

What happens here **only** happens here... But should it?

The story thus far—a recap of Parts I & II

In our June and July issues, this publication described how a man named Thomas Moore has acquired control over hundreds of dead people’s estates in the Las Vegas area under unusual provisions of Nevada probate law. As a court-appointed “independent administrator,” Moore is empowered to dispose of estate property with minimal supervision, involving a series of opaque transactions. The process circumvents interests of potential heirs and other parties in ways that probate experts across the country find bizarre and disturbing. Even as Moore faces challenges from Clark County’s elected public administrator, Robert Telles, as well as from families claiming harm from his activities, he and his attorneys have denied wrongdoing.



A Vegas Voice Investigative Report

by Judy Polumbaum

PART THREE

1. Nevada looks mighty whacky!

Senior citizens are often told: Make a will. Designate beneficiaries. Name an executor.

The coronavirus pandemic reminds us that life is tenuous, more so for the elderly and marginalized, but for everybody. The videos of brutal killings that have sparked protests across the country remind us that death can strike precipitously and prematurely.

Less obviously, Thomas Moore’s activities in Clark County under Nevada’s Independent Administration of Estates Act underscore the need to make arrangements for the afterlife.

Prior installments of this investigation describe how Moore took over hundreds of dead people’s estates with surprising ease. This part introduces the state law that enables someone with no relationship to the deceased to administer probate, the legal process by which a person’s assets pass to heirs and/or creditors after death.

Not that this process is always squeaky clean elsewhere. Probate has long had a bad reputation, say scholars in the field, because lots of money may be up for grabs in estates without obvious fiduciaries.

In recent decades, however, experts across the country

have endeavored to clarify and simplify an often cumbersome and expensive process, while also ensuring safeguards. These efforts have produced a kind of model law, the Uniform Probate Code, under the umbrella of the Chicago-based Uniform Law Commission. That organization drafts legislation in complex areas for use by the states. To date, 19 states have adopted or adapted the model provisions for probate. Nevada is not one of them.

In bygone days, say scholars familiar with the history, a main source of probate corruption was a kind of pay-to-play scheme, in which those seeking a piece of the pie made contributions to candidates for probate judge, who then appointed their donors guardians over estates. Stricter campaign reporting rules, closer supervision of guardianship, and increased regulation of the probate process have pretty well eliminated this sort of dealing.

So what’s going on with all these Las Vegas cases? Half a dozen experienced practitioners and scholars contacted by phone for this report expressed various degrees of amazement at the seeming ease with which an individual can gain an independent administrator appointment here. They were taken aback at the evident lack of thoroughness and protections in Nevada’s probate law and practices, and dismayed by the murkiness of real estate dealings that may take place without court supervision.

2. A benign idea gone astray?

The concept of independent administration itself is not unusual or even problematic, according to David English, University of Missouri professor of law, who was one of the major authors of the Uniform Probate Code. Numerous states have such provisions.

Typically, however, a court will appoint an independent administrator only if everyone on a long list of other candidates with higher priority has signed a waiver, “or sometimes if a case comes up long after a death,” English said.

And typically, the appointee is the relevant public official in that jurisdiction – someone like Nevada’s public administrators, elected officials at the county level. As readers of this series know, Clark County’s public administrator, Robert Teller, has endeavored to assert this responsibility by challenging Moore’s dubious takeovers.

On occasion, a creditor will step into the administrative role – the bank, perhaps, *(Continues on next page)*

(Continues from previous page)

...if the house is underwater and nobody wants to deal with it. "This is like a last resort, and it's not a common thing," said English, who has 40 years of expertise in the field.

Probate rests on a basic bulwark, the assurance that anyone seeking authority must prove their standing "before you are entitled to mess with a decedent's estate," according to John Langbein, professor emeritus of law at Yale. That safeguard seems to be absent here, said Langbein, who began teaching probate law 50 years ago, and also helped draft the model code.



John Langbein
Yale emeritus, Probate expert

"I've never really heard of anybody doing this; this is a new script for me," Langbein said of Thomas Moore's multitude of appointments as an independent administrator. "What strikes me as so curious is that this fellow doesn't seem to bear any relationship to the heirs; nor is he in a lawyer-client relationship."

"It's almost like a bounty-hunter machine," exclaimed another scholar. "It's so illogical, so corrupt, so bananas."

3. Legislative Origins

Thomas Moore's ability to gain authority over hundreds of estates in Clark County rests on legislation dating back nearly a decade.

A couple of years into the housing crisis, the Nevada legislature, in its spring 2011 session, took up a package of proposed changes to state probate law, including the addition of a lengthy section known as the Independent Administration of Estates Act. [Nevada Revised Statutes: Chapters 143-147]

Valerie Wiener, then a state senator, and Tick Segerblom, an assemblyman (now a Clark County commissioner), co-sponsored the bill. Segerblom admitted in a committee hearing that he didn't actually understand the changes, and would leave the explanation to the experts.

In committee hearings on the proposed changes, advocates said the independent administrator provisions would reduce the costs of probate and burdens on clogged courts.

With few questions, and no significant objections that appear on the record, the bill handily cleared both houses (21-0 in the senate, 28-14 in the assembly). That June, in his first term as governor, Brian Sandoval signed the changes into law, effective October 1, 2011.

The results proved to be a slippery slope.

Stay tuned for-

PART FOUR:

**UNRAVELING
THE LEGAL MINUTIAE**



Editor's Note: Thanks to all who forwarded their scams emails to The Vegas Voice. And take a look at our "Scams, Schemes & Senior Safety" video broadcasts on our new Vegas Voice TV website: www.vegas-voicetv.com.

Talk about stupid! Can you imagine anyone dumb enough to do anything with this (unedited) email scam received last month? We realize that it "only takes one" idiot to fall for this, but come on, don't insult the remaining millions of people who received and immediately purged this message.

As always, think before you click on those attachments.

If in doubt, don't!

Subject: File Identification Code (AWB33XZS)

From: info. lilisch@fibertell.com (Add as Preferred Sender)

To: unlisted-recipients

Attn, We the IMF wish to inform you that your total compensation fund worth of \$3.5 Million USA Dollars will be transferring to you daily \$6000.00 through-World remit Transfer. So contact Mr. Wilson Bob with your Full name, Home address, DOB and telephone Number. Below is the pay off director in-charge contact details.

Name: Mr. Wilson Bob Telephone Number: +1(xxx) 583-1474 (TEXT ONLY)!

Email: od647704@xxx.com Note: That you will only pay to them file reconfirmation fee and fund transfer permit fee \$100 only!

Regards, Dir. Ricardo Maxwell, IMF Fund Compensation -Unit Director NY City.