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Conservator in Waterbury captivity case under scrutiny for prior home sales

Kristan Exner has sold two homes as a court appointed fiduciary for Connecticut residents to her business associate without disclosing the relationship to probate courts, records show

By **Ella Napack**, *Staff Writer*

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Kristan Exner in 2013. File photo.

Carol Kaliff



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Barbara Tobin was struggling and turned to probate court for help managing her finances. The 61-year-old Milford resident was interested in getting a conservator involved.

The Milford-Orange court appointed attorney Kristan Exner in March of 2022, a regular pick of probate court judges across the state, to serve as conservator and assume control of Tobin's care and finances.

Barbara and Robert Tobin, her son, had recently renovated Barbara's Milford home, but were not quite sure what they would do with it next. A month after Exner was appointed, the home was sold to Fairfield resident Joseph Garin. Garin then went on to sell the home six months later for \$60,100 more than he bought it for.

Barbara Tobin has disputed in probate hearings and interviews how willing she was to sell the home originally, first telling the judge she felt coerced into the sale in January 2023. The sale came without approval from the probate court, which conservators are required by state law to get, and without disclosing any connection she had to the buyer.

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Exner would later testify during a hearing that she did not know Garin beyond a college math class they took together.



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Unknown to the Tobins and their lawyer was that in November 2021, five months before the sale, Exner had set up a company with Garin, according to Secretary of the State records. They are listed as the business principals with the same business and residential address in Westport, with Exner's married name, Sullivan, listed in the filings.

The Tobins have been on a three-year mission to get the house back, navigating the probate court process to have Exner removed as conservator, which she was in late 2022, and working to recoup financial compensation.

"Everything that's happened since has been an unimaginable violation of the life she worked so hard to build," said Robert Tobin, who became Barbara's conservator in 2023 and filed an ongoing lawsuit in state Superior Court alleging elder financial exploitation and neglect of Barbara Tobin by Exner.

"I cannot comment on active litigation, and will not engage in a back and forth on the filings of Mr. Kirschbaum," Exner said, referring to Robert Tobin's lawyer Damon

Kirschbaum, in an email response to questions about the Tobin case.

“Simply because someone creates an LLC does not mean that they did any business,” Exner’s attorney Christopher Harrington said in a probate conference this week. Exner had previously testified in 2024 to having not had any contact with Garin since college.

A review by CT Insider shows this was not the only time Exner, as court appointed fiduciary, sold a home to Garin without disclosing the relationship to the probate court, according to court and land records. In the other sale in 2023, Garin resold the property three months later for \$150,000 more than he bought it for.

Attempts by CT Insider to reach Garin by phone and email were unsuccessful.

The probate judge on the case has since reported the Tobins’ concerns about Exner’s conduct as fiduciary to the state’s bar committee after recently learning of the business connected with Garin.

Among the hundreds of conservatorships Exner has been assigned is the conservatorship of “S,” the man held captive in a Waterbury home by his stepmother for more than two decades. Exner was appointed in March to manage his medical care and a GoFundMe donation fund dedicated to his recovery that has now reached \$337,773.

“For a number of years I have been requested by the Probate Courts as Conservator around the State of Connecticut for complex and extreme abuse cases,” Exner said in a statement. “Many times the cases involve family members committing abuse and exploitation. Being a Conservator in this capacity is an extremely difficult, challenging, and sometimes physically dangerous role. I also serve as an attorney for many individuals with mental health needs and believe strongly in advocating for

their rights, along with protecting the rights of conserved individuals and helping them achieve independence."

"My role as Conservator for S is to protect his safety and well-being, and that is what I am doing," Exner continued.

Her role in the Tobin sale is facing heightened scrutiny after it was recently learned that Exner and Garin started a business together months before the first sale.

Kirschbaum submitted a request to have Exner referred for both criminal prosecution and disbarment by the probate court.

Concerns about Exner's conduct in the sale of Barbara Tobin's house surfaced in a probate administration executive committee meeting last week. In the meeting, the president of the committee, Judge Michael Darby, told the room of probate judges that both he and the probate administrator Judge Beverly Streit were reviewing a letter sent to them by the Tobins' lawyer on the matter.

The Tobins were shocked to learn of the quick second sale of the home at a higher price when it happened in October 2022, they said. The Milford-Orange Probate Judge Ben Gettinger required Exner to pay Barbara Tobin \$40,100 for the difference between the fair market value and the sale price of the home, according to a March decree.

Exner accepted the first offer on the home before the property was "adequately marketed" and without "any meaningful negotiation," Judge Gettinger wrote in the decision. The sale also lacked mandatory approval from the probate court that would have granted Exner the ability to sell the home after determining the sale was in the best interest of Barbara Tobin.

As far as Tobin's full estate goes, the judge noted that there was no evidence Exner "committed or engaged in the theft, fraud, embezzlement or the misappropriation of any estate funds." While the connection between Exner and Garin was questioned during a hearing as part of the termination process, it was not mentioned in the order.

Exner testified that she did not know Garin beyond the class together at the United States Merchant Marine Academy, and did not disclose their company, Mariners Investments. Mariners happens to be the name of sports teams at the Marine Academy where Exner and Garin attended college.

Exner said in her testimony that she did not know he intended to flip the property months later. She testified to have not been aware of the second sale of the home, the hearing recording shows, despite her signature as a witness on the deed.

Connecticut's conservator standards of practice, listed on the probate administration website, require that conservators avoid conflicts of interest when making decisions for the people in their care. The Standards also require that conservators gain court approval when entering into a transaction that may be a conflict of interest. State law requires conservators to adhere to the Standards of Practice.

Exner said in a statement to CT Insider that Connecticut statutes do not require the disclosure of a relationship to another attorney or a buyer in the sale of real property. Probate attorneys interviewed by CT Insider, however, said that a conservator who sells property to a friend or business partner without disclosing that relationship to the court would violate conservator standards of practice and governing statutes.

Conflicts of interest

Exner and Garin registered their company, Mariners Investments, five months before Garin purchased Barbara Tobin's house for \$334,900 in April of 2022.

It is not clear whether Exner and Garin maintained communication during the time period after Exner graduated from the academy in 2000 and before they formed the LLC. The LLC used the same email for Garin listed on real estate agreements for Barbara Tobin's home.

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land records.

Vincenzo Gallo and Exner worked together at Gallo's law firm, Gallo and Associates, until 2023, and have worked on legal matters together in the years since, according to probate records. Gallo and Exner are both listed as principals on a now-dissolved car sale company they set up together in 2023, according to [Secretary of State records](#), and their law firms have shared addresses and phone numbers. Attempts by CT Insider to reach Gallo by phone and email were unsuccessful.

Exner sold another home to Garin in December of 2023 as the court-appointed fiduciary of Southbury resident Mary Maier, who had died in 2017, according to probate court records and land records. Exner was appointed by the court to execute Maier's trust and estate on behalf of Maier's daughter, who Exner was a court appointed fiduciary for at the time.

Exner did not disclose her relationship to Garin to the probate court, according to court documents. Garin bought Maier's house for \$100,000 and sold it four months later in April of 2024 for \$250,000, property records show.

Legal associates of Exner's, namely her employee and an employee of the law firm Gallo and Associates that she has shared an address with, are listed in land records as witnesses to both sales.

Exner said in a statement to CT Insider that she was not associated with the second sale and that all probate procedures were followed in Maier's probate case. Exner did not complete an application to the court to sell the home, according to probate records.

One day after Garin resold Maier's house for \$150,000 more than he bought it for, Exner testified in a probate court hearing on the Tobin case that she had not had any contact with Garin since college.

"We didn't run in the same circles," Exner said in the hearing. She removed herself as an agent on the investment firm she registered with Garin a month after she testified, Connecticut public business records show.

When asked in the hearing why she failed to gain the necessary probate court approval for the sale of Tobin's house, Exner said in court that she misinterpreted the rules and was sorry she didn't bring the sale before the court.

"I made a mistake," she said.

Probate system questions

Conservators are appointed by the Connecticut Probate Courts to manage and oversee the financial affairs or care of a person that is either unable or incapable of doing so themselves.

Connecticut conservators, bound to the state's Standards of Practice, have a duty to act in the best interest of the conserved person when managing their finances.

Speaking generally, attorney Evan Brunetti of the Office of the Probate Court Administrator, a state office that oversees and supports the state's probate courts, said that it is the responsibility of the conservators themselves to be forthcoming when applying in probate court to sell a conserved person's home.

"If they were hiding that someone was their business partner, it would be a violation of probate law," said Brunetti. "The application is under penalty of perjury if they don't disclose it."

The conservator, when filing the petition to the probate court, must disclose any conflicts of interest they may have with the buyer and gain court approval for any transaction that may benefit themselves or a related party.

"We're trying to prevent self-dealing," Brunetti said.

Connecticut's Long Term Care Ombudsman Mairead Painter said in an interview that her office is generally aware of concerns from conserved people about financial exploitation by conservators during home sales.

"The risk of financial exploitation is always there," said Painter, who said she is concerned that probate court judges are not always made aware of all necessary information by conservators.

Even though someone may have a conservator and no longer be making their own financial decisions, they need to be kept aware and included in the decision making process alongside the court, Painter explained.

“People don’t lose their rights as citizens when they go into a nursing home,” Painter said.

Brunetti explained that it is the responsibility of the probate judges themselves to oversee matters of conservator conduct on a case by case basis, and that the probate judge administration has no overarching disciplinary abilities.

When the administration learns of an attorney’s disbarment, however, they will send a notice to the courts informing them that the individual is no longer able to be compensated by state funds as a conservator, Brunetti said.

In the motion filed last week in Milford probate court, Kirschbaum requested that Exner be referred to the Office of the State’s Attorney in Milford for prosecution and be disbarred.

“Kristan Exner had a legal duty to help and protect Barbara Tobin. Instead, she financially abused and exploited Barbara,” Kirschbaum said in an interview

“I filed the motion for disbarment to help protect other vulnerable people from Exner,” said Kirschbaum, who then spoke highly of Judge Gettinger who will be ruling on the motion in the coming weeks.

“I am confident that he will promptly do what must be done to protect people,” he said.

For Barbara and Robert Tobin, the stress of the ongoing cases regarding their Milford home has been extreme.

“I love my mom with all my heart,” Robert said. “She was fully capable of living a peaceful, comfortable retirement before this nightmare began more than three years

ago."

Have a tip you want to share? Email ella.napack@hearstmediact.com

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INVESTIGATIVE REPORTING FELLOW



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