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REPORT NO. 2018-13

TO: William Burgess, Manager, Criminal Court Customer Service

FROM: Hector Collazo, Jr., Inspector General/Chief Audit Executive 
Division of Inspector General

DIST: Ken Burke, CPA, Clerk of the Circuit Court and Comptroller
Jeffrey Gates, Executive Director, Court and Operational Services Division

SUBJECT: Fraudulent Guardianship Court Order

DATE: June 8, 2018

The Division of Inspector General's Public Integrity Unit (PIU) received an allegation of Fraud, Waste, and Abuse. We investigated the following allegation related to a fraudulent guardianship court order.

The Complainant alleges that:

- The Respondent created a fraudulent guardianship court order and presented it at a Pinellas County School (PCS), located in Clearwater, Florida, to gain custody of the minor children.

The Complainant did provide documentation to assist with the investigation.

To determine whether the allegations were substantiated, we reviewed policies, procedures, and any other records deemed appropriate. We also conducted interviews of staff and other parties, as needed. Our investigation was performed according to the *Principles and Standards for Offices of Inspector General* and *The Florida Inspectors General Standards Manual* from The Commission for Florida Law Enforcement Accreditation.



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The Division of Inspector General investigation of the allegations has determined that the allegation noted above is **substantiated**.

Investigation Background

On September 5, 2017, the Division of Inspector General (IG) received a complaint from the Clerk of the Circuit Court and Comptroller's Criminal Court Customer Service Division (Clerk), alleging a potential fraudulent guardianship court order was created and used at a Pinellas County School (PCS). The document delegated the custody of two minor children to their grandmother (Respondent).

On September 1, 2017, the minor's mother visited the Criminal Court Customer Service Division and requested the Clerk's staff (Complainant) to locate court documents that allegedly delegated custody of her two minor children to her mother (Respondent). The Clerk's staff was not able to locate any court cases related to the custody of the minors.

Subsequently, the Clerk's staff contacted the PCS, who provided a copy of a court order appointing the Respondent as the minor children's guardian. Upon further examination, the Clerk's staff noticed several errors in the document and informed the PCS staff that the order was not valid and it was potentially fraudulent.

On January 9 and 10, 2018, the IG interviewed PCS staff. The PCS staff stated that they sent the Clerk's staff copies of two documents:

1. The court order appointing the Respondent as guardian; and
2. The court order granting the Respondent custody of her grandchildren.

The Clerk's staff confirmed receipt of the court order appointing the Respondent guardian of the minor children; however, receipt was not confirmed for the court order granting the Respondent custody.

Subsequent to sending the documents to the Clerk's staff, a PCS employee stated that the court order granting custody was shredded at the direction of another PCS employee, who wanted to have accurate documents in their students' files.

PCS staff commented that the school has a five-year document retention policy after the student has left the PCS system. PCS staff provided a copy of the Power of Attorney (POA) agreement for the Respondent that was in the students' files. Later, during an interview on February 8, 2018, the minors' mother stated that she did not sign the POA agreement and the document was not authentic. The PCS staff could not explain why they chose to keep the fraudulent court order appointing the Respondent as guardian.

PCS staff explained that the fraudulent court order was in the students' files when the children enrolled at their subsequent PCS. The school does not verify documents in the students' files since the assumption is that the PCS staff at the students' previous

school verified the documents. PCS staff confirmed that the Respondent had access to her grandchildren's files.

On January 18, 2018, the IG interviewed the Attorney whose name appeared on the fraudulent guardianship court order. The following information was obtained during the interview:

- The Respondent and the two minor children were not clients of the Attorney.
- The Attorney did not create the fraudulent guardianship court order, and pointed out several errors on the court order.
- The Attorney represented a professional guardian in 2009 in the guardianship case of the Respondent's nephew.
- The case number from the nephew's guardianship case was used on the fraudulent court order.

On January 5, 2018, and January 22, 2018, the IG interviewed staff from the Florida Department of Children and Families (DCF). The DCF staff reviewed their records and concluded that the Respondent did not provide the fraudulent court order to their agency to obtain benefits.

On February 8, 2018, the IG interviewed the mother of the minor children. She stated that she and her children used to live with the Respondent, but for the past eight years, she has lived with the children at another residence.

The minor children's mother stated the Internal Revenue Service (IRS) audited her 2016 federal tax return due to someone else claiming her children on their tax returns. Consequently, the minor children's mother visited her children's PCS in January of 2017, to obtain documents to demonstrate to the IRS that she had custody of her children. At that time, the principal informed her of a legal document in her children's files that indicated she did not have custody of her children. PCS staff read the document to her, but did not provide her with a copy.

The minor children's mother visited the Clerk's office at the Pinellas County Justice Center on 49th Street in Clearwater on September 1, 2017, to obtain a copy of the document that was on file at the children's PCS. The Clerk's staff could not locate a custody case involving her children. At the request of the Clerk's staff, the PCS staff faxed a copy of the fraudulent court order.

The minor children's mother did not recognize the fraudulent court order the IG presented to her for review. She stated the PCS asked her to write a letter to dispute the court order in the file and placed the letter in her children's files.

The minor children's mother also reviewed a copy of a POA agreement that was in the children's school files. The agreement gave the Respondent authority over the medical and financial needs of her minor children. She stated her signature on the POA agreement was a forgery.

The minor children's mother believes that the Respondent created the fraudulent court order using her home-based printing business. She stated that her mother has never admitted to using the fraudulent court order.

The IG compared the POA agreement provided to the PCS with the POA agreement that the Respondent obtained for an unrelated guardianship and noted the following:

- The POA agreements contain the same language.
- The notarial certificate and the seal listed two different commission expiration dates.
- The affiant identification listed was not a government issued document.

On February 14, 2018, the IG interviewed a representative from the Florida Department of Revenue (DOR). The DOR had no record of receiving the fraudulent court order in the cases involving the Respondent.

On March 6, 2018, the IG interviewed the Respondent, who is the grandmother of the minor children. The Respondent stated that she has had custody of her grandchildren for 13 years. The Respondent enrolled the children in school, registered them for football, enrolled them in the Big Brother program, and entered them in various children's church programs. Their mother obtained custody of the children in 2017. The Respondent stated that the children's mother obtained custody of her children to stop the garnishment of her wages for child support.

When the IG presented the fraudulent guardianship court order to the Respondent, she confirmed that she used it to enroll her grandchildren in school. The Respondent stated that someone else fabricated this document at her request, but would not provide the name of that person.

The Respondent stated that her daughter would not enroll her children in school, and the Respondent felt that she was not getting any help for the children. The Respondent also stated that the children's mother knew that the document the Respondent filed with the children's school was not legal. The Respondent provided the IG with a voluntary signed statement stating that she used the fraudulent court order to enroll her grandchildren in school.

Conclusion/Recommendation

The Respondent admitted to creating and using a forged document to enroll her grandchildren in school.

The IG provided information related to this investigation to the Superintendent of Pinellas County Schools, and recommended the Superintendent of Pinellas County Schools consult with PCS attorneys to determine if any legal action is warranted.

William Burgess, Manager, Criminal Court Customer Service
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We want to thank the Clerk of the Circuit Court, Criminal Court Customer Service Division, and the Pinellas County School system staff for their assistance and cooperation during this investigation.