

General Information

December 31, 2008 12:37:16 PM

Subject Property

[Print](#)

Dist/Map/Route: 01029 00500

Parcel ID: 01-071100

Owner Name: JOHN JOSEPH CLEMENTE MARY CLEMENTE

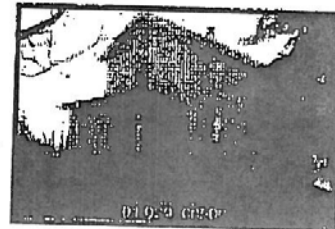
Location: 723 E LIBERTY

Mailing Name: JOHN J CLEMENTE JR, MARLENE L CLEMENTE

Mailing Address: 208 EAST WATER ST, HUBBARD OH 44425

Legal: 54 2 1A ALL HUBBARD TWP

[Click here to locate on Map](#)



[Click the Image for an Enlargement](#)

Acres: 1

Year Built: 1920

Property Type: RESIDENTIAL

Land Use: 511 - 1-FAMILY DWL 0-9.99 AC

Residential Overview

Rooms: 5

Bedrooms: 3

Full Baths: 1

Half Baths: 0

Sq. Feet: 1176

Stories: 2

No Improvement Details found.

Land Details

Code:	Effective Frontage:	Front Depth:	Rear Depth:	Depth Factor:	Unit Rate:	Adjustment Rate:	Base Value:	Adjustment Value:
A0	0	0	0	0	0	0	\$0	\$0
AH	0	0	0	1	15000	0	\$13,950	\$13,950

Value Details

	Appraised	Assessed (35%)
Improvement Value:	\$37,600	\$13,160
Land Value:	\$14,000	\$4,900
Total Value:	\$51,600	\$18,060
CAUV Value:		\$0



RICHARD CORDRAY
OHIO ATTORNEY GENERAL

February 18, 2009

Garrick Ktlich
713 E. Liberty St.
Hubbard, OH 44425-2141

Re: Questioned Medicaid Eligibility

Dear Mr. Ktlich:

First and foremost, I wish to thank you for bringing the above-referenced matter to the attention of the Ohio Attorney General's Medicaid Fraud Control Unit. The Attorney General's jurisdiction, as it pertains to the medical assistance program, is limited by Ohio Revised Code Section 109.85, and matters of Medicaid recipient eligibility fall outside the scope of the Attorney General's statutory authority.

That aside, it was and is our desire to see your concerns addressed by a government agency with appropriate jurisdiction. To that end, I contacted the Trumbull County Department of Job and Family Services ("Trumbull County DJFS"), and spoke with Supervisor Shannon Peridon about your complaint. Ms. Peridon informed me that you made this same complaint to the Trumbull County DJFS over a year ago. And according to Ms. Peridon, they thoroughly investigated your complaint and found it to be without merit.

Again, I thank you for bringing this matter to the attention of the Ohio Attorney General's Medicaid Fraud Control Unit. Should you have additional questions or concerns, please feel free to contact me at the number provided below.

Sincerely,

Lloyd S. Eatly
Special Agent-In-Charge

614-466-0786

6722 SECT.

cc: Ms. Shannon Peridon, Trumbull County Department of Job and Family Services

Health Care Fraud Section
150 E. Gay Street, 17th Fl • Columbus, Ohio 43215 • PHONE (614) 466-0722 • FAX (614) 644-9973 • www.ag.state.oh.us



**Department of
Job and Family Services**

Ted Strickland, Governor
Douglas E. Lumpkin, Director

December 29, 2009

Rick Krlich
713 East Liberty Street
Hubbard, OH 44425-2141

RE: Complaint

Dear Mr. Krlich,

The Office of Ohio Health Plans, which is the State Medicaid Agency for Ohio, received a referral from the Ohio Department of Job and Family Services' Chief Inspector's Office regarding the allegation of fraud you reported. Please be assured we have reviewed all aspects of the allegation, but due to confidentiality regulations and the Health Insurance Portability and Accountability Act (HIPAA) privacy rules, we are unable to disclose information regarding Medicaid consumers and matters related to their cases, including our review of your allegations. We do take all such allegations seriously, and when necessary, we take appropriate measures to address any problems we find.

Sincerely,

Tracy Plouck/CCD

Tracy J. Plouck
State Medicaid Director

Cc: Bob Ferguson, Chief Inspector
Diane Skinner, ORAA
Michael Caygill, ORAA

30 East Broad Street
Columbus, Ohio 43215
jfs.ohio.gov

An Equal Opportunity Employer and Service Provider

From the Ohio Revised Code:

329.02 County director of job and family services powers and duties.

Under the control and direction of the board of county commissioners, the county director of job and family services shall have full charge of the county department of job and family services. The director shall prepare the annual budget estimate of the department and submit it to the board . Before submitting the budget estimate to the board , the director shall consider the recommendations of the county family services planning committee relative to that estimate. The director, with the approval of the board , shall appoint all necessary assistants and superintendents of institutions under the jurisdiction of the department, and all other employees of the department, except that the superintendent of each such institution shall appoint all employees in it and only the board may appoint administrators under section [329.021](#) of the Revised Code. Except for administrators appointed under section [329.021](#) of the Revised Code and up to five other administrative positions, the assistants and other employees of the department shall be in the classified civil service and may not be placed in or removed to the unclassified service. If no eligible list is available, a probationary appointment shall be made until an eligible list is available.

Each director appointed on or after October 5, 1987, shall be in the unclassified civil service and serve at the pleasure of the board . If a person holding a classified position in the department is appointed as director on or after that date and is later removed by the board, except for a reason listed in section [124.34](#) of the Revised Code, the person so removed has the right to resume the position the person held in the classified service immediately prior to being appointed as director, or if that position no longer exists or has become an unclassified position, the person shall be appointed to a position in the classified service that the board, with the approval of the director of administrative services, determines is equivalent to the position the person held immediately prior to being appointed as director.

The board , except as provided in this chapter, may provide by resolution for the coordination of the operations of the department and those of any county institution whose board or managing officer is appointed by the board of county commissioners.

The board of county commissioners may enter into a written contract with a county director of job and family services specifying terms and conditions of the director's employment. The period of the contract shall not exceed three years. In addition to any review specified in the contract, the contract shall be subject to review and renegotiation for a period of thirty days, from the sixtieth to the ninetieth days after the beginning of the term of any newly elected commissioner. Such a contract shall in no way abridge the right of the board to terminate the employment of the director as an unclassified employee at will, but may specify terms and conditions of any such termination.

Effective Date: 07-01-2000; 07-01-2007

5101:1-39-31.3 Medicaid: exemption of property no longer the principal place of residence.

(A) A home that is no longer the principal place of residence may continue to remain exempt as a resource for the duration that the property satisfies the provisions governing the treatment of property essential for self-support as found in rule [5101:1-39-33](#) of the Administrative Code.

(B) If a home is no longer the principal place of residence and it does not qualify as property essential for self-support under rule [5101:1-39-33](#) of the Administrative Code, it may remain exempt as a resource if the following requirements are met:

(1) The individual must list the property for sale once the property no longer qualifies as either the principal place of residence or as property essential for self-support under rule [5101:1-39-33](#) of the Administrative Code.

(2) The individual must provide verification that the property was listed for sale with a real estate agent or real estate firm on or before the date that the property ceased to qualify as either the principal place of residence or as property essential for self-support under rule [5101:1-39-33](#) of the Administrative Code.

(3) The property must be listed for sale at an amount not greater than the market value as determined by the county auditor. The CDJFS shall verify the market value by using the assessed value as set by the local county auditor.

(4) The individual may not refuse a purchase offer that is equal to or greater than ninety percent of the market value as determined by the county auditor.

(5) The proceeds from the sale of the property must be used for the care and support of the medicaid recipient.

(a) The net proceeds of the property are treated as a lump sum in accordance with rule 5101:1-39- 27.5 of the Administrative Code.

(b) The CDJFS must complete a redetermination of continuing eligibility once the property is sold.

(c) The CDJFS shall also apply the provisions of rule [5101:1-39-05](#) of the Administrative Code to determine the proper treatment of shared property.

(C) If the property is not sold within six months after its initial listing as required by paragraph (B) of this rule, the total equity value of the property will be counted as a resource, unless the applicant/recipient demonstrates that it qualifies as property that has not been sold as set forth in rule [5101:1-39-05](#) of the Administrative Code.

Eff 9-3-77; 2-1-79; 10-1-79; 1-3-80; 12-1-84 (Emer.); 2-10-85; 11-1-86 (Emer.); 12-22-86; 5-1-94; 11-7-02

5101:1-39-31 Medicaid: treatment of the home.

(A) This rule describes the treatment of an individual's home for purposes of determining eligibility for medical assistance.

(B) Definitions.

(1) "Administrative agency" means the county department of job and family services, the Ohio department of job and family services, or other entity that determines eligibility for a medical assistance program.

(2) "Home", for the purpose of this rule, means any property in which an individual has an ownership interest in and which serves as the individual's principal place of residence. Home includes the structures and land appertaining to the home property. Appertaining land must be contiguous to adjoin the land on which the home property is located and must not be separated by intervening land property owned by others.

(3) "Home equity limit" means, for applications filed on or after January 1, 2006, the maximum amount of equity which an individual could have in a home and remain eligible for long-term care facility (LTCF) services, home and community based services (HCBS) waiver or program of all inclusive care for the elderly (PACE) services. The home equity limit of five hundred thousand dollars will increase annually beginning January 1, 2011, as established by section 5111.0118 of the Revised Code.

(4) "Individual" means an applicant for or recipient of a medical assistance program.

(5) "Nursing facility", for the purpose of this rule, refers to a nursing facility, intermediate care facility for the mentally retarded, or other medical institutions.

(6) "Principal place of residence" means the dwelling the individual considers his or her established or principal home and to which, if absent, he or she intends to return. Principal place of residence can be real or personal property, fixed or mobile, and located on land or water.

(7) "Qualified long term care partnership (QLTCP)" is defined in rule [5101:1-38-11](#) of the Administrative Code.

(C) Treatment of the home when LTCF services, HCBS waiver or PACE services are requested.

(1) For the value of the home to be exempt:

(a) The home must be the individual's or the individual's spouse principal place of residence; and

(b) The deed to the home must be in the individual's or individual's spouse name; and

(c) The home must comply with the provisions in paragraphs (C)(5) to (C)(7) of this rule.

(2) The home is no longer considered to be the principal place of residence if the individual resides in a nursing facility, intermediate care facility for the mentally retarded (ICF-MR), or other medical institution for a continuous period of thirteen months or longer. The administrative agency must consider the home a countable resource when the individual has continuously resided in a nursing facility, ICF-MR, or other medical institution for thirteen months or longer; however, the home is not a countable resource if any of the following individuals are residing in the home:

(a) The individual's spouse; or

(b) The individual's child who is under age twenty-one, or blind or disabled as defined in Chapter 5101:1-39 of the Administrative Code; or

(c) The individual's child who is age sixty-five or older and is financially dependent upon the individual for housing. Verification of financial dependency in this situation is determined by comparing the aged child's

countable income to the Ohio works first (OWF) payment standard defined in Chapter 5101:1-40 of the Administrative Code; or

(d) The individual's sibling who has a verified equity and ownership interest in the home and has resided in the home for at least one year immediately before the date the individual was admitted to the nursing facility.

(3) The thirteen month home exemption period begins the first month in which the individual is both eligible for medicaid and residing in a nursing facility, ICF-MR, or other medical institution.

(4) If a thirteen month home exemption period is interrupted because the individual has resided in a nursing facility, ICF-MR, or other medical institution for less than thirteen months or the individual is ineligible for medicaid for any month during the thirteen month home exemption period, then a new thirteen month home exemption period must begin as outlined in paragraph (C)(2) of this rule.

(5) For applications filed on or after January 1, 2006, an individual is not eligible for LTCF services, a HCBS waiver or PACE if the individual's equity interest in the individual's home exceeds the home equity limit. The home equity limit is applicable even though the home is considered the principal place of residence as defined in this rule.

(a) The equity value in excess of the home equity limit does not apply to an individual if any of the following persons are lawfully residing in the individual's home:

(i) The individual's spouse; or

(ii) The individual's child who is under age twenty-one, or blind or disabled as defined in Chapter 5101: 1-39 of the Administrative Code.

(b) Nothing in paragraph (C)(5) of this rule should be construed as preventing an individual from using a reverse mortgage or home equity loan to reduce the individual's total equity interest in the home below the home equity limit.

(c) The requirements in this paragraph must be waived in the case of a demonstrated hardship as outlined in paragraph (D) of this rule.

(6) The home equity limit is applicable even when an individual is a recipient of QLTCP benefits. A QLTCP disregard can not offset or reduce home equity for the purposes of paragraph (C)(5) of this rule.

(7) An individual who applies for and is determined eligible for long-term care (LTC) services before January 1, 2006 is not subject to the home equity limit; however, if the individual has a break in LTC eligibility on or after January 1, 2006, the home equity limit described in paragraph (C)(5) of this rule applies.

(D) Home equity and undue hardship.

(1) The administrative agency must deny or terminate LTC services, HCBS waiver or PACE payment when an individual's equity interest in the individual's home exceeds the home equity limit, with the exception in paragraph (C)(5)(a) of this rule.

(2) The individual will not be subject to a denial or termination of benefits resulting from home equity in excess of the home equity limit if the denial or termination will result in an undue hardship. An undue hardship exists when denial or termination of LTC services, HCBS waiver or PACE would deprive the individual of the following:

(a) Medical care such that the individual's health or life would be endangered; or

(b) Food, clothing, shelter, or other necessities of life.

(3) The individual must first document an attempt was made to reduce the home equity value below the home equity limit.

(4) An undue hardship exemption may be requested by the individual or, with the consent of the institutionalized individual or the authorized representative, by the nursing facility on behalf of the institutionalized individual.

(5) Undue hardship does not exist when the institutionalized individual has taken action to restrict access to the excess home equity.

(6) For the purpose of this rule, individuals determined to be incompetent, who do not have another individual to act on their behalf, must be referred to the county prosecutor or the administrative agency's own legal staff.

(E) The individual must provide verification, as defined in Chapter 5101: 1-37 and Chapter 5101: 1-38 of the Administrative Code.

Effective: 09/01/2007

5101:1-39-05 Medicaid: resource requirement.

(A) This rule defines how resources are treated for purposes of determining eligibility for medical assistance.

(B) Definitions.

(1) "Administrative agency" means the county department of job and family services, the Ohio department of job and family services, or other entity that determines eligibility for a medical assistance program.

(2) "Assets" include all income and resources of the individual and of the individual's spouse. This includes any income or resources the individual or the individual's spouse is entitled to, but does not receive, because of action taken to avoid receipt of the assets by:

(a) The individual or the individual's spouse; or

(b) A person, including a court or administrative body, with legal authority to act in place of or on behalf of the individual or the individual's spouse; or

(c) Any person, including any court or administrative body, acting at the direction or upon the request of the individual or the individual's spouse.

(3) "Countable resources" mean those resources remaining after all exemptions have been applied.

(4) An "encumbrance" means a claim, lien, charge, or liability attached to and binding on an identified piece of real or personal property.

(5) "Equity value" means the fair market value of a resource minus any encumbrance on it.

(6) "Fair market value" of a resource means the going price, for which real or personal property can reasonably be expected to sell on the open market, in the particular geographic area involved.

(7) "Individual" means an applicant for or recipient of a medical assistance program.

(8) "Personal property" means any property that is not real property. The term includes, but is not limited to, such things as cash, jewelry, household goods, tools, life insurance policies, automobiles, promissory notes, etc.

(9) "Real property" means land, including buildings or immovable objects, attached permanently to the land.

(10) "Resources" mean cash, personal property, and real property an individual and/or the individual's spouse has an ownership interest in, has the legal ability to access in order to convert to cash (if not already cash), and is not legally prohibited from using for support and maintenance.

(a) An ownership interest in property, whether real or personal, is any interest recognized by law that can be protected or enforced in a court of law. Ownership interest includes either legal title or equitable interests. Access to property or a right to use property does not make that property a resource if there is no ownership interest.

(b) Property cannot be a resource if the individual lacks the legal ability to access funds for spending or to convert noncash property into cash.

(i) Property, or an interest in real or personal property, must have a cash value that is available to the individual upon liquidation or sale of the property.

(ii) An individual has the legal ability to access property even when action can be taken only by an agent, any person with power of attorney, a guardian whether court appointed or not, or any other court appointed fiduciary such as a conservator of the individual. For purposes of medicaid eligibility, any action by an agent, a guardian whether court appointed or not, any person with a power of attorney, or any other court appointed

fiduciary such as a conservator is deemed to be an action by the individual. This is true even if he or she is required to petition the court to withdraw funds for the individual's care.

(c) Even with ownership interest and legal ability to access property, a legal restriction against the property's use for the owner's own support and maintenance means the property is not a resource.

(11) "Resource limit" means the maximum combined value of all resources an individual can have an ownership interest in and still qualify for medicaid.

(a) For an individual, the resource limit is one thousand five hundred dollars.

(b) For a couple, whether both are eligible or one is ineligible, the resource limit is two thousand two hundred fifty dollars.

(c) A child living with a parent is considered to be an individual and has a resource limit of one thousand five hundred dollars.

(12) "Trust" is defined in rule 5101:1-39- 27.1 of the Administrative Code.

(C) Treatment of non-exempt resources and determination of resource availability.

(1) The administrative agency must evaluate and calculate the value of all resources held by an individual and the individual's spouse. An individual is ineligible for medical assistance if he or she has an ownership interest in resources with an aggregate or total countable value greater than the resource limit. The following provisions govern that process.

(a) Receipt and retention of cash or in-kind items.

(i) An individual or the individual's spouse may receive cash or in-kind items during a calendar month (the "month of receipt"). The administrative agency must treat the cash or in-kind items as a possible source of countable income for the month of receipt under the rules governing income.

(ii) If the individual or the individual's spouse retains the cash or in-kind items beyond the month of receipt, the administrative agency must determine the availability of the cash or in-kind items as a possible countable resource under the rules governing resources.

(iii) Receipt of cash or in-kind items from the sale or exchange of timber, minerals, or other like items that are part of the land must be governed by this provision.

(b) If the individual or the individual's spouse receives cash or in-kind items as the result of an exchange, sale, replacement, or conversion of a resource, the administrative agency must consider the availability of the cash or in-kind items under the rules governing the treatment of resources, even in the first calendar month.

(2) Changes in the value of resources.

(a) The administrative agency must review any change (increase or decrease), in the total value of an individual's resources, if the change may affect the individual's eligibility for medical assistance .

(b) The review may be initiated by an eligibility worker based upon information derived from any reliable source indicating the value of an individual's available resources has increased or decreased.

(c) The administrative agency must conduct the review of any changes as soon as possible.

(3) Discovery of previously unknown ownership interests.

(a) Any individual alleging lack of knowledge of an ownership interest in a resource must provide a signed statement attesting to the lack of knowledge and explaining the circumstances resulting in its discovery.

(b) The individual must obtain supporting documentation, which may include signed statements from other individuals who are familiar with the individual's situation, that confirms the individual's claim.

(c) If the administrative agency obtains both the signed statement and adequate supporting documentation from the individual, the administrative agency will not count an individual's ownership interest as an available resource during any period in which the individual was unaware of the ownership interest.

(d) The administrative agency must treat previously unknown ownership interests, including any monies (interest, dividends, or other earnings) that have accumulated on it, in the same manner as the receipt or retention of cash or in-kind items under this rule.

(e) If either the signed statement or the supporting documentation is not provided, the administrative agency will count an individual's ownership interest as an available resource during any period in which the individual claimed to be unaware of the ownership interest. The administrative agency must treat the ownership interest, including any monies (interest, dividends, or other earnings) that have accumulated on it, in the same manner as the receipt or retention of cash or in-kind receipts under this rule. When appropriate, the administrative agency may refer the case to the administrative agency's benefit recovery unit.

(4) Shared ownership.

(a) If the individual shares ownership with another person (co-owner), the resources are treated in the following manner:

(i) If the co-owner is not the individual's spouse, parent (if the individual is under age eighteen), or child under age eighteen, and the co-owner intends to block the individual's use or disposal of the resource, the individual is required to pursue legal action to make the resource available. The individual must provide written verification of legal action.

(ii) If the written response indicates a legal action can make part or all of the resource available, the individual is required to pursue such a legal action.

(iii) If the individual is unwilling to take legal action to make the resource available, the application is denied or the case is terminated for failure to cooperate.

(iv) If the individual is unable to make the resource available because one of the owners cannot be located, the cost of a legal action is prohibitive, or the individual was unsuccessful in a legal action, the resource is not counted. Availability of the resource is reexamined at each eligibility review.

(b) If the co-owner is the individual's spouse, parent (if the individual is under age eighteen), or child under age eighteen, the ability to use or dispose of the resource is assumed to exist unless the individual can provide documentation of the contrary.

(5) Continuing verification.

(a) The administrative agency must verify the value of real and personal property with each application or reapplication and any time information is provided that indicates that a change in the individual's resources may have occurred.

(b) The administrative agency must record the verification and place all supporting documents in the case record.

(6) Property that has not been sold.

(a) This provision governs real and personal property that has not been sold. If an individual owns property that affects eligibility and the property has not been sold, it will not be counted as an available resource as long as the individual continues to list the property for sale at an amount equal to the market value determined by the county auditor.

(b) Real property that was the principal place of residence must first be considered in accordance with rule 5101:1-39- 31.3 of the Administrative Code before the provisions of this paragraph are applied.

(c) The inability to sell property may result from legal technicalities, general economic conditions in the community, or the inability to find a buyer. Before property will be determined to be exempt as a countable asset, the individual has the burden of producing reliable documentation establishing either of the following.

(i) The individual may produce documentation from two different types of knowledgeable sources in the geographic area that agree that although the property is listed for sale, the property has not been sold due to an attribute of the property or the market or both.

(a) In cases involving real property, knowledgeable sources are limited to the following: the county auditor, real estate brokers, the local office of the farmer's home administration for rural land, the local office for the agricultural stabilization and conservation service for rural property, banks, savings and loan associations, mortgage companies and similar lending institutions, and the county extension service.

(b) In the case of personal property, knowledgeable sources are limited to the following: any professional, business owner or operator, or expert who has experience in the sale, trade, restoration, or valuation of the type of personal property in question.

(ii) Alternatively, the individual may produce documentation showing that an actual but unsuccessful sale attempt has been made.

(a) If real property, the documentation must show that the property has been, and is currently, listed for sale with a real estate agent or real estate firm in the geographic area. The property is a countable asset until it is listed for sale.

(b) The property must be listed for sale at an amount equal to the market value determined by the county auditor.

(c) The real estate agent or firm must verify that no offer to purchase has been received. The "geographic area" is the area covered by radio, television, newspaper, and other media serving the area where the individual lives and where the property is located.

(d) If the individual receives an offer for the property that is less than ninety per cent of the current market value established by the county auditor, the low offer may be an indication that the value is incorrect.

(e) If it appears that the stated value is incorrect, either the individual or the administrative agency may obtain an appraisal from a second source to set a more accurate value. A second appraisal is not necessary when the purchase offer is so low that it is obviously unreasonable.

(f) The individual has the right to rebut the value by obtaining an appraisal of the property.

(7) Property that can be accessed only through legal action.

(a) If the applicant is unable to access or liquidate property due to a legal impediment or due to conduct of another person, the administrative agency must refer the individual to legal aid services or the prosecuting attorney's office to determine if they can assist in making the resource available. A written response to the referral is required.

(i) A failure or refusal by the prosecuting attorney or legal aid service to provide a written response must not result in a denial for medical assistance; or

(ii) A delay in the eligibility determination by the administrative agency.

(b) If the written response indicates that a legal action can make part or all of the resource available, the individual is required to pursue such a legal action.

(c) If the individual is unwilling to take legal action to make the resource available, the application is denied or the case is terminated for a failure to cooperate.

(d) If the individual is unable to make the resource available because the cost of a legal action is prohibitive, or if the individual is unsuccessful in their legal action, the resource is not counted. Availability of the resource is reexamined at each redetermination for medical assistance.

(D) Resources of family members, households, essential persons, and aliens.

(1) The resources of spouses residing together are addressed in accordance with the deeming of resources rule in Chapter 5101:1-39 of the Administrative Code.

(2) In non-institutional settings, the administrative agency must apply the resource limitation for an individual effective with the month following the month a couple separates or divorces or one member dies. Reference rules [5101:1-39-22](#) and [5101:1-39-35](#) of the Administrative Code for the treatment of resources for individuals receiving long term care services in a long term care facility, under a home and community-based services(HCBS) waiver program, or under the program of all-inclusive care for the elderly (PACE).

(3) The resources of a child under the age of eighteen are addressed in accordance with the deeming of resources rule in Chapter 5101:1-39 of the Administrative Code.

(4) The resources of an individual include those of his essential person. An "essential person" is someone who:

(a) Has continuously lived in the individual's home since December 1973; and

(b) Was not eligible for state assistance in December 1973; and

(c) Has never been eligible for SSI benefits as an eligible individual or as an eligible spouse; and

(d) Under the state plan in effect for June 1973, the state took that person's needs into account in determining the eligible individual's need for state assistance in December 1973.

(5) The resources of an alien and sponsor(s) are addressed in accordance with the sponsor-to-alien deeming requirements in Chapter 5101:1-2 of the Administrative Code.

(E) Institutionalization on or prior to December 31, 1989.

(1) An individual who entered a medical institution on or prior to December 31, 1989, and has continuously resided in the institution, is considered to have been living apart from his or her family effective the month following the month of institutionalization.

(2) All resources, in the name of the institutionalized individual, must be considered in the determination of eligibility for medical assistance.

(3) Any resource, owned solely by a spouse or parent living outside the institution, is not considered available to the spouse/child residing in the institution. Only those resources that are actually being contributed (e.g., share of savings account) must be used in the determination of resource eligibility.

(4) The availability of a resource owned jointly.

(a) If a resource is jointly owned and listed with names connected by "and" or "or", the total amount of the resource is considered available to the institutionalized individual unless the individual provides documentation verifying the portion contributed by the other owners. Only the portion the individual contributed is considered a resource.

(b) Resources of parents are not considered available to a child who is institutionalized when the institutionalization is not temporary, even if the child returns to the home for periodic visits.

(F) Couples separated by institutionalization on or after January 1, 1990, must have resources assessed in accordance with rules [5101:1-39-35](#) to 5101:1-39- 36.2 of the Administrative Code.

(G) Couples separated by institutionalization on or prior to December 31, 1989, but the institutionalized individual returned to a community setting for thirty days or longer on or after January 1, 1990 and then is separated by another period of institutionalization, must have resources assessed in accordance with rules [5101:1-39-35](#) to 5101:1-39- 36.2 of the Administrative Code. The first date of institutionalization on or after January 1, 1990 must be considered the first continuous period of institutionalization.

(H) Resources determined exempt and/or excluded from the applicable resource limit for medical assistance remain exempt or excluded at the time of the individual's death. Exempt and/or excluded resources are part of the deceased individual's estate and are subject to the estate recovery provisions in accordance with section 5111.11 of the Revised Code.

(I) For purposes of determining or redetermining eligibility for medical assistance on or after February 8, 2006, the entrance fee for individuals residing in a continuing care retirement community or a life care community must be considered an available resource in accordance with rule 5101:1-39- 02.2 of the Administrative Code.

Replaces: 5101:1-39-05

Effective: 10/01/2006

5101:1-39-05 Medicaid: resource req

(A) This rule defines how resources are treated for purposes of det

(B) Definitions.

(1) "Administrative agency" means the county department of job and family services, or other entity that determines eligibility f

(2) "Assets" include all income and resources of the individual and income or resources the individual or the individual's spouse is action taken to avoid receipt of the assets by:

(a) The individual or the individual's spouse; or

(b) A person, including a court or administrative body, with legal authority to act in place of or on behalf of the individual or the individual's spouse; or

(c) Any person, including any court or administrative body, acting at the direction or upon the request of the individual or the individual's spouse.

(3) "Countable resources" mean those resources remaining after all exemptions have been applied.

(4) An "encumbrance" means a claim, lien, charge, or liability attached to and binding on an identified piece of real or personal property.

(5) "Equity value" means the fair market value of a resource minus any encumbrance on it.

(6) "Fair market value" of a resource means the going price, for which real or personal property can reasonably be expected to sell on the open market, in the particular geographic area involved.

(7) "Individual" means an applicant for or recipient of a medical assistance program.

(8) "Personal property" means any property that is not real property. The term includes, but is not limited to, such things as cash, jewelry, household goods, tools, life insurance policies, automobiles, promissory notes, etc.

(9) "Real property" means land, including buildings or immovable objects, attached permanently to the land.

(10) "Resources" mean cash, personal property, and real property an individual and/or the individual's spouse has an ownership interest in, has the legal ability to access in order to convert to cash (if not already cash), and is not legally prohibited from using for support and maintenance.

(a) An ownership interest in property, whether real or personal, is any interest recognized by law that can be protected or enforced in a court of law. Ownership interest includes either legal title or equitable interests. Access to property or a right to use property does not make that property a resource if there is no ownership interest.

(b) Property cannot be a resource if the individual lacks the legal ability to access funds for spending or to convert noncash property into cash.

(i) Property, or an interest in real or personal property, must have a cash value that is available to the individual upon liquidation or sale of the property.

(ii) An individual has the legal ability to access property even when action can be taken only by an agent, any person with power of attorney, a guardian whether court appointed or not, or any other court appointed fiduciary such as a conservator of the individual. For purposes of medicaid eligibility, any action by an agent, a guardian whether court appointed or not, any person with a power of attorney, or any other court appointed fiduciary such as a conservator is deemed to be an action by the individual. This is true even if he or she is required to petition the court to withdraw funds for the individual's care.

(c) Even with ownership interest and legal ability to access property, a legal restriction against the property's use for the owner's own support and maintenance means the property is not a resource.

(11) "Resource limit" means the maximum combined value of all resources an individual can have an ownership interest in and still qualify for medicaid.

(a) For an individual, the resource limit is one thousand five hundred dollars.

(b) For a couple, whether both are eligible or one is ineligible, the resource limit is two thousand two hundred fifty dollars.

(c) A child living with a parent is considered to be an individual and has a resource limit of one thousand five hundred dollars.

(12) "Trust" is defined in rule 5101:1-39- 27.1 of the Administrative Code.

(C) Treatment of non-exempt resources and determination of resource availability.

(1) The administrative agency must evaluate and calculate the value of all resources held by an individual and the individual's spouse. An individual is ineligible for medical assistance if he or she has an ownership interest in resources with an aggregate or total countable value greater than the resource limit. The following provisions govern that process.

(a) Receipt and retention of cash or in-kind items.

(i) An individual or the individual's spouse may receive cash or in-kind items during a calendar month (the "month of receipt"). The administrative agency must treat the cash or in-kind items as a possible source of countable income for the month of receipt under the rules governing income.

(ii) If the individual or the individual's spouse retains the cash or in-kind items beyond the month of receipt, the administrative agency must determine the availability of the cash or in-kind items as a possible countable resource under the rules governing resources.

(iii) Receipt of cash or in-kind items from the sale or exchange of timber, minerals, or other like items that are part of the land must be governed by this provision.

(b) If the individual or the individual's spouse receives cash or in-kind items as the result of an exchange, sale, replacement, or conversion of a resource, the administrative agency must consider the availability of the cash or in-kind items under the rules governing the treatment of resources, even in the first calendar month.

(2) Changes in the value of resources.

(a) The administrative agency must review any change (increase or decrease), in the total value of an individual's resources, if the change may affect the individual's eligibility for medical assistance .

(b) The review may be initiated by an eligibility worker based upon information derived from any reliable source indicating the value of an individual's available resources has increased or decreased.

(c) The administrative agency must conduct the review of any changes as soon as possible.

(3) Discovery of previously unknown ownership interests.

(a) Any individual alleging lack of knowledge of an ownership interest in a resource must provide a signed statement attesting to the lack of knowledge and explaining the circumstances resulting in its discovery.

(b) The individual must obtain supporting documentation, which may include signed statements from other individuals who are familiar with the individual's situation, that confirms the individual's claim.

(c) If the administrative agency obtains both the signed statement and adequate supporting documentation from the individual, the administrative agency will not count an individual's ownership interest as an available resource during any period in which the individual was unaware of the ownership interest.

(d) The administrative agency must treat previously unknown ownership interests, including any monies (interest, dividends, or other earnings) that have accumulated on it, in the same manner as the receipt or retention of cash or in-kind items under this rule.

(e) If either the signed statement or the supporting documentation is not provided, the administrative agency will count an individual's ownership interest as an available resource during any period in which the individual claimed to be unaware of the ownership interest. The administrative agency must treat the ownership interest,

including any monies (interest, dividends, or other earnings) that have accumulated on it, in the same manner as the receipt or retention of cash or in-kind receipts under this rule. When appropriate, the administrative agency may refer the case to the administrative agency's benefit recovery unit.

(4) Shared ownership.

(a) If the individual shares ownership with another person (co-owner), the resources are treated in the following manner:

(i) If the co-owner is not the individual's spouse, parent (if the individual is under age eighteen), or child under age eighteen, and the co-owner intends to block the individual's use or disposal of the resource, the individual is required to pursue legal action to make the resource available. The individual must provide written verification of legal action.

(ii) If the written response indicates a legal action can make part or all of the resource available, the individual is required to pursue such a legal action.

(iii) If the individual is unwilling to take legal action to make the resource available, the application is denied or the case is terminated for failure to cooperate.

(iv) If the individual is unable to make the resource available because one of the owners cannot be located, the cost of a legal action is prohibitive, or the individual was unsuccessful in a legal action, the resource is not counted. Availability of the resource is reexamined at each eligibility review.

(b) If the co-owner is the individual's spouse, parent (if the individual is under age eighteen), or child under age eighteen, the ability to use or dispose of the resource is assumed to exist unless the individual can provide documentation of the contrary.

(5) Continuing verification.

(a) The administrative agency must verify the value of real and personal property with each application or reapplication and any time information is provided that indicates that a change in the individual's resources may have occurred.

(b) The administrative agency must record the verification and place all supporting documents in the case record.

(6) Property that has not been sold.

(a) This provision governs real and personal property that has not been sold. If an individual owns property that affects eligibility and the property has not been sold, it will not be counted as an available resource as long as the individual continues to list the property for sale at an amount equal to the market value determined by the county auditor.

(b) Real property that was the principal place of residence must first be considered in accordance with rule 5101:1-39- 31.3 of the Administrative Code before the provisions of this paragraph are applied.

(c) The inability to sell property may result from legal technicalities, general economic conditions in the community, or the inability to find a buyer. Before property will be determined to be exempt as a countable asset, the individual has the burden of producing reliable documentation establishing either of the following.

(i) The individual may produce documentation from two different types of knowledgeable sources in the geographic area that agree that although the property is listed for sale, the property has not been sold due to an attribute of the property or the market or both.

(a) In cases involving real property, knowledgeable sources are limited to the following: the county auditor, real estate brokers, the local office of the farmer's home administration for rural land, the local office for the

agricultural stabilization and conservation service for rural property, banks, savings and loan associations, mortgage companies and similar lending institutions, and the county extension service.

(b) In the case of personal property, knowledgeable sources are limited to the following: any professional, business owner or operator, or expert who has experience in the sale, trade, restoration, or valuation of the type of personal property in question.

(ii) Alternatively, the individual may produce documentation showing that an actual but unsuccessful sale attempt has been made.

(a) If real property, the documentation must show that the property has been, and is currently, listed for sale with a real estate agent or real estate firm in the geographic area. The property is a countable asset until it is listed for sale.

(b) The property must be listed for sale at an amount equal to the market value determined by the county auditor.

(c) The real estate agent or firm must verify that no offer to purchase has been received. The "geographic area" is the area covered by radio, television, newspaper, and other media serving the area where the individual lives and where the property is located.

(d) If the individual receives an offer for the property that is less than ninety per cent of the current market value established by the county auditor, the low offer may be an indication that the value is incorrect.

(e) If it appears that the stated value is incorrect, either the individual or the administrative agency may obtain an appraisal from a second source to set a more accurate value. A second appraisal is not necessary when the purchase offer is so low that it is obviously unreasonable.

(f) The individual has the right to rebut the value by obtaining an appraisal of the property.

(7) Property that can be accessed only through legal action.

(a) If the applicant is unable to access or liquidate property due to a legal impediment or due to conduct of another person, the administrative agency must refer the individual to legal aid services or the prosecuting attorney's office to determine if they can assist in making the resource available. A written response to the referral is required.

(i) A failure or refusal by the prosecuting attorney or legal aid service to provide a written response must not result in a denial for medical assistance; or

(ii) A delay in the eligibility determination by the administrative agency.

(b) If the written response indicates that a legal action can make part or all of the resource available, the individual is required to pursue such a legal action.

(c) If the individual is unwilling to take legal action to make the resource available, the application is denied or the case is terminated for a failure to cooperate.

(d) If the individual is unable to make the resource available because the cost of a legal action is prohibitive, or if the individual is unsuccessful in their legal action, the resource is not counted. Availability of the resource is reexamined at each redetermination for medical assistance.

(D) Resources of family members, households, essential persons, and aliens.

(1) The resources of spouses residing together are addressed in accordance with the deeming of resources rule in Chapter 5101:1-39 of the Administrative Code.

(2) In non-institutional settings, the administrative agency must apply the resource limitation for an individual effective with the month following the month a couple separates or divorces or one member dies. Reference rules [5101:1-39-22](#) and [5101:1-39-35](#) of the Administrative Code for the treatment of resources for individuals receiving long term care services in a long term care facility, under a home and community-based services(HCBS) waiver program, or under the program of all-inclusive care for the elderly (PACE).

(3) The resources of a child under the age of eighteen are addressed in accordance with the deeming of resources rule in Chapter 5101:1-39 of the Administrative Code.

(4) The resources of an individual include those of his essential person. An "essential person" is someone who:

(a) Has continuously lived in the individual's home since December 1973; and

(b) Was not eligible for state assistance in December 1973; and

(c) Has never been eligible for SSI benefits as an eligible individual or as an eligible spouse; and

(d) Under the state plan in effect for June 1973, the state took that person's needs into account in determining the eligible individual's need for state assistance in December 1973.

(5) The resources of an alien and sponsor(s) are addressed in accordance with the sponsor-to-alien deeming requirements in Chapter 5101:1-2 of the Administrative Code.

(E) Institutionalization on or prior to December 31, 1989.

(1) An individual who entered a medical institution on or prior to December 31, 1989, and has continuously resided in the institution, is considered to have been living apart from his or her family effective the month following the month of institutionalization.

(2) All resources, in the name of the institutionalized individual, must be considered in the determination of eligibility for medical assistance.

(3) Any resource, owned solely by a spouse or parent living outside the institution, is not considered available to the spouse/child residing in the institution. Only those resources that are actually being contributed (e.g., share of savings account) must be used in the determination of resource eligibility.

(4) The availability of a resource owned jointly.

(a) If a resource is jointly owned and listed with names connected by "and" or "or", the total amount of the resource is considered available to the institutionalized individual unless the individual provides documentation verifying the portion contributed by the other owners. Only the portion the individual contributed is considered a resource.

(b) Resources of parents are not considered available to a child who is institutionalized when the institutionalization is not temporary, even if the child returns to the home for periodic visits.

(F) Couples separated by institutionalization on or after January 1, 1990, must have resources assessed in accordance with rules [5101:1-39-35](#) to 5101:1-39- 36.2 of the Administrative Code.

(G) Couples separated by institutionalization on or prior to December 31, 1989, but the institutionalized individual returned to a community setting for thirty days or longer on or after January 1, 1990 and then is separated by another period of institutionalization, must have resources assessed in accordance with rules [5101:1-39-35](#) to 5101:1-39- 36.2 of the Administrative Code. The first date of institutionalization on or after January 1, 1990 must be considered the first continuous period of institutionalization.

(H) Resources determined exempt and/or excluded from the applicable resource limit for medical assistance remain exempt or excluded at the time of the individual's death. Exempt and/or excluded resources are part of

the deceased individual's estate and are subject to the estate recovery provisions in accordance with section 5111.11 of the Revised Code.

(I) For purposes of determining or redetermining eligibility for medical assistance on or after February 8, 2006, the entrance fee for individuals residing in a continuing care retirement community or a life care community must be considered an available resource in accordance with rule 5101:1-39- 02.2 of the Administrative Code.

Replaces: 5101:1-39-05

Effective: 10/01/2006



**Department of
Job and Family Services**

Ted Strickland, Governor
Douglas E. Lumpkin, Director

March 1, 2010

Mr. Rick Krlich
713 East Liberty Street
Hubbard, OH 44425-2141

Dear Mr. Krlich:

1 Your inquiry to the Office of the Inspector General was referred to our office. They requested that we respond to your concerns. I note that our agency advised you by letter dated December 29, 2009. Your communications express concern that a certain transfer of real property constituted Medicaid fraud. The pertinent facts, as established in the action of *Clemente, v. Clemente*, 2008-Ohio-6773, are the following:

2 723 East Liberty Street property in Hubbard, Ohio was jointly owned by John J. Clemente Jr. and his mother Mary Clemente. Each held a one-half interest in the property. On January 31, 2007, the guardian of Mary Clemente applied to the probate court in Trumbull County to sell the one-half interest of Mary Clemente. The property was appraised at \$49,500. The probate court found the property had an appraised value of \$40,000, and the court approved the sale of Mary Clemente's interest for \$20,000. After the probate court issued an order approving the sale of the one-half interest, you attempted to intervene in the probate proceedings, asserting *inter alia* that you offered \$30,000 for the one-half interest; however, your attempts were set aside as untimely and legally without foundation.

3 You now believe that Mary Clemente, now deceased, was a former Medicaid consumer. You also believe that either the non-sale of the one-half interest, or the sale of the one-half interest, constituted Medicaid fraud. You have expressed your concerns to the common pleas court, to the court of appeals for the eleventh district, to the county prosecutor, to the Ohio Department of Job and Family Services, to the Ohio Attorney General's Office, and to the Ohio Inspector General.

4 We cannot by state and federal law confirm or discuss confidential Medicaid information and that includes any actions taken in relation to specific Medicaid consumer cases. See Ohio Revised Code 5101.27, 42 CFR 431.300 - 431.307, and 45 CFR 164.502(f). However, you can rest assured that ODJFS has taken all appropriate and legally required measures.

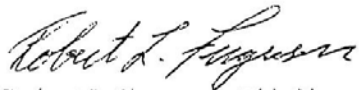
30 East Broad Street
Columbus, Ohio 43215
jfs.ohio.gov

An Equal Opportunity Employer and Service Provider

Mr. Krlich
March 1, 2010
Page 2

Our agency has conferred with the Office of the Ohio Attorney General. ODJFS has reviewed the matter fully in light of all of your allegations and can find no evidence of Medicaid fraud.

Sincerely,



Robert L. Ferguson, Chief Inspector
Ohio Department of Job and Family Services

CC: Thomas P. Charles, Ohio Inspector General
Lewis George, ODJFS Chief Legal Council
Cynthia Callender, OHP Assistant Deputy Director

30 East Broad Street
Columbus, Ohio 43215
jfs.ohio.gov

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2ND

— REPORT OF WRONGFUL ACT OR OMISSION BY STATE AGENCY OR EMPLOYEE —

Complete and return this form to:

Office of the Inspector General, Attention: Intake Screening Committee
30 East Broad Street - Suite 2940, Columbus, Ohio 43215-3414

Telephone: 614.844.9110 or 800.888.1525

Fax: 614.844.9504

Web Site Address: watchdog.ohio.gov ■ E-Mail Address: oig_watchdog@oig.state.oh.us

INSPECTOR GENERAL COMPLAINT FORM

Your Name GARRICK KRWICH DOB 12-24-60
 Street Address 713 E. LIBERTY ST Telephone (H) 330 534-2949
 City, State, Zip HUBBARD OH. 44425 Telephone (W) _____
 Place of Employment SELF Telephone (Cell) _____

Name of state agency involved OHIO JOB'S AND FAMILY SERVICESName of state employee(s) or individual(s) involved ANGELO, PERIDON, MARBE MILLER,
DIANE SKINNER, MIKE CAYBELLPlease provide a brief summary of the alleged wrongdoing or omission (we encourage you to add a detailed narrative at the end of this document) THIS IS MY SECOND COMPLAINT. NOW

I WILL TRY TO EXPLAIN MY COMPLAINT. FIRST IN
RESPONSE TO LETTER FROM O.J.F.S. MARCH 1 2010
STATING THAT A LETTER DATED DEC. 29 2009 TO ME
EXPLAINED THAT THE ACTION CLEMENT V. CLEMENT
PROVED THAT NO FRAUD HAD TAKEN PLACE. THIS CASE
HAS NOTHING TO DO WITH THE FACT THAT THE MEDICAID
PROPERTY WAS NEVER PUT UP FOR SALE. (MEDICAID RULE
5101:1-39-33) BUT ANYWAY I WILL EXPLAIN WHAT
REALLY HAPPEND AT THIS COURT CASE. I CONTACTED
O.J.F.S. BEFORE THIS CASE WENT TO TRIAL AND INFORMED
THEM WHAT WAS GOING TO TRANSPIRE. NO ONE FROM
O.J.F.S. SHOWED UP TO PROTECT TAX PAYER'S MONEY.
THIS IS WHEN THE THE COVER UP STARTS.

① 2ND

Narrative of Complaint:

AT THE COURT HEARING I PRESENTED A OFFER
OF \$30,000 AS A STARTING BID FOR 1/2 INTEREST
IN THE MARY CLEMENT PROPERTY. THERE WERE
NO OTHER OFFERS AT THE TIME EXCEPT A
UNSIGNED OFFER OF \$20,000 I HAD THE ONLY
OFFER WHICH WAS \$10,000 MORE THAN THE
VERBAL OFFER. TRUMBULL COUNTY PROBATE COURT
IS FULL OF ATTORNEY'S AND JUDGES & MAGISTRATES
WHO HAVE THEIR OWN AGENDAS AND A SIMPLETON
LIKE MYSELF HAS NO BUSINESS INTEREST FEARING
IN THEIR AFFAIRS, SO I LOST THE CASE IMAGINE THAT
TAX PAYER PROPERTY SOLD TO LOWEST BIDDER.
ANYWAY THE COURT CASE HAS NOTHING TO DO
WITH THE FACT THE PROPERTY WAS NEVER PUT UP
FOR SALE, EVEN WHEN I REPORTED THIS TO O.J.F.S.
OH DID I MENTION THAT JOHN CLEMENT THE NEPHEW,
KNEW SOMEONE AT O.J.F.S. TOLD HIM HE COULD BID
\$4,000 FOR 1/2 INTEREST AND NO ONE WOULD CARE.
THIS STATEMENT WAS TOLD DIRECTLY TO ME BY JOHN
CLEMENT. THERE COULD NOT BE ANY CORRUPTION
AT O.J.F.S. THEY SUPERVISE THEMSELVES. (YA RIGHT)
I KNEW FIRST HAND THAT CLEMENT FAMILY WAS
GOING TO STEAL FROM THE TAXPAYERS. THERE
IS SO MUCH MORE TO TELL. ALL THE PREVIOUS
MEANS NOTHING. PROPERTY MUST BE PUT UP FOR SALE
AFTER 13 MONTHS RULE 5101:1-39-31 MEDICAID TREATMENT OF
THE HOME.

OK NOW TO 2ND PART OF LETTER 3-1-10
O.J.F.S. ROBERT FERGUSON IS BEING MISINFORMED BY
HIS UNDERSTUDY'S MAYBE THEY DON'T WANT TO BE FIRED

CONT. ②

CONT. (2) ^{2ND}

Narrative of Complaint:

723 ELIBERTY ST WAS JOINTLY OWNED BY ART CLEMENT AND HIS SISTER MARY CLEMENTE THIS IS WHEN O.J.F.S. SHOULD HAVE PUT WHOLE PROPERTY UP FOR SALE (RULE 5101:1-39-05 IF A RESOURCE IS JOINTLY OWNED) BECAUSE OF O.J.F.S. INCOMPETENCE THE 1/2 INTEREST TRANSFERRED FROM ART CLEMENT (BROTHER) TO JOHN CLEMENT SR. TO JOHN CLEMENT JR. (NEPHEW) OF MARY CLEMENTE. IN LETTER STATED THAT MARY CLEMENTE IS JOHN CLEMENT JR. MOTHER. THIS IS NOT TRUE. (KINDA MAKES IT LOOK LIKE THIS TRANSACTION IS NOT SO BAD MOTHER TO SON. ARE BOB FERGUSON TAX PAID EMPLOYEES TRYING TO SWEEP THIS UNDER THE CARPET BY MISINFORMATION TO THE CHIEF INSPECTOR (NO WAY!)) 2. NEXT STATEMENT LETTER 3-1-10 TO KRUGH #2 THE PROPERTY APPRAISAL. - THE PROPERTY WAS FIRST APPRAISED BY A PAID CLEMENTE FAMILY ATTORNEY IN THE ART CLEMENTE ESTATE FOR 49,500 THEN FOR 40,000 IN THE JOHN CLEMENTE SR ESTATE. THEN I WAS INFORMED BY JOHN CLEMENT JR. THAT HE WAS UPSET THAT THE APPRAISAL OF 40,000 WAS WAY TOO HIGH AND THAT THE ATTORNEY WANTED HIM TO SIGN A PURCHASE AGREEMENT FOR \$20,000 HE TOLD ME HE WAS NOT SIGNING ANY PURCHASE AGREEMENT FOR THAT AMOUNT AND THAT MEDICAID WAS GOING TO GET AS LITTLE AS POSSIBLE FROM HIM. HE WAS GOING TO LEAVE THE HOUSE AND PROPERTY IN A MESS SO HIS NEW PAID APPRAISER WOULD APPRAISE PROPERTY FOR 4,000 THIS IS WHEN I CALLED O.J.F.S. TALKED TO ANGELA TOLD HER WHAT WAS ABOUT TO HAPPEN, SHE LOOK UP PROPERTY AND TOLD ME THAT THE HOUSE LOOKED LIKE IT WASNT WORTH MUCH. (YOU GOT TO BE KIDDING ME)

CONT (3)

CONT. (3)

Narrative of Complaint:

THIS IS WHEN I REALIZED SOMETHING WASNT
RIGHT. OH BY THE WAY DID I SAY THAT THE
PROPERTY TOTAL VALUE WAS 51,600- IN TRUMBULL
COUNTY AUDITOR SIGHT. AND INFORMED O.J.F.S.
ANGELO TO THE FACT, NO THRU DEATH'S AND
PROPERT TRANSFERS. THE CLEMENTE PAID APPRAISERS
HAVE NOW REDUCED THE VALUE OF 723 ELBERTY
TO \$40,000- AND AN ATTEMPT BY JOHN JR CLEMENTE
TO EVEN FURTHER REDUCE VALUE, THIS WOULD HAVE
HAPPEND IF IT WAS NOT FOR A CONSERVED TAX
PAYER WHO STOPED THIS ACTION IN ITS TRACKS BY
HIS OFFER OF \$39,000- OK NOW YOU CAN SEE
THAT THIS INFORMATION PRESENTED TO BOB FERGUSON
IS MISLEADING HIM TO THINK THAT THE PROPERTY IS
NOT WORTH MUCH. HIS EMPLOYEES NEVE INFORMED HIM
THE VALUES LISTED IN LETTER 3-1-10 MEAN NOTHING
DUE TO MEDICAID RULE 5101:1-39-31.3 (MARKET VALUE IS
DETERMINED BY COUNTY AUDITOR) (SEE ATTACHED DOC.)
ALSO #4 IN RULE THE INDIVIDUAL MAY NOT REFUSE OFFERS
OF EQUAL OR HIGHER THAN 90% OF MARKET VALUE, COULD
PROBATE COURT BE CORRUPT (WHO CARE'S) THIS INFORMATION
GIVEN TO BOB FERGUSON IS LEADING HIM TO BELIEVE
THAT HIS EMPLOYEES ARE GIVING HIM INFORMATION
THAT IS RELEVANT. HIS EMPLOYEE'S FAIL THE TAX
PAYERS. OK 3RD PART OF LETTER 3-1-10 IT LOOK'S
LIKE O.J.F.S. WANT'S YOU TO BELIEVE THAT MARY CLEMENT
MAY NOT HAVE BEN A MEDICAID CONSUMER (SAY WHAT?)
I HAVE EXPRESSED MY CONCERNS TO ALL AND MORE OF
THE STATED ENTITIES BUT FROM ALL THERE RESPONSE
WAS WE DONT INVESTIGATE. DO YOU HEAR ME NO ONE

CONT (4)

CONT. (3)

Narrative of Complaint:

THIS IS WHEN I REALIZED SOMETHING WASNT
RIGHT. OH BY THE WAY DID I SAY THAT THE
PROPERTY TOTAL VALUE WAS 51,600- IN TRUMBULL
COUNTY AUDITOR SIGHT. AND INFORMED O.J.F.S.
ANGELO TO THE FACT, NO THRU DEATH'S AND
PROPERT TRANSFERS. THE CLEMENTE PAID APPRAISERS
HAVE NOW REDUCED THE VALUE OF 723 ELBERTY
TO \$40,000- AND AN ATTEMPT BY JOHN JR CLEMENTE
TO EVEN FURTHER REDUCE VALUE, THIS WOULD HAVE
HAPPEND IF IT WAS NOT FOR A CONSERVED TAX
PAYER WHO STOPED THIS ACTION IN ITS TRACKS BY
HIS OFFER OF \$39,000- OK NOW YOU CAN SEE
THAT THIS INFORMATION PRESENTED TO BOB FERGUSON
IS MISLEADING HIM TO THINK THAT THE PROPERTY IS
NOT WORTH MUCH. HIS EMPLOYEES NEVE INFORMED HIM
THE VALUES LISTED IN LETTER 3-1-10 MEAN NOTHING
DUE TO MEDICAID RULE 5101:1-39-31.3 (MARKET VALUE IS
DETERMINED BY COUNTY AUDITOR) (SEE ATTACHED DOC.)
ALSO #4 IN RULE THE INDIVIDUAL MAY NOT REFUSE OFFERS
OF EQUAL OR HIGHER THAN 90% OF MARKET VALUE, COULD
PROBATE COURT BE CORRUPT (WHO CARE'S) THIS INFORMATION
GIVEN TO BOB FERGUSON IS LEADING HIM TO BELIEVE
THAT HIS EMPLOYEES ARE GIVING HIM INFORMATION
THAT IS RELEVANT. HIS EMPLOYEE'S FAIL THE TAX
PAYERS. OK 3RD PART OF LETTER 3-1-10 IT LOOK'S
LIKE O.J.F.S. WANT'S YOU TO BELIEVE THAT MARY CLEMENT
MAY NOT HAVE BEN A MEDICAID CONSUMER (SAY WHAT?)
I HAVE EXPRESSED MY CONCERNS TO ALL AND MORE OF
THE STATED ENTITIES BUT FROM ALL THERE RESPONSE
WAS WE DONT INVESTIGATE. DO YOU HEAR ME NO ONE

CONT (4)

CONT (4)

Narrative of Complaint:

INVESTIGATES, NOT THE ATT. GENERAL NOT THE PROSECUTOR
I HAVE BEN STONE WALLED EVERY STEP OF THE WAY
OH IN RESPONSE TO THE APPEALS COURT. WHEN
THE ATTORNEY'S LIED IN PROBATE COURT SAYING THEY
ALREADY HAD AN AGREEMENT UNSIGNED. CHANGED
THE DATE ON THE AGREEMENT TO CORRESPOND WITH
MY OFFER WITCH WAS OFFERED ON JULY 24 07
A DAY LATER THEY HAD AN AGREEMENT JULY 25 07
CAN YOU BELIEVE THEY CHANGE THE DATE
ON A PERCHASE AGREEMENT AND OFFERED IT
TO PROBATE COURT, AND THE COURT RULED IN
THERE FAVOR. BACK TO THE APPEALS COURT,
I FOUND OUT THE HARD WAY \$4,000 DOLLARS
LATER THAT YOU CAN NOT ENTER NEW EVIDENCE,
2 ATTORNEY'S LIED AND PRESENTED AN ALTERED
PURCHASE AGREEMENT. (DID YOU KNOW THIS)
YOU CAN NOT ENTER NEW EVIDENCE IN AN APPEALS
COURT SO MY APPEAL WAS DENIED (THIS SYSTEM
IS FLAWED) SO NOW CHIEF INSPECTOR BOB FERGUSON
IS THINKING THAT MY COMPLAINT'S HAVE NO MERIT
BECAUSE TWO COURTS RULED AGAINST ME. BY THE
WAY TRIED TO HAVE PROBATE COURT INVESTIGATED
BY ROBERT KRONER HE TOLD ME PROBATE COURT PAY'S HIM TO
INVESTIGATE BUT HE NOT GOING TO INVESTIGATE THE PAYER
AND TRUMBULL COUNTY PROSECUTOR DO NOT INVESTIGATE EITHER.
(OH SO MUCH MORE) ENOUGH OF THIS THE RULES
OF MEDICIAD WERE NOT FOLLED (SEE ATTACHE RULES
ON FIRST COMPLAINT) I'M SURE BOB FERGUSON
DOSE NOT KNOW THE WHOLE STORY WHY WOULD
ALL THE ACCUSED GIVE BOB INFORMATION THAT MAY
GET THEM FIRED.

CONT (5)

CONT (5)

Narrative of Complaint:

SO BOB GET'S THIS LETTER READ'S IT
BELIEVE'S EVERYTHING IN ITS TRUE BECAUSE
HIS TEAM DRU IT UP AND HE'S TO BUSY
AND WOULD BELIEVE HIS EMPLOYEE'S OVER
ME (RICK KRlich SMALL LITTLE MAN WHO PAY'S THEM)

NOW TO #4

OK THE POWER OF THE ALMIGHTY
O.J.F.S. THERE QUICK TO STATE THE OHIO
REVISED CODE 5101.27 42 CFR 431.300-431.307
AND 45 CFR 164.502 (OH YA WE ALL LOVE
THE POWER) (TAKE THAT RICK KRlich SMALL TAX
PAYER) (SORRY BOUT THAT) WE WILL INVESTIGATE
OUR SELF'S TELL YOU NOTHING, WHO ARE
YOU RICK KRlich TO QUESTION US!!!

THE LAST THING I WANT IS O.J.F.S. TO
DO THERE OWN INVESTIGATION. MARGE MILLER OF
O.J.F.S. TOLD ME THAT CLEMENTS ATTORNEY SAID THAT
PROPERTY WASNT WORTH MUCH SO HE MUST BE RIGHT
(NO SHE DIDNT JUST TELL ME THAT) DIANE SKINNER
OF O.J.F.S. TOLD ME SHE CHECKED WITH MARGE
MILLER AND MILLER TOLD HER THERE WAS NO WRONG
DOING (OH YA FEELING GOOD ABOUT THAT ANSWER)
MIKE CAYGILL WHEN ASKED WHY PROPERTY WASNT
PUT UP FOR SALE SAID I DONT KNOW AND I DONT
INVESTIGATE. (I D SAY THE SAME THING TO STOP ME)

O.J.F.S. IS QUICK TO QUOTE RULES OF OHIO REVISED
CODE BUT I DONT BELIEVE ANY ONE KNOW'S THE
RULE'S OF PROPERTY SALE'S. O.J.F.S FAIL THE
TAX PAYER \$100,000 DOLLARS IS ALOT OF MONEY
JUST SO YOU KNOW THE WHOLE STORY I HAVE

CONT (6)

⑥

Narrative of Complaint:

SENT ALL DOCUMENTATION TO MY FACTS
O.J.F.S. HAS A LOOK BACK DATE OF 5 YEARS
RULE 5101:1-39.07 # 9 THEY NEED TO GET THE
TAX PAYERS \$100,000-

TOM CHARLES WE THE TAX PAYING PEOPLE
NEED YOU TO INTERVENE AND INVESTIGATE
THIS MATTER.

(RICK)
PLEASE HELP GARRICK KRILICH

I SHOULD NOT HAVE TO CONTINUE TO
USE MY OWN MONEY'S TO FIGHT THIS

SEE MY FIRST COMPLAINT FOR MEDICAID
RULES

(FORGIVE MY SPELLING)