

2004 session.

Conservators are appointed by judges to care for people who are incapable of managing their own affairs because they are minors or have mental or physical incapacities. Conservators manage the property and financial affairs of their clients and are to ensure that their clients' living needs are met. They commonly perform such functions as paying bills, arranging for medical care and taking care of clients' possessions and finances.

Not licensed

State law requires that professional conservators submit to background checks for criminal records and instances of maltreatment. There is no license required to become a conservator, however.

In Minnesota, conservators are required to file annual reports with the courts detailing their clients' personal and financial condition. But judges and court officials acknowledge that financial audits of conservators are not conducted unless questions arise.

Many district courts in Minnesota, including those in Hennepin and Ramsey Counties, also require conservators to post bonds that Gaertner said could be tapped to repay theft victims.

When major swindles by conservators have been uncovered, it is often outsiders, not the courts, who have discovered it.

Gaertner said that a woman who worked for Bushmaker became suspicious about his handling of client funds, documented several situations that she thought were inappropriate, then contacted the county attorney's office.

Fraud investigators obtained search warrants to seize Bushmaker's records, then spent months sifting through them. A criminal complaint against Bushmaker lists 188 instances in which prosecutors allege that the conservator stole money from clients.

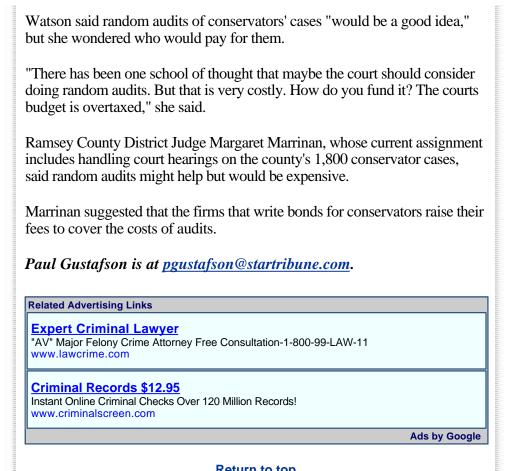
Bushmaker has declined to comment about the charges.

Although he is accused of stealing several large checks from his clients and depositing them in his own bank account, many of the alleged thefts were small and used to purchase items that would not raise suspicions in an annual financial report, Gaertner said.

"He also went after money that family members or other interested persons would not necessarily know existed, such as tax rebate checks," she said.

Mary Watson, president of the Minnesota Association for Guardianship and Conservatorship, said cases in which conservators have stolen large amounts of money from clients are rare. "It just doesn't happen that often. Unfortunately, when it does happen, it's very sad."

Bushmaker served on the group's executive board until his arrest this year in connection with the fraud case, she said.



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