



Senior Asset Recovery

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The Consumer Protection Division of the Office of the Attorney General is able to pursue asset recovery on behalf of **financially exploited senior citizens** (aged **68** or **older**) and **vulnerable adults** (a person who lacks the physical or mental capacity to provide for his or her daily needs) by bringing a **civil action for damages** or an action under the Consumer Protection Act on their behalf against persons who financially exploited them by way of deception, intimidation intimidation or undue influence.



Statutory Authority

The law, codified as Commercial Law §13-204(a)(15), states that in addition to any other of its powers and duties, the Consumer Protection Division has the powers and duties to:

(15) (i) Bring a civil action for damages or an action under this title against a person who violates § 8-801 of the Criminal Law Article on behalf of a victim of the offense or, if the victim is deceased, the victim's estate;

(ii) Recover damages under this item for property loss or damage...

A conviction for an offense under § 8-801 of the Criminal Law Article is not a prerequisite for maintenance of an action under subsection (a)(15) of this section. Commercial Law sec. 13-204(b).



CPD Authority

- The General Assembly first gave the Consumer Protection Division authorization to bring cases on behalf of victims of financial exploitation by Chapter 114 (2016).
- Chapter 794 (2018) gave similar authority to the Securities Commissioner.
- Chapter 160 (2020) expanded the Division's authority by making financial exploitation of the elderly or vulnerable adults a violation of the Consumer Protection Act.
- As a violation of the Consumer Protection Act, victims may bring a private right of action under sec. 13-408 and recover attorneys' fees.



Senior Asset Recovery Unit (?)

- Senate Bill 407 (2020) would have required the Governor to appropriate money each year for a Senior and Vulnerable Adult Asset Recovery Unit in the Attorney General's Office, but that measure was vetoed by the Governor.
- The General Assembly overrode the Governor's veto, but the funds were not included in the FY 2022 budget



Program Results

- Since the attorney overseeing the program was first hired in January 2017 through the end of calendar year 2020 the program:
- Has opened more than 190 investigations;
- Has settled or obtained judgments totaling more than \$1.6 million in 21 cases.
- Referrals are received from Adult Protective Services, State's Attorneys, concerned friends and family members, financial institutions, nursing homes, and private attorneys.



SAFE Act

- This session the General Assembly passed and the Governor signed Chapter 311, the SAFE Act.
- The SAFE Act creates a private right of action for victims of financial exploitation of the elderly and vulnerable adults.
- The victim may be awarded treble damages and attorneys' fees.



Contact

If you observe what you believe is financial exploitation of a senior citizen or vulnerable adult, or seek more information concerning whether financial exploitation is occurring, please immediately contact:

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