the courts, which are responsible for appointing and monitoring guardians. According to judges across the state, a shortage of guardians to appoint in cases where the individual in need of a guardian has no familial support or assets to be leveraged has led to a crisis in the courtroom. Statewide, judges are unable to find guardians to appoint for up to one third of the cases where guardians are needed on any given day. In New York City, that portion increases to half. This crisis results in delays in guardianship appointments, leaving vulnerable individuals in a state of uncertainty. In some cases, this has led to the appointment of unqualified or potentially exploitative guardians, which undermines the protection these individuals desperately need.

New York's need for guardians is growing rapidly. According to the Office for the Aging, New York has the fourth largest population of older adults in the nation at 4.6 million. By next year, this segment is expected to account for 25 percent of all people in 33 counties and 30 percent of all people in 18



counties. Eleven percent of older New Yorkers are living in poverty, though the rate is significantly higher among Black/African American (23.3 percent) and Hispanic/Latinx (17.1 percent) people. According to the U.S. Department of Health and Human Services, someone turning 65 today has a 70 percent chance of needing some form of long-term care, including adult guardianship.

A \$15 million annual investment in SING would fund existing nonprofit providers to increase their capacity to serve as well as community-based organizations to develop guardianship programs in underserved areas. Most importantly, it would ensure that older New Yorkers and those with disabilities and mental illnesses who need a guardian have access to high-quality, person-centered care regardless of their ability to pay. It would also enable judges to swiftly and confidently appoint guardians from among a qualified workforce. New York State would benefit from significant Medicaid cost savings, as nonprofit guardians work to prevent unnecessary institutionalizations. Furthermore, local economies would benefit, as nonprofit guardians secure comprehensive public benefits that enable economic participation.

Unlike other proposed solutions to New York's guardianship crisis, SING is rooted in decades of practical experience and a deep understanding of what it takes to be the guardian of another person. It represents a practical and experienced approach to addressing New York's guardianship crisis, aligning with the objectives of the state's Master Plan for Aging by ensuring that all New Yorkers can age with health and dignity.

Project Guardianship applauds Council Member Hudson and the City Council for its commitment to finding comprehensive ways to meet the needs of our city's aging population. It's important for the Council to pass Resolution 561 and for Governor Hochul to heed its call to action. Thank you.

Testimony

New York City Council – Committee on Aging

Oversight – Elder Fraud

Chairperson Hudson and esteemed members of the Committee on Aging, my name is Bryan Ellicott-Cook, and I am the Director of Government Relations for SAGE, an organization dedicated to improving the lives of LGBTQ+ older adults. Today, I want to offer my testimony on two crucial issues: financial literacy and the statewide public guardianship system.

Financial Literacy and SAGECents

We are grateful to the Council for your attention to the financial well-being of older adults through proposed initiatives like T2024-2488, which includes education on elder fraud, end-of-life preparation, and financial literacy. LGBTQ+ older adults often face significant economic disparities due to a lifetime of discrimination in the workforce, housing, and healthcare.

At SAGE, we address this disparity through **SAGECents**, a digital financial literacy platform specifically designed for LGBTQ+ older adults. SAGECents offers personalized tools and resources that empower participants to make informed financial decisions, covering topics such as budgeting, debt management, and retirement planning. The platform also accounts for the unique financial challenges our community faces, such as navigating legal complexities related to chosen families or planning for health and long-term care needs that may arise later in life.

Incorporating the principles of SAGECents into citywide financial literacy programs can provide invaluable support to vulnerable populations who are often excluded from traditional financial education. We urge the Council to ensure that any new initiatives targeting financial literacy and elder fraud prevention are accessible and inclusive of LGBTQ+ older adults and other marginalized communities.

Concerns with Public Guardianship

In regard to the public guardianship system (T2024-2678), it's essential to highlight that many LGBTQ+ older adults may not have had the opportunity to marry or enter domestic partnerships, unlike other generations. Historically, marriage by people of the same-sex was not legally recognized until recent years, and as a result, many individuals in our community relied on **chosen families**—trusted friends or community members who act as their primary support networks.

These chosen families, however, often lack the legal standing that biological relatives or legally recognized partners might have. This can leave LGBTQ+ older adults vulnerable to being placed under guardianship with strangers, rather than those they consider family. It's vital to ensure that public guardianship reforms recognize and protect the legitimacy of chosen families, even if they aren't formally recognized by blood or marriage.

By including measures that allow individuals to easily designate chosen family members in legal guardianship arrangements, we can protect the autonomy and wishes of LGBTQ+ older adults.

Thank you again for addressing this issue and considering the needs of our community. And thank you for the opportunity to testify today. We look forward to continuing our work with the Council to ensure that LGBTQ+ older adults are supported and protected in their financial and personal lives.



Testimony of

Jean Callahan, The Legal Aid Society

**Regarding Resolution 0561-2024 (Supporting Statewide
PublicGuardianship)**

Before the New York City Council - Committee on Aging

October 30, 2024

Thank you, Chair Hudson, Chair Salaam, and fellow committee members for this opportunity to testify today in support of Resolution 0561, calling on state leaders to address the crisis in our guardianship system.

I deeply believe in autonomy and allowing people to make decisions for themselves. Guardianship is not always the answer. But there are times when people need the services, and we know that it is so important to have providers who have the training and resources to do the best possible job for the neediest and most vulnerable people.

Over the past 20 years, I have been involved in Article 81 guardianship in many ways. As a Project Director at the Vera Institute, I had the opportunity to work on an early version of Project Guardianship. We saw the need for quality guardianship services for those who were unable to pay for private care. We

were able to demonstrate that quality services can allow people to remain safely in the community, give them the care that they need *and* save money by reducing Medicaid expenditures.

Since 2014 I have served as Chair of the New York Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS). WINGS is an informal working group of professionals from within the Courts, State agencies, non-profit leaders, and the private bar with the goal of improving guardianship systems. Throughout my time as Chair, we have noted that resources for quality guardianship services are extremely limited. Judges tell us about the desperate need for qualified professionals to serve as guardians once they have made their findings. The chronic lack of available guardians has created an untenable situation.

We have created an unfunded mandate in New York. Article 81 creates the statutory obligation to appoint a guardian where the Court finds the person with limitations needs assistance but gives judges and communities no way to provide the necessary services. This unfunded mandate wreaks the greatest havoc right here in the five boroughs. I urge this Committee to pass Resolution 0561 and to continue to urge state leaders to fund quality services for those who need them by investing in a Statewide Initiative of Nonprofit Guardians.



**NEW YORK CITY COUNCIL COMMITTEES ON
AGING AND PUBLIC SAFETY**

Wednesday, October 30, 2024, 10:00 a.m.

SUBJECT: Educating older adults about elder fraud, end of life preparation, and financial literacy and creating a statewide public guardianship system to address current inequities and deficits and safeguard vulnerable New Yorkers in need of protective arrangements.

My name is Elisa Mercedes Tustian. I am the Director of the Senior Law Project at Volunteers of Legal Service (VOLS). Since its establishment in 1984, VOLS has partnered with private attorneys to provide free legal services to low-income New Yorkers to help fill the justice gap.

Our VOLS Senior Law Project serves low-income New Yorkers age 60+ by providing Last Wills and Testaments, Powers of Attorney, Health Care Proxies, and other essential advance directives free of charge. We strongly believe that all older adults should have the right documents in place as they plan for the future. These life planning documents enable older adults to prepare for possible incapacity, illness and/or death. With the proper documents in place, we help older adults to maintain income, avoid homelessness, and ensure that their dying wishes are fulfilled. We also empower their eventual caregivers to obtain services necessary for them to access health care and age in place. The VOLS Senior Law Project provides training and ongoing support to social workers, older adult center staff, and pro bono attorneys to address our clients' legal needs.

We regularly visit older adult centers to educate the public on end-of-life preparation and we are currently scheduling new outreaches where we are focusing on empowering older adults by educating them on which life planning documents are publicly available and how to complete them independently. In Spring of 2023 and 2024, we visited older adult centers with our pro bono partners to educate older adults about elder fraud and financial literacy. The interest and concern older adult attendees held were clear from their questions at the sessions. At the VOLS Senior Law Project we value the education and empowerment of older adults throughout NYC.

The adoption of Int. No. 1092-2024, which would require the New York City Department for the Aging to develop and publish written and digital materials to educate older adults about elder fraud, end-of-life planning and financial literacy, would serve as an important tool to empower older adult New Yorkers to getting the right plan in place as they age. These education materials may help to ensure that more older adults make their wishes clear in legally enforceable documents where they designate and empower the people that they trust the most to carry out those wishes.

It is important that any materials produced as a result of this amendment to Title 21, Chapter 2 of the New York City Administrative Code be thorough and comprehensive. The information provided to older adults should make it clear that different legal documents and advance directives serve different purposes. The proposed legislation defines "end of life preparation" as simply "information regarding legal or financial considerations relevant to end of life, including

will preparation and power-of-attorney designations.” This definition reinforces a myth we often encounter in our own public education efforts and with the individual clients we serve. The older adults we speak to think they only need one or two documents in place to properly plan for the future. This is false. We inform our clients and those who attend our educational workshops that end-of-life preparation goes beyond having a Power of Attorney or a Last Will & Testament. Proper planning may also include drafting and executing a Health Care Proxy, a Living Will or a Appointment of Agent to Control Disposition of Remains form. Each of these documents serves a distinct and important purpose.

An older adult who has executed a Power of Attorney authorizes their agent to pay a utility bill, to seek government benefits to pay for housing costs, to sign renewal leases, to do their annual recertification for their NYCHA tenancy, to apply for and recertify for SCRIE benefits, or to deal with any issue that may arise with their apartment. A Last Will and Testament can ensure that a family home is passed to the next generation and can serve to preserve and build intergenerational wealth, it can ensure that families have access to funds left behind after an older adult passes away to cover their final resting costs, or it ensure that priceless family heirlooms are passed down in the way the older adult wishes. A Health Care Proxy and Living Will can prevent unnecessary and unwanted medical interventions at the end-of-life and can ensure that an older adult who is unable to communicate with their medical providers is given voice through their chosen caregiver and not just who was designated by the New York Public Health Law. An Appointment of Agent to Control Disposition of Remains form can ensure that an older adult is laid to rest according to their beliefs and wishes. Any materials produced and distributed pursuant to this initiative will only be successful if they are comprehensive in nature.

Sadly, we see the consequences of older adults failing to properly plan for the future too often. We are contacted frequently by family members who are unable to make financial and medical decisions on behalf of incapacitated older adults because those older adults failed to have the right documents in place before they lost capacity. This sometimes leads to avoidable guardianship proceedings and puts older adults at risk of loss of benefits and of homelessness.

We see firsthand the failures of our current guardianship system under Article 81 of the NY Mental Hygiene Law. We receive frequent calls from older adults who are the subject of guardianship orders who complain that their guardians are unresponsive and unaccountable. The creation of a statewide public guardianship system may serve to build in training, oversight, and accountability that is absent from the current overburdened system. We believe that the reforms envisioned in Res. No. 561 would help the communities we serve by addressing the current inequities and deficits in the system, and safeguard vulnerable New Yorkers in need of protective arrangements.

Thank you for allowing us to submit this testimony and for supporting New York City’s older adults with such progressive proposals.

Elisa M. Tustian, Esq.
Director, VOLS Senior Law Project



The Harry and Jeanette
Weinberg Center for Elder Justice
AT THE HEBREW HOME AT RIVERDALE

Testimony of
The Weinberg Center for Elder Justice
Before the
New York City Council
Committee on Aging
Regarding
Educating older adults about elder fraud, end of life preparation, and financial literacy
October 30, 2024

Good Afternoon Chair Hudson and members of the committee. I am John Holt, the Senior Staff Attorney for The Weinberg Center for Elder Justice at the Hebrew Home at Riverdale. The Weinberg Center serves as a safe haven for older adults experiencing abuse within their communities, offering shelter to those with no safe place to go. Through a comprehensive assessment of each individual's unique legal, medical, mental health, long-term care, social, spiritual, and emotional needs, we create personalized plans that connect them to essential resources. Our approach empowers older adults to build supportive, safe, and sustainable futures, free from harm.

The Weinberg Center strongly supports the proposal before the council to require the Department for the Aging to make educational materials on elder fraud, end of life preparation, and financial literacy more widely available to older adults. In New York State, research suggests that 1 in 24 older adults experience some form of financial exploitation and review of elder fraud complaints to the [FBI's Internet Crime Complaint Center \(or IC3\)](#) shows that the number of reported crimes and losses have significantly increased over the last five years. As the scope of the impact of scams on older adults grows so too do their variety and complexity. Scams involving cryptocurrency and the use of generative AI are increasing in prevalence and



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the landscape is constantly shifting, requiring those of us combatting elder fraud to continually update our educational materials to ensure they are relevant and high quality.

Effective elder fraud prevention begins by providing information to older adults that empowers them to make appropriate decisions about their financial resources. Teaching basic financial and technological literacy and providing regular updates on emerging scams and the techniques they use provides older adults with a foundational understanding of how scams function and the tactics employed by scammers, so they can better identify fraudulent activities and avoid falling prey to financial exploitation.

Education geared towards identifying and preventing scams is only one part of the equation. Older adults also need access to information on how to respond when they have been successfully targeted by a scam including where to report the crime, where to access supportive resources, and how to minimize the likelihood that the immediate financial impact of the fraud will imperil their long-term ability to afford living independently in their communities.

Scammers are sophisticated criminals who adapt their tactics to most effectively reach their audience and achieve their ultimate goal: fraudulently obtaining control of as much money as possible from their target. Scammers often establish a relationship of dominance, using manipulation, deception, and emotional coercion to instill fear, confusion, or dependence. Much like other forms of elder abuse, these dynamics of power and control create fear and shame, and therefore an environment where fraud can continue for a sustained period of time without seeking or obtaining assistance.



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Take the story of one of the Weinberg Center's clients, Ms. S. A 64 year-old woman living alone in the Manhattan apartment she owned, Ms. S spent most of her days in solitude, with minimal contact from friends or family. Lonely and hoping to find connection, Ms. S decided to make a Facebook account. One day she received a message from a physician, Dr. O, asking for donations to support his charitable work in Afghanistan.

Enamored by Dr. O's seeming dedication and compassion, Ms. S sent him \$1,000 and he began contacting Ms. S, sharing stories of his difficult work. Every conversation ended in the same way—with Dr. O asking for more money, and Ms. S eagerly wiring funds. To Ms. S this increasing contact and requests for support were not warning signs of a fraudulent scheme, but the foundation of a growing romantic relationship.

Eventually Ms. S. was no longer able to continue financially supporting Dr. O's work and communicated this to him. Shortly after, a man posing as a British diplomat, emailed Ms. S, telling her that Dr. O was in danger insisting she pay for Dr. O's travel and legal fees to bring him back safely from Afghanistan. Afraid for Dr. O's safety, she turned to the only asset she had left, her apartment. Ms. S. sold her home and promptly sent the proceeds to cover Dr. O's supposed expenses. By the time she came to realize that her relationship with Dr. O was not what she had believed it to be, she had lost her home and hundreds of thousands of dollars, left only with feelings immense guilt, shame, and grief for not only her loss of her resources but also the loss of this relationship in which she had invested so much emotional capital. With nowhere else



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to turn, Ms. S. came into our safe haven program and with counseling and support was able to rebuild her life and return to the community.

Ms. S' case highlights the complexity in providing effective prevention and intervention when an older adult has been targeted by a scam. Providing information on scam identification is a necessary component of a coordinated elder fraud response, but it is only one element of a larger issue. Scammers fill a void—whether it is emotional or psychological -- that targets unmet needs, leaving older adults with a false sense of fulfillment. Literature suggests that once an older adult has been scammed, the cycle of exploitation may continue. The emotional and psychological impacts from the initial fraud can leave an older adult more vulnerable to manipulation and exploitation by new scammers due to the increased risk of further social withdrawal. Any impactful educational initiative on scams needs to also address this stigma and create viable avenues for an older adult to receive assistance and support to prevent re-victimization.

We thank Council Member Hudson and the sponsors of this bill for submitting this vital proposal, encourage the council to pass it into law, and express our hope that when implemented, the Department for the Aging will provide older adults with educational materials that are responsive to the far-reaching impact that scams have on their targets and encourage those older adults to seek assistance when they suspect that have been scammed.



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Appearance Card

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in favor in opposition

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Name: Diane Ross

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I represent: Ageing Grandfellow

Address: Coalitan

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Name: CHRISTIAN GONZALEZ-RIVERA

Address: [REDACTED] Bklyn, 11206

I represent: BROOKDALE CTR. FOR HEALTHY AGING, COLLEGE HUNTER

Address: 2180 3RD AV, 8TH FL, NYC 10035

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Name: Lily Kim

Address: 72-01 Queens Blvd

I represent: Korean American Family Service Center

Address: Confidential, PO Box 541429.

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1101 Res. No. 0561

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Name: Commissioner Cortez-Vazquez

Address: DFTA

I represent: DFTA

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Address: 1 Police Plaza

I represent: _____

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Name: Director Josh Levin, N/PPD

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Name: John Holt

Address: _____

I represent: The Weinberg Center for Ethical Justice

Address: 5901 Palisade Ave, Queens NY

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Date: 10/30/29

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Name: Kevin Kiprovski

Address: _____

I represent: Live on NY

Address: _____

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