

# Go Team! – Elder Financial Exploitation Investigations One Goal, One Team!



9<sup>th</sup> Annual Training Greater Augusta Coalition Against Adult Abuse



Special Agent Adam Galton CFE CAMS

# Today's Plan!

(the Financial Side)



- ▶ Who are we and what do we do? (VSP agents – similar to local and federal investigators) – we **MUST** work together!
- ▶ Who are the Victims – Specifically - Our Elder and Most Vulnerable Population
- ▶ Who are the Bad Guys? **THE TEAM!**
- ▶ Types of Crimes – How bad is it?
- ▶ What can **you** do to help? How can we work as a **TEAM!**
- ▶ How do we work a case?
- ▶ Questions ???



# Some Quick Thoughts:

- ▶ Fighting elder and vulnerable population financial exploitation is my part-time passion. Disclaimer – A work in progress!
- ▶ Like most of law enforcement, I have my hands full. Too many cases, too little time. With so few investigators and a frustrating anti-LEO environment and rhetoric; most crimes that are being handled are only “silver platter” cases. (let me explain)
- ▶ Most financial crimes that deal with our elders and vulnerable populations are challenging. An investigator could very easily be dealing with a cognitively impaired victim, a deceased victim, victim denial or fear, a subject’s self righteous-type excuses, difficulty attaining evidence and lack of case support. Galton’s note: paramedic: conscious thought and decision making is diminished – Prefrontal Cortex
- ▶ We hear “it is civil” and “it’s their money” too much. We hear that they are just too “trusting” or “that was foolish or stupid”.
- ▶ This presentation is from my personal experience and views. There are many people in attendance that have so much more experience and knowledge. SHARE!
- ▶ This is why I stress that we must start acting like a team. We must share, assist, and support our peers and take back the lives of those that cannot fight these terrible abuses alone.



## More Thoughts Regarding our Elder and Vulnerable Populations

- ▶ So many of our elders and those of other disability are alone, scared, and are very, very susceptible to suggestion, so we all need to watch out for them and care for them. I, however, believe that as we get older; and because of cognitive degeneration, we become more susceptible to suggestion...too trusting...and more easily emotionally manipulated (by loneliness, love, trust, hate, and anger)
- ▶ Financial exploitation is often accompanied by other forms of neglect, abuse, physical trauma, and emotional trauma.
- ▶ Our elders too often become embarrassed and would rather not report the exploitation or even worse, commit suicide. Therefore the actual stats related to how many cases of exploitation that exist are well on the low side.
- ▶ A fraction of the crimes and amount of loss are not well reported.



# Virginia State Police (VSP)

## Special Agent Accountants – Who are we?

- ▶ VSP's "White Collar Crime", "Fraud", "Financial Crimes" Investigators
- ▶ Conducts timely, comprehensive and objective criminal investigations bringing such investigations to a logical conclusion.
- ▶ Effects arrest when probable cause exists. Maintains communication with our prosecutors to contribute to successful prosecution of investigations.
- ▶ In regards to Elder Financial Exploitation, works with APS and others stakeholders to tackle financial exploitation cases.
- ▶ Conducts interviews of victims, witnesses, and **subjects**.
- ▶ Analyzes financial data and prepares spread sheets, charts, and other related aids which serve to explain the method, technique or pattern of criminal activity.
- ▶ Supports internal auditing (reconciliation) of criminal funds (task force and asset forfeiture)
- ▶ Assists Troopers and other Agents with the financial analyzation and review of their cases.
- ▶ Handle "sensitive" political and financial cases

# Who are the Investigators? **The Good Guys!** **PD, Sheriff, State Police, CA Investigators, APS, Feds...**

## Pro's

- ▶ Each case is like a puzzle, threads to be pulled, a mystery to solve
- ▶ Protecting a person's financial legacy
- ▶ Money is involved in everything (drugs, fraud, violent crimes, terrorism, extortion, and so much more). Following the money can lead to other victims or bad guys.
- ▶ Improving the quality life of our elders and other vulnerable adults.
- ▶ Restitution!

## Con's

- ▶ A lot of data, documents, and court legal documents
- ▶ Limited Resources (technology/manpower/time/training)
- ▶ Time consuming
- ▶ Prosecutorial Challenges
- ▶ The money has already been spent –its gone!
- ▶ Minimal punishments, weak and outdated laws
- ▶ Anti-LEO environment
- ▶ Law enforcement has limited incentives to keep skilled financial investigators



**Virginia State Police**

*A Nationally Accredited Law Enforcement Agency*



# Bad Guys?

- ▶ Family: Look for those family members who: show a sudden interest in spending time with victim, family member who can't hold a job, criminal history, lives beyond means, substance abuse...WHO is the Power of Attorney?
- ▶ Friends – Elders need companionship, we all do. Watch for inappropriate behaviors.
- ▶ Roommates – Sometimes not by choice, has access to a lot of personal info
- ▶ Caretakers: Look for abnormal or unusual actions that seem to deviate from a professional relationship. Sometimes not easy as the elder could become very attached and dependent to their caretaker.
- ▶ Drug Dealers: (Yup, easier to SCAM and commit fraud than sell drugs): taking over the elders or vulnerable person's home or property.
- ▶ Woodchucks: Driveways, roofing, cutting tress (physical threats)
- ▶ Criminal Gangs: (In and out of prisons): phones, computers...
- ▶ Individual criminals (normal losers): Local trash
- ▶ International Nation State Bad Actors – SCAMS and Frauds



## How do the bad guys go about committing these crimes?

- ▶ In person: knock on your door – fix your driveway, roof, or cut a tree – to meet your HOA’s covenants! Very dangerous!
- ▶ By Tech: by computer, smart phone, other device, skimmers, phishing, smishing, malware, malicious mobile apps – redirection of links – fake pages – similar to the “Amazons” of the world. “If it is on the internet, it must be true”
- ▶ Social Media – examples like job opportunities, romantic relationships, incredible deals on things like cars.
- ▶ Entrusted Positions – guardians, POA’s, caretakers, attorneys, accountants.
- ▶ By Phone – the IRS is calling – the bank security is calling, your grandson...SCAMS
- ▶ By Mail – “You won a lottery!”
- ▶ Sales at events – gaining your credit card information when taking your credit card (community events)
- ▶ Extortion - from an affair to \$\$\$, physical abuse, mental abuse, withholding ADL’s needs...
- ▶ ...and so much more...



# What we are seeing right now!

## (vulnerable populations)

- ▶ POA abuse (no easy prosecution) – embezzlement
- ▶ Grand Larceny (family, friends, fraudsters)
- ▶ Intimidation (by family, scammers, and “woodchucks”)

Galton's Note: I started to fill in this slide but it became depressing...so this is all you get...



# What can you do!



- ▶ This room is full of highly successful, highly educated, and highly experienced financial professionals. **Don't waste what you know!** If you see something, say something!
- ▶ Make presentations to local retirement homes, small businesses, volunteer organizations, and social service organizations!
- ▶ **Protect** our vulnerable populations by **vigilance**, **education**, and **communication**.
- ▶ **Advocate** for stronger laws.
- ▶ Use your expertise to **assist us** law enforcement. We are limited in manpower and technology. Law Enforcement is OVERWHELMED – to much fraud, not enough resources to do this right!
- ▶ Localize elder/vulnerable financial exploitation teams/task forces. This takes a team approach!

**Working as a TEAM!** By locality – No one knows the players better than your local city, town, and county professionals. Utilize the following, create a relationship:

Local Law Enforcement Investigators

Federal and State Law Enforcement Investigators

Social Services

Bankers

Prosecutors

Commissioner of Accounts

Ombudsman

Fire and Rescue Services

Hospital Advocates

Elder Facility Managers

Clergy

Community Service Groups  
Associations

Community Outreach

HOA's

Professional Associations

Existing Task Forces

Companies Supporting Disabilities

National Vulnerable Population  
Associations

Governmental Entities

**...think outside the box**



# So, what do we do?

1. Get to know your community, BUILD those **relationships** (APS, LEO's, Aging Orgs, ombudsman, BANKERS, Fire/Rescue...)
2. Create **lines of communication** (no contact, no help)
3. SYNERGY! Bounce off ideas, use tools that one professional might have that others do not.
4. **Education is KEY** – Join forces – present!

# 1. Relationship Building

- ▶ In your community, get to know those professionals that have access to our elders and vulnerable adults. Offer your assistance.
- ▶ Relationships take trust. Introduce yourself to others of like mission.
- ▶ There are many attending today that hold meetings, with guest speakers and educational activities that invite other professionals like ... say law enforcement. By listening, you will learn what responsibilities other professionals have and how you might be able to work together for the common cause.
- ▶ Law enforcement tends to not reach out to other agencies...for all of the wrong reasons.
- ▶ Create “task forces” that include the various professions.



# #1 – Relationship Building

- ▶ What resources are available in your area? Please note, state and federal investigators have a much more difficult time with this.
  1. Social Workers (including at hospitals)
  2. APS Investigators
  3. Aging and Disability Services
  4. BSA's – Bank Fraud Investigators
  5. SSA/OIG Support, IRS Investigator (agent), DMV Agent, ...
  6. AG Investigators/Bar Investigators
  7. Prosecutors, Prosecutor Investigators
  8. And many more!



# #1 - Relationship Rules!

If you want to ask for help, report a complaint, or forward a case on;  
PLEASE:

- ▶ Keep it simple, short and sweet. We are all too busy to be handed a box full of documents, multiple emails with a bunch of attachments, long convoluted stories, and especially the appearance of a case dump.
- ▶ Don't dump and run. Offer up your resources. Be upfront with schedule constraints. Ask to be kept in the loop with updates.

## #2 – Lines of Communication – Law Enforcement Officers

- ▶ Investigators need to get to know other investigators who specialize in financial based crimes. Why do we ALWAYS reinvent the wheel?
- ▶ LEO agencies should provide other agencies with the contact information of their investigators who specialize in financial crimes.
- ▶ LEO's need to build relationships with the banks in their area of operations, BSA officers, and subpoena service.
- ▶ Work regularly with DSS, APS.
- ▶ Reach out to local and regional organizations that work with the elders and vulnerable populations.

## #2 – Lines of Communication – The Commonwealth Attorney

- ▶ Need to keep and provide examples of how they want court orders provided.
- ▶ Should let law enforcement know which A.CA's specialize in financial crimes.
- ▶ Should create and provide a “check off” list of what is expected to be in a financial crimes introduction and prosecutorial request submission.
- ▶ Could hold a regular training for financial investigators to discuss what works and what does not work.



## #2 – Lines of Communication - DSS

- ▶ Know the investigators that are proficient in investigating elder financial exploitation (local, county, and state)
- ▶ Work with law enforcement to know what would benefit them in getting the case off of the ground.
- ▶ Utilize the powers that the APS has that no one else does.
- ▶ Join law enforcement investigators in meeting with the elders
- ▶ Educate the LEO in areas that you do often that the LEO does not.

# #3 – Synergistic Investigations

- ▶  $1 + 1 = 3$
- ▶ Whatever or wherever the investigation happens, use the team approach to communicate with the victim, accumulate the documents/evidence, and streamline the case development.
- ▶ Multi-Disciplinary Teams (MDT's) – various forms, various names

# #4 - Education

- ▶ Concern – those with cognitive impairment might not remember or even have digested what they have read or heard. There has to be a more permanent solution to remind the elder or vulnerable adult of the tips that could protect them from SCAMS and other FRAUDS.
  - ▶ Verify before you Act
  - ▶ Protect your personal information
  - ▶ Never send cash over the mail
  - ▶ Reputable agencies and companies won't have you pay in gift cards
  - ▶ There is NEVER an urgency to make a decision
  - ▶ Etc...



# #4 - Education

- ▶ Could we use magnets, or some other decorative and permanent reminder?
- ▶ Educate at every function (church, community service, festival...)
- ▶ Post anywhere where our vulnerable population congregates
- ▶ Educate those that serve our vulnerable populations (van drivers, CNA's, ...)

# Multi-Disciplinary Teams (MDT's)

(thank you Stephanie Painter)

Membership:

Social Workers

Law Enforcement

Medical Professionals

Attorney's

Financial Institutions


...and other valuable stakeholders

# Multi-Disciplinary Teams (MDT's)

- ▶ Team to work through cases
- ▶ “MDT's allow for rapid and holistic response to a case. While the FI's provides remediation for financial abuse and supporting evidence, law enforcement and attorneys can begin constructing their case against a suspect and social workers can ensure the health and safety of the victim. This process moves cases along quickly with full resolutions. MDT's can also allow for more effective information sharing by providing an outlet for direct contact.” Stephanie Painter



# Resources - Virginia GBLA form – APS Request to Financial Institutions – Customer Records



**RAPPAHANNOCK COUNTY  
DEPARTMENT OF SOCIAL SERVICES**  
PO BOX 67  
WASHINGTON, VIRGINIA 22747  
540-675-3332 / FAX 540-675-3335

**Official Request for Customer Records**

Pursuant to Gramm-Leach-Bliley Act (GLBA)(15U.S.C.§6802(e)(8); and 15U.S.C. §6802(e)(3)(B)) and §§ 63.2-1603 and 63.2-1605 of the Code of Virginia:

I, Joseph F. Kimpfen, an Adult Protective Services Investigator operating under the laws of the Commonwealth of Virginia, am conducting an authorized investigation of alleged financial exploitation of an older or incapacitated adult.

I hereby request records from Union Bank for all accounts relating to: \_\_\_\_\_  
03/28/1937, for the period of 9/1/2015 to 3/27/2018 including but not limited to:

Bank statements for ALL accounts, including checking, savings, money market, certificates of deposit

Copies of all checks and withdrawals from the account(s) (front and back) including offsets

Copies of all deposits and deposit items

Customer Profile showing all accounts, including opening and/or closing dates

All Power of Attorney documents and signature cards

Statements for any loans, lines of credit, or credit cards and copies of any cash advances

Other \_\_\_\_\_


Please provide these records on or before 3/9/2018.

\_\_\_\_\_  
Signature Date 03/27/2018

\_\_\_\_\_  
Title Email jkimpfen@drivingman.gov

\_\_\_\_\_  
Name of local department Address 354 Gay St  
Washington VA 22717

02-28-0038-30-arg 07-'06



68 Dick Huff Lane, PO Box 7  
Winona, VA 22642  
Telephone (540) 245-5800  
Fax (540) 245-5880

1727 Shenandoah Avenue  
Winchester, VA 22093  
Telephone (540) 942-6666  
Fax (540) 942-6658

**Shenandoah Valley Social Services**

**APS REQUEST TO FINANCIAL INSTITUTION**

Pursuant to HB 1987 & SB 1490

- <http://lis.virginia.gov/cgi-bin/lepp604.exe?1911fil+CHAM420.pdf>
- FIs may refuse or delay a transaction if:
  - It believes in good faith that a transaction may facilitate EFA
  - Makes a report to APS in good faith that EFA is occurring
- Refusal can last up to 30 business days from the initial request unless otherwise ordered via judge
- Acts in good faith will result in immunity from civil or criminal liability

Date of Request: \_\_\_\_\_ End Date (cannot exceed 30 days from Request): \_\_\_\_\_

Financial Exploitation Investigation: Yes No  
Emergency Conservator Needed: Yes No

Account Owner Name: \_\_\_\_\_ APS Notification of Restriction:  
Joint Account Owner: \_\_\_\_\_ APS Notification of Restriction:  
Account Number (if known): \_\_\_\_\_  
Type of Account: Checking Savings Money Market

APS is requesting the following: Full Restriction to all Accounts/ All Owners  
Partial Restriction to all Accounts/Specific Owner or POA  
Specify Owner or POA Restricted & Reason  
Restriction to Convenience Services:  
ATM/Debit Card  
Check Card  
Online Banking

*"The promotion of self-reliance and protection of citizens through community-based services."*

# Resource – APS

(taken from a presentation Lindsay Combs, BSW)

APS can obtain the following WITHOUT a court order:

- ▶ • Bank records & surveillance for client records
- ▶ • Pursuant to Graham-Leach-Bliley Act (GLBA) (15 U.S.C. § 6802(e)(8); and 15 U.S.C § 6802(e)(3)(B)
- ▶ • All medical records relating to the case
- ▶ • Pursuant to Federal Privacy Regulation 164.512 Health Insurance Portability and Accountability Act (HIPAA) and Code of Virginia 32.1-127.1:03 (D6) • A financial accounting from the Power of Attorney • Pursuant to Virginia Code Section 64.2-1612

# What Will We Do:



- ▶ Stop the **Bleed!!!**
- ▶ Help the victim understand that they're a victim! **(Embarrassment is a huge thing)**
- ▶ Attempt to identify the bad guy **(problems with out of state/out of country)**
- ▶ Seek financial records (bank, credit, utility, court, criminal, driving), court orders...the more that the victim can provide the better! § 19.2-10.1. Subpoena Duces Tecum for obtaining records concerning banking and credit cards.
- ▶ Attempt to identify and locate the bad guy/organization...and tying them to the crime. We must prove intent!
- ▶ Analyze and organize the financial documentation. Create spreadsheets, time-lines, and summaries.
- ▶ Interview witnesses and interview/interrogate the subject of the investigation cognitive of his rights
- ▶ Present a well defined package to the Commonwealth Attorney
- ▶ Present to the Grand Jury or transit the lower courts (prosecutor preference)



# What a normal case looks like (for us):

- ▶ We receive a complaint.
- ▶ We first attempt to verify its legitimacy. We get a lot of angry civil issues that are not criminal. We get complaints from vindictive persons. We get some complaints from some that are in need of psychological assistance!
- ▶ We notify our supervisor.
- ▶ We conduct a thorough interview of the complainant to gather as much information as possible.
- ▶ If the case looks like it will move forward then the local Commonwealth Attorney's Office is informed of the investigation.
- ▶ Additional documents are sought via subpoena (court order).
- ▶ Documents are organized, spread sheets are created. Information is verified. Additional documents sought.
- ▶ Subject interviewed.
- ▶ Prosecutorial Summary, as simplistic and understandable, the better, is prepared and presented.



# Do you have anything?

POA, Will changes, JTWROS, TOD, conscious decisions to give away assets.

- ▶ A relationship is created. A loan is made?
- ▶ An elder's final wishes, but the POA makes changes to all accounts.
- ▶ A victim of a Romance Scheme who does not consider themselves a victim
- ▶ A daughter (say of three siblings) moves in to assist with taking care of Mom. POA in place.

# Investigations

- ▶ Complaint – In financial cases, there is a lot of emotion...spite. Need to carefully interview the complainant. Determine the nature of the allegation.
- ▶ Complaint - Often the complainant has already gathered valuable financial documentation (bank statements, CC statements, phone records, Amazon records, social media posts/comments). Carefully document receipt of documents. File and process carefully and ask the complainant to add a small narrative or summary of what is being forwarded to you (especially by email). Complainants tend to want to pile on which makes it difficult for the investigator to sort and process (due to limitations in time and resources)
- ▶ Complaint: Do we have a CRIME? What evidence of wrongdoing can they provide?



# Investigations

## Let's continue "do we have a crime?" Some examples:

Unexplained disappearance of funds or valuables

Inappropriate use of resources

Real Estate transfers

Transfer of other assets (vehicles, art, jewelry)

Caregiver (family or other) – not using the funds intended for elder, caretaker shared resources

Misuse of elder's home

Identity Theft

Extortion

Scams

Forgery

Coercion the elder to sign documents

Financial Account changes, multiple bank and/or investment accounts

Cancelling accounts that have fees attached (annuities, cd's, back loaded mutual funds)

Uncharacteristic wires and transfers; frequent fund transfers

Uncharacteristic online purchases

# Investigations

- ▶ Victim – Can you interview the victim without putting them in danger? Is it exigent? Do accounts need to be frozen? Utilize APS asap. If not, then review documentation that was received and be prepared prior to your interview. If the victim says she is not a victim, she isn't a victim.
- ▶ Evidence – A recorded statement/video of a victim interview is very important BUT must be backed up by the proof. Even in the very frustrating POA abuse cases, a lot of times you can find the abuse actually took place before or after the abuse of the privileges of being an Attorney In Fact.
- ▶ Evidence – Either by voluntary receipt or by court order (subpoena duces tecum) or even search warrant; seek the relevant documentation to include but not limited to:

# Investigations

## Evidence:

1. Financial Institution statements – could be banking, insurance, investment, mortgage (especially 2<sup>nd</sup>), etc.  
(account opening docs, deposit items, withdrawal items, copies of checks, transfer details, statements, IP addresses)
1. Credit Bureau
2. Tax Preparer (locate tax forms, including Schedule B)
3. Amazon, PayPal
4. Mobile Payment Services (Cash App, Zelle)
5. Video footage (bank and ATM among other)
6. Medical (possibly to assist with classification of capacity)
7. Medication Lists, dates hospitalized, capacity notice, witnesses



# Evidence - continued

9. Social Security Benefits – for deposit instructions
10. Disability Benefits
11. Retirement Benefits
12. Legal documents (POA's Wills, Guardianship)
13. Take advantage of APS! The Gramm – Leach – Bliley Act – allows financial institutions to voluntarily share vulnerable victim information without legal process.

Watch for diverted funds.

Access to tax and social security records can be difficult.

# Investigations: POA

Regarding POA's, one must have contract capacity to sign one.

- ▶ In **Virginia**, one circuit court **has** stated that a trustor **must have contract capacity to execute** a trust document. ... Because the **power of attorney** is an agency relationship, and agency is formed by **contract**, **contract capacity** is required to **execute a power of attorney**.

# Investigations: POA

- ▶ Date Executed – Before or after suspected perpetrator was aware of capacity issues.
- ▶ Powers Granted – Just banking transactions, or more?
- ▶ Gifts Rider – Can agents gift themselves and/or others more than \$500
- ▶ County Clerk – Does the Clerk have a record? Does it match the Agent's? (land record example)
- ▶ Bank – Does Bank have a record? Does it match the Clerk's and/or the Agent's?
- ▶ Prior POA – Who was the POA before? Was it revoked? Why or why not?  
(taken from EAGLE)



# Investigations – The process

- ▶ Establish a timeline, including dates POA's were signed, suspect involvement, capacity determination, hospitalization, account changes, large money movements...A TIMELINE is extremely beneficial for a prosecutor!
- ▶ The Spreadsheet! Summarize financial records by (whatever fits the case): monthly cash flows, inflows/outflows, dates, types of purchases, types of use, different persons withdrawing.
- ▶ Reconcile money instrument inflows and outflows with financial statements. (ie, paint the picture) (Orange example)
- ▶ Compare patterns and deviations with prior-to exploitation

# Investigations - Interviews

- ▶ Interview witnesses, private attorneys, tax preparers, clergy, bankers, investment advisors, and other people involved in the victim's personal life.
- ▶ Interview the victim – competency assessment – orientation to person, place, time, and event (Ax4). Seek information.
- ▶ Interview the subject – does the subject have a reasonable explanation? Encourage a narrative.

At minimum, audio record. Video if possible (at least of the victim and subject) Mind your obligations to the subject (not being detained)

# Investigations – Reporting to the CA

- ▶ Initial presentation should be early. Never let an investigation be a surprise to a CA!
- ▶ Update regularly in the way the prosecutor prefers. They are very busy and handle a lot of cases, do not bury them in the weeds unless asked.
- ▶ Be concise, know what you are looking for.
- ▶ “Cops live in a Probable Cause standard World (<51%)”
- ▶ “Prosecutors live in the world of Beyond a Reasonable Doubt standard”



# Investigations – Reporting to the CA

- ▶ Prosecutorial Summary
- ▶ Supporting Documentation
- ▶ Simple and clear spreadsheets and time lines
- ▶ Legal process
- ▶ Statements
- ▶ Contact Information

# Technology Tools of the Trade

( State Employee, State Budget, State Technology)

- ▶ EXCEL Spreadsheets (often tells the story), Time-lines
- ▶ LexisNexis Accurint
- ▶ LInX – NCIS Law Enforcement Information Exchange
- ▶ Suspicious Activity Reports (SARS) FinCEN reporting.
- ▶ Currency Transaction Report (CTR)
- ▶ Various search engines
- ▶ Quick Book/Quicken Review – Auditor version if available

# FTC's Pass It On

- ▶ The FTC's Pass It On website is designed to educate consumers, particularly elder consumers, about various scams. The website contains a variety of articles, presentations, and other materials that may be of use to you in your outreach efforts. Note that the materials are available in English and Spanish.
- ▶ <https://ftc.gov/passiton>
- ▶ The materials can be ordered in bulk at the following address:
- ▶ <https://www.bulkorder.ftc.gov/>



# Criminal Charges

- ▶ Embezzlement
  - ▶ Obtain Money by False Pretense
  - ▶ Financial Exploitation of Mentally Incapacitated Persons
  - ▶ Identity Theft
  - ▶ Forgery
  - ▶ Grand Larceny
  - ▶ Credit Card Fraud
  - ▶ Construction Fraud
  - ▶ Utility Fraud
- ▶ In criminal law – if there is a gray area, then there is reasonable doubt.
  - ▶ Virginia law can be too limiting, it would be nice to have laws similar to the fed's "wire" or "mail" fraud where you have a SCHEME to DEFRAUD

# Embezzlement vs. False Pretense

- ▶ There are two major differences between the offenses of embezzlement and larceny by False Pretense.
- ▶ In Larceny by False Pretense, the criminal intent occurs at the time of the taking.
- ▶ Embezzlement by contrast is the criminal intent with embezzlement occurs after the property in possession of the person charged with the offense.
- ▶ In Larceny by False Pretense title passes at the time of taking.
- ▶ In Embezzlement, the rightful owner of property passes only “custody” of the property to the person charged with the offense, while retaining “constructive possession” or title. (Koehlerlaw.net)

# Questions and Thank you!



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