

STATEMENT

Your news blog "Mental Health, Story One: Deadly Neglect" on your web site, was incomplete and based on information from a disgruntled family member.

In the case you highlighted, Diane Class, you indicated that the Clay County Public Administrator had depleted her funds. The Public Administrator was not the conservator of the estate until February 2000. The previously appointed conservator resigned in February 2000. There was no oversight of Ms. Class' funds before February 2000 by the office of the Public Administrator. If you had reviewed the public probate file, you would have seen that the previous conservator (Donald Class) has made distributions of money to Anthony Smith, Diane's son, in the total sum of \$2,500 in his final settlement. No reason for these distributions is shown on his final settlement. Mr. Smith made requests of the office of public administrator for loans from his mother's estate after the office's appointment. Those requests were denied.

All income and expenses in Ms. Class' estate were submitted to the court in annual and final settlement statements filed by the conservator and were audited and approved by the Court. All monies in Ms. Class' estate, as administered by the Public Administrator's office were spent on her care.

The former conservator failed to turn over to the successor conservator any information on any health care insurance available to Ms. Class. The public administrator was unaware of the coverage because the documentation of any potential coverage was not forwarded from the previously conservator. The public administrator inquired of Donald Class about the coverage in 2004 and was informed that he did not have any documentation as to the insurance coverage.

The office of public administrator was eventually able to recover from the health insurance carrier \$6,500 of previously unpaid pharmacy bills. Those funds were restored to the estate of Ms. Class.

James A. Fluker
Asst. Clay County Counselor
Attorney for Office of Clay County Public Administrator