



# H.E.L.P.<sup>®</sup> Is Here

Information and advice for older adults and families

2009 Number 3

## In Case of Emergency, Who Will Speak For You?



**S**hould you have a medical emergency and become incapacitated, or unable to speak for yourself, you will want to make sure that someone else can speak for you. **Advance directives** are the legal documents that identify whom you have chosen to do this.

Since seniors often have to choose between available treatment options, the **Power of Attorney for Health Care** or **PAHC** serves as a very important advance directive. To enhance your PAHC agent's effectiveness, you have these three tools:

### 1. File of Life Kit

The FOL kit allows you to make important information readily available should you experience a medical emergency. The kit includes two FOL forms, instructions on filling them out, and two pocket-sized red-plastic holders.

In filling out the FOL form you not only give personal information, but also provide the names, addresses and telephone numbers of your chosen PAHC agent(s), family members and friends. By completing the FOL form's checklist, you are ensuring future emergency responders' access to necessary information on your medical condition, current medications and allergic reactions.

A magnet on the larger of the two FOL plastic holders allows you to attach it to your refrigerator door. The smaller one can be kept in your wallet, purse or your car's glove box.

The kit is offered free to residents of the greater Los Angeles area who are aged 60 and above. For a free FOL Kit go to [lacity.org/doa/pdf/FileofLife.pdf](http://lacity.org/doa/pdf/FileofLife.pdf) or call 213-252-4030.

### 2. Cell Phone I-C-E

Paramedics, firefighters, and police officers often check an incapacitated person's cell phone to figure out whom to call.

see *Speak* on page 6

*Make it easy for emergency team responders to contact your chosen PAHC agents by keeping a completed H.E.L.P. wallet card with your driver's license or California I.D.*

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## Raising the Bar

by Joe Cislowski

In her confirmation hearings, U.S. Supreme Court Justice Sonia Sotomayor publicly credited *Perry Mason* for inspiring her to pursue a legal career. Indeed, popular culture—in films such as *Adam's Rib*, *The Verdict*, or *My Cousin Vinny*; or in television programs such as *The Defenders*, *L.A. Law*, or *Night Court*—most likely influences the way each of us perceives how attorneys can lend a hand.

The reality, of course, is that obtaining useful legal information is not always as dramatic or entertaining. Here at H.E.L.P., we do our best to assist older adults, their family members, and other care providers by explaining legal options and protections. In fact, many of the articles in this issue of *H.E.L.P. Is Here* deal with legal concerns.

I invite you to **order our newly revised Nuts & Bolts publications**, including our *Wills and Revocable Living Trusts*, *Health Care Powers of Attorney*, and *Estate Administration* guides (please see Page 7). Please **attend one of our Life Care Planning Classes** to learn more about care planning options, probate avoidance tools, and consumer protections (please see Page 7). If you have a question, or need a referral, on elder law matters I encourage you to **visit our website** at [help4srs.org](http://help4srs.org) or **call us** at **310-533-1996**.

Of course, you can always **request a legal consultation** to examine options for long-term care planning and estate administration (please see Page 9).

Consultations are conducted by our own legal eagle, H.E.L.P.'s Director of Legal Programs, Esther Epstein. Her favorite show growing up? *Perry Mason*, of course. ❖

*Joe Cislowski is the President and Chief Executive Officer for H.E.L.P.*

H.E.L.P. (Healthcare and Elder Law Programs Corporation) is dedicated to empower older adults and their families by providing impartial information, education and counseling on elder care, law, finances and consumer protection so they may lead lives of security and dignity.

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*H.E.L.P. Is Here* gives general information, not specific advice on individual matters. This issue is based on law in effect in California on September 1, 2009.

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**H.E.L.P.**

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H.E.L.P. provides referrals to help older adults obtain care, social and other services. H.E.L.P. does not refer any person to any private attorney or private law office; all legal service referrals are to legal aid and similar free legal service organizations, or to attorney referral services operated by bar associations or similar organizations. H.E.L.P. does not request or accept referral or similar fees or compensation from any person or organization.

To request a copy of *H.E.L.P. Is Here*, change your mailing address or be removed from the mailing list, call us at **310-533-1996** or e-mail us at [magazine@help4srs.org](mailto:magazine@help4srs.org).

## Seniors Who Hoard

**Question:** *My grandmother's landlord has threatened to evict her because her apartment is so cluttered. Can he evict her for this?*

**Answer:** If a tenant's cluttering becomes an issue, the landlord's legal responsibility to maintain rentals that are safe and secure warrants his concern.

Compulsive cluttering, or hoarding, is defined as the unnecessary retention of objects or animals that may subject the hoarder and others to safety and health hazards. Perhaps because many symptoms of hoarding intensify over time, they seem to be more common in seniors than in younger adults.

Those who hoard often leave rooms filled with piles of papers, dirty dishes, moldy foods, animal droppings and

flammable chemical materials. As a result, access to windows, doors, water faucets or standard household appliances may be obstructed.

Besides threatening the habitability of their own apartment units, hoarders may expose neighboring tenants to insect and rodent infestations, foul smells and fire hazards.

To avoid eviction, a tenant should:

1. Remove flammable materials to minimize the risk of fire.
2. Dispose of garbage and rubbish.

*see Seniors Who Hoard on page 6*



## Medicare Fraud is on the Rise

**Question:** *The Medicare Summary Notice I just received includes the name of a doctor I've never heard of, and certainly never met. Should I be concerned?*

**Answer:** A Medicare Summary Notice or MSN is the statement that lists recent services provided, the charges Medicare approved and paid, and the remaining balance that the Medicare beneficiary will likely have to pay. The same statement is provided to Medigap or retiree plan beneficiaries who receive an Explanation of Benefits or EOB.

Since routine care often includes lab tests, X-rays and other health-care services, a greater number of beneficiaries are finding names of unknown providers on their MSNs or EOBs. Most of these names refer to medical professionals who have provided services that did not involve meeting with the patient. Examples

would include physicians who have been chosen to review the patient's laboratory tests and X-rays.

Although most unfamiliar charges are legitimate or innocent mistakes, Medicare fraud has been on the rise. Fraud occurs when health-care providers or suppliers of durable medical equipment, billing services or others seek Medicare reimbursements for treatments, equipment or supplies that were never provided.

As examples, Medicare has been receiving more and more bills including:

- Specific services, equipment and supplies that the beneficiary neither requested nor received.

*see Medicare Fraud on page 8*

*"Medicare fraud schemes have grown bolder and more elaborate, resulting in billions of dollars in false billings and fraud schemes which are robbing Medicare and Medicaid blind and leaving our most vulnerable citizens at risk."*

*-U.S. Department of Justice,  
stopmedicarefraud.gov*

*H.E.L.P. provides information and referrals on valuable community services addressing elder care, law, finances and consumer protection. Listed below are some of those agencies you might find useful. Of course, we are always available to help if you have a problem or need information. You can call H.E.L.P. at 310-533-1996 or e-mail us through our website: [help4srs.org](http://help4srs.org).*

<b>Elder Care</b>	<b>Phone Numbers</b>	<b>Web Addresses</b>
L.A. County Consumer Affairs (Consumer protection/complaints)	800-593-8222	dca.lacounty.gov
Adult Protective Services (Elder abuse)	877-477-3646	css.lacounty.gov/aps
Alzheimer's Association, Southland Chapter Area Agency on Aging (Information and assistance)	800-272-3900 800-510-2020	alz.org/californiasouthland aging.ca.gov
Center for Health Care Rights/HICAP (Medicare and Insurance Counseling)	800-824-0780	cahealthadvocates.org/hicap
Home Ownership Preservation Foundation (Foreclosure assistance)	888-995-4673	995hope.org
Long Term Care Ombudsman (Mediation for those living in licensed facilities in L.A. County)	800-394-9871	wiseandhealthyaging.org
Social Security	800-772-1213	ssa.gov
California Association of Adult Day Services (Adult day care answers)	916-552-7400	caads.org
California Advocates for Nursing Home Reform (Advocacy and lawyer referral)	800-474-1116	canhr.org
Los Angeles Caregiver Resource Center (For caregivers of adults with brain impairment)	800-540-4442	lacrc.usc.edu
National Hospice and Palliative Care Organization (Empowering people to make end-of-life choices)	800-658-8898	nhpco.org
<b>Legal</b>		
Bet Tzedek Legal Services (Provides free legal services for seniors in LA County)	323-939-0506	bettzedek.org
Dispute Resolution Service-L.A. County Bar (Accessible conflict resolution services)	213-896-6533	lacba.org
Senior Legal Hotline (Provides free legal advice & services to Californians aged 60+)	800-222-1753	seniorlegalhotline.org
<b>South Bay Resources</b>		
Beach Cities Health District (Provides support services)	310-374-3426	bchd.org
Focal Point on Aging (Information and referral service)	310-320-1300	tornet.com/parks/6649.htm
Redondo Beach Senior and Family Services (Programs to promote health)	310-318-0650	redondo.org
South Bay Senior Services (Health-related and case management services)	310-325-2141	bhs-inc.org/sbss.html

## Is It Missing or Stolen?

Nursing home residents, their families and visiting friends often complain about misplaced or stolen belongings.

Because clothing and money can be lost or stolen, nursing homes are required to establish formal policies to reduce theft and loss. Such procedures must include:

- Training employees on how to respond to allegations of theft and loss.
- Creating and maintaining an inventory of each patient's personal property upon admission and throughout his or her stay.
- Marking each patient's personal property, including dentures, prosthetic and orthopedic devices.

- Documenting theft and property loss valued at \$25 or more.
- Reporting stolen property valued at \$100 or more to police.

By law, every nursing home must have a written policy and program that details its procedure for responding to allegations of theft and property loss. A copy of that procedure must be given to each resident or resident's representative when the admission contract is signed.

As soon as someone realizes that property is missing, a member of the nursing home's staff should be told. The nursing home must then document the lost or stolen items where their total value is \$25 or more. Such

*see Missing or Stolen on page 6*

*The WISE & Healthy Aging Long-Term Care Ombudsmen Program provides advocacy services throughout the City and County of Los Angeles for more than 75,000 residents of long-term care facilities.*

## Getting Your Doctor to Order Your Chosen Life Support

Health care planning lets you choose the kind of medical care you will – or will not – receive should you become incapacitated and unable to speak for yourself. A **Power of Attorney for Health Care (PAHC)** is a legal document that enables you to designate a health care spokesperson or agent. A properly executed PAHC provides the agent with the legal authority to act as your decision-maker in selecting appropriate treatment options. Physicians, nurses and other health care providers must respect the PAHC agent's treatment requests.

A **Physician's Order for Life Sustaining Treatment (POLST)** is a particularly useful tool for people who are very frail or suffer from

terminal illnesses. It complements the PAHC by converting the patient's wishes into a formal medical order. A POLST's three specific orders for life sustaining treatment choices address cardiopulmonary resuscitation (CPR), medical interventions for comfort and pain relief, and limitations on tube feeding when eating is no longer feasible or desired.

Emergency medical technicians (EMTs) include firefighters, law enforcement officers, and paramedics. When responding, they usually commence immediate CPRs. A POLST provides formal instructions to avoid specified treatments.

*see Life Support on page 8*



## Speak

*Continued from page 1*

Assist the emergency team by adding a phone listing for **I-C-E**, which stands for **In Case of Emergency**, to your cell phone contact list. If you place a star (\*) before the ICE, it will be the first number to appear. You can list several emergency contacts by entering them in your cell phone contact list as ICE1, ICE2, etc.

### 3. H.E.L.P.'s Wallet Card

Carry the completed card to further assist emergency responders. The card says, “**Notice to Medical Personnel**,” and it indicates that you have prepared a PAHC. It includes spaces for your designated agents’ contact information.

To obtain H.E.L.P.’s wallet card, prepared on blue cardboard-like paper, call H.E.L.P. at

**310-533-1996**. After completing and cutting out the rectangular-card notice, be sure to keep it in your wallet with your driver’s license or other identification.

And don’t forget to provide your chosen agents, other family members and care providers with your current, properly signed and witnessed **Power of Attorney for Health Care**. ❖

## Seniors Who Hoard

*Continued from page 3*

3. Clear hallways and doorways and give access to windows.
4. Ensure that all exits are accessible in the event of fire or other emergencies.

While this might enable a tenant to avoid eviction, current researchers recognize compulsive hoarding activities as a sign of mental health issues. Anxiety, depression, and memory loss are often involved.

In addition to receiving psychological support, most tenants who hoard need assistance in identifying necessary items, sorting out those that are of value, and properly disposing of the rest.

Because such tenants need both immediate and long-term help, community and social service agencies throughout California are attempting to

establish a network of available legal, mental health and social service providers who will work as a team to provide senior and other hoarders with effective support.

For referrals to free or low-cost legal service organizations, mental health agencies, and self-help support groups nearby, contact H.E.L.P. at **310-533-1996**. ❖

## Missing or Stolen

*Continued from page 5*

documentation must include the missing property’s description, its estimated value and the date and time its absence was discovered or reported. If the value of missing property was \$100 or more, notification to police must take place within 36 hours.

California’s Long-Term Care Ombudsman Program or LTCOP was established to investigate and attempt to resolve complaints made by

or for nursing home residents. Every LTCOP ombudsman must be professionally trained and certified by the State Department of Aging as an advocate to investigate complaints, report findings and mediate fair settlements between individual nursing home residents and the facilities where they reside.

The services provided by LTCOP ombudsmen are all free and confidential, and address a

specific resident’s noted issues and concerns.

Nursing home facilities are required to post, in a conspicuous location, information on how to contact the nearest LTCOP. **Wise & Healthy Aging Long-Term Ombudsman Program**, serving Los Angeles County, can be reached at **800-334-9473**. **CRISISline**, serving California statewide, can be reached at **800-231-4024**. ❖

# H.E.L.P. Classes: Life Planning for Grown-Ups

Concerned about choice options for seniors and their families? Our popular classes cover powers of attorney for healthcare and financial matters, wills and living trusts, probate and avoiding it, consumer protection and long term care.

## Torrance Memorial Medical Center

6:15 p.m. to 8:15 p.m.

Torrance Memorial Medical Center  
Health Conference Center, Room 1  
3330 Lomita Blvd., Torrance, CA 90505  
Call 310-533-1996 for reservations

### Estate and Incapacity Planning

Who's In Charge? Nov. 2  
Wills, Probate and Avoiders Nov. 9  
Trusts and Taxes Nov. 16

### Care Planning and Options

Long-Term Care Nov. 16  
Nursing Home Medi-Cal Dec. 7



Some of H.E.L.P.'s upcoming classes for the Alzheimer's Association: **Who's In Charge?**

- Beach Cities Health District  
Oct. 12, 2009  
10:00–11:30 a.m.  
514 N. Prospect Ave., Redondo Beach

### Medi-Cal for Nursing Home Care

- Israel Levin Senior Center  
Oct. 29, 2009  
12:45 p.m.–2:15 p.m.  
201 Ocean Front Walk Venice

For more information about these classes, information about other upcoming classes, or to arrange a class for your group of 25 or more call **310-533-1996**

or check our website at [help4srs.org/class](http://help4srs.org/class).

### Smarter Giving for Everyone

A unique program designed to help you make the most effective use of your donated dollars and time.

- Nov. 9, 2009  
10:00 a.m.–12:00 p.m.  
Terranea Resort, Rancho Palos Verdes  
310-378-2278 for reservations



# Order Our New Nuts and Bolts Guides That Fit Your Budget

H.E.L.P.'s new *Nuts and Bolts Guides* provide concise, simple and very clear information on wills and trusts, probate (and how to avoid it), and estate administration. They're just a

bit smaller—in both size and cost! You may purchase the *Nuts and Bolts Guide Ultimate Pack* for a discounted price of \$25 or may purchase each Guide separately for \$5. ❖

You can find our complete free and low-cost publication list at [help4srs.org/catalog](http://help4srs.org/catalog), or call us at 310-533-1996 for a publication catalog.

Order by phone 310-533-1996, online [help4srs.org/store](http://help4srs.org/store) or use the envelope enclosed at the centerfold by filling in the item description, quantity and total price. Except where noted, our pricing includes shipping, handling and sales tax (if any), within the United States. Pricing is subject to change without prior notice.

## Medicare Fraud

*Continued from page 3*

- Unnecessary and uncovered tests that were claimed to have been provided at health clubs, retirement homes or shopping malls, and
- False diagnoses submitted inappropriately by health-care providers who seek reimbursement for services that Medicare does not cover.

According to the FBI, seniors have become primary targets of medical equipment schemes. In a standard scenario, seniors are asked to provide their Medicare health insurance claim numbers to receive products or gifts. Once they have the beneficiaries' numbers, the scammers provide Medicare with fraudulent claims.

The FBI and Center for Medicare & Medicaid Services have set forth recommended ways for seniors to protect themselves

from becoming victims of Medicare fraud:

- Never sign blank insurance forms.
- Keep a record of your doctor visits and the processing of your bills.
- Make sure your physicians provide you with prior notice before ordering equipment, including specific details on what your out-of-pocket costs will be.
- Review your MSN or EOB soon after receiving it to check for errors by comparing the statements to the medical services and supplies you actually received.

**Remember:** Your Medicare health insurance claim number and Social Security number are one and the same. Do all that you can to keep it secure. When you review **each** and **every** MSN

or EOB, double-check the listed providers to be sure that no one else is using your I.D.

Should the provider listed on the MSN or EOB be unable to resolve your concerns, and you suspect you are a victim of Medicare fraud, contact a Health Insurance Counseling and Advocacy Program Senior Medicare Patrol (SMP) counselor. He or she will ask you for specific details and, if necessary, help forward your case on for formal Medicare fraud investigation.

Residents of Los Angeles County may speak with an SMP counselor by calling the **Center for Health Care Rights** at **800-824-0780**. To find other SMP counselors throughout the state, visit **California Health Advocates** at [cahealthadvocates.org/HICAP/index.html](http://cahealthadvocates.org/HICAP/index.html) or call **800-434-0222**. ❖

## Life Support

*Continued from page 5*

To be valid, the POLST must be completed after a health care provider and patient or PAHC agent have conferred about anticipated treatment. The form must be signed by the treating physician and the patient or PAHC agent. Although not required, it is usually prepared on pink cardstock that makes it noticeable to emergency medical and other health care providers.

People who reside at home should place the pink form where

it can be immediately located – either on the refrigerator door or a corner of the bed. Hospitals and skilled nursing facilities keep the bright pink POLST on the first page of the particular patient's medical file.

Even if physicians have not offered individual patients the POLST option, they—and other healthcare providers who receive a properly signed and endorsed POLST—are required to respect it as a valid treatment order.

Each patient's POLST must be periodically reviewed by the current health care provider. Should the patient be transferred from one facility to another, should there be a significant change in the patient's health status (improvement or deterioration), or should the patient's treatment preferences change, the form must either be amended or destroyed. ❖



# H.E.L.P. Adds New Team Players



*Rose Angulo*



*Pastor John Richardson, Sr.*



*Sharon Ryan*

H.E.L.P. has added three community leaders to the board of directors:

- **Rose Angulo** is an associate with O'Melveny & Myers LLP. She previously clerked for the law firm of Smith & Rendon and the Los Angeles County Public Defender's Office. Prior to undertaking her legal studies, Ms. Angulo worked with the Emmaus House Community Outreach Center in Atlanta, where she conducted programs, services and advocacy for underprivileged senior citizens.
- **Pastor John M. Richardson Sr.**, of the New Journey Ministries Church of God in Christ, Inc., is a former Oakland police officer and former substance-abuse counselor for Teen Challenge. Rev. Richardson has served as president of the Hawthorne Rotary Club for 15 years

and has worked with the Hawthorne Police Department Chaplain Program.

- **Sharon Ryan** is a travel agent who owns An Uncommon Journey in Malaga Cove. Ms. Ryan was honored as the first recipient of the Citizen of the Year Award by the Palos Verdes Peninsula Chamber of Commerce. She is active in many community-based organizations, including leadership roles with the Palos Verdes Art Center and the Volunteer Center, South Bay-Harbor-Long Beach.

"We are delighted and fortunate to have these exceptional new board members," said H.E.L.P. Board Chair Helen Dennis. "Their experience, commitment and talent will help us fulfill our mission and reach our potential." ❖

## Seniors—It's the Truth!

More and more people are visiting H.E.L.P.'s *SeniorTruth* blog. Since the beginning of this year, monthly visits to the blog have doubled!

If you haven't visited lately, you've been missing great articles like: *Tips For Finding A Home Helper*, *The VA Supports Seniors Who've Served* and *It's Not Always Best To Do-It-Yourself*.

Helen Dennis, nationally respected aging specialist, and Esther Epstein, H.E.L.P.'s Director of Legal Programs, will answer your questions and take note of your concerns.

To find information on issues of elder care, law, consumer protection, financial options, and more, be sure to visit H.E.L.P.'s *SeniorTruth* blog at [help4srs.org/seniortruth](http://help4srs.org/seniortruth). ❖



*H.E.L.P. offers legal consultations that assist seniors, their families and care providers examine options for long-term care planning and estate administration.*

*Although the charge for each consultation is \$200, H.E.L.P. invites tax-deductible donations that allow us to waive fees for low-income adults who are unable to pay.*

*To schedule a consultation call H.E.L.P. at 310-533-1996.*

H.E.L.P. thanks our generous donors and volunteers for their wonderful support. All 2009 donors and volunteers will be listed at [help4srs.org](http://help4srs.org) and also in our printed annual report. Due to space constraints we are only able to list our recent major donors in this issue.

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- |                                   |   |
|-----------------------------------|---|
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| \$1,000 to \$2,499 – Partner      | \$50,000 or more – Mega Super Colossal H.E.L.P.er |

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J.B. & Emily Van Nuys Charities; Los Angeles County Supervisor Don Knabe

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Abe & Catherine Kaplan Philanthropic Fund; AJAX Foundation; City of Torrance; Employees Community Fund of Boeing California; Kiwanis Club of Rolling Hills Estates; The Neighborhood Church;

The Noble & Lorraine Hancock Family Fund

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*If you wish to make a profound impact on the lives of older adults and their families, and would like to add your name to the list of generous H.E.L.P. contributors, you can make your gift online at [help4srs.org](http://help4srs.org) or by using the enclosed envelope. Thank you!*

# Celebrating H.E.L.P.'s Exquisite Midsummer Night's Dream

The eve of July 17 was truly a Midsummer Night's Dream. At the fabulous Palos Verdes Country Club, nearly 250 supporters attended H.E.L.P.'s eighth annual Celebrate Summer event, raising over \$117,000.

From the moment guests entered the door they knew this was the right place to be on a Friday night. The cocktail reception was filled with beautiful harp music performed by Dorothy Victor, elegant décor, a fantastic silent auction and delicious hors d'oeuvres with an incredible view of Palos Verdes. Upon entering the dining room, the party continued with themed tables and great company.

The event honored Virco Manufacturing Corporation with the Vanguard Award, Ed and Susie Beall with the Inspiration Award, and Jimi K. Andersen with the Legacy Award.

Celebrate Summer's Mistress of Ceremonies was none other than the wonderful DeDe Hicks who along with her sidekick, John Schoenfeld, put on quite an entertaining show. The live auction, conducted by auctioneer John Kunkle, was a huge success including a

trip to Ireland, a diamond pendant and yacht cruise through the Caribbean.

In addition to the live auction, H.E.L.P.'s "Fund the Mission" was extremely successful due to the generosity of those who matched all gifts made during that portion of the auction. H.E.L.P. is extremely grateful to Jimi K. Andersen, the Scriba family and Elaine Seegar.

Behind every great evening there are amazing volunteers and this year it was all made possible by our Dinner Chair and Board Member, Julia Parton.

The event committee worked hard, and we would like to offer a special thank you to Jean Adelsman, Mary Cilva, Liz Fitzgerald, Cathy Hendrickson, Lisa Martinez, George Nakano, Sharon Ryan, Jennifer Sittel, and Ann and Jerry Wittels, as well as all the volunteers who came out to assist the night of the event.

With delightful entertainment and a hilarious emcee, all raising funds to support H.E.L.P.'s mission – all in all it was an extraordinary evening.

We look forward to seeing you at next year's Celebrate Summer. ❖



*Generous sponsors of A Midsummer's Night Dream included:*

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Toyota Motor Sales, U.S.A., Inc.

## **Sapphire Sponsors**

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