

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR WALTON COUNTY, FLORIDA**

**STATE OF FLORIDA
COUNTY OF WALTON
CASE NO.: MFCU-17-00099**

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

BEFORE ME, _____, a Judge of the Circuit Court of the First Judicial Circuit of Florida, personally appeared Melody Barnard, a law enforcement lieutenant with the Florida Attorney General's Medicaid Fraud Control Unit (MFCU), who being by me first duly sworn, deposes and further states as follows:

The MFCU operates under the supervision of the Florida Attorney General's Office and exists to investigate fraud in the Medicaid program. The MFCU is authorized to investigate the alleged abuse, neglect, or exploitation of patients in health care facilities receiving payments under the Medicaid program, in coordination with the Agency for Health Care Administration, pursuant to 42 USCA §1396b(q) and §409.920(9), Florida Statutes. The MFCU may investigate any criminal violations discovered during the course of those investigations, as provided by §16.59, Florida Statutes.

* is an elderly adult as defined in §825.101(4), Florida Statutes, whose date-of-birth is _____, and suffers from the infirmities of aging including difficulty ambulating, _____ (*The name of the victim has been reduced to initials to avoid disclosure of confidential information pursuant to Federal HIPAA regulations, and Section 409.920(9)(f), Florida Statutes). On August 9, 2016, _____ was admitted to _____), located at _____, a Medicaid receiving facility, where S.P. still resides. Amber Griffith (A. Griffith) lives in a rental home at 28 Birch Avenue, Shalimar, FL 32579, in Okaloosa County, FL.

Former MFCU Lieutenant Wendy Boles met with _____ Administrator Delbert Whiting. Whiting reported A. Griffith was _____ Power of Attorney (POA) and had not paid _____'s bills nor provided financial documentation for his Medicaid application. Whiting said due to A. Griffith's failure to bring _____'s clothes to the facility, staff, including Whiting, had purchased clothing for _____.

Boles made multiple attempts to contact A. Griffith. Boles received a call from a person identifying herself as A. Griffith on 03/02/17 who advised she had been in Michigan with her ailing mother for the past two months and had just recently returned to the area.

A. Griffith advised she spent money from _____'s account, but stated she only spent it on _____'s bills. According to A. Griffith, _____ had \$12,000 in credit card bills and HOA fees, which she was paying. A. Griffith stated she intended to pay the bill at GBHRC once a full accounting was provided by the facility. A. Griffith also advised an assisted living facility (ALF) had _____.

evaluated _____ and determined he qualified for placement. A Griffith said she planned to move _____ to the ALF within the next week.

Boles spoke with Administrator Whiting on 04/12/17 who advised _____'s bill was still not being paid and _____ was still at GBHRC. According to certified records from _____'s outstanding balance was \$49,788.20 on 02/01/17.

Julie McNabb (McNabb) provided a sworn recorded statement to former MFCU Investigator Matthew Baxter and Lieutenant Melody Barnard. McNabb stated _____ was found to lack capacity which resulted in McNabb being appointed to serve as _____'s emergency temporary guardian on September 18, 2017. _____ staff advised McNabb that _____'s facility bill was in arrears approximately \$92,000 and A. Griffith failed to provide paperwork required for _____'s application for Medicaid. McNabb learned A. Griffith was in control of _____'s finances and had only made one \$3,000 payment to _____.

After reviewing _____'s financial records, McNabb contacted Mary Ward (Ward), who confirmed payments made were for the Griffith's rent. Ward told McNabb the Griffiths failed to pay any rent for an extended period and had an outstanding balance between \$16,000 and \$18,000. Ward said suddenly A. Griffith began paying \$1,400 a month with checks written on _____'s account. McNabb stated she found three checks written on _____'s Regions checking account ending 5097 to Ward, all signed by A. Griffith.

McNabb stated _____ only had a couple pieces of clothing and McNabb was unable to locate any record of items provided to _____ P. by A. Griffith. According to McNabb, her review of _____'s records found the majority of _____'s funds were used for the benefit of A. Griffith, not _____.

Baxter contacted Ward, owner of Mary Ward Properties, via telephone. Ward advised her company managed the residential property A. Griffith and her husband rent. According to Ward, the Griffiths have lived in the rental home for a few years, but she was unsure of the exact length of time. Ward said as of September 2017, the Griffith's outstanding rent balance was approximately \$18,000. A. Griffith told Ward they were unable to pay rent due to her husband's medical expenses. Ward stated around November 2016, the property owner agreed to let the Griffiths remain in the rental if the Griffiths paid approximately \$4,000 of the outstanding balance and agreed to pay their monthly rent, \$1,300, plus \$100 each month toward the outstanding balance. Ward recalled A. Griffith typically paid rent with a check but added her office does not maintain copies of checks for privacy reasons. Subpoenaed records from Ward supported Ward's accounting and additionally revealed the Griffiths had an outstanding balance of \$20,800.00 on 01/01/17. In January 2017, the Griffiths signed the agreement with Ward to make a \$4,000.00 cash payment toward their outstanding balance. Ward provided the Griffiths' monthly ledger which included a copy of the check used to pay their September 2017 rent. Check #1996, signed by A. Griffith, from _____'s Regions Bank account ending _____ was made payable to Mary Ward Properties for \$1,400.00.

On 10/02/17, McNabb contacted Baxter and advised earlier in the week she had gone to _____ condo to change the locks. McNabb said the condo was occupied so she did not change the locks but planned to contact an attorney regarding proper eviction procedure.

On 11/07/17, A. Griffith and Samantha Griffith (S. Griffith) provided non-custodial sworn recorded statements to Baxter and Investigator Amanda Holland. _____ her

Affiant's Initials _____

Judges' Initials _____

Medicaid send me a final bill. I was going to sell the condo and pay them."

situated with

Affiant's Initials _____

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Judges' Initials _____

Mitchell provided a sworn recorded statement to Baxter and Inv. Holland. Mitchell stated he understood perjury. According to Mitchell, in early January 2017 he moved into a rental condo he found through a friend, A. Griffith, whom he had known personally through "boating years ago" when they both lived in Michigan. The condo was located at 4030 Dancing Cloud Court, Unit 352, Destin, FL in Okaloosa County. Mitchell also knew Paul Griffith (P. Griffith), and their children. A. Griffith offered to rent a condo to Mitchell for \$800.00 a month plus the cost of utilities. Mitchell verbally agreed to rent the condo, but said there was no lease or paperwork, "because I knew her, and ... I wanted to go month by month anyhow." A. Griffith told Mitchell the condo belonged to her. Mitchell confirmed he received a letter from McNabb which he turned over to A. Griffith. Mitchell said on 11/04/17, an officer served him paperwork requiring him to leave the condo within 15 days.

MFCU Auditor Kathy Coon prepared an analysis of _____'s funds including _____'s Regions account, Capital One credit card account, _____'s condo rental income and records from Fort Walton Beach Medical Center, Palm Eye Care, Santander Consumer, and Cox Communications.

Auditor Coon found funds removed from [redacted]'s Regions checking account ending in [redacted] were cash withdrawals by A. Griffith; rent payments, utilities, and medical bills for the Griffiths; transfers to the Griffith's checking account; and cash withheld from a deposit which totaled \$31,545.50. A. Griffith transferred \$1,000.00 from her Regions account into [redacted]'s Regions account ending [redacted] which was reduced from the total calculation. Some rental payment checks to Mary Ward Properties had a memo reflecting the address, "28 Birch Avenue."

[redacted]'s Capital One credit card records reflected charges made on the card issued to A. Griffith during the period [redacted]. [redacted] was a resident of [redacted] totaled \$234.50, as well as the fees and interest incurred which totaled \$535.50. No payments were made to [redacted]'s Capital One credit card account while [redacted] was in [redacted]. Charges on the account included locations in Shalimar, Valparaiso, Niceville, and Fort Walton Beach, FL.

Checks from Mitchell were deposited into A. Griffith's personal checking account at Navy Federal Credit Union totaling \$2,897.62.

The calculation was reduced by \$3,000.00 to reflect a payment made to [redacted] by A. Griffith for [redacted]'s benefit. The source of the payment is unknown, although the payment was made from a credit card which did not belong to [redacted]. Auditor Coon calculated the total amount not spent for [redacted]'s benefit to be \$31,213.12.

Based on the aforementioned facts, statements, and the totality of circumstances, Lieutenant Barnard, who being duly sworn, deposes and says that she has reason to believe and does believe that probable cause exists to establish that between August 2016 and through September 2017, Amber Ann Griffith, a white female, whose date of birth is 08/17/1966, whose last known address is 28 Birch Avenue, Shalimar, FL 32579, did commit a violation of §825.103(1)(c), Florida Statutes: Exploitation of an elderly person or disabled adult, a second degree felony, within Okaloosa, Florida.

Melody Barnard, Affiant
Lieutenant
Medicaid Fraud Control Unit

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ OF _____, 2019.

Circuit Court Judge
First Judicial Circuit of Florida