

DaRos, Danielle, I-Team: The guardianship home grab, CBS12 News (May 20, 2024), <https://cbs12.com/news/local/i-team-the-guardianship-home-grab-institutionalized-house-anthony-palmieri-property-appraisal-buyer-fraudulent-value-florida-may-17-2024>

Three years ago, the CBS12 News I-Team reported on [Jan Garwood's guardianship nightmare](#): a Florida senior was declared "incapacitated" by a judge, and put under the control of a professional guardian, who quickly moved her into a memory care facility. Garwood was there for three years, until she finally fought her way out of the restrictive guardianship.

But while she won her rights and freedom back, she lost almost everything else.

"I said I wanted to go home, and they said, 'You don't have a home anymore,'" Garwood said.

Her home was sold not long after she was institutionalized.

The guardian did not have her property appraised, and didn't list it in a public database to find a buyer. Instead, Garwood's home was sold to an employee at the very assisted living facility where the guardian had placed her.

Florida Deputy Inspector General Anthony Palmieri investigates misconduct in the state guardianship system, and he calls Garwood's case one of the worst in an increasingly common trend: questionable real estate transactions in the guardianship system.

"Real estate is definitely something that has ticked up for our investigations," Palmieri said.

When a guardian is suspected of a crime, his Palm Beach County team is able to investigate and refer a case for criminal prosecution. In some cases, he has uncovered real estate sales that seem to enrich a whole network of other people -- leaving the ward without their most valuable asset -- and the security of their home.

Often, guardians petition the court to sell a ward's home, claiming that extra money is needed to pay for their ward's care. But when the sale price falls short of the home's estimated value -- and if the buyer goes on to quickly flip that home for a profit -- then the ward is the one getting ripped off.

"In my book, that's a problem," he said. "The guardianship is to serve the person that needs this intervention and this protection. So anything that's not giving them the fair value [of their asset] is problematic. I want to look at it."

Recently, Palmieri's team looked at a case involving a former real estate agent, turned professional guardian in Seminole County named Dina Carlson. An investigative report mentioned three real estate sales she initiated on behalf of her wards.

For one ward's property in Lake Mary, Carlson hired real estate agents Mark and Kimberly Adams: Mark was the listing agent, and Kimberly completed a "competitive market analysis" instead of getting the property appraised. Investigators wrote that they considered the CMA to be "fraudulent" because it undervalued the home. The Lake Mary property was never offered to the public, but was sold to a buyer for \$215,000. Three months later, the new owner flipped it for \$347,000.

"Is it a red flag if you see a home is sold and flipped for a much higher price?" The I-Team asked Palmieri.

"Definitely something that I would take notice of," he said. "I would want to understand the relationship, if any, between the guardian, the real estate agent, and subsequent buyers. I would look at those and connect the dots, to see if there are relationships that are improper and should have been reported to the court."

His report highlighted two other real estate sales that seem to include conflicts of interest.

For a ward's home in Apopka, Carlson used real estate agents Mark and Kimberly Adams to sell a home for \$120,000. It was sold the very day it was listed. Five months later, that buyer transferred the title of the home to Mark and Kimberly Adams, who then, one month later, sold the house for \$298,000.

In a third case, Carlson sold a ward's home in the desirable Orlando suburb of Winter Springs. She again used Mark and Kimberly Adams to sell the three-bed, three-bath property. It went for just \$195,000. The buyer who got such a good deal? Realtor Kimberly Adams' brother.

The I-Team reached out to Dina Carlson, Mark Adams and Kimberly Adams multiple times to ask them about these real estate sales, but they never responded to our messages.

Palmieri's report concluded that there was probable cause to suspect the trio had committed multiple crimes, including exploitation of the elderly, grand theft and scheme to defraud, and she sent a referral to the Florida Department of Law Enforcement. Without explanation, the FDLE declined to pursue those charges, writing in a memo that "no evidence was developed to substantiate a criminal predicate."

In a settlement agreement with the Office of Public and Professional Guardians, Carlson accepted a "reprimand" from the state, and agreed to take eight hours of continuing education courses, including a "Guardian Refresher" class.

"No one is holding anyone accountable," victim-advocate Hillary Hogue said.

After serving on Florida's Guardianship Improvement Task Force, Hogue believes more regulation and oversight must be required before a guardian is allowed to sell a ward's home. She believes requiring a certified appraisal is a start.