



PUBLIC GUARDIAN
AND TRUSTEE OF
BRITISH COLUMBIA

700-808 West Hastings Street, Vancouver, BC Canada V6C 3L3 • Phone: (604) 660-4444 • Fax: (604) 660-0374
www.trustee.bc.ca

[REDACTED]

January 11, 2008

Winnifred Hall

Dear Ms. Hall,

Re: **Sheila Scholnick**

D.O.B.: **February 9, 1928**

Sheila Scholnick has been found incapable of managing her financial and legal affairs. A certificate of incapability was issued by Vancouver Coastal Health Authority November 19, 2007. The Public Guardian and Trustee of British Columbia has been appointed committee of estate to manage Mrs. Scholnick's affairs.

Please note that any Power of Attorney or Representation agreements Sheila Scholnick may have given to any other person are suspended. As you were formally appointed Power of Attorney for Mrs. Scholnick please note that you no longer have the authority to act on her behalf regarding her financial and legal affairs. This would also include the management of any sources of income and assets held in Sheila Scholnick's name including real property.

As a former Power of Attorney, you were in a position of trust. You were responsible for using Sheila Scholnick's money to pay any living expenses such as monthly maintenance fees and an adequate amount for personal expenses. After meeting her monthly expenses, any unused money should have been deposited in a bank account or invested in Mrs. Scholnick's name. Any transactions or activities that you performed in your duties as Power of Attorney should have been reasonable, prudent and for the sole benefit of Sheila Scholnick.

As you are well aware, you contacted our office with concerns that Mrs. Scholnick was financially vulnerable. Specifically, you alleged that [REDACTED] was taking advantage of Mrs. Scholnick, had access to her finances, and was attempting to have both her will and her Power of Attorney altered to his benefit. It was also noted that the alternate Power of Attorney [REDACTED] had introduced Mrs. Scholnick to [REDACTED] and had shared her personal financial information with him.

Although Arbutus Care Centre did restrict [REDACTED] access to Mrs. Scholnick and the Public Guardian and Trustee of B.C. placed protective measures on Mrs. Scholnick's bank accounts it was found that [REDACTED] role was inappropriate and put Mrs. Scholnick at further risk. As such, [REDACTED] is not an appropriate Power of Attorney to represent Mrs. Scholnick's affairs. It should be noted, that during this time you did not show that you took measures to protect the finances of Mrs. Scholnick in enacting your role as a power of attorney and instead sought remedy by calling our office.

Furthermore, we have noted in our file that during many conversations with our Regional Consultant that you indicated that acting as Power of Attorney for Mrs. Scholnick was causing you

undue stress and needed to have a vacation from your duties. You also noted to the Regional Consultant that you had moved into Mrs. Scholnick's home as a means of protecting her asset from [REDACTED] without any steps to contact land titles to secure title of the asset.

During our investigation you were given the opportunity to outline a plan for ensuring the protection of Mrs. Scholnick's income and assets. You were unable to clearly indicate the steps you would take to avoid a similar circumstance in the future.

Upon receiving our authority, a complete review of Mrs. Scholnick's finances has been completed. We have discovered some transactions from Mrs. Scholnick's bank account that are not accounted for. Namely, we cannot determine how the funds were used to benefit our client.

In order to address these concerns, we require the following information and documentation:

1. A detailed list of Mrs. Scholnick's assets and liabilities at the time you began to act as Power of Attorney.
2. Accounting records, consisting of a detailed list of transactions, including both income and expenses, for the period for which you acted as Power of Attorney.

I recognize that you have a responsibility to keep Mrs. Scholnick's personal information confidential. The Public Guardian and Trustee has the authority to require this information under *The Patients Property Act*. All information provided to the Public Guardian and Trustee of BC is held in confidence. Access to this information is governed by the *Freedom of Information and Protection of Privacy Act*.

If I can help you, or you have any questions, please contact Mrs. Scholnick's Case Manager at 604-660-3439.

Sincerely,



Colleen Koch
A/Regional Manager
Greater Vancouver Regional Office
Services to Adults
Public Guardian and Trustee of BC