

FROM THE COURTS

Nursing Home Sued After Alleged \$2.5M Theft by Aides

by Celia Ampel

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Victor Ziskin lived frugally his whole working life, saving up more than \$3 million so he could live off investment income in his later years.

But the 79-year-old lost almost all of his savings after he moved into the Regents Park at Aventura nursing home, where nurses' aides allegedly wrote checks to themselves from his account for two and a half years, according to a new negligence lawsuit against the home.

Ziskin's son claims Regents Park should be held partially liable for the \$2.5 million theft, alleging the home did not properly perform background



J. ALBERT DIAZ

From left to right, Marko Cerenko, Bruce Katzen and James Diamond filed a negligence lawsuit against Regents Park at Aventura nursing home.

checks, monitor visitors or supervise those who interacted with residents.

He also claims his father mentioned to a social worker as early as 2010 that he

suspected housekeepers had been forging and cashing his personal checks. Zach Ziskin's lawsuit Monday in Miami-Dade Circuit Court follows the filing of litigation against the nurses' aides.

"The reason we have elder abuse statutes that the Legislature has passed is because we all know that the elderly are targets of fraud and they are easy victims for people to take advantage of," said one of Zach Ziskin's attorneys, Bruce Katzen of Kluger, Kaplan, Silverman, Katzen & Levine in Miami. "People who work with the elderly should be on notice to be watchful that people may be trying to take advantage."

Elder financial abuse costs victims about \$2.9 billion a year, according to the most recent study from the MetLife Mature Market Institute and the National Committee for the Prevention of Elder Abuse. Most victims are between the ages of 80 and 89.

Regents Park has not faced financial abuse allegations before, although the Aventura facility has been sued nine times in the past 10 years on negligence claims.

Regents Park administrator Eddie Bursztyn did not respond to a request for comment by deadline.

In Victor Ziskin's case, the alleged abuse didn't come to light until his son received a call from the bank raising alarms about checks for tens or hundreds of thousands of dollars that were cashed every week. Zach Ziskin filed a complaint with the Florida Department of Children and Families.

"None of the money has been recovered yet," Katzen said. "When my client found out about it, of course, it stopped immediately. He brought a petition for guardianship and became his father's guardian. [But] at that time, the money's already gone."

Katzen, who filed the complaint with colleagues Marko

Cerenko and James Diamond, said Victor Ziskin was especially vulnerable to abuse because he was diagnosed with schizophrenia, anxiety, depression and insomnia after being confined to bed due to a debilitating injury.

"They were prescribing him substantial amounts of medication that would affect his mental ability, and he was already in a weakened mental capacity," Katzen said.

Cerenko said he hopes the case sheds light on the need for the families of South Florida's ballooning elderly population to do their due diligence on assisted care facilities.

"People need to be vigilant as to what is going on when they leave their parents or grandparents in the care of a nursing home," he said.

The case was assigned to Miami-Dade Circuit Judge Jose M. Rodriguez.

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