

A Personal Message from Mark Riedy, PhD San Diego Oasis Advisory Board Member

Live and Learn: An Expensive Life Lesson

PREAMBLE: This story about being scammed is the most difficult piece I have ever written. So much so that on the strenuous advice of my family, in mid-May I decided for privacy and personal reasons against publishing it. Yet here you are, reading the story, so something changed. What changed is that on June 9, a dear friend from North Carolina called to say a close friend of hers in Orange County, CA, had just received a call from her grandson. Distraught and in tears, he was calling her from the county jail. He sounded different from normal, but that was explained by the broken nose he sustained in the auto accident he caused while drinking. As a result, he had gotten a DUI citation and spent the night in jail. He desperately needed her help. That was as far as her grandson got before she ended the call.

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The Orange County grandmother hung up on the call allegedly from her grandson because the story I am about to tell—my wife’s and my story—begins with a scam phone call from our grandson, who was distraught and in tears. He sounded different from normal, but that was explained by the broken nose he sustained in an accident he had caused, for which he received a DUI citation. He was calling us from a holding cell in the county jail. He desperately needed our help.

We do not know the grandmother from Orange County, but that doesn’t make the identical content of our two stories merely a coincidence. I had shared the original draft with about four close friends to test their reactions to it, that is, prior to the time my family had requested that I not publish our story. One of those four friends in turn passed the draft along to a (grandmother) friend of hers in Orange County. Only after the woman from OC told our mutual friend about getting the phone call—and hanging up because she’d been alerted by our story to it being a scam—did my family reverse their earlier plea and encourage me to publish it. Privacy be damned. If our awful experience can forewarn others, they agreed, we need to publish our story.

One Valuable Lesson

Even if you do not read the rest of the story, read this. It is a good idea for members of your immediate family to agree on a brief phrase for everyone to use in the event of an emergency or possible scam. If a parent, sibling or grandparent receives a text, email or phone call from a stranger regarding another family member being in trouble, that person will text the person allegedly in trouble with the agreed-upon phrase (e.g., first name, call me, SOS). The person receiving the message will drop everything, no matter what, and respond immediately. Using terms like “SOS” or “911” in the phrase is smart in that they imply “emergency” or quick response. Further, they are terms you would not use in normal conversation, so their inclusion in the phrase has an unequivocal meaning.

Two Weeks in Hell

The story I'm about to tell transpired over an agonizing two-week period during the first half of May 2022. It was a living hell for Erin and me. To compress the story let me summarize the key issues we were forced to contend with.

1. Our grandson said he'd been allowed one phone call from jail, and he had chosen to call us. We love him unconditionally, and he knows that. I will not use our grandson's name in this piece, but the names of the lawyer and paralegal—no doubt fakes—are the ones they used with us.
2. The lawyer, David Green, and paralegal, Brenda White, said we were under a gag order and could not speak with anyone else about this case, or the judge would keep our grandson in jail and he would have the DUI on his permanent record. It would ruin whatever career he tried to pursue. We had a closed loop of the lawyer, paralegal, our grandson, my wife and me. One of the hardest things in this whole miserable event was not being able to tell our son and daughter-in-law about their son's horrible situation.
3. The gag order was imposed because the automobile our grandson supposedly had hit was driven by a high-profile/high-ranking Mexican diplomat, and the Mexican government did not want to be embarrassed by any publicity about the diplomat, who had a blood-alcohol level triple the 0.7 legal limit. Our grandson's level was 0.8, which the lawyer thought would work in his favor. Because of the gag order, our grandson was given a secure phone by the courts and was told to use the secure phone exclusively. If anyone saw him with two phones they might ask questions, which is why the gag order mandated that only the secure phone be used.
4. Our grandson was driving a rental car, not his own, for reasons never explained to us. He had one passenger, his friend, James. When we asked why our grandson was driving, he said it was because James was drunk. When I asked the lawyer, why the rental car, he was too busy to answer but promised to get back to me the next day, which he did not do.
5. A police report could be delayed before being turned in so that the involvement of the Mexican diplomat could remain off-the-record, at least for a while, in the hope that the case ultimately would be dismissed by the judge because of the diplomat's alcohol level.
6. The diplomat had two passengers, a woman in the front seat and a young woman in the back seat. As far as our grandson's lawyer knew, all three were fine. They had gone to the hospital with cuts and bruises, nothing of consequence or our lawyer would have heard about it, he said.
7. If bail could be posted for our grandson, he would not need to spend more nights in jail. We asked if, when bail was posted (by us), we could pick him up and drive him home. We were told the judge thought that was a bad idea because someone might overhear us discussing the case and the gag order would be violated. To avoid that problem, a member of the U.S. Marshall's service would drive our grandson to a point near his home and drop him off, then pick him up at that same spot the next morning.

8. With respect to bail, no one outside of our closed loop could be asked to provide it because that would violate the gag order. Moreover, this was a Federal case, because of the Mexican diplomat being involved. If the gag order were violated it would be reported to the U.S. Department of Justice (DoJ), and our grandson would forever have a DUI on his record at the DoJ.

9. If we posted bail in the United States it would automatically trigger a report about the DUI to the DoJ, but if we posted bail in Mexico there would be no record of it in the United States. We agreed to post in Mexico. The lawyer assured us that all monies we wired to Mexico would be repaid in full once the case was dismissed, which we were assured would happen at our grandson's hearing May 16.

10. To post bail in Mexico we would have to wire transfer money through our bank, which could be done, but the U.S. Bank could not know it was for posting bail. If they knew, they would be required to report it to the Department of Justice. So how then could we post the bail?

11. The paralegal suggested that some past clients had used a destination wedding in Mexico as the basis for wiring money and provided the complete wiring instructions. The funds were to be sent to a specific individual, who the paralegal referred to as a bail bondsman for diplomats. Our grandson's lawyer had dealt with this person in the past and was entirely satisfied he knew how to do his job well.

12. I went to our bank in Del Mar armed with a note from my wife asking me to please wire a large sum of money to cover the deposit for "the wedding" in Mexico. When the bank tried sending the money shortly after I departed, they received a note referring to the wire transfer as "a high-risk transfer." My banker called me to ask if I still wanted to proceed. We wired the money, so our grandson could go home and then back to college. He'd just been home for the weekend. This wire transfer occurred on May 5.

13. On May 10, the lawyer once again assured us that the case was going to be dismissed at the hearing on May 16. However, he pointed out some "loose ends," which conceivably could unravel and change the outcome, putting our grandson back into jeopardy. The loose ends could be tied up nicely, however, according to the lawyer. All it took was another large wire transfer, one to demonstrate to the court that our grandson was capable of paying the costs of the damage to the rental car, court costs of more than \$5,000, and damage to a fire hydrant and traffic signal pole. Both had been hit by the diplomat's car when it was hit and spun around by our grandson's car.

14. Back to the bank with another large wire transfer request to cover the "final deposit" for the wedding, which I had to assure the banker I planned to attend. While the transfers were substantial, the lawyer's commitment to make sure all funds would be reimbursed either directly to my checking account or to me at home eased my concern about the size of the transfers. The lawyer also committed to us that he would help us with the refund, filing auto insurance claims, and whatever else needed to be cleaned up after our grandson's case was dismissed on May 16. The second transfer went through without question on May 11.

Throughout these trying times the lawyer, paralegal and our grandson called us at least once a day, if not two or three times. Each time our grandson called he would thank us profusely for

standing by him and supporting his financial requirements, which he emphasized would all be refunded, thankfully. He insisted he would “make it up to us” for all we had done for him. He also always had a strong endorsement of his lawyer and paralegal, who were staying on top of every issue and handling them well. Emotionally, however, our grandson was a wreck. He alternated between distress, frustration, hopefulness, appreciation and tears. Our phone conversations with him were gut-wrenching. I should add, my wife and I have had zero experience with courts and lawyers, so we had no frame of reference. The lawyer and paralegal worked us over and set parameters for what we could and could not do, which may seem ridiculous to those familiar with how the justice system works. But we (probably like many other grandparents) must have acted like the proverbial “babes in the woods.”

Having read this far, you may have spotted a few tell-tale signs. How the scammers isolated us from family and friends, how they always tried to hurry us, how they had most of the answers to our questions but deflected those they could not answer, how we never met any of the three in person, how money had to be transferred to make the problems go away, and how we were dissuaded from approaching any authorities, other lawyers or our grandson’s parents. Each of these is a major element in the conduct of scams, a lesson we obviously learned the hard way. Stay tuned for Part 2, to be distributed tomorrow.

PART 2

Something Is Not Quite Right

In retrospect, in addition to the great admiration our (fake) grandson had for the attorney helping us gain his freedom and having the case dismissed, there were other factors that eased the qualms we had about the substantial money being wired to Mexico. First, the lawyer’s guarantee that we would have every penny refunded once our grandson was fully exonerated. Second, the lawyer’s guarantee that dismissal of the case was pre-ordained, especially after the second deposit was made to tie up all the loose ends. Moreover, the lawyer was achieving every goal he had said was essential, and, come to think of it, his was one of three law firms the court had offered to our grandson to interview. Didn’t that imply the court’s endorsement of this law firm?

Nonetheless, I continued to have a gnawing feeling that something was not quite right. Questions like, why a rental car, were never answered. We could not speak to anyone outside the loop, including any other lawyers or our grandson’s parents. When I called the paralegal’s number she never answered. However, she would consistently call me back within five minutes or less. Whenever we called the number on the secure line we did get our grandson, but we continued to think there was something “off” about his voice, broken nose or not.

I wrote a list of those questions and showed Erin. Initially, she said they were good questions but did not rise to the level of us going outside the court’s gag order to check them out. However, 30 seconds later, she reminded me of a time when I was playing golf and not on the phone line when she was. Our grandson had asked her to say “I love you, Grandpa” to me. At the time it had struck her that he never called me Grandpa. He always called me by the loving nickname he had given me when he was just a toddler. She had dismissed her thought at the time he referred to me as Grandpa, but now we both elevated our concerns to high alert. We decided to risk calling our grandson on his regular (“non-secure”) cell phone.

We tried reaching him twice on his usual (non-secure) cell phone, without success. Shortly thereafter, he called Erin back. The person we spoke with on this call sounded exactly like the grandson we really had. We asked him whether he was calling us on his secure line or regular cell phone, to which he responded, what secure line? Then, what DUI? Lawyer? Accident?

Just as our hearts sank when we received the first call from a grandson in jail with a DUI, our hearts soared when we heard his voice and the answers to our questions. Moreover, when asked about the entrée he would like us to prepare for him when he returned from school, his answer was a unique one known only to immediate family members. We let our grandson know we'd been scammed but did not nor will we ever tell him the price tag of our love for him.

That night, May 12, we filed a police report and a couple of days later, an FBI report. We did not let the scammers know we were onto them, however, in the hopes the police or FBI would want to pursue them or record the conversations with them. (Over time, we learned they were not interested.) I was also curious as to whether there would be any more requests for money, and if so, for what purpose.

On May 13 and 14, our "grandson" and "the lawyer" each checked in once with us in the morning, and on May 14 they both were on the same line at dinner time. Regrettably, they had to inform us of a new problem, which did not surprise us. The young woman in the back seat of the diplomat's car had died unexpectedly. Now the charges were involuntary manslaughter, for which bail was \$2 million, of which 10 percent needed to be paid. Could I cover the new amount? No. But, to buy more time, I added that I had friends who might lend me money without asking why I needed it. I told them to call me back tomorrow. They were anxious, however, and continued the conversation about the higher bail. Did I really think I could raise more money, he inquired? I reiterated that I needed more time. OK, said the lawyer, there may be another approach. I like your grandson and believe he is a good kid. If I can arrange it such that it is not a conflict of interest, I might be able to put up some of my own money to make it easier for you to raise the rest.

I thanked him for his generosity and again tried to push off the rest of the discussion to the next day, which apparently frustrated our (phony) grandson, who blurted out rather forcefully: "Well, how much could you do? Could you cover \$50,000?" So much for distress or gratitude, I guess, and no more tears. We told them we would have a final decision the next day and said our good nights, continuing to profess our unconditional love for our grandson. Once off the phone we took their three phone numbers out of our contacts list and set our cell phones in such a way that any incoming calls from numbers not in our contact lists would be diverted to voice messaging only. Of course, they never left voice messages. We never heard from them again.

Postscript

To this day no one has yet figured out how the three scammers pieced together our close relationship to our grandson, knew he was coming home from college the weekend of his alleged accident, and had access to our family's phone numbers. To the best of my knowledge, neither the police department nor the FBI followed up on our reports. Our commercial bank is continuing to try to retrieve some of our money, though they cautioned us not to get our hopes up. When I went

to our bank, to apologize for lying to them about the reasons for the wire transfers, they could not have been more gracious. "We understand the position you were in," said the bank manager as she gently patted me on the back. "You are not the first or the only customer coming to us under these circumstances. We are sorry for your troubles." Similarly, my wife and I invited our son and daughter to our home to discuss the scam and why we seemingly were so gullible. Their reactions were all we possibly could have hoped for, full of understanding and loving support. Initially, they also were fully supportive of my publishing an essay on the scam, but then changed their minds when they thought more about privacy and personal issues. It wasn't until yesterday, when we learned about the woman in Orange County who hung up on the scammers because she had read a draft of our story, that my family reversed course again and said "go for it." Help others.

Reading about a scam, or even the tsunami of scams flooding this country and targeting grandparents in particular, is an intellectual exercise. Walking in the shoes of a victim, however, is an entirely different experience. If you know Erin and me, you know we are not stupid. Nor are we gullible by nature. Yet, because we love our grandchildren unconditionally, we answered the scammers' initial call with our hearts, not with our heads. Almost a week and a half went by before we finally figured out we'd been "had." After it ended, one friend explained to us that the longer a scam goes on, the deeper the victims get into it and the more of a reality it becomes in their minds. Based on what we just went through, I would also add that the more money the victims put up to help the family member allegedly in trouble (pouring good money after bad), the more reality replaces doubt.

In this short story I tried to bring you inside the ropes with us, to feel what we felt and to wonder, though not enough to do anything about it, why some answers to our questions or concerns simply didn't add up. A sister-in-law in Denver put me in touch with a cybersecurity expert who specializes in analyzing and trying to track down those committing fraud against seniors. After the several phone calls it took for me to give him the full picture of this scam, his overall comment was as follows: "In my 10 years of working on cybersecurity and fraud involving older individuals, yours is the most sophisticated scam I've ever seen."

No Mulligans

Unlike "mulligans" in golf, for victims of a scam there are no do-overs. We have no choice but to eat our losses and swallow our pride. The best we can hope for is based on a belief that everything happens for a reason, which is a prime truth for me, though not necessarily for everyone. It was a painful experience in every sense of the word, but if by laying out the details of this scam we can help others avoid being taken advantage of, or at a minimum escape a scam days and dollars earlier than we did, we will have created something positive out of an entirely nasty, high-stress time in our lives. I applaud and thank Erin and our children for coming around and allowing us to be vulnerable in print, for all to see. Feel free to share our story with friends and family.