

# **BCFP Town Hall: Fighting Elder Financial Exploitation in Your Community**

Opening Remarks:

**JENNIFER COOK**, Kansas Deputy State Bank Commissioner  
**DEREK SCHMIDT**, Kansas Attorney General  
**MICK MUVLANEY**, Acting Director, BCFP

Panelists:

**MARY TRITSCH**, Associate Director for State Communications, AARP Kansas  
**LESLIE HALE**, Deputy Director, Prevention and Protection Services, Kansas Department of Children and Families  
**KATHY TAYLOR**, Senior Vice President and General Counsel, Kansas Bankers Association  
**VANESSA RIEBLI**, Assistant District Attorney, Johnson County, Kansas  
**TONYA HUTCHINGS**, Special Agent in Charge, Consumer Protection Division, Kansas Attorney General

Town Hall Moderator:

**ANTHONY WELCHER**, Policy Associate Director, External Affairs, BCFP

Friday, June 8, 2018

Washburn University  
 KBI Forensic Laboratory Lecture Hall  
 2001 SW Washburn Avenue  
 Topeka, Kansas

**ANTHONY WELCHER:** Good morning, everybody. Thank you for being here bright and early on a beautiful Friday morning. Actually, I have to remember that it's Friday because it's been a very long week, but I do want to say thank you very much for being here. We're glad to be here from Washington, D.C.

My mother's family is from Montana, and I always love being out in the warm grasslands in the summertime because the smell just always brings me back to being a child and running around the ranch out there. So it feels like home when I'm out here.

So welcome to the Bureau of Consumer Financial Protection's Town Hall in Topeka, Kansas, at the KBI Forensic Lecture Laboratory at Washburn University.

At the Town Hall today, you're going to hear from the Bureau's Acting Director, Mick Mulvaney; from the Kansas Attorney General, Derek Schmidt; and from the Kansas Deputy State Bank Commissioner, Jennifer Cook. We are honored to have all of them and you here. Thank you.

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My name is Anthony Welcher, and I'm the Policy Associate Director for External Affairs at the Bureau. Our discussion today will focus on elder financial exploitation. Financial abuse or exploitation is a widespread form of elder abuse that often occurs in tandem with neglect and other types of elder abuse. Studies suggest that financial exploitation is the most common form of elder abuse, and that only a small fraction of incidents are reported.

An August 2016 report put out by the Bureau from our Office of Older Americans was titled "Fighting Elder Financial Exploitation Through Community Networks." This report examined the effectiveness of collaborative community networks, including state and local efforts to protect older residents. Today, here at this event, the Bureau is announcing a Preventing Elder Financial Exploitation initiative in partnership with our nation's attorneys general. The goal is for the Bureau to expand its collaboration with individual attorneys general and local financial institutions, and to provide technical assistance to existing and new community-based efforts to prevent, detect, and respond to elder financial exploitation scams.

At today's Town Hall, first, you're going to hear from the Kansas Deputy State Bank Commissioner, Jennifer Cook. Then you'll be hearing from the Attorney General Derek Schmidt. Both will be providing opening remarks. Then you'll also be hearing from our Bureau's Acting Director, Mick Mulvaney.

Following Director Mulvaney's remarks, I will invite our panelists to join the stage, and the Acting Director will lead a panel discussion. After the discussion, there will be an opportunity to hear from all of you here in the room. Just as a note, this event is being live-streamed on consumerfinance.gov, and we look forward to having your participation today.

I will go ahead and invite the Deputy Bank Commissioner, Jennifer, to come up. Since joining the Office of the State Bank Commissioner in 2013 as Deputy Commissioner, Jennifer Cook has led the division's regulatory oversight of non-depository mortgage and consumer credit entities conducting business in Kansas. She led initiatives to streamline and update licensing, examination, and enforcement policies and processes to improve the division's regulatory oversight.

In addition, she directed the division's development of legislation to modernize the relevant state statutes, including the Kansas Mortgage Business Act and Credit Services Organization Act. She's also received state legislative approval for these initiatives. Ms. Cook serves as a liaison to state and federal financial services, regulatory agencies, and mortgage and consumer credit regulatory associations.

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Additionally, she is working to develop cooperative partnerships with non-depository regulators in the Midwest in an effort to coordinate and streamline licensing and examination processes. She joined the Office of the State Bank Commissioner after 11 years on the staff of U.S. Senator Pat Roberts in Washington, D.C. As Deputy Legislative Director and Legislative Assistant for the Senator, she handled financial services issues, tax policy, pension housing, and small business issues. She also served as the senator's staff for tax policy issues before the Senate Finance Committee. During her tenure with the senator, she worked on key financial services legislation, including the Dodd-Frank Act, which by the way is what created the Bureau; the Emergency Economic Stabilization Act; the Housing and Economic Recovery Act; and the Pension Protection Act. We'll go ahead and welcome Commissioner Cook.

[Applause.]

**JENNIFER COOK:** Well, good morning, everyone, and thank you for that very kind introduction. On behalf of Kansas Commissioner Miki Bowman, who was unable to attend, we appreciate the opportunity to participate in this important discussion today.

Thank you, Acting Director Mulvaney, for setting as a priority issue for the Bureau that of addressing financial exploitation of elders. We are pleased to welcome you to Kansas to highlight this initiative.

Thank you also, Attorney General Schmidt, for your leadership in Kansas and as president of the National Association of Attorneys General to raise this issue and bring together stakeholders to collaborate on solutions.

The OSBC oversees state-chartered banks, mortgage companies, consumer credit providers, and money transmitters that provide products to Kansas consumers. We work closely with our institutions and licensees to help insure compliance with state law and to take appropriate action when that does not occur.

As new financial products and services are developed, as technology plays an increasingly important role in the design and delivery of those products and services, we must be cognizant of the potential risks these may pose for consumers, including our elderly. Like many states, Kansas will experience growth in its elderly population as the baby boom generation ages. Many elderly Kansans and certainly baby boomers are online and are comfortable using technology for a range of activities, including financial services, and this provides another environment where financial exploitations, scams, and fraud can occur.

As someone with an 85-year-old mother who is a whiz with her iPad, I understand how critically important it is that we do all we can to help safeguard the financial security of one of our most

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vulnerable populations, and that is why this initiative is so important. It's essential that we have a strategy to get ahead of the curve. It's also important that individual consumers understand the opportunities and risks of financial products and know that the Bureau, the Attorney General's office, the Office of the State Bank Commissioner, and others are resources if they need help.

We know that there are situations in which an elderly individual may be financially exploited by a family member or it may even be an employee or the owner of a business who initiates the abusive activity. Far too often, the elder is afraid, embarrassed, does not want to acknowledge the exploitation or report the abuser. Raising awareness among friends, families, caregivers, financial institutions and others about the warning signs of financial exploitation and the resources available to assist when this occurs is key to this effort.

Our agency and our consumer affairs staff continually work to enhance the OSBC's response to consumer concerns and complaints. The OSBC has in place and has strengthened the state laws we enforce to impose higher penalties for violations of the law that harm elderly consumers. We also advise our financial institutions on the importance of reporting suspected elder financial abuse.

The OSBC welcomes the opportunity to collaborate from the state level with the Bureau on this issue, and we appreciate the partnership we have developed with the attorney general's office to help educate, assist, and protect consumers. Thank you, Acting Director Mulvaney and General Schmidt, for convening today's town hall. Our agency looks forward to supporting your efforts. Thank you.

[Applause.]

**ANTHONY WELCHER:** Thank you, Commissioner. Going to go ahead now and invite the Attorney General to come on up for his remarks. Attorney General Derek Schmidt was elected the 44th attorney general of Kansas in 2010 and was reelected to a second term in 2014. Under his leadership, the AG's office has focused on prosecuting crimes against children, protecting senior citizens from scams and rip-offs, recovering record-setting amounts of money for Kansas consumers and taxpayers, providing quality legal services for the State of Kansas, and standing up against the overreach of the federal government.

Before being elected Attorney General, he served as a Kansas state senator representing part of southeast Kansas and as a state senate majority leader. He previously served as counsel to Kansas Governor Bill Graves and as an Assistant Attorney General for Consumer Protection. In 2013, the Attorney General personally and successfully defended a Kansas murder conviction on

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appeal before the U.S. Supreme Court. He has led the successful efforts to strengthen Kansas law against human trafficking, to repair the state's Hard 50 sentencing law, to toughen penalties for defrauding senior citizens and for stealing from the Kansas Medicaid program, to extend the Do Not Call law to cover consumer cell phones, and to enact the Kansas RICO law to combat drug and gang violence.

The Attorney General has been honored with a Friend of Law Enforcement Award from the Kansas Sheriffs Association, the Policymaker of the Year Award from the Kansas County and District Attorneys Association, and the Guardian of Small Business Award from the Kansas Chapter of the National Federation of Independent Businesses. He serves as the Midwestern region's Vice Chair for the National Association of Attorneys General and as Vice Chair of the organization's Human Trafficking Committee. Thank you, Attorney General.

[Applause.]

**DEREK SCHMIDT:** Thank you. That was very nice. We really need to cut that, and you did a great job with it. We appreciate it.

Look, just a couple of points. First, welcome to the Kansas Bureau of Investigation, and thank you to everybody for taking time to be part of this conversation. Similar conversations happen all over our state with great frequency. Kansas is a state where folks work together, and this is a terrific opportunity. Acting Director, thank you for convening it for us to try to extend that spirit of partnership to engage more completely with our federal partners.

Let me just share with you three, if not data points, at least ideas that for me at least are motivating on why this subject matter is so important for us. Number one, if you look at the Census Bureau data from the turn of the 20th century, 1900 through the 2010 Census, it will show you that in 1900, the number of Americans who were age 65 or older was in the range of 4 or 5 million. In 2010, that number had grown to exceed 40 million, and today, we're pushing 50 million. And it's not just that the raw numbers are bigger because the country is bigger, and therefore, everybody's demographic category has grown.

In 1900, the proportion of our population that exceeded age 65 was about 3 percent, by 2010, it had grown to about 13 percent, and it's continuing northward. So there are more older Americans than ever before, and it's a bigger portion of the American story than ever before. That's point number one.

Point number two. As many people in this room, a lot of familiar faces, know intimately, there are certain things that happen certainly not to everybody but as a group to many people as we age because an elder population becomes more susceptible or at least perceived as more

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susceptible to scans, cons, and rip-offs. Some changes are physiological. It doesn't happen to everybody, but it happens to some.

Some, at least at this snapshot in history, are—I don't know what to call it—demographically cultural folks who have hit that age range, grew up in a time when we were just more trusting as a whole. I can't get my mother to hang up on telemarketers without politely telling them why she's going to do so, and so that's a reality, more susceptibility.

And the third data point that we don't talk about very often, but I think is what sort of makes this a complete package and why this is one of the challenges for our generation is that the amount of wealth held by Americans over the age of 65 today is greater than the amount of wealth ever held by any age-based demographic group, not just in the history of the country, but in the history of the world—in the history of the world. The median net wealth of a household with at least one member age 65 or over in the United States today is almost \$250,000. That has never been true for any group before. It is not true for any other group today, and it makes sense if you think about it. If a lifetime of savings, planning, and accumulation—hopefully, you've paid off the home, you have equity in it, and we have income security programs for older Americans that historically didn't exist just two generations ago.

So you add all of those together, and what's it mean for our purposes? It means the target on the backs of older Americans received by con artists and rip-off artists is bigger than it has ever been, and that's true whether we're talking about rip-off artists from Central Asia who reach into Kansans' living rooms through the internet or otherwise through a remote ability. It's true if we're talking about organized criminal enterprises in our own country, and sadly, it's also true in too many cases if we're talking about family members or caregivers or other trusted individuals who want to exploit and take advantage of that opportunity.

So we've made this a priority in Kansas. We certainly have at the AG's office. This is a chance today to continue that discussion, and I am delighted. This is an opportunity to take that next step and say, "You know, it's a big problem," and the locals aren't going to fix it. The state is not going to fix it. The feds aren't going to fix it. Private actors aren't going to fix it, but we'll do better working together than we do each of us doing on our own, so thank you for being here.

[Applause.]

**ANTHONY WELCHER:** I should say, because this was left out of his bio, he is the current chair of the National Association of Attorneys General, which is really why we're here today, because he has made it his marquee effort this year as the chair of the association to concentrate on this very specific issue and bringing it to the national forefront. That's what brought the

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Bureau in. We started engaging with them and with him, and we're going to continue this effort. And you're going to hear more about that over the next hour, and we look forward to fighting with the Attorneys General and others in this country on this matter in the next six to nine months.

I'm going to introduce my boss, Mick Mulvaney. He is the current Director of the Office of Management and Budget and also serves dual duty as our Acting Director over at the Bureau. He was nominated to be OMB Director by the President in December of '16 and confirmed in mid-February of '17. He was named right around Thanksgiving of last year as the Acting Director of the BCFP.

Prior to his time in the executive branch, he served the people of the Fifth District of South Carolina as their Congressman and was elected first in 2010. While in Congress, he served on the Budget Committee, Joint Economic Committee, Small Business Committee, Financial Services Committee, and the Oversight and Government Reform Committee.

In addition to his career in Congress, practicing law, and opening his own firm, he also ran a family real estate business, started a homebuilding company, and was both a franchiser and franchisee in fast casual restaurants.

Please welcome our Acting Director, Mick Mulvaney.

[Applause.]

**MICK MULVANEY:** Thank you very much. Thank you, Attorney General Schmidt, for convening this group and having me here. Thanks especially to everybody for showing up. Your participation is what makes this happen. Without you, it's just me and Derek having dinner, which is what we did last night, which was lovely. The steak here is really, really good.

You all may have heard in the national media over the course of the last 24 or 48 hours this story that supposedly we're going to be doing less interaction with people at the Bureau of Consumer Financial Protection in the coming months, how we're getting rid of this advisory group or we're shrinking that, the group that we meet with. The exact opposite is true.

I am here today as part of an initiative to do more of this. Yesterday, I was able to speak with probably 40 or 50 credit union leaders in Kansas City. We're here today with a group of almost 100 people in Topeka to get more input from folks, not less. We're going to be doing it a different way than the Bureau has done in the past, but I expect you to be seeing more of us in the future, not less. For that reason, we're sending a group—you're having, I think, your national meeting in two weeks in Portland, Oregon. We'll be sending representatives to that as

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we try to do a better job of getting out into the country and into the field to talk to people about what's important to them, and one of those things that's important to you and is to us is the issue of elder abuse.

It's been a focus of the Bureau for several years. I give credit to my previous—to the previous Director. He did make it a priority at the Bureau, and rightly so. The data points are exactly right. The reasons you mentioned are—one of the reasons we look at it—I think the number I've seen is that 10,000 people turn 62 every single day in this country, and I am reminded of the old saying. I have no idea who it was. I think it was Jesse James. It was one of those famous robbers. They asked, "Why do thieves rob banks?" and the answer was because that's where the money is.

And when you wonder about elder abuse, why are people starting to focus on—why are the bad guys starting to spend more of their time going after my parents and yours? It's because, as you mentioned, that's where the money is. So we're just going to see more and more of that, and we'll have to be ever more vigilant as we move forward.

I met Attorney General Schmidt in February of last year when I spoke to the National Association in Washington, D.C., and was very pleased to hear that his primary focus, the thing that he wanted to draw most attention to during his term as the head of the National Association was on elder abuse, because it was so important to the Bureau. And he and I talked at the time and said, "Look, we want to work with you more. We're going something over here. Your guys are doing something over there. Why can't we do it together? Why can't we figure out a way to bring the resources together?"

And so I'm here as part of an introduction of our new initiative of Preventing Elder Financial Exploitation, and what I'm asking the Attorney General to do—and I'm asking everybody who's watching this to do—and I think I'm speaking to a group of attorneys general again this weekend—is to work with us on these community networks that we're going to be putting together, these groups of local law enforcement, local AGs, the Bureau, state financial regulators, everybody, to get these community networks together so that we can find where the problems are.

We do a really good job of that, okay? We're pretty good at collecting data, but you folks are on the ground, and you're the rubber where it meets the road. The bad guys are in your district, and you've got a much better chance of focusing on solving that problem.

And when I say we have the resources, in the government business, that means one thing—we have the money—which I know is always a welcome thing for the state attorneys general to hear,

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is that we are willing to spend money on building these community networks, to make them available to you. So I do encourage all of the AGs to get involved in that process, and I hope that over the course of the next several months, between now—and I think our goal is to have these things in place by the end of this calendar year—we'll get a chance to see some real, real change when it comes to protecting our older consumers.

With that, I thank you again. I think we're going to start the panel discussion and take some questions from the audience as well. So thanks again for having me.

[Applause.]

**ANTHONY WELCHER:** Thank you, Director.

So I'd like to invite the panelists to go ahead and come up to the stage, and while they're walking up, I'll do a quick introduction. First, we have Mary Tritsch, who is the Associate Director for State Communications for AARP, here in Kansas. We have Leslie Hale, who is the Deputy Director for Prevention and Protection Services for the Department of Children and Families; Kathy Taylor, Senior Vice President and General Counsel of the Kansas Bankers Association; Vanessa Riebli, Assistant Johnson County District Attorney; and Tonya Hutchings, Special Agent in Charge of the Consumer Protection Division, the Kansas AG's office. Thank you all very much.

**MICK MULVANEY:** Do you want the panelists to make some brief opening comments? Anthony, do you want the panelists to make some brief opening comments? So we'll just start with Mary at the end of the table. Mary, do you want to introduce yourself?

**MARY TRITSCH:** Yes. Thank you. I am the Associate State Director for Communications for AARP Kansas. Thank you so much for inviting me to be here, General Schmidt and Acting Director Mulvaney.

AARP is a nationwide organization that represents older Americans, 50 and older. We have offices in all 50 States and three territories, one right here in Topeka, and one of the top priorities for us is the financial security of all Americans as they age, and we have a longstanding history of being a consumer advocate.

In 2013, we started the Fraud Watch Network, which is a network that involves online content, in-person presentations in states and communities across the country, and then we have a Fraud Watch Helpline, which is a toll-free hotline available to folks who have been victims of consumer fraud or just have questions about scams that they may have heard about.

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Our efforts have resulted in about 1.3 members of the Fraud Watch Network across the country, and our hotline receives about 30,000 calls every year. And that number is increasing. As we know, as people get older and people receive more information about scams, they want more information as well.

So one of the things we do here in Kansas is we have volunteers who go across the state and provide information through fraud watch presentations, and unfortunately, we've seen some very sad situations. We've heard of some cases that are just deplorable, but we think it's important that we all work together to get the information out. It's not just about one group. It's about all of us working together, and we really appreciate this opportunity to be here today.

**LESLIE HALE:** I'm Leslie Hale, and I am Deputy Director, Department for Children and Families, and one of the programs that I have oversight of is Adult Protective Services. And one of the things—I'm really happy to be here today because it just seems like we're hearing and seeing more and more reports regarding abuse with exploitation and fiduciary abuse, and I've got a couple of my assistant program managers here who definitely can vouch for that and how complicated these cases can be. So I'm really excited to see the increase in collaboration and working with each other to address these issues because they're very, very complicated.

I am also pleased with the timing of this particular event. June is Adult Abuse Prevention Month in Kansas, and actually, June 15th is the actual International Day. So I think the timing of this event is very appropriate for this month.

**KATHY TAYLOR:** Thank you, and good morning. I'm Kathy Taylor, Senior Vice President and General Counsel for the Kansas Bankers Association, and as many of you know, financial institution officers and trust officers have been mandatory reporters of suspected exploitation and abuse of older adults for some time, not only just under the federal law, which is the Bank Secrecy Act, but also under our state law. And I want to share with you that we take that obligation very seriously, and we are so grateful that we have partners, entities that are represented here at this table and those at the federal level as well. That we know that when we hand that information over to them that it is fully vetted, investigated, and prosecuted when necessary. So we appreciate that partnership.

And I also want to especially thank the Attorney General today for allowing me to be on his task force that studies these issues. I think we've made some differences, and I look forward to continuing that work going forward.

**VANESSA RIEBLI:** My name is Vanessa Riebli. I'm a prosecutor in Johnson County. That's in the southern metro area of Kansas City. I'm the head of the Economic Crime Unit, which is

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divided between white collar crime and the Kansas Consumer Protection Act. We have five attorneys in this unit, which would be about 20 percent of our office. So we dedicate a lot of resources to this.

We prosecute a lot of elder abuse cases, both financial and physical. As we talked about, that can get very complicated because you deal with medical issues. You deal with financial issues, and then we also deal with law enforcement and how we got to the point where we are.

So I have seen this collaboration between groups grow, which is affecting how we can not only prosecute the cases but prevent them getting to the point where they need to be prosecuted. APS is here, Adult Protective Services, and we sit down every month, and we go through cases in different jurisdictions within Johnson County and discuss what we can do to help that individual and/or to get the perpetrator out of the home.

So I appreciate this opportunity to be here, and I also appreciate being on your task force. Thank you.

**TONYA HUTCHINGS:** Good morning. First, I want to thank you for the opportunity to be here this morning and discuss elder exploitation.

Second, I just want to ask a quick question of everybody that's here today: How many people here in the crowd know what our consumer protection team does or has actually filed with our consumer protection team? Some of you in the back, it's a good thing you know what we do.

[Laughter.]

**TONYA HUTCHINGS:** So our Consumer Protection Division, we get thousands of complaints every year. Those complaints are—so many of them are targeted at our elderly population. So when they come into our office, we not only need to look at those and see if this something that we can help them with, is it a violation of the Kansas Consumer Protection Act, which that is what we are enforcing, or is it something that another agency can help them with. So sometimes we do refer those to other agencies.

We work with Johnson County quite a bit and share cases back and forth. Some of the cases that we get are the scam calls. So there's been some changes to the Do Not Call. We get individuals who go door to door, door-to-door transactions. There is a specific part of the Kansas Consumer Protection Act that covers that. Those door-to-door transactions a lot of times are focused or targeted, I should say, against the elderly. So, again, it's just another way for individuals that want to scam people to target our elderly population out of their funds.

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So I am very excited to be here today and talk about ways that we're already helping our elderly population and hopefully some more new ideas on how else we can help them. Thank you.

**MICK MULVANEY:** Thanks very much, and thanks again for doing this.

Mary, I want to start with you, if that's okay, because you mentioned some of the deplorable cases, and I think maybe the best place to start is just rip the bandage off and tell people what's actually happening. Can you give me some examples of some of the most deplorable scams that you've heard about? I mean, so tell folks what it is we're actually dealing with. I think we all sort of have a sense generally of what elder abuse and elder exploitation can look like, but tell us what you've actually seen in the community.

**MARY TRITSCH:** Well, scams seem to go around the seasons. You know, at Christmas time or holidays, we see gift card scams, and during the spring when it's tax season, we see IRS scams where people are posing to be IRS and calling you and saying you owe money. And what we found from scam artists—and we've worked with a lot of them. They tell us how they actually go about the thought process and how they get consumers, and one of the things they do is they prey on your vulnerabilities. And really, you can be of any age, and it's not whether you're well educated or where you live or how old you are, but what your vulnerabilities are.

So like the grandparent scam, if you haven't heard about that, people call and they pretend to be someone's granddaughter or grandson. They say they're in trouble, and they need help, and can you wire some money or send a gift card to get them out of trouble. So if you're a grandparent, you're probably going to be susceptible to that scam. You may be so concerned about the call that you don't realize, well, that's really not your grandson's voice, but it's something that you get scared about. And when you get scared, you don't think as well, and so a lot of people fall victim to that scam.

One of the good things we hear, though, is the education that we do is so important. I had a woman come up to me and say, you know, "I had this guy call me. He said 'I'm your oldest grandson,' and she said, "Jared?" and he said, "Yes." And as she was talking with him, she was like, "Oh, yeah. My oldest grandson is not Jared. It's Josh." So she knew, clue number one. And then he said, "Well, you know, I went to Florida with my friend," and she goes, "Oh, I didn't know you were in Florida." He says, "Yeah, we're here. We had an accident, and my friend was injured. And he's in the hospital. I need some money so that I can get home," and she said, "Oh, okay. Well, how can I help you?" And he said, "Well, we need \$1,200," and she said, "I burst out laughing because I said, 'Jared, if you knew me, you know I would only have \$12 to my bank account.'" She lives on Social Security. So she said, "I only have \$12, so there's no way I'm going to give you \$1,200," and so she was able—but in her mind, as he's talking, she's listening. She's

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thinking about all the clues that she's heard and the information that she's heard, and so it's so helpful to get that information out there.

One of the other cases that we heard about was a woman who had two disabled children, and she got a call from someone who said that they were with a state agency. And they were going to take away her children if she didn't send the money, and they told her, "Don't go to the bank. Go to Walmart, and get their little green cards. And give us money, and we won't take your kids away." So that's what she did. She lost \$7,000 before she figured out what was going on, before someone could help her.

Our other message, though, too, is that we tend to blame people, "Why did you do that?" but the emotional state you're in when someone tries to scam you, it's just so different. And so we need to be able to help people, not blame them, for these things that happen to them.

**MICK MULVANEY:** Let's talk a little bit about—thank you for that—the response. Let's talk a little bit about what the private sector does and the public sector. So, Kathy, tell me, when the banks see this type of behavior, because you all are going to see it, how do you all respond with that? How do you deal with it?

**KATHY TAYLOR:** Well, I think both at the federal level and the state level, there are procedures and processes in place for us to make reports. At the state level, it's the DCF, and at the federal level, it's through the Bank Secrecy Act's SAR reports. And so the immediate thing that we tell our bankers to do is to fill out those reports and give as much detail as you possibly can to help with the investigation.

I think the processes that are in place are pretty, pretty good. They're pretty streamlined. We really don't get a lot of questions about that, and I think we have good processes in place to report, make those reports.

**MICK MULVANEY:** How many seen?

**KATHY TAYLOR:** Well, too often, more often than we used to, and I don't know—we were talking earlier—if it's a matter there are more instances happening or whether we are getting just better at recognizing them, the red flags, and maybe a combination of both.

**MICK MULVANEY:** One of the big risks, obviously—and you mentioned this specifically now, don't go to the bank, go to Walmart so that you all can't intervene in that process, right? And that's—

**KATHY TAYLOR:** That's a good point.

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**MICK MULVANEY:** —part of the challenge.

Vanessa, as one of the state folks, one of the district attorneys, how do you all handle it? I mean, there's ways that banks will handle it internally, but you all have got a much broader sort of portfolio. So how do you handle it when you see this type of activity?

**VANESSA RIEBLI:** One of the most important components is education. So we try to go out and do trainings with bankers on what to look for.

With the elder abuse cases, one of the components is going to be proving the financial loss, and a lot of our elders have developed a pattern over their life of how they bank. And that's usually going in person, conducting those transactions. When bankers start to see changes in those patterns, maybe there's more checks being written, credit cards that were never issued before, or perhaps the elder person is coming into the bank with other individuals that they are not aware of who they are. So education is a big piece of that because in order to prove our case, we have to show the financial exploitation.

The other component is working with the medical community because we have to prove—Kansas luckily just changed their law, so now it is 60 years of age to be considered an elder person. It was 70, which created a lot of challenges for us, so we would use the dependent adult statute, which required the medical facility, because what you'll see in these jury trials—and a lot of these cases go to jury trial—is the offender will say, you know, "This person wanted me to have all this money," "You know, they wanted to write me a \$100,000 check," "They wanted to pay me \$150,000 to be in their house for three days a week." So we use the medical community not only to establish the diagnosis for cognitive disabilities, but then also a lot of times, the offenders will be with the elders or the dependent adults in the medical appointments. And they will be asking questions that show that this person has dementia or has diminished capacity, but when they come to trial, they'll act like everything was fine; they never observed cognitive issues. So that's why it's so important to develop a relationship with their medical community because, shockingly, a lot of doctors don't like to come to court. They don't get paid to come to court, but to establish that relationship.

And then finally law enforcement. For years, this was considered a civil issue, and that is something we have fought through to explain to them, "No, this is criminal." And again, with the Attorney General's help, we have one of the strongest State statutes when it comes to elder abuse and dependent adults. If you steal over \$25,000 from an elder or a dependent adult, that's presumptive prison in Kansas, and we can get all the way up to 10, 15 years if you steal over a million dollars. So we have the laws that can stop these perpetrators.

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**MICK MULVANEY:** I want to come back a little bit later to the challenges that you face in preventing this, and also, I never thought about this until you just mentioned it, the challenge of remedying it after it happened, which are two different, different challenges.

But I want to talk for a second with Leslie about collaboration because you're sort of at the nexus of both the public and the private sector. Tell us a little bit about how important it is, how you do it, examples of the collaboration, and how we're going to get at this problem.

**LESLIE HALE:** Well, I think one of the most important things is communication, and I have seen so much growth in the collaboration between public and private entities with Adult Protective Services.

One of the examples that I have seen in increasing are the FAS teams, the Financial Abuse Specialty teams, and actually, I believe Johnson County has one—I know Sedgwick County has a very active one—where different members from the public and private sector get together—law enforcement, the courts, possibly the banks, kind of depending on the situation in the community and address some of these extra difficult cases, kind of talk about how the community can work together to address these type of issues.

The other thing, some of the other things I've seen is—definitely appreciate the strength in increasing in the laws and statutes around this. They've tightened up the laws as far as the Adult Protective Services now. If we suspect a crime has occurred, we have a very specific process to notify local law enforcement as well as the Office of the Attorney General, and I think that has definitely helped with improving the communication. They have an idea of the cases we're seeing. If we do substantiate on one, they will oftentimes ask more questions and look to see if they want to pursue any kind of criminal charges with that.

**MICK MULVANEY:** Sorry. I forgot who I was going to ask the next question. It was Tonya. Tonya, you're at the AG's office, and I'm putting you on the spot I think in front of your boss.

[Laughter.]

**MICK MULVANEY:** Talk a bit more about the—

**TONYA HUTCHINGS:** It's going to be a great day.

[Laughter.]

**MICK MULVANEY:** —about the collaboration because, again, I don't think anybody can do this by themselves.

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**TONYA HUTCHINGS:** Absolutely not. It takes everybody working their part of whatever they can do for the elder exploitation.

One example of a case that we had is—I mentioned earlier door-to-door transactions. We had a subject that was going door to door. He was targeting elderly, and in interviewing, I'll just tell you about two of the consumers very quickly because there was numerous consumers. One of them was out \$76,000 to him. He was supposed to be doing a number of different things to her home, and the amount of money she spent with him was almost the value of her home. And all he had actually done is put a couple tiles down in the bathroom. So things like that are heartbreaking, hearing that elder tell you that story.

And then one of the other victims, I sat at the table with a couple, and the husband had Alzheimer's, so he was not able to have a discussion with us. The wife was in charge of everything, and she would get the starting signs of Sundowners toward the end of the day, so she was struggling too. She sat at the table, and she cried to us because she thought this man was her friend. And that's what these scammers do is they prey on the ones that are elderly, and they make these people think that they're their friends.

So what happened in this case is we worked with local law enforcement. We worked with DCF. It ended up that with this one, we were able to take some civil action and enjoin him from being able to do business. The problem with people that do these type of scams is by enjoining them, if they violate that order, then we take them back to court. And it's another monetary fine to them. They don't care about that. They don't always care about that.

So, in this case, in July of '16, the law was changed so that if a subject like this violates that order—so he has a civil order that he cannot do any more of these door-to-door transactions—if he violates that order, we can actually arrest him from a Level 9 person felony.

So the good news in this case is he was charged with multiple felonies, and at this point, he's just waiting sentencing on that case, and that was thanks to the effort of not just our office but local law enforcement, DCF. It takes everybody. Everybody has to understand what our Kansas consumers are going through and do what we can just to either change laws or collaborate between us and be able to fix the problems that we have. Thank you.

**MICK MULVANEY:** I'm curious, and I know this is one of the questions we talked about beforehand. But how do you find those people? How do they come to your attention, the perpetrators, the folks who are actually doing this stuff?

**TONYA HUTCHINGS:** So our division takes consumer complaints, like I mentioned earlier, so we get those consumer complaints into our office, and then each of our investigators are

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assigned specific topics, so we have someone that works door to door. So what they're going to do is they're going to watch and see, okay, we have this subject. He's been to this many different consumers' homes doing door-to-door transactions, and at that point, we're going to do an investigation on that subject and take action against him.

**MICK MULVANEY:** Does anybody refer matters? You might hear stuff through the AARP. You might see stuff at the banks. Do you refer stuff to the AG's office? Tell us how that works. Does it work well?

**MARY TRITSCH:** Well, it depends on the consumer, you know, if they want to report it. Sometimes consumers just want to walk to somebody, just work it out. We tell people, "Yeah, you need to report it to local law enforcement or the Attorney General's office or the district attorney's office, and they may not be able to get your money back. But that tells us what's going on out there. We need to know what's going on."

**MICK MULVANEY:** This is fascinating. I used to—for those of you who don't know—and there's no reason for you to know—a long time ago, I used to practice commercial litigation, and I'm sitting here wondering about my own parents, who are 75 years old, who just had their bathroom redone, right? You mentioned tile, and I'm sitting here wondering about the challenges that you must face from law enforcement. Now I'm looking to the (Attorney) General. If my mom and dad signed a contract with somebody to fix their bathroom and they paid \$75,000 and the person only does a couple thousand dollars' worth of work, how do you know if that's a simple breach of contract, which is a civil action, which is just a bad contractor, which is one level of thing, and elder abuse, which is they targeted my mom and dad because of their age and they went after them? How do you sort of make the case if it's a criminal act versus just a civil breach of contract, which I know is a really boring question for the non-lawyers in the audience?

[Laughter.]

**MICK MULVANEY:** But there's a difference between a civil wrong and a criminal wrong. How do you do that?

**DEREK SCHMIDT:** I think from our vantage point, the fundamentals of that question are how many tools do you have in the tool box and how do you know which one to deploy, and obviously, at one extreme, you have what you're talking about, Director, being just a civil act, which I would further characterize as a civil act between two private parties. Somebody wronged somebody else—

**MICK MULVANEY:** Yep.

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**DEREK SCHMIDT:** —and they sue each other or otherwise work it out. That's not our business.

But we have then civil tools, our Consumer Protection Act, which the state is authorized to step into that transaction between those parties. There, we have to show, based on the evidence—the answer to your question is it depends on what the evidence shows. But if we can show that there was more than just sort of an ordinary breach, that there was an intent to defraud, that there was some type of unconscionable act, which under our law means something that shocks the conscience of the court, if there was a deceptive act, that there was some type of conduct or deliberate omission on behalf of the actor that was intended to deceive the consumer, the elder into entering into that transaction, we can then step into, in effect—we will represent the state, not the private party, but we can functionally step into the shoes of that victimized person and bring an action on their—not on their behalf, but to get them their money back and other remedies.

And then, of course, at the other end of the spectrum are the criminal tools where you have truly egregious action, again, based upon the evidence. We can show a pattern or sort of a premeditated scheme to defraud, that sort of thing, and we're doing better in Kansas on having the right tools in the tool box on the criminal side. In fact, we've just added—or the legislature has added for us—a new division at the attorney general's office that does nothing but criminal cases that arise as matters of fraud or abuse of elder or vulnerable persons and some related financial crimes.

**MICK MULVANEY:** And what I'm hearing, though—and I am sort of discovering this again and again and again as we get into consumer protection—is that it's really, really hard to fix things after they're broken. You can do it. You can find that person who is going door to door, and you can get them off the street, but that's one of a hundred. And the real—maybe the challenge—we'll talk about this before we wrap up—I don't want to get to this yet—is how to educate people so they know to look out for themselves.

Before I get to that, I want to talk about, Kathy—because I know that the banks and the credit unions sort of network. We talked about collaboration between the public and private sector, but talk a little bit about what the private institutions are doing within their own networks to try and help people not only identify this but protect them from them in the future.

**KATHY TAYLOR:** Well, as I think the common theme around the able is information is powerful, I think when our banks and credit unions get together with individuals like that are at this table and other entities like them, the information that is shared is powerful. The examples that we hear from the DCF and from AARP about the instances of abuse help us to recognize red

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flags, when our older customers come into the bank, to know what they are supposed to be looking for.

So, again, that information sharing is so powerful, and then just the idea that we can get together and do something jointly, without everyone doing their own thing, is very critical, because it's kind of the reason that our association was formed in the 1800s. A group of banks decided that if they were all rowing the same boat, they were going to get there faster, versus doing it individually. And I think the recognition of that from the industries in Kansas has really helped us move forward some impressive pieces of legislation and ideas.

**MICK MULVANEY:** Thank you. Before we move on, I want to come back to you, Tonya, about the unique challenges. I'm from South Carolina, from a rural part of South Carolina, and people who aren't from rural areas don't understand that they are different. I had dinner last night in Maple Hill. That was great. It reminded me of home last night. That was fantastic. But it really is different in rural areas. It's not like it is in the big cities. So tell us about the unique challenges that you face in Kansas dealing with this in rural areas and how technology is being used to hurt people and might actually be used to help you help people.

**TONYA HUTCHINGS:** So there's a number of challenges. One are resources. Resources in the rural areas are much more difficult. When you get into a financial exploitation case, those cases take hundreds of hours of man time, man-hours. So the resources in rural Kansas, for example, they don't have the personnel to work those cases, and as far as an individual being exploited, the other challenge we have with that is for them to come forward. Once they realize that they have been scammed, that is very embarrassing to them. They don't want to come forward, and the other challenge is when it's their own child that has exploited them, that makes it even harder for them to come forward because, one, they may be depending on that child to take care of them. So if they come forward and report them, who is going to take care of them? So there's a number of challenges with the individual coming forward, the resources available, and then the education.

We do outreach, and you go out and do outreach and you educate, and it's not just the consumers. It is local law enforcement. Its' anybody who would be involved, and then the turnover in those agencies is very large, and so then you're trying to reeducate again. So there's a number of challenges that we're facing that are difficult to find solutions to.

**MICK MULVANEY:** What percentage of the wrongful activity do you think you actually—we actually identify in the private sector, the public sector? How effective are we at shining a light on this? Anybody have any thoughts on that? How many cases did you have in the state? I think it was a question for somebody. How many cases did you actually have?

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**LESLIE HALE:** Yeah. For Adult Protective Services, what I can say is, annually, we do around 9,000 investigations, and last year, approximately 23 percent of those were financial related. This year, we're looking at an increase to 25 percent of all those investigations would be financially related.

**MICK MULVANEY:** Wow. I would take it, it's increasing?

**LESLIE HALE:** Yes, yes.

**MICK MULVANEY:** Let's do this, then. Before we start taking some audience questions, one of the reasons I'm here is to try and get ideas. I've always had theories about this, whether I was in the private sector, public sector. If you go on these trips, you go away from home. You go away from work. If you get one or two really good ideas, the trip has been well worth it. So I want to go down here, go down the row, starting with you, Mary, and give me one idea about what folks can either do to protect themselves or what we collectively and collaboratively can do to help them protect their selves.

**MARY TRITSCH:** Well, I think they need to educate themselves as much as possible, but again, if they're vulnerable to a scam, that's going to be a problem. You know, if you use a computer and someone calls you and says, "You've got a virus," you're probably going to be vulnerable to that scam. But the more you know about those kinds of scams, I think the better.

And that's one of the pieces of our presentations when we talk about the scams that are around now. It helps that we share those that are going around, so people know about them, and then we make sure that they understand what can you do to be proactive. What are things you can do personally? Can you get a mailbox that locks so no one can get your mail out? Can you make sure that you don't stack up documents from years and years ago? Take them and get them shredded. There are shredding events all over, as the Attorney General knows. Just protecting those pieces of information are important, whether you take that phone call or answer that door, if you know ahead of time how to protect yourself. I think it's really important.

**MICK MULVANEY:** Do you have information at their website on this type of stuff?

**MARY TRITSCH:** We do. We do. It's the Broadwatch Network, AARP.org/broadwatch.

**MICK MULVANEY:** Thank you.

Leslie, I'm going to skip you for a second. I'm going to come back. But I want to ask you why that's important because I actually never thought about that. Tell specifically why shredding your documents is important.

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**DEREK SCHMIDT:** Well, the headlines are all about the 21st century scams—digital stuff, emails and phishing scams, and all that stuff. And that's important and real, but it's easy to forget because of that that the old-fashioned scams still work. And scams driven by door-to-door peddlers or scams driven by paper transactions still work, and the information that you have on a bank statement or other personal information, whether it's a Social Security number or a bank number or whatever it may be, if you leave it at the curb, you don't shred it, or you don't leave it at the curb, but you just sort of lose control of it, and now it's sort of wandered off and people have access to it, that is every bit as dangerous in terms of exposure to scams, rip-offs, identity theft, the whole range of information-based cons as doing the wrong thing online.

So we try to remind people of that so we don't lose sight of what we learned generation ago while we figure out what we still need to learn in this generation.

**MICK MULVANEY:** And do you guys have shredding events here?

**DEREK SCHMIDT:** We do. We do. Lots of them. The banks and financial institutions sponsor lots of them ad hoc around the state year-round. We always—in the AG's office, we always sponsor and intensive group of them around the state during Consumer Protection Week in March. We do it for two reasons, one, to destroy a lot of documents that people otherwise might mislay and can be used against them. We do tons. But the other, of course, is to raise awareness of the importance of doing that once a year.

**MICK MULVANEY:** Leslie, your thoughts? What can folks do to help themselves, and what can we do to help them?

**LESLIE HALE:** Well, one thing, real quick, Mary is talking about some specific things. One thing I've done with my 85-year-old father—here recently, he was forgetting to record checks that he wrote out in the bank book. So what we did, just the duplicate checks, so that way, I could keep an eye on what he's writing checks for and who he's taking money and checks for.

One of the things—and really, Kathy made me think of this. We get reports from banks in regards to consumers that the people can't manage their accounts anymore. That they're coming in. They're confused. They're withdrawing money. They're overdrawing. They're forgetting that they were in earlier that day to take the money out. Are they victims of financial exploitation? Maybe, maybe not. They're certainly at risk. And so what we do is we get those kind of reports, and we go out and talk with the person and kind of see if maybe we do need to look at helping that person get a power of attorney or conservator or something like that before something serious happens. And I think that's something we can all do when we start seeing some concerns about people being able to track, remember their finances.

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**MICK MULVANEY:** I asked the question, so I imagine I'm probably responsible for giving at least one decent idea that we worked with my family, is to try and—and I don't know if you all have seen this or not, but you tend to accumulate credit cards and bank accounts over your lifetime, right? And they're really much easier to open than they are to close, and so we've encouraged my folks to sort of simplify things, have one credit card and one bank account, so that there's only one that you have to track, and then to sign up for—and I know all the major financial institutions offer this—the email notification when your card is being used when you are not present. It's been a tremendous tool. I've actually found hacking on my account, but I know my parents have as well. So there are some things you can do there.

But what are your ideas, Kathy?

**KATHY TAYLOR:** Well, ours are kind of inwardly focused, and maybe that's selfish. But the calls that we get from our bankers are—we've got the process in place to make the report, but then what? I mean, sometimes the transactions are still occurring. The abuser is still in close contact with that individual, and our banks don't know—I mean, we know in an emergency, we can contact law enforcement. But sometimes it's a gray area, whether you go take that step or not.

And so we know an investigation is probably taking place, but we just don't know what to do. So we're looking at internally what we can do within the laws that are already in place to help our bankers in those situations either contact someone, a trusted individual, or what we can do within our system right now to kind of stop the transactions from happening until a conclusion is reached.

**MICK MULVANEY:** Vanessa?

**VANESSA RIEBLI:** I'm going to say estate planning. A lot of it, encourage folks to get the durable power of attorney done, to get the will done. A lot of the cases that we prosecute, the perpetrator will go to an attorney and try to obtain a durable power of attorney and be successful. So part of that is educating a legal community on signs to look for.

**MICK MULVANEY:** I'm sorry. I need to interrupt you again. So you're finding people actually get folks to give them their power of attorney?

**VANESSA RIEBLI:** Yes.

**MICK MULVANEY:** Wow.

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**VANESSA RIEBLI:** In at least two jury trials, I have put the attorneys on the stand that created the durable power of attorney for the offender, and then they have to explain. And what ends up happening is you see they have little to no interaction with the elder person or the dependent adult. All the communication is flowing with the perpetrator, so to get those documents in place, so then if somebody tries to change them, that should be a red flag.

The other key piece is education not only for our vulnerable citizens, but also their family members. So when they put them in nursing facilities, that they're mindful of things that can happen. One of the big trends that I see right now is the stealing of jewelry, of precious items to these elders that are being taken by nurses and CNAs, and then they go to the pawn shop. Maybe it's a \$10,000 ring, and the pawn shop gives them \$300. I actually had a case like that. So making sure that when you take your precious items to these care facilities that they're locked or locked up or maybe that you don't take them, but educating family members on what to look for.

**MICK MULVANEY:** Tonya?

**TONYA HUTCHINGS:** I just want to follow up on what Vanessa and what Leslie said about the power of attorney. I was going to mention that too, how critical that is and doing that early and making sure that that is in place because so many of the cases that we get, the person who has the power of attorney is exploiting the individual or not even paying their nursing home bills, and so they're on the verge of getting kicked out of the nursing home.

The other thing from the consumer protection side is it's okay to hang up on people. We don't have to be nice to everyone on the phone.

[Laughter.]

**TONYA HUTCHINGS:** And if someone calls and says, "We have a warrant for your arrest. You have to go get these iTunes cards," or whatever card they're wanting you to go get, it's okay to hang up on them. It's going to be a scam. Call the local sheriff's office. Find out is this real or is it not, and it goes back to education, educating themselves on the scams that are out there and making sure that they don't become a victim of one of those scams.

**MICK MULVANEY:** And maybe that's a good place to wrap up this part of the panel discussion, which is that there is—I know that AARP has got it. I know that the state attorney general has got it. I know that the Bureau has got it. We've got the information out there. We just have to educate people to actually go and educate themselves. The materials are there for your grandparents and your parents or for yourself to help educate on the issues. You can go to our consumerfinance.gov website. We've got some really good materials on this. We've been

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working on this, like I said, for several years, but we have to figure out a way to get people to actually go active. We can't make them read our report. We can't make them educate themselves about powers of attorney. We have to figure out a way to let them know that they are at risk and then get them to come and educate themselves.

So thank you for that. That was extraordinarily helpful. I don't have any idea how we're doing on time. I think we're close, but Anthony is going to take some questions I think from the audience.

**ANTHONY WELCHER:** Great. Well, thank you to everyone on the panel, and please go ahead and stay up as we go through the audience participation part, if anyone has additional questions that may be directed to all of you.

So this is where we are going to open it up to all of you. We have a list of individuals who have signed up to make comments. I should add my mother is watching online, and so the first comment comes from her. She said since we're in Kansas and I'm reading off a script, I need to speak more slowly.

[Laughter.]

**ANTHONY WELCHER:** So we're going to go ahead and take a comment and/or question. The first person who signed up Michael Rapp [ph]. Where are you, sir?

**MICHAEL RAPP:** [Speaking off microphone.]

**ANTHONY WELCHER:** Well, we actually want to get it on. One other thing, the comment should be limited to roughly two minutes, please.

**MICHAEL RAPP:** Sure. Rather than a comment, I had a quick question. You talked a lot about collaboration and a lot about the different types of scams that have happened with the elderly. Most of them that you brought up the examples are the door-to-door scams, but as we all know, this happens a lot with phone scams. Is there any work and collaboration to shut down the phone numbers or compile the phone numbers that the scam artists are using for the gift card scams, the payday loan scams, or the grandparent scams?

**MICK MULVANEY:** Do you want this one, Attorney General?

**DEREK SCHMIDT:** Obviously, the fundamental concept behind the Do Not Call laws that started roughly 20 years ago and now everybody has, including the Feds, was correct. The frustration with them—and I hear it all the time—it doesn't work, Do Not Call doesn't work. And

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they are, of course, right to the extent that they're frustrated that you've got just crooks, criminals, and scam artists on the other end because if they're out to rip you off and commit a crime, they're not going to be deterred by the fact that you're on the Do Not Call list.

Do Not Call laws do work, but they work only as to generally, only as to bona fide telemarketers from legitimate companies, that it's bad business to call people that don't want to be called. So the expectation is perhaps a little out of whack with what the tool is.

I think the only tool that can actually have a functioning effect on reducing the number of unwanted robo-call, scam calls, that sort of thing, has to be technological. I mean, technology caused the problem. It's enabled a mass volume of auto-dialing from offshore, and technology is going to have to be sort of the foundation stone of fixing the problem.

There are tools out there of course that the different telecom companies have or are prepared to develop. They would tell you if they were here that they had been impeded by federal regulations in recent years from deploying some of those tools. I know that a different federal agency, headed by a Kansan actually, Federal Communications Commission, has I believe recently adopted—I know they were considering—I believe they recently adopted a rule that is intended to allow either problem numbers or unassigned numbers that can be readily spoofed to be more easily blocked, and hopefully, the telecoms will deploy those tools more. But they are far from perfect.

**MICK MULVANEY:** And that's what I was mentioning that I think you could be unsatisfied, is that the spoofing is a lot easier than people realize, because everybody thinks, well, okay, you just find out who called you, and we're going to call that number back, and we'll find the bad guy. That's not how it works. They're able to mask that number on a regular basis.

In fact, I remember we had an issue in South Carolina from another area, but it was still abuse of the phone lines. And the same number was used by 15 or 20 or 30 different people. So you can actually go online and find a piece of software that will mask your phone number, so it's very difficult to do what you mentioned.

**ANTHONY WELCHER:** Our next question or comment will come from Melody Gault.

**MELODY GAULT:** Hi. thank you very much. I do want to say thank you for having this forum on this important topic. I think it's great information. As he mentioned, I'm Melody Gault, and I'm here with Lori Bishop and Kathy Shepard, and we all have Senior Corps RSVP programs in the state of Kansas. And 5,000 volunteer-strong, and we've all been involved in education on prevention of elder abuse, and so we just wanted to offer again (our) willingness to partnership. The Corporation for National Community Service believes this is very important

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information and that we should be educating across not only Kansas but across the country, so just wanted to offer partnership in any way that we can.

**MICK MULVANEY:** Melody, I'm going to put you on the spot, and I know you didn't expect this, me asking a question. Do you have any ideas? Is that something that we can do at the federal level, the state level to help improve that collaboration? Is there something you see out in the field, that you wish this would be done better or different?

**MELODY GAULT:** As I mentioned, we all have volunteer programs and have offered education in our communities. So not only has it helped educate professionals, but our volunteers as well come to those education seminars that we've had. And then when they're out doing independent living, so delivering meals on wheels or shopping for seniors, then they can notice things maybe when they're in the home. I mean, that's a daily visit that they're having with those other elderly that they're serving, and so they know what to look for. And then they can report that to us.

**MICK MULVANEY:** Do you feel like your volunteers have got the information they need to help protect these folks, they get it from the federal Government, from the state government? Is there stuff available to your volunteers?

**MELODY GAULT:** It has been. This is something that hasn't been ongoing. We originally had a grant through the Department on Aging here in Kansas, and those funds have gone away. So the Prevention of Elder Abuse seminars that we used to put on locally, we're not doing that. We're still as involved as we can be in educating our volunteers, but they come and go. So it is something that would be good to have that collaboration, that we could have that ongoing.

**MICK MULVANEY:** Thank you. By the way, yes, if you ask a question, you are liable to be asked a question.

[Laughter.]

**ANTHONY WELCHER:** Thank you, Melody. Kathy Shepard? That makes it easy. Please hold it up a little bit closer.

**KATHY SHEPARD:** I am Kathy Shepard, and I am also one of the grant directors here in Kansas. And after becoming a grant director with Senior Corps in the RSVP program, I got involved with a group in our southeast Kansas area. Actually, the town I live in is where Attorney General Schmidt is from, and we have had him come and talk to this group. We have a coalition, and we meet once a quarter. And we alternate between towns, and we bring in speakers to talk about preventing elder abuse. And it's something that as a grant director, I see

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all the time in different settings. It might be something that I'm doing through the grant to set up transportation for medical appointments for a person. It might be something as simple as I was at the pharmacy picking up medicine for my parents and sat and was talking to someone that I knew, and they were there getting medicine for their parents. And we started having this conversation, and in the long run, she ended up telling me that her husband's father, that his stepbrother was power of attorney for them, and that the day after he was power of attorney, he went and withdrew \$76,000 from the parents' account. And she said, "Well, there's nothing we can do. He's the power of attorney," and I said, "No, that's wrong. You need to contact"—and luckily, in our area, we had a resource. Ruth Ritthaler was in our Montgomery County Attorney's office and is an expert on this, and so I put them in touch with her, which ended up becoming a case. But it's things like that and having that knowledge. I wouldn't have had that prior to becoming the grant director, working with the seniors, and then participating in this coalition. So it's a great way to get the information out to the community. It gets dispersed widely in our community because of that.

**MICK MULVANEY:** Thank you.

**ANTHONY WELCHER:** Our next speaker is Ava Majors.

**AVA MAJORS:** My question is concerning—I guess I should explain. I am the retail operations manager for Emprise Bank, and we very frequently on a daily basis have reports coming from—we have 37 branches, and we hear horror stories all the time.

Most recently, I had the question posed to me. When a payee has been assigned and you begin to question whether or not that payee is handling that situation appropriately, what's the proper—who do you reach out to in that situation?

**KATHY TAYLOR:** And you said a payee has been assigned?

**AVA MAJORS:** Yeah. They're the payee for—this is—a rep payee. I'm sorry. This gentleman has given away a million dollars—

**KATHY TAYLOR:** Oh, my gosh.

**AVA MAJORS:** —and before we actually got someone to step in for him, and now bills aren't being paid. And there's someone assigned to him to help in that, and it's not happening.

**KATHY TAYLOR:** I'm going to refer you to my attorney.

[Laughter.]

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**VANESSA RIEBLI:** The key to that would be to have someone analyze the account, to view the spending prior to the payee being assigned and then after. And then when you start to see what it sounds like fraud and abuse, then you need to report it to law enforcement because of the mandatory reporting statute. But the key is looking at the pattern of spending and seeing where that money has been spent.

Maybe in the past, it was just grocery stores, home improvement, and now all of a sudden, we're going to casinos; we're taking trips to Vegas. And we see that quite often in cases. So the pattern of spending—and then report to law enforcement.

**AVA MAJORS:** Well, the problem is the checking account is no longer with us, but there is a large home loan, but there's a lot of equity in the property. And we don't have any interest in repossessing the home where someone is going to lose a ton of equity in the process.

**VANESSA RIEBLI:** And this is why these cases get so complicated, but through law enforcement, they could find out where the checking account was, and that could help. It just depends. Honestly, it depends on the jurisdiction that you're in.

**AVA MAJORS:** It's a simple police case to report.

**VANESSA RIEBLI:** "Simple" would not be the word, but yes.

[Laughter.]

**AVA MAJORS:** I better find a friendly police officer, is what I better find.

**VANESSA RIEBLI:** Yes, yes. And that's the key, developing through law enforcement channels, somebody that you can call and even bounce questions off. Like I have a lot of folks that will call me and say, "Hey, is this civil, or is this a criminal case?" So developing somebody, whether it be in your prosecutor's office in the jurisdiction or local law enforcement.

**LESLIE HALE:** As well as Adult Protective Services. And when you leave, on the table, right there on the right-hand side through the door, we have a couple of brochures on financial exploitation and your role as a durable power of attorney, but also on the back, it has our hotline number that you can call or you can provide a Web report. And we certainly can get involved as well and take a look at it. Obviously, we'll contact law enforcement because that is the potential crime.

And lots of times, we can't get their money back, but we certainly can—what we call "stop the bleeding" and maybe get another representative payee for that individual or conservator.

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**AVA MAJORS:** Thank you.

**DEREK SCHMIDT:** And can I add one piece on that? Because this is a good opportunity to do it. I'm a big fan of cases like that of appropriate reporting to Adult Protective Services, not in lieu of law enforcement, but being sure they're in the loop. And here is why. Leslie mentioned this in passing in her opening remarks but didn't dwell on it.

The legislature changed Kansas law about two, maybe three years ago now. It used to be that when APS and certain other agencies had report of abuse of, say, an elder, they had gone through their process, and they then substantiated. That substantiated case had to be reported to the Attorney General's office. That used to be the law. The problem with that is a lot of cases, because there's not the evidence there or substantiation takes a long time sometimes—we knew we weren't getting the full picture, and we didn't know who, if anybody, was getting the full picture.

So the statute in Kansas now requires that when APS, Department of Aging, KDHE, and appropriate entities, when their folks have received a report and they decide to make a report to law enforcement and notification, they're required to notify not only whatever local agency is appropriate, but to concurrently notify us. So we now get notice in a central location of every potential criminal abuse case, financial abuse case or otherwise, that APS's folks or the other agencies have reported to a local agency.

And the reason that matters is in the Kansas context, for example, we have a tremendous diversity of resources around this state. We have 400-plus law enforcement agencies, and I want to say something like two-thirds of them, give or take—I think it's about 60 percent have fewer than five sworn officers, and about two-thirds, maybe a little more, have fewer than 10. That's not a criticism of small agencies. It's not saying they can't handle the case. It's saying when you get to Vanessa's point, a complicated financial case that may require lots of record review and tremendous amounts of resources, that can be a problem. And so because we're concurrently notified, we chase every one of those cases now. We've got folks that pick up the phone and call the local agency and say, "Give us your case number. Please be sure you've opened something on this," and that often gives them a chance to say, "Hey, by the way, AG's office, you want to take this and help us out with it." That collaboration is tremendously helpful on the back end. So I just want to be sure we're aware of that.

**MICK MULVANEY:** Thank you.

**ANTHONY WELCHER:** We'll take our next comment from A.W. Pickel III.

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**A.W. PICKEL III:** Thank you for coming. I know in the past, Kansas has often been referred to as a "flyover state," but this type of working together—and I know Jennifer Cook very well. We've worked together. I think Kansas should be called the "fly-to state" for being in the forefront. And also, to the legislature for letting me know that I'm an elder, I came here middle-aged.

[Laughter.]

**A.W. PICKEL III:** My mother loved elections, by the way. She just passed away last fall. We took care of her for the past seven years. She lived in our home, and all the robo-calls we got, she never could understand the people, but she talked to them for a long time.

My question to you is, Why not use more of the other non-profits that are out there, such as Rotary, Lions, Kiwanis? There are a lot of good groups, and if you could get in there and speak to those people, they're very interested in serving in their communities. I'm a Rotarian. We want to help, and if we knew that stuff, I think it would be one more way you could get that word out. So there you go.

**MICK MULVANEY:** Thank you. You just paid for my trip. Thank you. As a fellow Rotarian, you're absolutely right. There are groups who want to do this. It's just you're doing so much, it doesn't occur to you, but you have somebody come in and speak to your group on Tuesday morning at breakfast, it settles in. And you've now built that network of folks who can get that information out in the community. That's absolutely right, so thank you.

**ANTHONY WELCHER:** Our next commenter, Bryce Bell.

**BRYCE BELL:** Well, thank you guys all for coming today. We really appreciate interacting with the community and the Bureau coming out here and giving this opportunity to get to know you guys a little bit better.

I just wanted to—I had a couple of issues that I wanted to talk about. One is I wanted to see what the panel's thoughts were on the best way for prevention of elder abuse because as a private attorney in consumer protection, some of the worst abuses we see are from people that are elderly. We hear some real horror stories, and I think Acting Director Mulvaney who said it's much harder to fix these things after they're broken—and we certainly see that. It's very hard to fix those pieces.

And I think some of the other members of the panel touched on the fact that there's some shame and embarrassment about coming forward, and then when you couple that with the isolation of many of the elderly, you often don't hear about many of the cases and the victims of abuse. And

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so I was just wondering, as somebody who is passionate about educating people in the Kansas City area, what kind of tips that you might have that the public sector, private sector, non-profits can get involved in helping and try to prevent elder abuse, and I'd like to hear your comments on that.

Also, I'd like to—Kansas actually has an enhanced civil penalty for elder abuse, and so if there's any people that are private attorneys out there, you should certainly be aware of that. And I certainly thank Attorney General Schmidt for your continued commitment to that.

And the other part of my question is I understand that the Bureau is considering making the Complaint Database not publicly accessible anymore, and I just had a question to Acting Director Mulvaney whether or not if we can prevent elder abuse, wouldn't a big part of that be having seniors and the elderly and the people that care for them be able to search the companies that they want to do business with, and so they can see if complaints in these kind of scams are some sort of a pattern and practice for those type of businesses? And I think if we keep that information public, that would help prevent a lot of the abuses that we see for the elderly, so thank you.

**MICK MULVANEY:** Do you want me to take that one?

**DEREK SCHMIDT:** Sure.

**MICK MULVANEY:** I'll take the second one first about the Complaint Database, and then we'll talk to the other folks about the ways to prevent it. We are looking at it. For those of you who aren't familiar with the issue, we are required by statute at the Bureau to collect a bunch of information. It says that we shall do that, and we do that on a database, and we will continue to do that. We'll make that one thing perfectly clear. There were some questions as to whether or not we're going to continue the database, and we absolutely are, not the least of which because we have to by law. So we're going to continue to do that.

The issue becomes whether or not it should be an internal piece of information for us that guides our enforcement or also an external thing that's available to the public, and we're received various weaknesses in the stuff that we make public. For example, if I make a complaint against your financial institution, that is public, and the fact that you might respond to that complaint is public. But whether or not you've actually satisfied the customer—and the customer goes, "You know, that's great. I really like Kansas National Bank. They treated me really well," that's not in the database. So that's what we're looking at when we say we're reviewing that part of the database. We have not made any final decisions on that yet, but I appreciate the input.

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As to the part about what we can do to prevent, it's sort of what we've been talking about. Does anybody want to add to that, what we've done before?

**DEREK SCHMIDT:** The only thing I might add is—part of my standard Rotary talk when I do as much as I can—I love getting out and talking about this stuff, and one of the things I usually say to folks is the Department of Homeland Security in terms of homeland security issues may have coined the term, "If you see something, say something," but they don't have a monopoly on it. And in the elder abuse context, that's really important.

You talked about isolation of seniors, which is often a social reality. You talked about the embarrassment factor, where there's this sort of deliberate additional effort by a victim to not disclose because it's not just embarrassment in an abstract sense. It can be, but it's also if I disclose this that I just had \$5,000 ripped off by a con artist, is that going to lead somebody to conclude I can no longer live independently on my own, and now I'm going to be at a nursing home and other permanent life changes may result? I think I just won't tell anybody. So there's more to it than merely the embarrassment factor, and that's why we—you know, see something, say something. If you're interacting with those folks, whether it's a church, in a social club, as a professional, if you aren't under some sort of privacy obligation, as family members, good-guy family members, if you see a change in behavior, if you see an odd transaction, whatever it is, you don't have to call the police first, although you can certainly do that. You can also just talk to the person if you have that relationship. "Why is it, Ms. Emma, that you have started doing X when you've never done X before? What's going on? Tell me something about it."

We actually have a case now where we have a victim who—where we're having trouble working with her. She won't stop a pattern of giving up her funds, and we have resorted to everything we can think of, so far unsuccessfully. We've had her family talk to her. We've talked to her. We got a sheriff to talk to her. I think we might have had her minister talk to her because we're trying to find somebody who can get through to her and say, "Don't do that anymore." So whatever works.

**ANTHONY WELCHER:** Marilyn Stanley.

**MARILYN STANLEY:** Thank you. I'm Marilyn Stanley. I work for Housing and Credit Counseling, Inc. We are licensed and regulated by Jennifer over there, the Office of the State Bank Commission. Thank you for coming to Topeka. That means a lot to us, and one example of what we can do today is exactly what you're doing right here, so if more of us can continue to do that.

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So I wanted to mention—someone was talking about a rep payee in the back. We are a representative payee service as well as credit counseling and housing counseling. First thing, report that to Social Security Administration, and they'll get a new payee.

And then as well as one idea, marketing of an awareness campaign, that costs money, but with a variety of different media sources, a while back, the Kansas Securities Commission did a marketing campaign where it was—if you're losing your pants—I don't know if anybody remembers that, but it was a fun outreach, one you remember, and it brought a positive awareness to it where people were paying attention, "Don't lose your pants," and then if you do, make a complaint to so-and-so that can help you. So that was just an idea.

But what we do every day, we do work with people, and we're able to walk them through that, like you just described a moment ago, and help them try to change behavior mindsets too. But we do also refer to Attorney General and to Adult Protective Services once we can get them to agree to make that complaint themselves. So thank you.

**ANTHONY WELCHER:** Thank you very much, Derek Martin. I will let John come over there.

**DEREK MARTIN:** Hello. My name is Derek Martin. I really appreciate the panel today. A lot of really important issues have been brought up, a lot of absolutely tragic stories. I want to highlight a point that Ms. Taylor made that information is powerful, and I completely agree with that.

In that vein, you alluded in your remarks, Mr. Mulvaney, to the disbanding of the various Consumer Advisory Boards this week. I know that some members of your staff have given various reasons for that. I think one said that there were a lot of coastal representatives, which I think American Banker said wasn't quite accurate, and another person said these were taxpayer-funded junkets and we need to save money. But with you here in the room, I would like to hear directly from you what the truth is about these boards. I don't know that you've had a meeting with the Consumer Advisory Board yet in your tenure. So I'm just curious sort of to hear from you why these boards were disbanded and this important source of information was—got removed.

**MICK MULVANEY:** Sure. I'm happy to, and I want to thank you for the truck that's outside, although I wish it was a better picture of me. Do I really have that many chins?

[Laughter.]

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**MICK MULVANEY:** My kids make fun of me when I make that face and say I look like Kermit the Frog, so I'm not supposed to make that face.

**DEREK MARTIN:** We can send you a picture of it, if you like.

**MICK MULVANEY:** No. I'm going to take a picture with it, out before I leave, I hope. By the way, whoever named the street in front of the building, thank you for that. I don't know if you all noticed that or not, but the street behind this building Mulvane Street, without the "Y." You just spell it wrong. You forgot to put the "Y" on the end.

[Laughter.]

**MICK MULVANEY:** So thank you for that.

But, no, I will speak to it because I think I mentioned it in my opening comments—is that, first of all, the boards are statutory, okay? We have to do them, and we are absolutely going to continue to do them. They are much bigger and got to be much bigger under the previous administration, previous leadership at the Bureau, than I was comfortable with. And when I say I was comfortable with it, actually got feedback from people saying, "You know what? These groups are too big. We're not comfortable being candid in them. We'd actually like to have some private meetings, if we could," because right now, everything is open to the public, and there is some good information that can pass when you sort of turn the cameras off. Not all the time, but sometimes it's nice to have a discussion that you think is not going to leak out. So we're trying to figure out a way to get people to be more willing to give us information. That's one thing that we're looking at, and again, following the statute. That's another thing we're looking at.

But I was dead serious when I said that we're going to spend more time going out into the field and doing this. The group, I think it was the same 30 people we saw a couple times a year. I get to see more people like that today than I would in a year's worth of those meetings, and I hope you see what you've seen here today, is that we're serious about this. This is not just checking the box, "I've got to go to Topeka today because we haven't been there in the last 17 months." No, no. We're actually interested in getting information from people, and all I ask is to give us a chance to prove to people that that is the intention. The intention is not to discontinue input to the Bureau. It's simply going about it in a different way than the previous administration.

I recognize the fact that I'm a somewhat controversial and politically charged position. I get that, but I do ask folks to simply give us a chance to prove that we are interested in continuing to get information from industry and from consumers alike.

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**DEREK MARTIN:** We just hope consumer advocates will continue to have a voice during your tenure.

**MICK MULVANEY:** And they absolutely will. Thank you.

**ANTHONY WELCHER:** We'll take our next question or comment from Lori Bishop.

**LORI BISHOP:** Hi. Thank you again for being here. I heard a couple of comments or more about nursing homes. One of the questions that I have on a personal level, my father is on hospice in a nursing home, and for 3 months, we had several complaints that we've addressed with administration. And they're not being handled. Some of those include—on a financial piece, but what's our next recourse for that? Because it's just been dragging along, and we're a little frustrated for him. He's a war veteran. He's disabled. VA is paying for his care. We found out when we admitted him, they were told that the VA will pay for those medications, that they had to get those medications from the VA. And we just recently found out that they weren't getting those from the VA. They were getting them from a local pharmacy, and so we don't know who is going to be billed for that. So I guess I'm just curious what—where we go.

I was reading last night about a case I think in New Jersey or something about a daughter that was billed \$49,000 after her father passed away as a third party, and she actually won her case on that. So I didn't know if there were other things like that happening here with nursing homes, and so a couple comments you made, I kind of wrote down those comments too. Thank you.

**ANTHONY WELCHER:** Leslie, do you want that one?

**LESLIE HALE:** As far as concerns regarding care and billing and that kind of thing in nursing homes, if there are some concerns about that, of course, Kansas Department of Aging and Disability Services are the ones who license and regulate the long-term care facilities in Kansas, but the other thing that kind of jumped out in my mind when you were talking is the Long-Term Care Ombudsman Program. Kansas has one. Barbara Hickert is the director of that—great, great, great person. And what they do is they have different individuals, volunteers assigned to all of the facilities in Kansas, and they are there to represent the best interest of the residents.

And when I hear concerns like yours, that's one of the things that I direct people do, is if there is a Long-Term Care Ombudsman, but then that facility, if not, to call the main number and find out more information about some of those things.

**DEREK SCHMIDT:** I might add to that. In probably 99 percent of the cases of family or patient concern about what happens at a nursing home, the correct state agency is going to be

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KDADS or through the Long-Term Care Ombudsman to kind of get together and package a response.

In the most extreme cases, where you're talking about actual abuse of a patient in a nursing home, whether it's physical or financial abuse, we do have—and this isn't widely known, but we do have jurisdiction in our Medicaid Fraud and Abuse Division at the Office of Attorney General, which has both civil and criminal authority. We have law enforcement officers to do investigations, number crunchers, and prosecutors, and it's sort of a rarity in Kansas law. We have jurisdiction statewide. We always work with a local prosecutor, but unlike most crimes, those cases don't necessarily have to come through local authorities first.

And we do handle patient abuse cases. So we are—I don't want to say happy to hear that because we're not happy, but we are more than open to receiving information if there is actual abuse of a patient in a nursing facility. Technically, it has to be a nursing or long-term care facility that receives Medicaid funds, even if the patient does receive Medicaid funds, but that's pretty much all of them in Kansas. And so we have pretty wide jurisdiction on that.

And as a footnote, we've actually been working with some Members of Congress at the federal level to try to get a tweak to that statute, the federal statute that helps fund that authority for us, to allow us to do the same thing with respect to dealing with criminal elder abuse, not only in a nursing facility, but in a non-institutional setting, such as a home health care setting. Right now, I can't do that with these resources in a home health or other non-institutional setting. We're having a little trouble getting the bill to find a vehicle to ride out of the House, so we're trying.

**ANTHONY WELCHER:** All right. Our next commenter, Cindy Koenig Warneke.

**CINDY KOENIG-WARNEKE:** Hi. My question is—first, I'm not from Kansas, so no one take offense, but how do we get our federal and state lawmakers to take this more seriously and have tougher sentencing for these crimes? Many times these older adults aren't viewed as true victims because they may be elderly or are now deceased, and also financial exploitations are paper crimes, so we don't see an actual injury. But in the long term, we do as taxpayers.

**MICK MULVANEY:** I'll try to do my best. As someone else who's not from Kansas, so I'm okay with that, not that there's anything wrong with being from Kansas.

[Laughter.]

**MICK MULVANEY:** I'm going to get a text from Kevin Yoder as I sit here. I just know that I am.

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[Laughter.]

**MICK MULVANEY:** The federal role—I'll take off my Bureau hat here for a second and put on my old congressional hat, and what I'd say is, okay, listen, let's see if the states can solve it. And if the states are doing a good job—and it looks like Kansas is—does it really help to have another federal law layered on top? It might, but then again, it might also just get in the way. The place that I think—the first place off the top of my head—the federal government would want to focus on is the stuff that crosses the state lines.

He cannot go get somebody who goes uses the telephone—I don't think—from California that calls and has a victim here in Kansas, or maybe it is, but it's very difficult to do. We'd be the folks to do that. So maybe the best answer to your question is to figure out where we can complement each other as opposed to get in each other's way, and that goes back to this theme of collaboration and allows me—thank you. I didn't realize you were doing this, and you probably didn't either—to go back to the thing I mentioned at the beginning, which is this initiative that we're talking about, this network that we have to bring all of the state AGs and the state bank regulators and so forth and us to this central location and say, "Look, here's the information. Now how do we go out and help people?" So maybe that's the first place the federal government can start looking.

**ANTHONY WELCHER:** Bill Carroll.

**BILL CARROLL:** Hi. I'm with AT&T Asset Protection, and my partner, Kent Willnauer, and I are here. We're two of about 130 investigators with AT&T across the company. We have seen a significant increase since the first of the year of older Americans coming into our retail stores to obtain high-end cell phones. Most of the time, they're the latest iPhones, largest gigs, \$1,000, \$1,150 per phone, at the direction of somebody else they've met online and they're engaged to or it's their boyfriend or girlfriend. The majority of these cases are older white males. There are some females. It's the majority of what we see. A large percentage of them have never met face-to-face, and so we're trying to interact with them as much as we can. We have a large territory, and our office is in Mission, Kansas. We cover all of Kansas and half of Missouri, so the collaboration piece is huge because I can see us working together with the attorney general's office in a lot of these cases, but we also need to be able to reach across to the Missouri side as well, a lot of our stores over there.

But we've probably seen at least 30 cases this year in that realm, and that's probably just scratching the surface. There's a lot more that we're not seeing. We work hard to train our retail store folks as to how to identify these people when they come in. So we get calls for management on a daily basis on these things. We find accounts where it's been going on for a

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while, and we work closely with our fraud department to shut those down and stop it from happening.

I've got one case where we had a gentleman out of rural Missouri that was coming into our Sedalia store, and he not only—he had, I think, 15 or 20 iPhones on his line. He had an adult daughter living with him that was aware of what was going on, and he would not have it as far as any conversation with family. I contacted his daughter-in-law, who lives with his son out in—I think it's Indiana, and she said they've tried to talk to him. He tells them it's not their business. I suggested to her to go to the Marshall Police. You know, they may tell you it's not a police matter, but maybe a law enforcement person talking to him might get through to him. I don't know that they've had any success that way, but that's just one of the examples.

I think the piece about the AARP fraud watch is very important. That's something great for us to know because that's something we can get out to our people to share with these folks when they come in our stores.

So I just wanted to sort of put it out there. I talked to Jennifer from the Bureau 2 days ago, had a great conversation with her, and I think it's important to realize that the retail business out there in the country is seeing a lot of this stuff or experiencing a lot of this. The gentleman I was talking to about a minute ago, he's not only coming to AT&T. He was going to Best Buy and buying laptops for these people and shipping them to Africa. So I don't know how much money is involved in that case, but I could potentially see it—recently lost a spouse. You know, that's usually the MO. They're alone. They're lonely. They're looking for companionship, and that's what the bad guys are targeting.

Just real quick, one other quick note, I think the first comment that was made up here about the robo-calls and all that stuff, there is technology that's being developed that's being pushed out. I know right now, I've got on my phone—and I can't tell you exactly what the app is, but there's apps out there if you just google and research it. So now when I get a call on my phone that looks like it might be a scam or a spam call or a telemarketer, it actually comes up on my phone, "possible spam call" or "telemarketer." I just don't answer it, and I'll let it go to voice. If it's something important, they're going to leave a voice-mail. I can check that and call them back. So there are things that are being pushed out. I don't know that that's necessarily an AT&T thing. I think that's an industry-wide thing, but there is stuff that's helping with that that's coming, so hopefully, that will continue to get better and better.

**MICK MULVANEY:** Thanks very much.

**BILL CARROLL:** But thank you guys very much.

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**ANTHONY WELCHER:** Thank you very much for that contribution. Next speaker, Amber Painter. Oh, okay. Pass. Kent Willnauer?

**KENT WILLNAUER:** Thank you very much for this opportunity to meet with you folks. I appreciate you taking the time to meet with us. As a follow-up to my partner, Bill Carroll, what he said earlier, what I wanted to talk about briefly was the education of the front-line people, the point of sale, the tellers, the people that our elderly are going to come in contact with every day first. And it's so important to empower those people to know what to look for, what to recognize, and be as bold as to stick their nose in our elderly's business. And that's such a hard thing to do. When we're offering services, we don't want to offend our customers, but sometimes when we're dealing with the people that we're talking about today, we've got to act on their behalf as best we can. So if you see something, then you must say something.

So what I want to just ask the panel to do is to consider education. We do it at AT&T. We educate our store personnel, our employees who are the front line. When you come in for services or when your parents come in for services, we're telling them what to look for. We're looking for that unusual customer interaction where someone who just had one phone from us for the last two years now wants six of them, and they're reading all their instructions from either a piece of paper or their iPhone or their Android phone. Those are things that are known as clues.

[Laughter.]

**KENT WILLNAUER:** And we want to enable and embolden our personnel and our employees to act on those. So, again, it's education at our very front lines, and then from the government and from the community, public service, if it's television, newspaper, radio, internet—yes, some of our parents are on the internet, but when we get up to this age, there's still some people reading the newspaper. There's still some people watching that morning news program and the evening news program, and so what we ought to be doing is taking advantage of having these one-minute conservations that maybe these entities will give us the time or give us the print above the fold because this is so important, and it is just creating such a financial havoc that we've already talked about this morning.

So just one horror story was I had an interdiction moment with an elderly Kansan who had been contacted by the FBI informing him that he had won a Facebook lottery of \$900,000. All of us recognize that to be wrong, fraudulent. This gentleman believed in them. They sent credentials. They texted credentials to him—hook, line, and sinker. And in that effort to get to assist the FBI to get him the \$900,000 lottery winning that he never entered, he was already prepared and

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given them \$10,000 worth of iTunes gift cards and other gift cards, and now at the point that I was introduced to him, six iPhones.

So we can all tell these stories, probably, but again, it's the public service announcement, the education that I think is going to be integral in stopping some of this and alerting some of our elderly patrons and our citizens. Thank you very much.

**ANTHONY WELCHER:** Thank you. Julie Govert Walter?

**JULIE GOVERT WALTER:** Thank you for this opportunity. This forum has been wonderful. I'm Julie Govert Walter. I'm executive director of the North Central-Flint Hills Area Agency on Aging. I represent one of 11 area agencies on aging in this state, and I'm proud to tell you that our funds come from a relatively little known law, but it's an important one. It's called the Older Americans Act, and that Older Americans Act does focus on the dignity and independence of people throughout their life span.

And I just want to say that in our agency, we've been very fortunate. We have—like all the other area agencies in this national network, there are wonderful partnerships that already exist, and we have appreciated our partnership with the Attorney General's office, with DCF. We have also—and Kansas Legal Services. I can't leave them out. And also, we have been with a coalition with bankers, with the Kansas Office of the Securities Commissioner, and there's a lot of partnerships out there. And we're just very grateful for that.

Is there more that needs to be done? Absolutely. And I just want to just express my appreciation for the ideas that have been here today. I would say that one of the things that I see is that there—I love the Johnson County—what's going on Johnson County with the FAST. I think that's an excellent program. However, our agency is one of those serving rural Kansas, and in rural Kansas, there are not those resources that can easily create that kind of very important network because our agency has boots on the ground. We have people going into houses. We have Friendship Meals programs. We have Meals on Wheels programs, and we hear and learn about these issues every day and refer most of those calls on to others that can help. But the challenge is that local resource. When can law enforcement get involved? We sort of see everybody is so busy. I mean, local law enforcement is busy. Kansas Legal Services, our friends there are very busy. We are very busy, and the issue is focus. The issue is getting information out that can really—in a way that people can, first of all, grab onto it and understand it and then figuring out, oh, when this bad thing happens, where can you go that can really give you an answer.

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Now, in addition to being an area agency director, I am the caregiver for a 90-year-old dad, and just last week, I was in a meeting, and one of those wonderful grandparent calls—I was pulled out of the meeting because my dad was so very upset because he thought my son was in trouble, and he got a grandparent call. Now, this really troubled me, and just as an example of how things sort of work, I called the attorney general's office, had great conversation with a wonderful representative there, and I had actually called the caller back, the fellow who called my dad, and said, "Oh, you want to get this money? Well, I'm concerned about my son too, and let me call you back," when I had gone to the bank to talk to them about getting the \$8,000 that my dad was being asked for.

I called the attorney general's office, wonderful conversation, and then I was told, "Oh, hey, that's not in our jurisdiction. You need to go call the Federal Trade Commission," and I knew who the Federal Tarde Commission was. But the point I'm making here is if there was some avenue that could—I mean, a grandparent call is only the tip of the ice berg of all the financial exploitation we know is going on, but if there was some other way to really get some action to get that scammer and the many others based on this one phone call, wouldn't we be living in a wonderful world? And I know it's very complex.

So I just say that, and that goes back to what I wish we had in the fast zone in some of our areas. And I've gone on too long. I have other ideas, but I just want to encourage you. There is a national network of area agencies on aging that are doing great work, and sort of like our friends with the RSVP Senior Corps program, we're willing to step in and do what we can. But we also know that our funds and our time are also limited. It is a matter of focus. Thank you.

**ANTHONY WELCHER:** Thank you very much. As my mind and my middle age starts failing, I forgot the last person. Marilyn Harp. Should have just stayed up there.

**MARILYN HARP:** Thank you for being here and for hearing from us. I had the privilege of being one of the reviewers of the Consumer Financial Protection Bureau's Our Money, Our Goals set of materials, which I think led in part to the Money Smart work for seniors, and so I've had a long-time relationship with the agency.

One of the things I want us to remember here is that often how I at Kansas Legal Services hear from these people is when their homes—I mean, we kind of think of seniors as owning their homes. Often they mortgage their homes at the request of scammers, or they're still paying, or there's a reverse mortgage. And those mortgages fall into—and they're at risk of losing their homes. So all the protections that exist now and the enforcement efforts about making sure (that in) mortgage foreclosure actions, they have the opportunity to not lose their homes. Those

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federal laws are important, and they're important to seniors, and they're important in this context.

So as you're looking at those separately, don't think of them as separately because that's part of what the Consumer Financial Protection Bureau can do for seniors, is to make sure that those mortgage lenders are giving them the opportunities to keep their homes and not lose them as a result of scams.

The other, I guess, question I'd ask is we've heard here from Kathy—and I've heard from Kathy before—that the efforts to make banks mandatory reporters have done a very important thing in our society, and that's move scammers from using banks to using Walmart. So we would ask what the Financial Protection Bureau is doing to perhaps make Walmart a mandatory reporter if that's one of the solutions here or to at least step up their commitment to refuse to do business if a customer comes in and wants an \$8,000 card for some wild reason, to say, "No, we're not going to sell that to you because we believe you've been scammed."

**MICK MULVANEY:** That's a great idea. Thank you for raising it. It goes back to the very first thing that Mary said about the examples that she was seeing, and that's exactly what's happened, which is that we've driven them out of banks and into Walmart. So your point is very, very well taken. And I think it raises one of the challenges that we face both at the federal and at the state level, which is that the scammers are really, really creative, and they move really, really quickly. And oftentimes regulation does lag.

Specifically, I don't know if I've got the jurisdiction to do that without changes to the law, but I'd be happy to take a look at that. I think that what we did when we made them a mandatory reporter was actually—I think there was law that said that, but I'm speaking off the top of my head, which is usually a bad thing for me to do. But I'm happy to take a look at it because you're absolutely right. We have to be as innovative in helping people as the scammers are in hurting them.

**ANTHONY WELCHER:** Well, given that everyone who has signed up has spoken or asked their question, is there anyone else here who would like now at the very end? We probably have time for one, maybe two additional comments, before we have to wrap this up.

[No response.]

**ANTHONY WELCHER:** Going once, going—all right. Well, thank you all—oh, wait. John, you got one more? Okay.

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**ATTENDEE:** Just to expound on the Walmart question, the CFPB, it appears does have the jurisdiction to regulate the Prepaid Card Act.

**MICK MULVANEY:** We do have—that's exactly right. The Prepaid [Rule] does, and that's exactly what I was thinking when I was mentioning here. Whether or not we can make them a mandatory reporter like we can banks is what—I don't know the answer to that question, but we do have jurisdiction over prepaid cards.

**ATTENDEE:** So if we could impose limits on sales at one time or some type of regulation in that area—I'm a banker, so—you know, it could apply to banks also for prepaid cards across the board, but if you transition from banking to alternative banking functions, to just put a little more tweaks on that particular issue would help a lot.

**MICK MULVANEY:** Yep. Thank you. I was thinking the same thing.

**ANTHONY WELCHER:** Anyone else?

[No response.]

**ANTHONY WELCHER:** Well, I think we've done this almost perfectly, 1 hour 55 minutes exactly. So thank you all for your thoughtful comments and questions. There were also several hundred additional people who streamed this online live. This will be on the Bureau's website, consumerfinance.gov. So if you'd like to go after the fact and watch any section or portion of this event or take clips and use it, you're more than welcome to do that.

As the Director mentioned earlier, this is the first of what's going to be an ongoing series of conversations we're going to be having around the country and in the District. If you have more thoughts or ideas, you're always welcome to contact us. We're open to all the innovation that we can come up with.

Thank you again, and thank you to the AG for hosting us today and putting this together, and thank you to our panelists. Everyone, have a great day.

[Applause.]

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