

Catalina Foothills Association

www.catalinafoothillsassociation.org

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Devoted to the preservation of the unique residential character of the Catalina Foothills

Fall 2008

Learning from Latest Tucson Annexation Probe

By James Snedden

Most of you are aware by now that Tucson made another attempt at annexing a portion of the foothills. The area in question was a relatively small (72 homes) in our Area #2. The area in question is North of River Road roughly between Camino Real and Hacienda del Sol.

It is the city's policy to pursue annexation if they receive a query requesting annexation from someone living in a possible



annexation area. In this case there were four residents who originally expressed an interest in annexation. Subsequently one of those four signed a petition opposing the drive to annex. The resident leading the pro-annexation drive did

so after experiencing poor response time by Southwest Ambulance Service, which is owned by Rural Metro. After calling 911 when his spouse was facing a life-threatening situation, he waited more than 20 minutes before emergency help arrived. Under the circumstances, when five miles away on the corner of River Road and First Avenue the city has an operational fire station, it is understandable that the resident in question would not only be disturbed, but livid, that he almost lost his spouse because of abysmally poor emergency service.

When the CFA Board was alerted about the proposed district, I contacted the city and requested to view all documents pertaining to the proposed annexation. I verified from the documentation which included all notes from telephone calls, e-mails and letters, that indeed four people did express an interest, but three of the four did so after being solicited by the originating resident who had experienced poor emergency service. I could see no evidence where the other three had

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Hacienda del Sol

What do the Campbells (like in soup), Pillsburys, Vanderbilts, Westinghouses, Maxwells, and the Spaldings have in common besides being very wealthy?

The answer is they all shipped their daughters to the Hacienda del Sol school for girls in the Santa Catalina Mountain foothills.

From 1930 to 1941, Hacienda del Sol was a college preparatory school with an enrollment of 20 to 25 young ladies, most coming from wealthy families since tuition, room and board was \$1,600 a year. Balance this against the fact that in the 1930s more than half of American families earned between \$500 and \$1,500 per year, and it didn't get any better in subsequent years. In fact, during 1935-1936 the median family income was \$1,160. Putting this in perspective, the \$1,600 in 1930 would be equivalent to \$26,000 in 2006 dollars when the median family income was \$58,400.

For that amount of money the girls did get an above average education if for no other reason that the student to teacher ratio was 4 to 1, which is about as close to individual tutoring as you can get.



Although two girls shared a room in sparse surroundings, that's where the sacrifice ended. They were fed in a style fit for a king. Perhaps because they shared their chef with a king. Chef Arne Hoelli spent May – October each year cooking for the girls and the rest of the year on the yacht of Norway's King Olav V preparing some of the same succulent dishes for his majesty.

School was in session six days a week during that May – October period, with the only vacation being over Easter when the girls went to Mexico. I haven't been able to discover where in Mexico they went. They could well be the forerunners of spring break at Rocky Point, only with chaperones.

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President's Message

It seems like only yesterday that the biggest concerns in the Foothills were either how to split lots and build or how to discourage and oppose lot splitting and building. In that environment, many Foothills homeowners suddenly realized that there was an organization called the Catalina Foothills Association, and that the CFA was often heavily involved in these issues.

How quickly things change. Lot sales and speculative home construction have virtually ground to a halt and broader financial concerns have overwhelmed real estate development. (Of course, the current financial concerns are largely due to earlier real estate ventures.) For some, this seems to mean that the role of the CFA has somehow been diminished.

This could not be further from the true role of the CFA. The variety of issues and questions the CFA deals with is very broad and ever-changing, from covenants to annexation to cell towers to traffic issues, and on and on. Through all these issues and changes, the CFA has held fast to its goal of balancing current trends and life-styles with preserving the Foothills life-style we all love. And so, we respectfully ask for your support of the CFA. We encourage your interaction with the CFA and we welcome your interest in joining the board of the CFA to help preserve the community that brought us all to the Foothills.

David Hamra

CFA Board of Directors 2008



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*All comments or questions
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CFAnews@msn.com
Visit our website for past
publications and other information on
the Catalina Foothills
www.catalinafoothills.org*



Architectural Review Requirements per Covenants, Conditions and Restrictions:

All Residents of Catalina Foothills Estates #'s 5 & 6 and properties in areas 1-4 with reinstated covenants MUST SUBMIT PLANS for ALL EXTERIOR CONSTRUCTION *Prior* to start of construction. Please contact the CFA at 327-9693 for submittal instructions or questions. Residents living in areas 7, 8 & 9 need to contact their respective neighborhood associations.

This includes site walls, fences, pools and mechanical as well as material and color changes to existing structures. **YOU** are in violation of covenants if you make any exterior modification to your property without prior approval by the Catalina Foothills Association. It is ***your responsibility*** to ensure you are in compliance with all CC&R's.

Granting Variances One Persons Perspective

By James Snedden

Although I am a member of the CFA board until January when my two terms are completed, this article represents my personal view and not necessarily the view of my fellow board members.

As background I have served on the CAT #7 board as a board member and President, as well as the CFA board for two terms. This has taken up the better part of twelve years of my life. CAT #7 has covenants governing their area with their own board of residents. That is true of CATS 8 and 9 as well. CATS 5 and 6 also have covenants covering their areas, but do not have resident boards. The CFA therefore administers and enforces the covenants in those two areas.

Obviously I believe in protective covenants as they are, or should be, reflective of the type of neighborhood people in a given area wish to live in. As a result covenants vary by area.

My view of covenants is that they are a contract among the neighbors of an area with a board responsible for assuring that the contract is honored. The board is also given the added responsibility of granting variances to the covenants, which in actuality is the power to modify or alter that contract in specific extraordinary instances. I have found that new board members have a tendency to be very liberal in defining extraordinary circumstances and granting variances, while members who have been around for a while are more hard-liners. I count myself in the latter group, which will be quite evident if you read further and don't dismiss my premise out of hand.

Variances go with the property, not the homeowners who happen to reside there at a specific time. After a homeowner asks for a variance many boards go to the adjacent homeowners and ask if they have an objection to what their neighbor is requesting. Most of the time the response is positive and based on that input a variance is approved without realizing that attorneys who specialize in HOA's say quite emphatically that boards are on a slippery slope if this is the deciding factor in granting a requested variance.

Neither home, that of the requestor nor that of the neighbor, will remain in their possession forever. The variance, however, will outlast them both, and chances are neither of the future owners will even know about it unless some type of legal dispute between the two occurs, or if someone in the

area is denied the same variance request. If that is the case and that person starts checking the neighborhood, the board had better have a darn good response or will find itself on the losing end of either arbitration or a lawsuit, and rightly so. **What has happened is through the board's action they have modified the covenants (contract) without allowing the other homeowners in the area the right to vote on it.** Not only that, but the integrity of the covenants has been compromised. Nor have they given a future homeowner the right to object. In fact that new homeowner most likely assumed the board had done its job and the covenants he had received prior to closing were enforced because the Title Company didn't tell him otherwise.

Let's say the board approved a homeowner's five-foot variance request, allowing him to build a structure, or part of a structure, five feet into the setback. (The setback is the distance of a structure from the property line - most setbacks in the CATS are 30 feet.) The current owner of an adjacent property said it was fine with him so the board gave the requesting homeowner the variance. A couple of years later, the real estate market has rebounded and that approving neighbor sells his property. The new owners are given the area covenants before they close, but are not aware that a variance exists on property adjacent to theirs (the property on which the variance was given), which effectively took away five feet of their newly purchased property. They no longer have sixty feet between structures at that section of their property, but fifty-five feet. Boards can't just assume that the extra five feet between structures is not important to that purchaser. Neighbors have feuded over less.

Many boards lose sight of the fact that they aren't an art jury. Just because a structure, building or wall, looks beautiful it is no ground for approving that structure in a setback, or one that violates maximum height requirements.

The moral of the story, beyond urging HOA boards to be stingy with variances, is homeowners should think twice before asking for one. Consider that you are asking all of your neighbors, not just the person next door, to alter their protective covenants without a vote.

What Violation?



Cluster Developments and Construction Projects

By Jim Snedden

November 21, 2008

The county Board of Supervisors will be reviewing proposed changes to the Cluster Development Ordinance review procedures (Section 1809.040(I) of the Pima County Code. Basically, the changes refer to expanded notification and expanded appeals. This review will take place after it is first reviewed and approved by the Planning and Zoning Department.

One change requires developers to consult with interested parties regardless of whether they are within three hundred feet of the site. In fact, it specifically states that: Notice of the review committee hearing shall be mailed, at least fifteen days prior to the meeting, to owners of property within three hundred feet of the applicants property line, except that the notice shall be expanded to include owners of property within 1,000 feet. *In addition, notice shall be sent to any affected neighborhood association and to any affected homeowners' association.* This means that the CFA, for example, has the power of the ordinance behind it to get involved early in the process to assure that all of our residents are represented, even if they live beyond the notification boundary.

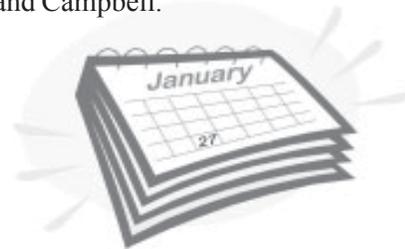
Supervisor Ann Day's office staff has also informed me the Department of Transportation has no plans for at least the next five years to expand the River Road project east of Craycroft. The CFA Planning, Transportation and Zoning Committee will continue to monitor that, and other projects that may have an impact on our area. Future newsletters, as well as our website at www.catalinafoothillsassociation.com, will continue to be the vehicles to keep you informed of any forthcoming developments.

Real Estate Market to Take Center Stage at CFA Annual Meeting

What can be dearer to our residents' hearts and pocketbooks than the current situation in the real estate market?

With that in mind, the featured speaker at the CFA Annual Meeting this coming January will be Rosey Koberlein, CEO of Long Realty. Ms. Koberlein will discuss the real estate market in general, with special emphasis on Foothills property.

Mark your calendar now for 7:00 PM on Tuesday, January 27, 2009, Murphey's Gallery at St. Philip's in the Hills Church on the corner of River Road and Campbell.



**Annual Meeting
Murphey Gallery at
St. Philip's in the Hills Church
Jan 27th 2009 at 7 pm
*See You There!***

CFA Board Discusses Assuming Skyline/Campbell Enforcement Obligation

At the request of the Skyline Campbell Community Coalition (SCCC) the CFA board is poised to assume the enforcement duties of that group as they pertain to the agreements made among Pima County, the SCCC, and three developers. The three commercial developments in question are La Encantada, Plaza Colonial Development and NCSKY, at the intersection of Skyline and Campbell.

The Skyline Campbell Community Coalition (SCCC) is a community organization that came into being as plans were being discussed for the development of that intersection. According to its website, its mission is to preserve the health, safety, and welfare of area residents from adverse effects caused by the proposed developments on three corners of the Skyline/Campbell intersection.

Assuming this obligation fits under Article VI, Number B of the CFA by-laws which states one of the purposes of the CFA to be: "To do all things possible and appropriate to maintain the unique character of said area for the continued enhancement of the Tucson community."

Some of the issues the CFA will be monitoring are window awnings, lights and hours, most of which have not been a problem as the tenants and management organizations responsible have been diligent in upholding the original agreements. Still, as we know from experience, as time marches on there is a tendency to start "fudging" once in awhile, particularly if there isn't someone looking over their shoulders.

Internet Service in the Foothills

By David Weeks

The Internet is fast becoming an integral part of everyday life, and the key word is “fast.” As more emphasis is placed on downloading movies, sending digital photographs, and other media-rich content, the need for high-speed access is greater and greater. Dial-up modems no longer “cut the mustard,” as even everyday e-mails can contain multi-mega-byte attachments.

Unfortunately, some areas of the Catalina Foothills have not been able to get high-speed service. DSL (digital subscriber line) lines, obtained through the Telephone Company or resellers, are still not available in some parts of the Foothills. Due to technological limitations, if you’re more than 20,000 feet from a substation, you’re unable to get a DSL line.

Cable TV, and the high-speed Internet access that piggy-backs on the cable, is still not available in some parts of the Foothills, either. Trying to get a cable TV line extended to your area is, virtually impossible.

So, what does a Foothills resident do, if you can’t get high-speed Internet via DSL or cable TV? Time marches on and so does technology. We have more options than we did just a few years ago.

Here are some alternatives to DSL and cable Internet. Each one has pros and cons. Your costs will vary depending on the connection speed you purchase. In no particular order, let’s look at some the choices available to Foothills residents.

Fixed Wireless



Most people are familiar with wireless networks that allow laptops to connect to the Internet from Starbucks, airports, and other such locations.

Now wireless technology allows large geographical areas to be covered by wireless signals. Simply Bits is a local Tucson ISP (Internet Service Provider) which operates a fixed wireless network that covers most of metropolitan Tucson, including the Foothills. Simply Bits’ service is not Satellite Internet, and so does not have Satellite service’s drawbacks.

Several plans are offered, and speed depends on price. Speeds vary between 1 Mbps downstream/384 kbps upstream for \$59.99/month to 3 Mbps downstream/768 kbps upstream for \$79.99/month.

Simply Bits’ service requires the installation of a small dish antenna on your roof, and there is an installation fee that ranges between free and \$399, depending on the length of the contract you sign.

<http://www.simplybits.com>

520-545-040

Satellite



Internet access via satellite signals has been available for several years.

One Satellite Internet provider is Hughes Net. They offer several speed/pricing plans.

Options range from the Home plan, providing 1.0 Mbps downstream/128 kbps for \$59.99/month, all the way to the Elite Premium plan providing 5.0 Mbps downstream/300 Kbps upstream for \$349.99/month.

Satellite also requires a dish antenna installation. Hughes Net installation fees range from \$299.98 after rebate to a lease arrangement for \$99 up front and \$9.99/month.

Satellite Internet access has come a long way since its early days a few short years ago. However, be advised that Satellite Internet has some limitations that other services do not. Your computer is connecting to the Internet via a satellite orbiting 22,500 miles above the Earth. This means that your request for a web page, for example, has to travel to the satellite, from the satellite back to the ground, and then wend its way to the computer that will serve up your desired web page. Then, to get the page to you, the process has to happen in reverse. Even though radio waves travel to and from the satellite at the speed of light, there may be a noticeable delay. Large file downloads will not be as affected by delays, but you may notice delays when you receive complex web pages. On-line multiplayer games will be most affected.

Also, Hughes’ Fair Access policy establishes caps on how much data you can receive each day. For example, a Pro plan subscriber who downloads more than 300 MB of data in 24 hours will have their download speed restricted for a period of 24 hours. Fortunately, downloads done between 3 AM and 6 AM Eastern Standard Time are not restricted or capped.

300 MB of data may seem like a whole lot of data. But it’s not. Apple just released a system software update for Mac OS X that was 650 MB. Updates for Windows can be equally gargantuan. Downloading movies from the iTunes Store will easily exceed one gigabyte of download.

An alternative Satellite provider is Wildblue. Wildblue has different speed/pricing plans.

Hughes

<http://go.gethughesnet.com/>

1-888-667-5537

Wildblue

<http://wildblue.com>

1-877-RING-WILDBLUE (877-746-4945)

Internet via Cell Phone Network

Just as cell phones have evolved from the original Motorola bag phones that you carried on your shoulder,



cell phone networks have evolved to carry more data, and faster. The current buzzword for Internet via cell phone is EVDO: Evolution Data Only, or Evolution Data Optimized. EVDO is just a fancy way of saying “a fast way of sending data over a cell phone signal.”

Virtually all wireless carriers sell EVDO wireless modems that fit into your laptop or desktop computer’s PC card slot or USB port. They allow you to access the Internet via the same network your cell phone uses. Currently, data rates via a wireless modem are not as high as other methods, but speeds are slowly increasing.

For example, AT&T’s Broadband Connect provides average download speeds of 400-700 kbps and upload throughput up to 384 kbps on compatible devices. It’s not cable modem speeds, but it sure beats dial-up. Also, if you have the wireless modem card in a laptop, you’ve got Internet anywhere you’ve got a cell phone signal.

<http://www.wireless.AT&T.com/businesscenter/solutions/wireless-laptop/modem-cards.jsp>

AT&T’s pricing is fairly simple. A Laptop Connect account costs \$60/ month. Data is capped at 5 GB (that 5 gigabytes...whole lot of data). AT&T sells several cards. The Sierra Wireless, which is compatible with MacBooks and MacBook Pros, costs \$99.95 after a \$100 mail-in rebate.

Sprint and Verizon also provide EVDO modems for your laptop, with prices ranging from \$50 to \$200. Network speeds are comparable with AT&T’s.

While not required, it’s generally easier to use the same provider for a wireless/EVDO modem as you use for your cell phone service.

One drawback to using an EVDO card in your laptop is that your laptop may not be your primary computer. Several third-party manufacturers sell wireless routers that allow you to get an Internet signal via your cell phone modem (EVDO card) and then create a home wireless network to share your Internet connection with all your computers.

Various on-line stores sell such gadgets, as well as reselling EVDO service and cards. One is the 3G Store (www.3gstore.com)

Internet via Dish Network/Direct TV

Most Foothills residents who cannot get cable TV use a Satellite TV provider. But many Satellite TV subscribers don’t know they can get Internet access via their TV provider. Dish Network partners with Wildblue to provide Internet via satellite. DirecTV also provides Satellite Internet.

Call your Satellite TV provider for more details.

Conclusions

Just because you live in the Foothills doesn’t mean you can’t get high-speed Internet access. The best web site to see many options at a glance is www.dslreports.com

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Learning from Latest Tucson Annexation Probe

contacted the city on their own, and as I reported earlier, one later reversed herself and signed a petition opposing the drive to annex. There was also no request for variances and/or rezoning from any property owner in that district in the event annexation would go forward. Nor was there any reference to the City’s desire to use this area as a “stepping stone” to the lucrative La Paloma Resort area.

As part of the documentation I received the Financial Impact Statement prepared by the Deputy Finance Director for the City to the Annexation Project Manager. The Overview read as follows: “*The net financial impact for this proposed annexation is \$221,317 (over a ten-year period). Total projected revenue is approximately \$718,758. The most significant source of revenue is state-shared revenues, projected at \$392,944. Revenue from personal property taxes is projected at \$189,210. Total projected expenses over a ten-year period are approximately \$560,441. Transportation is the highest expense, projected at \$292,765. Current population of the annexation district is 89. Build-out of 21 additional homes and a population increase of 49 people are anticipated over the next 20 years.*” That last sentence is interesting, as the Director must be anticipating lot splits and increased density.

After being notified that the City of Tucson of their interest in the area, other area residents who are equally as adamant about the desire not to be annexed, immediately organized an anti-annexation effort. They hurriedly prepared an impressive packet of materials countering the cities effort, and went door-to-door contacting residents in the proposed area with their message. The result was 37 signatures of those opposed to annexation by the city of Tucson. Since the city needs more than 50% of property owners, it is unlikely that the proposal will go to the City Council to open a formal annexation bid, although at this writing there has been no formal notice of withdrawal from the city.

The lesson here: Act fast and get your message out before the city mobilizes. It takes money to push an annexation bid and the city doesn’t want to spend taxpayer money on something that will likely not happen.

The other message is equally important. Improved services are the only viable reason for foothills residents to request annexation. Poor garbage service can be overlooked, but when it comes to losing a life because of lousy response time by emergency units it is something completely different. If that doesn’t change, foothill residents aren’t going to see the last of annexation attempts.

Another lesson learned. If you don’t already have them, install some protective covenants, for your own protection. It’s a win-win situation. If you are satisfied with what is already established at the county level, just copy them, or change what you don’t like. It’s totally up to the neighborhood. By doing so you essentially freeze your area from rezoning or commercialization. If you have covenants in place and a future annexation drive is successful, your neighborhood would be protected from zoning and/or lot size changes by the annexing entity thus preserving your rural life-style. It continues to mystify me why neighborhoods don’t protect themselves by such a simple device. The CFA board is in place and would administer **your** protective covenants without you going to any expense. Otherwise good luck. You’re eventually going to need it. Maybe next time you won’t dodge that annexation bullet or county land use change. ■

Telecommunication Antennas

By June LeClair Bucko

Telecommunication antennas are not new to the Foothills areas. What is new is the number of antennas being installed in the foothills. With the increase of wireless usage telecommunication companies are finding a need to increase their cellular network to help with capacity and coverage.

Throughout the Foothills footprint there are a number of notices that telecommunication antennas will be installed on existing utility poles. Property owners living within 300 feet of the tentative installation are being notified of hearings on the conditional permits. Several of these meetings have already taken place, and a few are still scheduled. In those communities with underground service, such as Shadow Hills, the installation company Next-G Networks says it has the right to install poles to house the antennas on utility right of ways. Legal action by Shadow Hills Community has been initiated to stop the installation of the poles, hopefully they will come to a compromise or it might be a very expensive pole for Shadow Hills.

The 1996 Telecommunications Act has provisions concerning the placement of towers and other facilities for providing personal wireless services. Most state and local communities have worked closely with cellular and other wireless service providers on placement plans. The County's application for a conditional use permit does ask for supplementary information pertaining to the installation of these towers and antennas. The permit also addresses co-location of the equipment due to multiple wireless companies. Most of the concerns and requirements of our local government are regarding the physical appearance and environmental impact. Safety issues are primarily about the placement of the equipment and not the emissions.

Zoning officials today are caught between a rock and a hard place when it comes to siting cellular-phone towers or other antenna installations mounted on, or in, pre-existing buildings or facilities. Legally, they can't refuse them or, supposedly, design zoning regulations based on the health effects. Lobbyists were able to get Congress to enact the '96 TC Act which contains a "preemption clause" to deprive state and local government the responsibility for the health impact of wireless equipment. The responsibility was given to the FCC, an agency which admittedly has no experience at

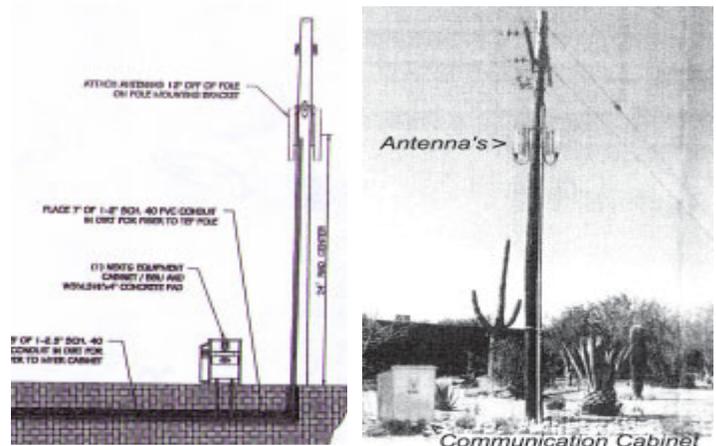
all with public health matters. The FCC regulates RF (radio frequency) emissions with which all wireless companies must comply.

There is a growing concern among activist groups and communities about the health effects of the electromagnetic spectrum. Unfortunately, there are few appropriate studies for the long term, low level exposures of the RF emissions. The "safe" emission levels were created when the TC Act of 1996 was implemented and wireless use was in its infancy.

People love wireless convenience. The growth of the industry proves its popularity, but no one really loves the towers or antennas that are part of the wireless network. The recent infusion of antennas (approximately 35 scatter among the Foothill area) will assist the larger wireless companies to keep their customers happy with their wireless service network. They will assist in fewer dropped calls, getting a signal, and the absorption of a larger customer base.

The wireless companies know the public demands aesthetically pleasing antennas. They need no coaching from local government.

Where we stand now: popularity of wireless devices is causing a lack of momentum for change in the industry. Rulings that took place twenty years ago not only distributed responsibility away from local government but gave the industry the reins. The public has an uphill battle regarding health inquiries and concerns. With time and a continued effort to make changes to this giant industry, I can only hope it doesn't come with a terrible cost.



Crime in the Foothills

by June LeClair-Bucko

In the past few months the Sheriff's Dept. has been working diligently with our residents in our foothill communities to help fight against the increase of home invasions and burglaries. Most of the criminal activity was reported from the east areas of Alvernon to Sabino / River to Skyline. As I looked at the statistics surrounding *our* represented area (Cat 1-9) the numbers show an increase for our communities also.

As an organizer of my own community Neighborhood Watch, I know that our biggest struggle was getting residents to call any suspicious occurrence into 911. It was a combination of large parcels, not knowing their neighbors, and not making that phone call. The residents who are participating in our Neighborhood Watch have turned the numbers around in our community. It has given power to the residents; they don't hesitate to call in suspicious people, check on their neighbors, and make our network know what they are encountering. Local authorities have the ability to verify if the suspicious person is legitimate.

Reviewing the crime maps on the Sheriff's Dept website, the number of burglaries in the areas of Oracle Rd. to Swan, River Rd. to the mountains has increased in 2008 while the larcenies have decreased. The statistics also show that

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Facts About Elder Abuse

By James Snedden

What Is Elder Abuse?

When people hear the term “elder abuse and neglect” they often think about older people living in nursing homes or living alone without any family or visitors. But this is a misconception. Most elder abuse and neglect take place at home with family members, spouses, or paid caregivers being the abusers. Although there are extreme cases of elder abuse, the abuse is often subtle.

Emotional or Psychological Abuse

This is the infliction of emotional pain or distress through verbal or nonverbal actions. Verbal assaults, insults, threats, intimidation, humiliation, and harassment are all forms of emotional abuse. In addition, treating an older person like a baby, isolating an older person from his or her family, friends, or regular activities, or giving them “the silent treatment” are other types of abuse. An elder shows signs of abuse by being emotionally upset, withdrawn or non-responsive, experiencing behavioral changes such as sucking, biting, rocking, and even by admitting to being verbally or emotionally mistreated.

Neglect and Abandonment

Neglect is the refusal or failure to provide necessary care including food, water, clothing, shelter, personal hygiene, medicine, comfort, personal safety, and other essentials. Abandonment means deserting an elderly person you are responsible for taking care of. Signs of neglect or abandonment include:

- Dehydration, malnutrition, untreated bed sores, and poor personal hygiene
- Unattended health problems
- Hazardous or unsafe living conditions (no heat, no running water, bad wiring, etc.)
- Unsanitary and filthy living conditions (dirt, fleas, soiled bedding, etc.)
- The desertion of an elder in a public place
- The desertion of an elder at a hospital or nursing facility

Statistics show that 75% of the world’s wealth is held by people over 65 years of age. So it’s no wonder that the elderly are targeted by the those wanting to get their hands on some “easy money.”

Some time ago I had the pleasure of attending a function where Detective James Williamson a Certified Fraud Specialist and a 26 year veteran of the Tucson Police Department discussed the issue of Elder abuse. I’ll pass along some of the points he made during that talk.

The common areas of Elder abuse are:

1. Telemarketing fraud – Most common. See related article.
2. Identity assumption
3. Pigeon Drop
4. Bank Examiner fraud – another most common. See related article.

Assisted living and communities designed for the elderly are common targets. Telemarketers find assisted living units easy to access. Many of them have the same prefix, followed by the individual room number. Get the prefix out of the phone book and then start dialing that and room numbers and “bingo” they just hit paydirt.

These same telemarketers know that the greatest fear people have is isolation (in State Prison they control prisoners with the fear of solitary confinement), and some people will do anything to just talk with someone. A noted detective assigned to the Elder abuse desk tells a story of an elderly woman who was bilked out of thousands by a telemarketer who had her purchasing hundreds of items she didn’t need, and donating money to bogus charities. She knew she was being taken, and when asked about it by the authorities she replied, “But she was someone I could talk to.” Pathetic, but true. The Federal Trade Commission estimates that in excess of 14,000 fraudulent telemarketing businesses currently operate in North America.

A tremendous amount of these frauds go unreported because the victims are embarrassed, which is why relatives and friends should be aware of telltale signs. Of course, another sad, but true, fact is that family members are often in on some of the scams. They apparently don’t want to wait around until the person dies to get their hands on what is “rightfully theirs.”

Some of the signs of possible elder abuse is:

1. A stranger requiring someone to withdraw large sums of money.
2. People accompanied by a family member and appearing to verbally coerce them.
3. Anytime someone is not allowed to speak or talk for him self or herself.
4. A person who takes an unusual interest in another’s finances.
5. An elderly person appears to be afraid of someone in particular
6. The elderly person seems confused or concerned about missing funds
7. Overly protective healthcare providers
8. An elderly person not being able to remember financial transactions
9. People who “hear” they will be evicted if they don’t give money to a caregiver



Bank Examiner Fraud

Source: <http://www.crimesofpersuasion.com/>

You get a call or a visit from an official-looking or sounding “bank examiner” or investigator who may even have official papers to show you as verification. They indicate that a bank employee is suspected of theft or misappropriation and he needs to see how they will react when a customer removes a substantial amount from their account.

They ask you to remove a set amount from a specific teller or station, then meet them afterwards at a nearby location. While stressing that secrecy is a must, they give you an official receipt for your money which is to be taken in for examination and the recording of serial numbers so that it can be used as marked money.

You are assured that it will be returned to you in a few days after the apprehension of the dishonest employee. They then indicate their thanks for your cooperation and say there may even be a small reward after the investigation is over. You experience the excitement of playing detective and being “in” on something official, almost like working with the police on an investigation.

Some bank examiner cons have been known to approach people leaving a shopping center and asking, as part of a survey, how they paid for their purchases. If cash was used, other cons follow the potential victims home. Then, posing as law enforcement officers, accuse you of using counterfeit money followed by the story that your account has been tampered with by a dishonest teller. **(Note: In Arizona it is a felony for any bank official to ask you to take money out of the bank.)**

This scheme depends on victims remaining passive and not asserting themselves enough to ask questions and insist on clear answers.

Con artists control their victims by frightening them—saying they are losing money to a dishonest teller, and then offering them a “solution” by promising to replace the lost money. By moving quickly through this process, they can often keep their potential victims so distracted that they will be unable to think clearly enough to see just how absurd a scheme this is. Some victims have reported that they felt almost hypnotized as they became more and more involved.

One bank examiner con in Florida who was arrested and charged with numerous counts of Impersonating A Police Officer and Fraudulent Activity reference to Bank Examiner Scams had been using the names, Detective Davis and Richardson.

Posing an officer of The State Attorney’s and Sheriff’s Offices and would target victims claiming there was fraudulent activity by the bank against the victims’ accounts. He would go the victims’ home, obtain their ATM cards, checkbooks and PIN numbers as evidence against the bank employee that was allegedly suspect. He would then cash the stolen checks and use the ATM cards to obtain cash and merchandise at retail establishments.

Another “examiner”, when captured, had in his possession a “U.S. Agent” badge, maps, phone lists, binoculars, a cell phone, handkerchiefs and other paraphernalia used in his trade. Though able to work this scam alone, cons will often team up to perform various roles in the play. One suspect, posing as a police officer, would call the victims from a pay phone and tell them that their money stored at home and at the bank were counterfeit. The victims were convinced to withdraw all their funds (\$80,000 in one case) from the bank and meet with the police officer and turn over the bad money when the police officer produced identification. Investigation of this team of scam artists revealed that one was the telephone man, another posed as the police officer or bank examiner and a third would act as security and conduct surveillance at the bank during the withdrawal process.

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Hacienda del Sol

remote location and excellent riding trails. They kept their mounts in the existing stable and corral area.

In the late 1930’s fire damaged some of the buildings. Since John Murphey the original developer of the foothills, was the owner of the building, it was no surprise that he commissioned Josias Joesler to rebuild the damaged areas.

The school closed its doors in 1941 at the outbreak of World War II due to the shortage of teach-



ers, never to reopen in its original form.

In 1948 the property began operating as the Hacienda del Sol guest ranch. Although the ownership has changed hands several times since then, the owners have kept the lobby and library virtually the same as it was when it was a school. In fact, some of the original books are still on the library shelves.

The original timbers for the beams in the library ceiling are from Mount Lemmon. Helen Murphey, whom residents of the foothills will remember was John Murphey’s spouse, designed the intricate patterns carved into the beams, when the school was being built. Mrs. Murphey also had a hand in the designs that appeared on the doors of the original building, which are preserved as inlays in the bar.

Also found throughout the property are handcrafted fixtures and tile work of Mrs. Murphey’s design. The ceiling inside the bar area is by Josias Joesler.

The next time you go to the ranch’s famous grill for lunch or dinner, spend some time wandering around this little bit of history in our midst. Pay a visit to the lobby, the library, and enjoy some of the photographs hanging on the walls along the corridor adjacent to the courtyard, which still looks the same, sans the artificial turf. Drink a toast, even if it is just iced tea, to those young ladies who undoubtedly later related many exaggerated tales of life on the wild frontier at cocktail parties on Manhattan’s East Side. ■

Seniors as Predominant Telemarketing Fraud Victims

<http://www.crimesofpersuasion.com/>

Percentage of Telemarketing Fraud Victims

Law enforcement experience shows that telemarketing fraud victimizes consumers of all ages, levels of income, and backgrounds. The elderly, however, are disproportionately represented among victims of telemarketing fraud, and in some scams, 80% or more of the victims are 65 or older.

Seniors seem especially susceptible to fraudulent offers for prize promotions and lottery clubs, charitable solicitations, and investment offers and account for 60% of the fraud victims who call the National Consumers League's National Fraud Information Center.

Most are available for midday calls and have no suspicious children around to intervene. Every single day there are thousands of cases of elderly people being scammed by home services, defrauded by caregivers, exploited by neighbors or family members, or tricked by the unscrupulous.

Elderly victims commonly receive five or more calls a day from high-pressure telephone sales people once they make their first purchase or contribution.

An Ohio widow lost her life savings of \$240,000 to more than fifty fraudulent telemarketers. A 92-year-old California woman lost \$180,000, and then \$5,250 more in supposed "recovery" fees to a man who said he could get some of her money back. A woman in her seventies from another western state was persuaded by a telemarketer to send him \$60,000 from her and her husband's retirement fund and, when that was gone, to take out a loan for \$13,000 more.

Elderly victims commonly receive five or more calls a day from high-pressure telephone sales people once they make their first purchase or contribution.

Attitude of Society Towards Fraud Victims

We tend to think of these victims as being someone maybe frail or very elderly but that is not always the case. Research rebuts the notion that all elderly victims are vulnerable because they are socially isolated, ill-informed, or confused.

It is often someone that is very outgoing, someone that has many ties in the community, someone that's well educated, and someone that has some money. But they are also very trusting and feel the salesperson could just as easily be their grandchild on the phone trying to make a living. Many of the victims come from a time and place where a man's word was his bond.

One AARP sponsored survey shows that older people who fall for telemarketing scams tend to believe the pitches they hear, that they have a good chance of actually winning the grand prize, and that the products touted are worth the price charged for them.

Ninety percent of survey respondents report awareness of consumer fraud; yet two-thirds said it is hard to spot fraud

when it is happening. Even after the fact, they generally feel that they were not cheated or robbed but that they just didn't get their money's worth. The survey also showed that elderly victims find it difficult to terminate telephone conversations, even when they say they are not interested in continuing a conversation.

They fail to associate the pleasant voice with a criminal trying to steal their money and do not realize that scammers are not just sleazy salespeople trying to make a living.

Stage in Life for Elderly Scam Victims

In this fast-paced, youth-oriented society elder issues are not high on the social agenda and the elderly tend to be ignored. Many people live their twilight years in isolation and they are sometimes mentally infirm and frequently lonely. An alarming number are suffering from debilitating grief over the loss of a lifetime spouse at the precise time they are tapped by a telemarketer. Telemarketers will collect obituaries from various newspapers so that they can take advantage of recent widows and widowers.

Statistically, wives are often left behind having to make financial decisions, which were often handled by their now deceased husbands. They are lonely and suffering from ills that make them desperate for someone to talk to. Thus, many seniors are exploited at a time when they are particularly vulnerable.

Offenders have told police their ideal "mark" is an elderly person, home alone, with no contact with family members. Their sympathetic tones easily win the trust of the victim as they commiserate over their troubles but assure them that "*now your luck has changed, for you've just won a prize worth tens of thousands of dollars*".

Financial Situation of Senior Fraud Victims

Fraudulent telemarketers will often target older citizens knowing that many of them may have significant assets from a lifetime of saving, including self-directed retirement accounts, cash reserves, or other assets available to spend on seemingly attractive offers.

Apart from not wanting to ever be a burden on their children, seniors seek to build their nest egg in the hopes of also providing for their grandchildren as well. They are also reluctant to seek advice or assistance from others about financial matters in general.

Recent retirees or older workers who have lost their jobs



through corporate down-sizing are often attracted to ads touting opportunities to operate their own small business or to work from home.

Affect On Elderly Victim of a Scam

Often these elders get trapped in a downward spiral of repeated victimization, as they grow increasingly desperate to recoup their losses. They dread revealing the full extent of their losses, fearing that their well-meaning children will take their last measure of independence away from them.

The elderly are not only more susceptible, they tend to be more seriously affected when they are victimized and do not have the time or opportunity for financial recovery; their prime earning years are behind them. As elders lose their savings, go into debt, mortgage property, or take out credit card advances to pay those exploiting them, even comfortable life-style collapse. Some have lost their homes or been forced to sell them to meet day-to-day living expenses. The impact of fraud on elders can be profound and life-altering.

Fraudulent telemarketers not only rob their victims of their hard-earned financial assets, but also of their human dignity. Elder fraud victims often find their trust shattered. "I would rather be taken advantage of by someone who placed a gun in my ribs than be cheated by someone I trusted", wrote an elderly victim.

They doubt their judgment. They feel isolated, depressed, angry, and ashamed. These violations of trust compounded with the subsequent uncertainty about paying bills, often lead



to illness. In fact, seventy-eight percent of elderly victims develop acute and chronic anxiety. The loss of quality of life or standard of living can be physically and psychologically devastating and irreversible, and victims may become suicidal as a result.

Scammers Thoughts Towards Senior Victims

The evidence indicates that offenders believe older people have more assets and are more susceptible to techniques such as excitement tactics or appeals to altruism. A con artist will say whatever it takes to separate victims from their money. They are swindlers who con our senior citizens out of their life savings by playing on trust, sympathy, and sometimes loneliness.

They have also said that they don't fear prosecution because they count on their victims' physical or mental infirmity, perhaps even impending death, or the shame surrounding victimization, to prevent their testimony at trial. These telemarketers know that the victim, shamed at suffering such losses, often will not even tell friends or family about the scam.

To date, most of the fraud affecting the elderly has been perpetrated through the telephone. As the elderly begin to use the Internet, fraud operators can be expected to find them through this new channel of communication and commerce.

Sign Up to Receive Updates from Pima County Sheriff Department

By James Snedden

If you haven't already done so I urge you to go to the Pima County Sheriff's Department web site and sign up to receive instant notification of various criminal activity for your area. It's free. As long as you can receive e-mail you can get this service.

I am writing this on October 2nd. I received this alert yesterday: *Scam Alert*

This latest scam concerns recipients getting an e-mail regarding a Grand Jury subpoena. The email attempts to appear authentic by containing a court case number, federal code, court room number and court seal. The recipients are commanded to appear to testify before a Grand Jury and are required to click on the link that is provided in the email. When they do, a malicious code is downloaded onto their computer allowing the suspect to hack into their system. The email also threatens the recipient with court charges if they fail to respond.

If you receive this type of email, please report it to the Internet Crime Complaint Center at www.IC3.gov

Valuable information and it's an e-mail away. I urge you to sign up now. Go the Pima County Sheriff's Department Web Site. Once there click on the Safe-Link Program and then just follow instructions. I would advise you to sign up of "all alerts."

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Crime in the Foothills

in 2007 we had a high number of larcenies from vehicles and in the current year we do not. I can only guess we all learned the hard way, to lock our cars and leave nothing valuable in them.

In reviewing the crime maps another fact shows itself, most of the crimes are during daylight hours. We should be just as diligent to lock our cars and homes even if we are home. I don't know how many times in the past I was surprised by my husband because I didn't hear him come in, which is probably the case for many of our homes in the foothills.

Recently, I had a guest speaker come and talk to our Block Leaders from our Neighborhood Watch on the increase of burglaries that were occurring. The Detective couldn't stress enough the need to call **911** on anything suspicious. He pointed out that most criminals are opportunist and if you give them the opportunity they will take it. Below are a few pointers given to the Block Leaders, you can also review additional home security information on the Sheriff's Dept. website. The Sheriff's Dept. volunteer auxiliary has a free service, they will come to your home and analyze the security of your home.

1- Always call 911 on anything that does not look right, feel right.



Catalina Foothills Association

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- 2- Do not use your mailbox for outgoing mail, and retrieve mail ASAP when delivered
- 3- Let a neighbor know when your out of town, use your alarm system, stop newspapers. If you're out of town for an extended period asked to be included in police rounds.
- 4- Door to door solicitation is often an opportunity to case your home.
- 5- If you have a construction project, talk to your contractor; know who is working for him.
- 6- Photograph jewelry or other valuables so if it is retrieved you have proof it belongs to you.
- 7- Engrave ID on TV's, computers, printers, etc.
- 8- Lock your doors, windows, cars. Secure sliding doors so they can't be lifted from their track.
- 9- Do not leave garage openers or valuables in cars.
- 10- You might want to purchase "Lo-Jack" for your computer.

Below are approximate occurrences in the following areas:

Area 1 is Sunrise/Skyline north to the mountain, east of Oracle Rd. to Swan, *Area 2* is east of Oracle Rd. to 1st Ave., River Rd. north to the mountain, *Area 3* east of 1st Ave. to Campbell, River Rd. to Ina/Skyline, *Area 4* east of Campbell to Swan, River Rd. to Sunrise.

2007	Area 1	Area 2	Area 3	Area 4
Larcenies	53	70	76	57
Burglaries	22	18	26	24
2008				
Larcenies	48	35	40	38
Burglaries	37	21	35	33

Be Safe, Be Aware



Burglary: The unlawful entry of a structure to commit a felony or a theft.

Larceny: The unlawful taking, carry, leading or riding away of property from the possession or constructive possession of another. (constructive possession) where one does not have physical custody of possession but is in a position to exercise dominion or control over a thing.