

**SUMMONS  
(CITACION JUDICIAL)**

SUM-100

**NOTICE TO DEFENDANT:** COUNTY OF FRESNO, NOE JIMENEZ, an (AVISO AL DEMANDADO): individual; REE BRUCE, an individual; and DOES 1 through 50, inclusive.

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**FILED**

**APR 27 2016**

FRESNO SUPERIOR COURT  
By \_\_\_\_\_ DEPUTY

**YOU ARE BEING SUED BY PLAINTIFF: PATRICIA A. CRAVEIRO  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es):  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO  
1130 "O" Street  
Fresno, CA 93721

CASE NUMBER 16 CE CG 0 1 3 32  
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Kimberly L. Mayhew, #199105 (559) 228-6700 (559) 228-6727  
Lang, Richert & Patch  
Post Office Box 40012  
Fresno, CA 93755-0012

DATE: APR 27 2016 Clerk, by C. Cogburn, Deputy  
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**NOTICE TO THE PERSON SERVED:** You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):  
under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify):
- by personal delivery on (date):

[SEAL]

1 Kimberly L. Mayhew, #199105  
2 Lang, Richert & Patch  
3 Post Office Box 40012  
4 Fresno, California 93755-0012  
5 (559) 228-6700 Phone  
6 (559) 228-6727 Fax

7 M:\36144\Pleadings\complaint.wpd\jd

8 Attorneys for Plaintiff PATRICIA A. CRAVEIRO

**FILED**

APR 27 2016

FRESNO SUPERIOR COURT  
By \_\_\_\_\_ DEPUTY

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF FRESNO

11 PATRICIA A. CRAVEIRO,

12 Plaintiff,

13 v.

14 COUNTY OF FRESNO, NOE JIMENEZ, an  
15 individual; REE BRUCE, an individual; and  
16 DOES 1 through 50, inclusive.

17 Defendants.

Case No. **16 CE CG 0 13 32**

**COMPLAINT FOR:**

1. **NEGLIGENT SUPERVISION AND TRAINING;**
2. **CONVERSION;**
3. **FINANCIAL ELDER ABUSE;**
4. **BREACH OF FIDUCIARY DUTY;**
5. **BREACH OF TRUST;**
6. **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS;**
7. **ACCOUNTING AND REMOVAL OF TRUSTEE;**
8. **ACTION ON BOND**

19 1. Plaintiff Patricia A. Craveiro (“Craveiro” or “Plaintiff”) is the daughter of decedent  
20 Kathleen Rankin Moore (“Moore” or “Decedent”) and beneficiary under the Kathleen R. Moore  
21 Revocable Trust (“Trust”) dated September 26, 2007. Plaintiff is a resident of the State of Oregon.  
22 At all times relevant hereto, Plaintiff was over the age of 65.

23 2. Decedent, a resident of Fresno County, California, died on February 22, 2014, at  
24 which time the Trust became irrevocable. On March 20, 2014, the Fresno County Public  
25 Administrator was appointed as successor trustee of the Trust. The Trust administration is venued  
26 in Fresno County Superior Court, Case No. 14 CEPR 00245.

27 3. Defendant County of Fresno oversees the Office of the Public Administrator and is  
28 legally responsible for the conduct of the Office of Public Administrator and its employees. The

1 Public Administrator manages estates and makes final arrangements for Fresno County residents  
2 who die without a will or any known relatives able or willing to act on the decedent's behalf to  
3 manage and resolve the estate. The Public Administrator is charged with managing the estate until  
4 distribution is completed.

5 4. Defendant Noe Jimenez ("Jimenez") was, at all relevant times, a Deputy Public  
6 Administrator employed by the County of Fresno. Plaintiff is informed and believes that thereon  
7 alleges that defendant Jimenez is, and at all relevant times was, a resident of the County of Fresno.

8 5. Defendant Ree Bruce ("Bruce") was, at all relevant times, employed by the County  
9 of Fresno in the Office of Public Administrator. Plaintiff is informed and believes that thereon  
10 alleges that defendant Bruce is, and at all relevant times was, a resident of the County of Fresno.

11 6. Defendants Jimenez and Bruce are sometimes herein collectively referred to as  
12 "Employees."

13 7. The true names and capacities of Defendants Does 1-50, inclusive, are unknown to  
14 Plaintiff, and Plaintiff therefore sues said Defendants by such fictitious names, pursuant to  
15 California Code of Civil Procedure section 474. Plaintiff will seek leave of Court to amend this  
16 Complaint to allege the true names and capacities of said Doe Defendants when ascertained.  
17 Plaintiff is informed and believes and thereupon alleges that each of the fictitiously named  
18 Defendants are responsible for the occurrences alleged herein and are liable to Plaintiff for the  
19 damages proximately caused thereby.

20 8. Plaintiff is informed and believes and, based upon such information and belief,  
21 alleges that at all times relevant hereto, defendants, and each of them, were the agents, employees,  
22 servants, partners, and/or joint venturers of each of the other defendants, and in doing or failing to  
23 do the things alleged herein were acting within the course and scope of such agency, employment,  
24 service, partnership, and/or joint venture.

25 9. Prior to Decedent's death, plaintiff, who resides in the State of Oregon, had been  
26 working with Fresno County officials, including but not limited to the Public Guardian's Office and  
27 Adult Protective Services, to attempt to obtain protection and assistance for Decedent. Decedent  
28 lived with and was being neglected and mistreated by Decedent's son, Craig J. Rankin, who is

1 plaintiff's brother. After several years of effort, on February 21, 2014, the day before the death of  
2 Decedent, plaintiff was finally told by the Public Guardian's Office that it intended to intervene on  
3 Decedent's behalf. Jennifer M. Segura, Deputy Public Guardian, stated that she had frozen  
4 Decedent's bank accounts. Due to Decedent's death, the Public Guardian never took over  
5 Decedent's assets or provided protection for Decedent. Plaintiff is informed and believes and  
6 thereon alleges that the accounts of Decedent were never frozen and the funds held in those  
7 accounts are unaccounted for.

8           10.     On or about February 24, 2014, following Decedent's death, plaintiff was referred  
9 by Segura to Jimenez for advice and guidance in administering the Trust. Jimenez immediately  
10 contacted a real estate agent and title company to obtain information regarding the value of  
11 Decedent's residence, 1381 West Roberts, Fresno ("House"), telling the title officer that the real  
12 estate agent needed the information "right away" and requesting her to "put a rush for him."

13           11.     On the same day, February 24, 2014, the real estate agent contacted Jimenez with  
14 the information regarding a reverse mortgage balance and taxes due on the House, saying "This  
15 would be a great one if we get it!"

16           12.     On February 25, 2014, Jimenez forwarded the information on the House to plaintiff,  
17 and plaintiff asked Jimenez if he could assist her in selling the House.

18           13.     On March 3 or March 4, 2014, plaintiff sent copies of Decedent's will and Trust to  
19 Jimenez at his request.

20           14.     On March 4, 2014, after reviewing the will and Trust and being given the  
21 information that the House would "be a great one" to get, instead of advising plaintiff how to  
22 become appointed as successor trustee so that she could administer the Trust and sell the House,  
23 Jimenez recommended to plaintiff that she allow the Public Administrator to administer the Trust,  
24 assuring her that his participation would keep her safe from her brother because "we have badges."  
25 Jennifer Segura of the Public Guardian's Office agreed, assuring plaintiff that the Public  
26 Administrator would get the estate settled and keep her safe.

27 ///

28 ///



1           15.     On the same date, March 4, 2014, Jimenez sent plaintiff the paperwork to renounce  
2 and decline to act as successor trustee of the Trust. Based on the representations of Jimenez,  
3 plaintiff signed over authority to the Public Administrator to administer Decedent's Trust.

4           16.     In March, 2014, plaintiff told Jimenez that she would like certain mementoes from  
5 the House, including family photos and an old wicker basket belonging to plaintiff's grandmother,  
6 which she had carried when she sailed around Cape Horn from England to North America just after  
7 the turn of the century before the Panama Canal was built. Plaintiff asked to be allowed to go to the  
8 House to retrieve items she wished to have, but Jimenez denied her access. Plaintiff estimated the  
9 contents of the House were worth between \$50,000 and \$100,000.

10          17.     In April, 2014, plaintiff again asked for the family photos and the wicker basket and  
11 was told by Jimenez that she could not enter the House to retrieve anything. Jimenez said the  
12 Decedent's personal effects could not be sold through an estate sale at the House, but would have  
13 to be taken to an auctioneer for sale. Plaintiff asked Jimenez to notify her when the auction was to  
14 occur so she could attend or have a friend attend.

15          18.     In June, 2014, plaintiff contacted Jimenez and asked about the auction date. Jimenez  
16 stated that it was too late because the House had been emptied and the contents had all been sold.  
17 Plaintiff stated that there were family papers housed in a file cabinet, family photos and the basket  
18 from England that had no value to anyone but her family, and that she was upset that everything had  
19 been sold. Jimenez relented, saying he believed he could possibly get the family papers and family  
20 photos—despite his prior statements that everything had been sold.

21          19.     In June, 2014, Jimenez notified plaintiff that there was an offer to purchase the  
22 House for \$230,000. Plaintiff was surprised at the low offer, as the House had appraised at  
23 \$220,000 but was listed for sale at \$325,000. Jimenez stated that he was required to sell the House  
24 at any offer that was above 90 percent of the appraised value. Jimenez stated that there were  
25 multiple liens on the House that would reduce the proceeds available to the beneficiaries, and stated  
26 that taxes needed to be paid before the proceeds could issue.

27     ///

28     ///

1           20.     Plaintiff is informed and believes and thereon alleges that County failed to maximize  
2 the value of the House for the benefit of the beneficiaries, and failed to properly account for the  
3 proceeds from the sale of the House.

4           21.     Plaintiff is informed and believes and thereon alleges that Employees directly or  
5 indirectly benefitted from the sale of the House.

6           22.     In October, 2014, after several attempts to pick up the family photos and family  
7 papers from Jimenez and/or Bruce, plaintiff met Jimenez and Bruce at the District Attorney's  
8 storage unit, where Jimenez and Bruce dumped the contents of a three-drawer file cabinet into the  
9 back seat of plaintiff's rental car and put boxes full of family photos in her trunk. That evening,  
10 plaintiff was able to sort through the photos and paperwork and realized that none of the photos was  
11 of her family. Plaintiff is informed and believes and thereon alleges that Jimenez and Bruce  
12 delivered to her the family photos belonging to another estate under the care of the Public  
13 Administrator.

14          23.     In November, 2014, Jimenez informed plaintiff that Decedent owed no taxes and the  
15 House had been sold.

16          24.     In November, 2014, plaintiff contacted the Fresno Auction Company to inquire  
17 about the personal items sold at auction. The Fresno Auction Company representative told plaintiff  
18 that Jimenez, Bruce and their friends and relatives had brought in items from Decedent's home and  
19 all items except an antique pool table had been sold for approximately \$9,300. The Fresno Auction  
20 Company representative said that Jimenez would have to provide plaintiff with an itemized list of  
21 what was sold and information regarding proceeds from the sale. On November 6, 2014, plaintiff  
22 asked Jimenez for an itemized list of what was sold at auction.

23          25.     In December 2014, plaintiff again contacted Jimenez and asked for an itemization  
24 of the personal items sold and a timeline for closure of Decedent's estate. Jimenez provided  
25 nothing.

26          26.     In February, 2015, and again in April, 2015, plaintiff called Jimenez for a status  
27 report. Jimenez stated that he had "done his part" and that he was waiting for others to do their  
28 parts and finalize the accounting before the estate could be closed.

1           27.     On May 11, 2015, and again on May 23, 2015, plaintiff asked for an accounting of  
2 the assets of the estate and information on the personal items sold at auction.

3           28.     On May 26, 2015, Jimenez responded, stating that he did not understand plaintiff's  
4 email asking for information and an accounting. Jimenez stated that they found no jewelry in  
5 Decedent's house, but all jewelry was in a safety deposit box held in name of Decedent and her son,  
6 Craig, and therefore became Craig's property upon Decedent's death. Jimenez stated no silver was  
7 found in the attic. Jimenez stated that he had told Fresno Auction Company to provide plaintiff a  
8 list of items that were Decedent's and item claimed by Craig to be his. Plaintiff never received any  
9 list of items taken from the House or sold at auction.

10          29.     The jewelry of Decedent and the contents of Decedent's safety deposit box are  
11 unaccounted for.

12          30.     In May, 2015, Jimenez forwarded to plaintiff a draft first and final account and report  
13 of successor trustee. The report showed that the House had been sold for \$230,000, of which nearly  
14 \$214,000 was used for mortgage payoff, title and escrow charges, broker's commission, taxes, and  
15 "miscellaneous charges" (not itemized) of approximately \$18,500. Including the receipt of  
16 approximately **\$8,100**, which plaintiff is informed and believes reflects the total proceeds for all of  
17 Decedent's personal property, the total property on hand in Decedent's estate was listed at  
18 approximately \$25,000. Of the \$25,000, the Public Administrator sought "commissions, fees and  
19 costs" of about \$18,000, including to pay itself approximately \$9,000 (including \$1,248 in  
20 "extraordinary services"), and sought to pay a bond fee of approximately \$600, leaving  
21 approximately **\$7,600** for distribution to the two beneficiaries. The proposed share to plaintiff was  
22 **\$3,824.60**.

23          31.     The proposed first and final accounting was filed on May 28, 2015, and dismissed  
24 without prejudice on June 26, 2015

25          32.     In May, 2015, plaintiff was first put on notice of the wrongdoing of County and  
26 Employees when she was contacted by an investigator from the Fresno County District Attorney's  
27 Office.

28     ///

1           33. Plaintiff is informed and believes and thereon alleges that the events and occurrences  
2 alleged herein, including but not limited to thefts from Decedent's estate, took place between March  
3 20, 2014, the date the Public Administrator was appointed successor trustee, and May, 2015, when  
4 plaintiff first discovered through an investigator at the Fresno County District Attorney's Office that  
5 Decedent's estate had been looted by Employees and County.

6           34. Plaintiff is unaware of all of the contents of Decedent's home that were taken by  
7 Employees because Employees and County concealed the conduct of Employees. Plaintiff is  
8 unaware whether other County employees were responsible for the thefts but will amend to add  
9 those individuals as Doe defendants their identities and involvement are discovered.

10          35. Plaintiff asked Jimenez multiple times for a list of items in Decedent's house and  
11 a list of items sold at auction.

12          36. Plaintiff requested multiple times that she be allowed to have, or purchase, family  
13 keepsakes, photos, etc.

14          37. At the time of the thefts, Employees were performing their express duties, which  
15 were to take possession, custody and control of personal items in Decedent's estate as part of the  
16 administration of the Trust. Employees were expressly charged with arranging for the sale of  
17 Decedent's personal items, heirlooms and family belongings; delivering those items for sale; and  
18 collecting and accounting for the proceeds of the sale.

19          38. The theft of Decedent's personal property occurred while Employees were  
20 performing their job duties as charged by County. Plaintiff is informed and believes and thereon  
21 alleges that the Employees either took the personal property, or sold the personal property and took  
22 the proceeds, for their own use and benefit.

23          39. County allowed the thefts to occur based on County's lack of training for its  
24 employees, lack of oversight, and lack of a workable system that held employees accountable for  
25 the proceeds of estates they administered. County failed to monitor its employees and had no system  
26 of checks and balances in place to ensure that all personal property physically taken from the estate  
27 of a decedent was accounted for and the proceeds of any sale delivered to the decedent's family  
28 members.





1 Administrator to administer estates when no family member was available to do so. County knew,  
2 or in the exercise of reasonable diligence should have known, that the risk of tortious injury to  
3 members of the public served by the Office of Public Administrator was foreseeable in that it was  
4 an inherent risk in the particular arena of public administrators that an employee with no oversight  
5 or accountability would steal from the estates of unprotected decedents. Those served by the Office  
6 of Public Administrator are a particularly vulnerable population in that the only reason the Public  
7 Administrator is involved in administering a trust or estate is that the decedent has no family and/or  
8 has no individual able to finalize the decedent's affairs. The Office of Public Administrator  
9 recognizes this heightened vulnerability on its website  
10 (<http://www.co.fresno.ca.us/DepartmentPage.aspx?id=64240>) stating: "The Public Administrator  
11 manages estates and makes final arrangements for Fresno County residents who die without a will  
12 or any known relatives able or willing to act on the decedent's behalf to manage and resolve the  
13 estate." Inherent in this formidable power over so vulnerable of a population is the potential for  
14 such abuse.

15 48. Notwithstanding the knowledge that there was a foreseeable, undue and special risk  
16 that Employees would steal from estates where there was no family to monitor the disposition of  
17 decedents' personal assets, County did not adequately train, monitor, oversee or supervise  
18 Employees in their performance of their tasks of gathering personal property, selling the personal  
19 property and ensuring that the proceeds of sale were distributed to the rightful beneficiaries.

20 49. The failure of County to adequately train, supervise and monitor Employees was the  
21 legal cause of plaintiff's injury and damages.

22 **SECOND CAUSE OF ACTION**  
23 **(CONVERSION - AGAINST ALL DEFENDANTS)**

24 50. Plaintiff herein incorporates paragraphs 1-44, inclusive, as though fully set forth  
25 herein.

26 51. As a beneficiary of the Trust, plaintiff was the rightful owner of all personal and  
27 family items in her mother's estate with the right to possession of the tangible personal property  
28 upon the death of her mother on February 22, 2014.



1 jewelry, family photos, family papers, furniture, china and silver, vested in plaintiff as Trust  
2 beneficiary.

3 60. Upon Decedent's death on February 22, 2014, the Trust became irrevocable and  
4 plaintiff's right vested to the assets of the Trust and/or the proceeds from those assets, including but  
5 not limited to the House.

6 61. The conduct of County and Employees constitutes financial abuse under Welfare &  
7 Institutions Code section 15657.5 *et. seq.*, as defined in Welfare & Institutions Code Section  
8 15610.30. Welfare & Institutions Code section 15610.30 reads in pertinent part as follows:

9 (A) "Financial Abuse" of an elder or dependent adult occurs when a person or entity does  
10 any of the following:

11 (1) takes, secretes, appropriates, or retains real or personal property of an elder or  
12 decedent adult to a wrongful use or with intent to defraud, or both.

13 (2) assists in taking, secreting, appropriating, or retaining real or personal property  
14 of an elder or dependent adult to a wrongful use or with intent to defraud, or both.

15 62. At all relevant times, Employees took and/or assisted in the taking of property from  
16 plaintiff for their own use and/or with intent to defraud. Plaintiff trusted and relied on County and  
17 Employees to act as a fiduciary protecting the rights of plaintiff as a beneficiary.

18 63. As a direct and proximate result of the foregoing conduct, plaintiff has suffered  
19 damages in an amount to be proven at trial.

20 64. Employees' and County's conduct constitutes financial abuse under Welfare &  
21 Institutions Code section 15657 *et. seq.* as defined in Welfare and Institutions Code section  
22 15610.30. The conduct was reckless, oppressive, fraudulent and malicious within the meaning of  
23 Welfare and Institutions Code section 15657 *et. seq.*, entitling plaintiff to exemplary damages.

24 65. Under Civil Code section 3345, County and Employees are liable for treble damages  
25 and penalties. Defendants knew or should have known the conduct was directed at an elder person  
26 and/or senior citizen which led to defrauding plaintiff who, as beneficiary, has actually suffered  
27 substantial economic damages resulting from defendants' conduct.

28 ///



1 agency. Defendant County is, therefore, liable to plaintiff for the acts of Employees as heretofore  
2 alleged.

3 **FIFTH CAUSE OF ACTION**

4 **(BREACH OF TRUST - AGAINST ALL DEFENDANTS)**

5 76. Plaintiff herein incorporates paragraphs 1-44, inclusive, as though fully set forth  
6 herein.

7 77 County became successor trustee on or about March 20, 2014, upon appointment by  
8 the court. From and after that date, County breached its duties as successor trustee by failing to  
9 diligently prosecute its obligations as successor trustee by, including but not limited to:

10 -Failing to administer the trust solely in the interest of the beneficiaries. (Prob.  
11 Code, § 16002, subd. (a));

12 -Breaching its duty not to use or deal with trust property for the trustee's own profit  
13 or for any other purpose unconnected with the trust, nor to take part in any transaction in which the  
14 trustee has an interest adverse the beneficiary. (Prob. Code, §16004, subd. (a)).

15 78. Probate Code section 16420 provides:

16 (a) If a trustee commits a breach of trust, or threatens to commit a breach of trust, a  
17 beneficiary or cotrustee of the trust may commence a proceeding for any of the following purposes  
18 that is appropriate:

19 (1) To compel the trustee to perform the trustee's duties.

20 (2) To enjoin the trustee from committing a breach of trust.

21 (3) To compel the trustee to redress a breach of trust by payment of money or  
22 otherwise.

23 (4) To appoint a receiver or temporary trustee to take possession of the trust property  
24 and administer the trust.

25 (5) To remove the trustee.

26 (6) Subject to Section 18100, to set aside acts of the trustee.

27 (7) To reduce or deny compensation of the trustee.

28 ///



1 (8) Subject to Section 18100, to impose an equitable lien or a constructive trust on  
2 trust property.

3 (9) Subject to Section 18100, to trace trust property that has been wrongfully  
4 disposed of and recover the property or its proceeds.

5 79. In light of County's breach of its duties as successor trustee, plaintiff seeks any and  
6 all available remedies from this Court necessary to redress the breach of trust.

7 80. At all times herein mentioned, Employees were the agents and employees of County  
8 and, in doing the acts herein described, were acting in the course and within the scope of their  
9 authority as agents and employees, and in the transaction of the business of the employment or  
10 agency. Defendant County is, therefore, liable to plaintiff for the acts of Employees as heretofore  
11 alleged.

12 **SIXTH CAUSE OF ACTION**

13 **(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS- AGAINST COUNTY)**

14 81. Plaintiff herein incorporates paragraphs 1-44, inclusive, as though fully set forth  
15 herein.

16 82. As successor trustee of the Trust, County owed the Trust beneficiaries a fiduciary  
17 duty and duties of loyalty, integrity, honesty and utmost care.

18 83. County knew or should have known that its failure to exercise due care in the  
19 performance of its duties as successor trustee and fiduciary would cause plaintiff, as beneficiary,  
20 severe and serious emotional distress.

21 84. County breached its duties to plaintiff by failing to train, supervise and monitor its  
22 employees who were charged with responsibility to care for the estates of the most vulnerable of  
23 populations: decedents who had no family member able to manage and resolve their estates.

24 85. As a proximate result of County's breach of its duties, plaintiff has suffered serious  
25 mental and emotional stress, upset, anxiety and depression due to the conduct of County's  
26 employees, all to her damage. A reasonable person would be unable to adequately cope with the  
27 mental stress engendered by the circumstances faced by plaintiff.

28 ///



1           93.     County breached the conditions of the bond by failing to protect and manage the  
2 Trust corpus after the death of Decedent and failing to fulfill its fiduciary obligations as successor  
3 trustee and breaching its duties of loyalty, integrity, honesty and utmost care.

4           94.     As a proximate result of County's breach, plaintiff suffered damage and loss when  
5 her inheritance was stolen, depriving her of her deceased mother's personal items, family heirlooms,  
6 irreplaceable and invaluable family photos, antiques, fine jewelry, china, crystal, silver, pewter, fine  
7 furniture, linens, bedding, and a Brunswick antique Saratoga hand-carved pool table (circa 1880).

8           Wherefore, plaintiff prays:

9           1. For actual damages in an amount according to proof;

10          2. For an order surcharging County for its breach of trust and breach of fiduciary duties  
11 (Prob. Code, §§ 16420, subd. (a)(3));

12          3. For damages assessed on account of acts of elder abuse, including but not limited to  
13 actual damages, exemplary and punitive damages, and attorney fees and costs;

14          4. For exemplary damages in an amount necessary to punish defendants and each of them  
15 for their egregious and wrongful conduct;

16          5. For emotional distress damages;

17          6. For costs of suit incurred herein;

18          7. For attorney fees and costs incurred in bringing this action; and

19          8. For any and all such other and further relief as the court may deem just and proper.  
20

21 Dated: April 27, 2016

LANG, RICHERT & PATCH, P.C.

22  
23 By Kimberly L. Mayhew  
24           Kimberly L. Mayhew  
25           Attorneys for Plaintiff PATRICIA A. CRAVEIRO  
26  
27  
28



# CLAIM FOR DAMAGES

County of Fresno

**THIS CLAIM MUST BE SUBMITTED BY MAIL OR PERSONAL DELIVERY. DO NOT E-MAIL.**

**Presentation of a false claim is a felony (CA Penal Code, Section 72)**

**NOTE:** Claims for bodily injury or death, damage to personal property or damage to growing crops must be filed not later than six (6) months after the occurrence out of which the claim/claims arose. All other claims must be filed not later than one (1) year after the occurrence out of which the claim/claims arose. (CA Government Code, Section 911.2)

**DIRECTIONS:** File the original and one (1) copy of this form with the County of Fresno, Clerk to the Board of Supervisors, Hall of Records, Room 301, 2281 Tulare Street, Fresno, CA 93721.

Name of Claimant (Injured or damaged party)	<input type="checkbox"/> Mr.	Craveiro (Rankin)	
	<input type="checkbox"/> Mrs.	Last	Ann
	<input checked="" type="checkbox"/> Ms.	First	Patricia
		Date of Birth	2 / 27 / 1948

Home Address and Telephone Number

61045 River Bluff Trail		
Number and Street Address	OR	97702
Bend	State	Zip Code
City		
<b>Telephone Number</b> (541) 280-1085		

Social Security Number and Gender	555 - 74 - 3536	Gender: <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
	Social Security Number	

Business Address and Telephone Number	same	
	Number and Street Address	
	same	
	City	State
<b>Telephone Number</b> (541) 280-1085		
Zip Code		

Where would you like notices sent?	<input checked="" type="checkbox"/> Home	<input type="checkbox"/> Business	<input type="checkbox"/> Attorney
------------------------------------	--	-----------------------------------	-----------------------------------

When did the injury or damage occur?	4 / 30 / 2015	Thursday	2 : 00	<input type="checkbox"/> AM
	Month/Day/Year	Day of Week	Time of Day	<input checked="" type="checkbox"/> PM

Where did the injury or damage occur?	1381 W. Roberts Lane, Fresno CA 93711
---------------------------------------	---------------------------------------

	Street address, intersection or other location
--	--

<b>How did the injury or damage occur?</b>	My deceased mother's estate property contents stolen by DA officers
	when taking items to auction. CA Dept of Justice is investigating thefts
	My mother's belongings were valued over \$50,000
	Auctioneers sold less than \$10,000
	I have requested many times a list of what was sold so I could know what what was taken from house by DA staff

<b>Names and telephone numbers of witnesses</b>	Bryon Ciapessoni, DA Office Investigator	(559) 600 - 4322
	KathleenMckenna Dept of Justice Attorney	(559) 600 - 2115
	Lisa Smittcamp, DA Fresno Coounty	(559) 600 - 1830

<b>Names of County employees involved</b>	Noe Jimenez, DA Officer
	Ree Bruce, DA Officer Assistant
	Steve SanbastiFresno County Auctioneers

<b>Police Agency and Police Report Number</b>	DA Office of Public Administration Criminal Investigation,	D/K
	Name of Police Agency	Report Number

<b>What action or inaction of the County or its employee(s) caused your injury or damages?</b>	I believe the DA's office employees stole contents from my Mother's estate
	Kathleen Rankin Moore, deceased 2-22-14, 1381 W. Roberts Ln, 93711
	DA reps above assumed trust and will and property 3-20-14
	DA reps stole contents of the house and property as per 4/2015 report
	DA reps refused me access to estate contents and house after death

<b>What injuries or damages did you suffer?</b>	Loss of my deceased mother's possessions, furniture, house contents
	personal artifacts, jewelry, antiques, chystal and china, silver,
	all family photographs and heirloom collectables and family records
	stolen truck-see list of contents "sold" vs missing from Mr. Ciapessoni

<b>Total amount claimed</b>	\$72,150
-----------------------------	----------

**DIRECTIONS: SIGN AND DATE THIS Claim for Damages below.**

**NOTE:** If the signer is not the claimant, please indicate relationship of signer to the claimant (e.g.,

parent, attorney, etc.), and include full address.

Signature: *Patricia Craveiro*

Date (month/day/year) 07 / 15 / 2015

Patricia (Rankin) Craveiro

(Type or Print name)

61045 River Bluff Trail, BEND

OR 97702

Number and Street Address

City

State

Zip Code

Relationship to Claimant, SELF  Daughter  *Deceased Kathleen Rankin Moore*

Telephone Number: (541) 2801085

**DIRECTIONS: Attach to this completed and signed form any bills for medical treatment and expenses, and any estimates or bills for repair/replacement of damaged personal property.**



## Replacement Costs for Missing Property in Kathleen Rankin Moore Trust

1890 Brunswick-Balke Mahogany Saratoga antique pool table pristine condition value @ \$20,000 (and sold at an irresponsible pittance)

2005 Ford 350 Special Edition Harley Davidson Truck stolen from back yard after County took possession of estate value @ \$5,000

Harley Davidson chromed show bike circa 1970 value @ \$3,000

Hand carved walnut china curio case with curved glass and claw feet, approximately 5' by 7' large @ \$5,000

Antique Chrystal bowls, pitchers, aperitif cordials, serving dishes, steins, crudité set, and glasses value @ \$4,000

Duncan Fife cherry wood dining room table and 8 chairs plus hutch cabinet value at \$3,000

Duncan Fife master bedroom set including bed, dresser, side dresser, vanity and chair value @ \$5,000

Ethan Allen authentic Grandfather Clock value at \$1,500

American made pewter sets of 12 long stemmed water goblets, 12 long stemmed wine goblets value @ \$1,800

American Pewter pitchers, charger plates, tea service, and various serving dishes value @ \$3,000

Original Cabbage Patch dolls, at least a dozen, never opened in original packaging value @ \$300

Original Madame Alexandra Merry Pussycat doll still in box value @ \$250

Solid maple Ethan Allen bedroom set including bed frame, headboard, bookcase, dresser and desk value @ \$2,000

Living room furniture including heirloom antique sofa, 2 side chairs and 3 end tables with lamps value @ \$1000

Antique Chrystal luster mantel candle stand lights (set of 2) @ \$1,000

Family room furniture (sectional, 3 chairs, large glass coffee table, end tables, wall to wall bookcase, antique side board, and bric-a-bracs value @ \$3,000

**Page 2 of 2: Kathleen Rankin Moore Trust Estate Replacement Costs**

Breakfast nook furniture including antique apothecary chest, dining table and 4 chairs, solid maple phone chair with desk arm, china hutch, contents value @ \$2,000

Grandfather's vintage wood Spalding tennis racquets (Washington State University Captain of Tennis Team circa 1940) value @ \$ 300

Dining room bone china table ware sets, great grandmother's bone china tea cup collection, various pieces of hand painted Spode china and assorted serving dishes value @ \$2,000

Vintage 1940 clothing including ball gowns, suits, furs, gloves, lingerie value @ \$1,000

Complete woman's wardrobe contents including coats, hats, business attire, leisure attire, shoes, purses, costume jewelry value @ \$3,000

Precious stone and gold and silver jewelry including large oval jade ring, garnet ring, ruby ring flanked by diamonds, 2 diamond rings, gold hoop earrings, diamond bracelet, opal ring and matching earrings, pearl necklace and matching earrings, Grandfather's retirement gold pocket watch and chain, and Daughter's 1967 Delta Gamma Sorority Anchor Active Pin value @ \$5,000

**All** formal and informal family portraits, framed photographs, photo albums and family picture memories value @ **PRICELESS**

Grandmother's wicker antique personal travel basket from her immigration sailing trip from England to North America around South America Cape Horn containing glass cosmetic and poultice jars, photos of family members lost in WWI and WWII, marriage and death certificates of family members, correspondence between Great Aunt Lilly Taylor and Grandmother Edith Taylor Bodkin from 1910 to 1955, mother of Kathleen Rankin Moore value @ **Irreparably PRICELESS**

**Statement:** The items listed above are but a skeleton listing of the contents of my mother's estate and home. It does not include generic household items, bedding, and decorations. While many may have actually made their way to the auctioneer's liquidation process it is obvious they were not dealt with in a manner that reflected their value and worth. To my knowledge no "estate auction" was held on behalf of my mother's trust and contents. I believe that many of the belongings were taken by those representing the Office of Public Administration prior to ever being placed in the possession of the auctioneer. Additionally, many of the items that were sold were done so in an irresponsible and ignorant manner belying the value and respect of such items. An example of this is the 1890 perfect vintage Saratoga Brunswick Balke pool table. Replacement costs for these items alone is at \$72,150.

*Patricia Rankin Cravino, Daughter*  
7/15/15



# County of Fresno

DEPARTMENT OF PERSONNEL SERVICES  
PAUL NERLAND  
INTERIM DIRECTOR

August 17, 2015

Patricia Craveiro  
61045 River Bluff Trail  
Bend, OR 97702

Claimant: Patricia Craveiro  
Date of Loss: ?  
Our Claim No.: 9407

Dear Ms. Craveiro:

The County received your claim for damages filed against the County of Fresno on behalf of your client on 08/03/2015. The potential claim is insufficient in that it fails to meet the requirements of Government Code Section 910 for the following **insufficient information**:

1. Date the loss of possession occurred

You may amend the claim to conform to the Government Code. Failure to amend the claim within 15 days of this notice will result in its rejection as being insufficient.

Such claim must be received by the County at the office of the **Clerk to the Board of Supervisors** within six months of the incident, which gives rise to the claim.

If you have any questions, please call my office at (559) 600-1850.

DATE OF MAILING: August 17, 2015

Sincerely,

Tracy Meador  
Personnel Services Manager  
Risk Management Division  
Personnel Services

TM:db

Attachment(s)

*Connie Yes, Personnel Analyst*

*eyee @ CO FRESNO, CA, US*

*tmeador @ US, FRESNO, CA, US*

*8/24/15  
2:30 PM*

*listed to  
✓ by [unclear]*

2220 Tulare Street 16<sup>th</sup> Floor, Fresno, California 93721  
FAX (559) 455-4792 [www.co.fresno.ca.us](http://www.co.fresno.ca.us)

Administration	600-1800	Employee Benefits	600-1810
Employment Services	600-1830	Employment Verification	600-1820
Labor Relations	600-1840	Risk Management	600-1850

Equal Employment Opportunity Employer

Yee, Connie  
RE: Amendment to claim for damages to deceased estate # 9407  
August 31, 2015 at 9:40 AM  
Patti Craveiro

Hi Patti,

Can you please send this to:

County of Fresno  
Clerk to the Board of Supervisors  
Hall of Records, Room 301  
2281 Tulare Street  
Fresno CA 93721-2198

The code requires that the Leave to Present a Late claim goes directly to the Board.

Thank you and have a great week.

Connie Yee  
Personnel Analyst, Fresno County  
Department of Personnel Service-Risk Management  
(559)600-1854  
Fax (559)455-4792  
Mail Stop 188

**CONFIDENTIALITY NOTICE:** This e-mail may contain confidential information. Do not read this e-mail if you are not the intended recipient. This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain confidential information. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is **STRICTLY PROHIBITED**. If you have received this transmission in error, please immediately notify us by forwarding this to [Personnel-RiskManagement@co.fresno.ca.us](mailto:Personnel-RiskManagement@co.fresno.ca.us) or by telephone at (559) 600-1850, and destroy the original transmission and its attachments without reading or saving it in any manner. Thank you.

—Original Message—

From: Patti Craveiro [mailto:[patti.craveiro@gmail.com](mailto:patti.craveiro@gmail.com)]  
Sent: Friday, August 28, 2015 5:34 PM  
To: Yee, Connie  
Cc: Meador, Tracy  
Subject: Amendment to claim for damages to deceased estate # 9407

Dear Ms. Yee:

I am responding to the letter sent to me from Tracy Meador dated August 17, 2015 in regards to the Fresno County Office of Public Administration claim damage form I submitted on behalf of my deceased mother's estate.

Thank you for speaking with me earlier this week, Ms Yee and for giving me the opportunity to share additional information in regards to this claim. As noted in Ms. Meador's letter pursuant to Government Code Section 910 my claim as filed must be amended to provide "the date the loss of possession occurred".

As we discussed on the telephone this week I am not able to provide a specific date per se in regards to the theft of my mother's estate contents by the Public Administration officials and others who entered her house to remove its contents or the dispersement and sale of items taken to auction or not.

The date I listed on the Public Administration's website "Claim for Damages" was the date closest to when I remembered first speaking with the DA's Office detective, Mr. Byron Ciapessoni, who called me to initiate conversation about possible stolen items including specific jewelry pieces which I was able to identify. (559.600.4322) At that time I realized for the first time that my concerns about mismanagement

EXHIBIT C

of my mother's assets was very real as per my conversation with Mr. Ciapessoni and his disclosure that he was conducting an investigation. Eventually I learned his work was looking into the potential mismanagement of deceased victims' estates and he did share with me that some jewelry was pawned after the house had been vacated and emptied but I do not know when that was.

When Mr. Ciapessoni called me I had just gotten home from having major surgery in the hospital and 12 days of inpatient care which included medication for post surgery pain management so my notes around the date of his call may not be quite right but I remembered it as the end of April or beginning of May. Hence, the date I put on the filed form was for 4/30/15, Thursday around 2 pm. I understand this may not be exactly accurate but it is the best of my recollection. Actual proof of criminal misdoing was sent to me via Mr. Ciapessoni with a link to The Fresno Bee article on June 4, 2015 which exposed the alleged criminal activities.

Here are some other relevant dates for the time frame in which the thefts may have occurred:

I formally transferred the executor rights to my mother's estate to Fresno County Office of Public Administration in early March and gave Mr. Jimenez the keys to my mother's home. I received an email dated March 20, 2014 via Kathy Tigchelaar and Noe Jimenez and copied to Heather Kruthers and Melody Long that the court had approved the appointment of the Office of Public Administration as the trustee of my mother's estate that very day.

At some point, I assume, between that March 20th date and the date after the house was sold by the County (I don't know when that was but I think in May or June, 2014) the contents must have been emptied by those hired and in charge of liquidating my mother's estate. I asked to be notified of when the contents would go to auction but I was never given a date and when I called to check in June or July (I am sorry I don't remember exactly) I was told it had already happened and that the house was empty.

I wrote several emails of concern to Mr. Jimenez during the time I turned over my mother's house keys in March, 2014 up until May 31, 2015 asking for explanations of what had happened or was happening to my mother's things. I got a call around June 1, 2015 (a Monday) from Mr. Ciapessoni letting me know that Mr. Jimenez and others had been relieved of their jobs and were facing criminal charges for stealing contents of estates and that my mother's estate was one of those that was plundered. Hence, he let me know that I would not be getting any answers to my emails from Mr. Jimenez.

Since then I have had calls from Kevin Wiens, Office of Public Administration lead administrator and Tony Bennink, DA Office Lead Investigator. Both have confirmed that my mother's estate was one of those violated.

Ms. Meadow suggested I call them back to get an accurate date of theft from them and I did that on Monday this week but it is now Friday and I have not heard back from them. I suspect that because they are involved in the criminal aspects of this event that such information is part of their legal "discovery" documentation and that they are not able or willing to release any information to me at this time or until it goes to court.

So, to make a long story short, I am not really certain as to when actual thefts occurred but I am thinking it must have been between the time I turned over the keys and the court appointed the County of Fresno as Trustee in the spring of 2013 and the call I got from Mr. Ciapessoni at the end of April or beginning of May this year confirming a problem existed.

Please advise me as to how and if you need additional information or forms filled out to be able to affirm this claim (#9407) as acceptable and sufficient. Out of respect to my deceased mother and my legal rights as an heir I do believe the approval of this claim is the ethical and appropriate thing to do.

I appreciate your help and any guidance or suggestions you may have for me. If you would prefer I send this amended response via registered mail to your office I am quite willing to do so. Please let me know you have received this amendment and that is it adequate.

Thank you.

Sincerely,

Patricia Craveiro, Daughter of Kathleen Rankin Moore (deceased)

Patricia Craveiro  
61045 River Bluff Trail  
Bend, OR 97702

On Behalf of Patricia Craveiro  
Claim No. 9407

457 2000

Clerk, Board of Supervisors  
Room 301, Hall of Records  
Fresno CA 93721 488-3529

### NOTICE OF REJECTION OF CLAIM

NOTICE IS HEREBY GIVEN that the claim, which you presented to the Fresno County Board of Supervisors on August 3, 2015, was rejected on October 27, 2015.

### WARNING

Subject to certain exceptions, you have only (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. (See Government Code Section 945.6) "The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act." You may seek the advice of attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

2/19/18  
(559) 600-3529 7, out to lunch  
Bernice Seidel reached "Sherrin"

EXHIBIT D



1 IN THE MATTER OF A CLAIM FOR )  
2 DAMAGES AGAINST FRESNO COUNTY )  
3 FILED ON BEHALF OF PATRICIA CRAVEIRO)

DENIED

4  
5 Acting upon the recommendation of the Claims Review Committee and upon motion duly  
6 made, seconded and carried, IT IS ORDERED that the claims for damages submitted by  
7 Patricia Craveiro, 61045 River Bluff Trail, Bend, OR 97702, in the amount of \$72,150, filed on  
8 August 3, 2015, is hereby DENIED.

9  
10 THE FOREGOING was passed and adopted by the following vote of the  
11 Board of Supervisors of the County of Fresno this 27<sup>th</sup> day of October, 2015, to-wit:

12 AYES: Supervisors Borgeas, Mendes, Pacheco, Perea, Poochigian,

13 NOES: None

14 ABSENT: None

15  
16   
17 Deborah A. Poochigian  
CHAIRMAN, Board of Supervisors

18 **ATTEST:**  
19 BERNICE E. SEIDEL  
20 Clerk, Board of Supervisors

21 By   
22 Deputy

23 Agenda Item #43  
24 Resolution #15-536

25  
26 Claim No. 9407  
27  
28

PROOF OF MAIL

(1013z, 2015.5 C. C. P.)

1 STATE OF CALIFORNIA )

2 COUNTY OF FRESNO )

3  
4 I am a citizen of the United States of America and a resident of the county  
5 aforesaid; I am over the age of eighteen years and not a party to the within above-entitled action;  
6 my business address is 2220 Tulare Street, 16th Floor, Fresno, California 93721.

7 On the 2<sup>nd</sup> day of November, 2015, I served a copy of the  
8 Attached Notice of Regular Rejection and Denial  
9 on the Claimant  
10 in said action by placing a true copy thereof in a sealed envelope with postage thereon fully  
11 prepaid, in the United States Post Office mail box in the City of Fresno, County of Fresno,  
12 State of California, addressed as follows:  
13

14 Patricia Craveiro  
15 61045 River Bluff Trail  
16 Bend, OR 97702

17 that there is delivery service by United States mail at the place so addressed or that there is a  
18 regular communication by mail between the place of mailing and the place so addressed.

19 I hereby certify under penalty of perjury that the above is a true and correct  
20 statement.

21 Signed at Fresno, California, this 2<sup>nd</sup> day of November, 2015

22  
23  
24   
25 Debbie Baten  
26 Personnel Technician

27 ///

28 ///

///



**County of Fresno**  
PERSONNEL DEPARTMENT  
RISK MANAGEMENT  
2220 Tulare Street, Suite 1600  
Fresno, California 93721

RETURN SERVICE REQUESTED



Patricia Craveiro  
61045 River Bluff Trail  
Bend, OR 97702

97702198845

