We welcome our April speaker, Jennifer Oswald, FRP, to the upcoming Association Meeting. Jennifer will join GAPC President Traci Hudson in a Roundtable Discussion. They will be answering your questions and offering important information regarding audits/fees for Guardians.

Jennifer is a Court Monitor and Auditor for the Probate Guardianship Division of the Sixth Circuit. She is responsible for investigating cases to ensure the safety and protection of the Ward. She also audits Guardianship cases and fees to ensure compliance by all parties. Additionally, she has extensive work experience in both family and civil law.

Jennifer lives in Fish Hawk, Florida and enjoys refinishing furniture, aerial yoga and reading. She is a ridiculously passionate Tampa Bay Lightning Hockey fan! **Be the Thunder!**

We look forward to seeing you Wednesday, April 10th, 11:30 a.m. at Cypress Palms in Largo. Please RSVP at our GAPC’s website. One CEU is provided for Guardian members in good standing.
2019 Board of Directors
Officers

President ...........................................................Traci Hudson
Vice President ............................................... Maria Winer
Acting Treasurer .............................................. Keith Crosby
Secretary ........................................................ Michelle Lowack

By-Laws & Legislative Committee
Meeting is normally held the first Wednesday Please email info@GuardianAssociation.org or go to our website and register to attend meetings.

Conference Committee
Meets 4th Tuesday of each month. Please email info@GuardianAssociation.org or go to our website and register to attend meetings.

Education Committee
Meets 4th Wednesday of each month. Please email info@GuardianAssociation.org or go to our website and register to attend meetings.

Membership Committee
Meets 2nd Tuesday of each month. Please email info@GuardianAssociation.org or go to our website and register to attend meetings.

Public Relations Committee
Meets immediately following GAPC Monthly Membership Meeting (2nd Wednesday of each month). Please email info@GuardianAssociation.org or go to our website and register to attend meetings.

Welcome to our new members!
Becky Davis
Susan Hooker
Joseph Huenke
James Kopko
Debbie Selesy
Jalanika Whiting

ASSOCIATION COMMUNICATIONS
P.O. Box 1826, Pinellas Park, FL 33780
Info@GuardianAssociation.org
https://facebook.com/GuardianAssociationPinellas
A GUIDE TO GUARDIAN FINGERPRINTING

Submitted by
Irene Rausch,
National Master Guardian

Have you got questions on who is required to be fingerprinted in the State of Florida? Where do you go find out? Irene has provided a You Tube tutorial that should answer your questions and guide you through the process.

Please click on the link below:

Electronic Fingerprinting: A Guide for Florida Guardians

SAVE THE DATE!

GUARDIAN ASSOCIATION OF PINELAS COUNTY

2019 ANNUAL CONFERENCE

Friday, September 27
St. Petersburg Yacht Club

GuardianAssociation.org

We hope you’ll join us there!
ANSWERS TO YOUR FREQUENTLY ASKED QUESTIONS

Now that 2019 is underway, the Clerk would like to help you keep this New Year HAPPY! Below are some helpful hints and reminders to avoid an Order Disapproving. The clerk gets a lot of questions from Guardians. Below are some helpful hints culled from those questions.

- Audits are like an open book test – while we can’t tell you what the answers are, we have on our website a copy of the ‘test’. Go to mypinellasclerk.org, click on Forms & Packets, select Probate & Mental Health for the department, then Guardianship. There are many forms here; scroll down a bit to the section of forms that are used by the Audit staff. The work slips that the clerk uses to audit plans, accountings, petitions for discharge, etc. are all there. This is what the clerk is looking for from that particular document. If you know the questions, it should be easier to answer them all correctly!

- When the committee developed our new forms, the intent was to make them as easy to use as possible. We update them from time to time with input from you, the user. The newest version of the inventory and accounting forms no longer have a yellow background, as this proved difficult to read when scanned. The new forms have a red border around those parts that need to be completed. To get new forms: go to mypinellasclerk.org, click on Forms & Packets, select Probate & Mental Health for the department, then Guardianship.

- No one ever got an Order Disapproving for giving us ‘too much information’. Since guardians are required to get a receipt for every expenditure and then retain all substantiating paperwork for three years after discharge [FS 744.3678 (3)], you should have all of your receipts/cancelled checks for each ward. Any decent bookkeeper will tell you to keep all of your receipts together. If you are in doubt about whether the clerk will require a receipt for an expenditure, go ahead and include it with your accounting.

- After filling out a plan or accounting in Word or Excel, you can then use the ‘Export’ option, instead of Print, to convert the file to a PDF. You can then email the PDF to your attorney for e-filing. This will save you time and paper, and prevent the document from getting re-scanned prior to e-filing. Each time a document is printed and re-scanned, it loses image quality.

HOW TO CONTACT US:

As always, please feel free to contact the Clerk with your questions by calling (727) 464-3321 or emailing Probate@mypinellasclerk.org.
WHEN TO CALL AN EXPERT
by Dale Smrekar, AEL, C.A.G.A.

When you are assessing your ward’s assets or have been given the responsibility to do so as a POA or an executor for a client, it is important that you turn to a knowledgeable source to ascertain if the item(s) have significant value any time you are unsure. Such an individual should be called in when the client has an art collection or a painting that appears important. If it appears well done or has a gallery label or the individual once lived in New York City, Chicago, parts of New England, or California you need an expert to determine value. The slot machine painting shown below came from a ward’s property. It was painted by Wayne Thiebaud and sold for $30,000 at a California auction.

Likewise, when your ward has large carat diamonds or platinum deco jewelry items you need to have a GIA jewelry appraiser look at the piece. If you go to a jewelry store appraiser, chances are they will tell you what they are willing to pay for the jewelry item, not what it is worth. Example: a local jewelry store appraised a diamond ring at $5,083. I sold it at auction in New York for $15,000.

Take the time to make sure you handle the personal property correctly and you’ll never have that nagging feeling that you may not have maximized the return for your ward or client.

GUARDIAN ASSOCIATION
OF PINELLAS COUNTY

The GAPC is collecting items for the indigent seniors in our community.

Items needed include, but are not limited to the following:

- Shampoo
- Hairbrush
- Combs
- Soap
- Toothbrush
- Toothpaste
- Incontinence Products
- Body Wash
- Nail Polish
- Nail Polish Remover
- Greeting Cards (with stamp included on envelope)
- Tissues
- Cosmetics (powder, blush, lipstick)
- Costume Jewelry
- Lotion
- Aftershave
- Cotton Balls

Please donate new, unopened items. Bring your donations to our monthly luncheon or monthly networking breakfast.

If you know of a senior in need of Everyday Essentials, please email: eegapc@gmail.com.
Judge Thomas E. Penick, Jr.,
Father of Florida Probate Passes

Judge and Brigadier General Thomas E. Penick, Jr., passed away March 21, 2019. He was born in West Palm Beach, Florida and graduated from Palm Beach High School. He earned a B.S. in journalism from the University of Florida and was a distinguished graduate of the Air Force ROTC program. He began his flying career as a B-52D navigator with Strategic Air Command’s 306th Bombardment Wing at McCoy Air Force Base. From 1967 to 1968, he served at the Tan Son Nhut Air Base in South Vietnam. Upon his return, he entered the Air Force Reserves working in intelligence at MacDill Air Force Base and earned his juris doctor’s degree from Stetson University College of Law.

Judge Penick served as the Belleair City Attorney prior to his appointment as a County Court Judge and later as a Circuit Court Judge. Having been instrumental in re-writing Florida’s probate code and the guardianship laws, he was considered a loyal champion and advocate for the rights of the elderly and became known as the “Father of Florida Probate.”

One of the few navigators to ever achieve the rank of Brigadier General, after 34 years of military service, he received the Air Force’s fourth highest ranking medal, the Air Force Distinguished Service Medal. Other military awards and decorations include the Bronze Star Medal, Joint Service Commendation Medal, Air Force Commendation Medal, Air Force Achievement Medal, Air Force Outstanding Unit Award, National Defense Service Medal, Vietnam Service Medal, Air Force Overseas Ribbon - Short, Air Force Longevity Service Award Ribbon, Armed Forces Reserve Medal, Air Force Training Ribbon and Republic of Vietnam Campaign Medal. He was also selected as the Air Force Intelligence Service and Reserve Mobilization Augmentee Officer of the Year.

His awards and recognition from the legal community include two-time recipient of the Judicial Appreciation Award from the St. Petersburg Bar Association, the Barney Masterson Inn of Court Legal Excellence Award and the Clearwater Bar Association’s John U. Bird Distinguished Jurist Award. He was also the recipient of the William J. Castagna Award for Judicial Excellence. At his retirement, the St. Petersburg Bar Association presented him with the General of the Law Award for his lifetime achievements.

Judge Penick is survived by his wife of 59 years, Leeanne Penick; sister, Patty Ruth; daughter, Mary Jo; son, Tom; and three grandchildren.

Memorial contributions may be made to the Wounded Warrior Project at: woundedwarriorproject.org/donate.

The article about Judge Penick on the following two pages was published in the St. Petersburg Bar Association’s Paraclete in 2010.
This article was published in the St. Petersburg Bar Association’s Paraclete in 2010.

Honoring the Heroes Among Us - Judge Thomas E. Penick, Jr.

Judge Thomas E. Penick, Jr., Circuit Court Retired, has never thought of himself as an innovator, an initiator, a founder, an organizer, an advocate, a student, an educator, a scholar, a coach, a mentor, a leader or a hero. He would agree with Robert Penn Warren that the naming of heroes is a futile exercise. Following a review of Judge Penick’s thirty-eight year pursuit of perfection through service to this country, the state, the community, and the practice of law, however, we find a person who is precisely all of those things.

Judge Penick is one of the few navigators to achieve the rank of Brigadier General in the history of the Air Force. His ability to chart the shortest course between a vision and the realization of that vision has been the hallmark of his legal career. In any undertaking, he has always persevered until the rest of us saw the path that was so obvious to him.

His “charting” experience began as a youth in West Palm Beach. Most people believe that Judge Penick got his nickname “Gator” because he is a graduate of the University of Florida. The true story is far more interesting. As a young man, he got a job on a surveying crew working in the swamps of South Florida. Those workers who were unfortunate enough to be chosen to wade into waist-deep water and hold a survey pole were called “gators,” and Young Tom Penick was one of those “chosen ones.” Since that time he has spent a lifetime surveying and charting courses for himself and others.

Selflessly, Judge Penick has worked to promote and communicate to the military, to the community and to the legal profession the constant need for ethics, civility, professionalism and excellence as part of daily life. Former Chief Judge of the Sixth Judicial Circuit, Judge David A. Demers once wrote about Judge Penick:

“People, you must remember, are awfully complex creatures, and you may be in for some surprises if you divide the cast into heroes and villains.”

—Robert Penn Warren

“... the general mission of Judge Penick is MAKING THE WORLD A BETTER PLACE.”

Judge Penick has never wavered from this mission. It would take more space than the space allotted to this article to discuss all the organizations, court programs, Florida Statutes, Florida Judicial Rules of Procedure, civic programs and projects and people that Judge Penick has influenced, taught, mentored, or advised. Likewise, he has inspired Young Lawyers, members of the Bar and the community as a whole. His contributions to the St. Petersburg Bar Association’s Young Lawyers Section, the Probate Divisions of the Florida state court system and the probate practice, the Barney Masterson Inn of Court, and the St. Petersburg Bar Association/Foundation are worthy of special note.

Judge Penick has fond memories of his work with the Young Lawyers Section, including the Habitat for Humanity and Christmas in January projects. He recounted battling freezing rain and strong wind gusts at the Pier one particular year during the Christmas in January event to deliver toys to underprivileged children who had not received any gifts during the holidays. Just witnessing the eyes of a child who got to pick from a plethora of toys warmed the heart of a damp, freezing judge.

Whether it was mentoring young lawyers in the practice or as judicial interns, Judge Penick has dedicated a significant amount of personal time to improving the skills of new practitioners. There are a couple of generations of lawyers who appreciate the privilege of practicing law because he cared enough to show them where they were, where they needed to be and how to get there: navigating.

When he was assigned by the Chief Judge of the Sixth Circuit to be a judge...
in the probate division, Judge Penick immediately recognized a need to cut through the rhetoric and resurrect ethics, civility, character, honesty, excellence and professionalism in the practice of probate law. He was able to accomplish his goals through relentless hard work, countless hours studying cases and researching the law, and challenging established practice.

In the late 1980s, the area of living wills had been neglected or carefully swept under the carpet. Not known for his timidity, Judge Penick navigated uncharted waters by ruling on the first cases concerning living wills. As a result, Florida became one of approximately five states with solid state and U.S. Supreme Court rulings as well as statutory guidelines for cases in this area.

Judge Penick's passion for the protection of citizens from predatory practices also made him a driving force for the reformation of probate law. He worked tirelessly for fourteen years as a probate judge and as the Sixth Circuit's Probate Administrator. Judge Penick's fervor for enhancing probate laws led many Chairs of the Conference of Circuit Court Judges to appoint Judge Penick to their cabinet as the Probate Chairman for the conference. In this statewide leadership position, Judge Penick was recognized as "the Father of Florida Probate".

The members of Florida's judicial, executive and legislative branches have often called upon Judge Penick for his knowledge and expertise. In 1991, Chief Justice Leander Shaw chose him to represent the State of Florida at the National Conference on Court—Related Needs of the Elderly and Persons with Disabilities. Recognizing his emerging leadership in Probate and Elder Law, Governor Lawton Chiles appointed him to the Governor's Task Force on Elder Abuse in 1995. This commission was charged with advising the governor on ways to drastically reduce elder abuse in the State of Florida. In 1997, Senator Bob Graham called upon Judge Penick to lend his expertise to the Tampa Retirement Security Summit. The State of Florida was fortunate to have a jurist with the vision and dedication to make the laws more protective of the health, safety and rights of its most vulnerable citizens.

In addition, Judge Penick takes great pride in his accomplishments as a founder, leader, educator and mentor of the Barney Masterson Inn of Court. Today the Inn is a robust, enthusiastic and dedicated organization which adheres to the mission of the American Inns of Court: ensuring that the legal profession is an ethical and knowledgeable force, always engaged in making the world a better place.

As a former President of the Clearwater Bar Association, Judge Penick has had a career-long interest in developing outreach programs to provide legal services to the community and to help law students understand their moral obligation to give back. In 2000, he urged the St. Petersburg Bar Association to create a foundation that could perform that mission. The leadership of the St. Petersburg Bar agreed and formed a nonprofit foundation in 2001 whose mission is to fund, develop and promote efforts which enhance the legal profession and encourage better public understanding and access to the judicial system. At the same time, Judge Penick chose to make a donation to the newly-created foundation to fund a scholarship for a law student. Twice a year, the foundation selects a student at Stetson University College of Law who has distinguished himself or herself as a community volunteer to receive the Judge Thomas E. Penick, Jr Award for Community Service.

Once again, Judge Penick's vision, leadership and persistence have made the world a better place to live for the citizens of Pinellas County. Through his scholarship and his tireless efforts, he is teaching young lawyers by example that service to the community and the legal profession is a professional obligation. Our community and our profession will continue to benefit because Judge Penick, the Navigator, charted the course for those young lawyers.