

JUN 09 2021

STATE OF OKLAHOMA)
) SS.
COUNTY OF CRAIG)

DEBORAH MASON, COURT CLERK
STATE OF OKLAHOMA, CRAIG COUNTY
BY *Cindy M. McCabe*
DEPUTY

AFFIDAVIT OF PROBABLE CAUSE

FOR ARREST WARRANT FOR

RANDY JOE McKINNEY

CF-21-76

**EXPLOITATION OF ELDERLY PERSONS OR DISABLED ADULTS
21 O.S. § 843.4 (A)(1)**

Justin M. Hokett, being of lawful age and after having been affirmed upon his oath to tell the truth, states as follows:

I am a certified Advanced Peace Officer in Oklahoma, currently employed as an Agent in the Oklahoma Attorney General’s Office (OAG), Medicaid Fraud Control Unit (MFCU). My responsibilities include investigating allegations of Medicaid fraud as well as abuse, neglect, exploitation of Medicaid Recipients and against residents of long-term board and care facilities.

Your affiant was assigned to investigate allegations made by Adult Protective Services (APS) of financial exploitation occurring at Golden Life Residential Care (GLRC), located in Bluejacket, OK. GLRC is classified as a “Residential Care Home.” The allegation identified GLRC Administrator and Owner, Randy Joe McKinney (McKinney) as the person committing the financial exploitation of several residents of GLRC. As a Residential Care Home, GLRC provides care for adults who need some degree of assistance in their day-to-day living. This assistance includes managing the majority of the residents’ funds, medications, and other such accommodations. Many of the residents of GLRC are classified as elderly or disabled. A Residential Care Home is defined as any establishment or institution other than a hotel motel, fraternity or sorority house, or college or university dormitory which offers or provides residential accommodations, food service and supportive assistance to any of its residents or houses any resident requiring supportive assistance who are not related to the owner or administrator of the home by blood or marriage. Said residents shall be ambulatory and essentially capable of managing their own affairs, but do not routinely require skilled nursing care or intermediate care.

During the course of this investigation your affiant spoke to APS Specialist II, Jon Brigstock. Brigstock stated that he investigated GLRC and McKinney regarding exploited funds from GLRC resident, B.W. Brigstock advised that he reviewed GLRC documents pertaining to B.W.’s care, including bank statements and GLRC ledgers. Brigstock stated he identified \$22,000.00 in monies exploited from B.W. by McKinney. Brigstock also stated that Craig County Sheriff’s Office Lieutenant Frank Miller (Miller) also become involved in the investigation and verified this exploitation. Brigstock stated that he and Miller spoke to McKinney regarding this exploitation

and their evidence thereof. Following this, McKinney wrote a check in the amount of \$22,000.00 for B.W. which was given to Brigstock.

Your affiant spoke to Miller about his involvement and investigative findings. Miller stated that he reviewed B.W.'s financial data and GLRC ledgers associated with B.W. and found that McKinney was writing and depositing checks to GLRC in excess of what B.W. was contracted to pay. Your affiant reviewed Miller's and Brigstock's investigative files as well as their findings and verified the information contained within.

Your affiant reviewed an investigative report made by the Oklahoma Long Term Care Advisory Board (OLTCAB) in reference to the above-described allegation of financial exploitation of B.W. by McKinney. OLTCAB's investigation was specific to GLRC resident funds, facility management of funds and possible financial exploitation having occurred. The OLTCAB determined McKinney failed to protect residents of GLRC from exploitation, and exploited funds from B.W.. The OLTCAB interviewed B.W. who informed the OLTCAB that McKinney did not have permission to remove excess funds from her account and that she (B.W.) was not aware the excess funds were removed. The OLTCAB interviewed McKinney about the identified \$22,000.00 taken from B.W.'s account. McKinney stated that he had "borrowed" the money from B.W., which was now paid back.

Your affiant travelled to GLRC to subpoena various documents pertinent to the investigation. While at GLRC, your affiant observed an OLTCAB certification to be prominently displayed on the GLRC office wall. The certificate read that Randy McKinney was a certified Residential Care/Assisted Living Administrator since August 22, 2012. Your affiant subpoenaed and reviewed patient files, financial documents which included representative payee accounts paid into GLRC, and GLRC residents' accounts whom McKinney was listed as the authorized check signer on the accounts thereof. Your affiant discovered that the majority of residents for GLRC have their monthly sources of income deposited into a single Arvest Bank account managed by McKinney. Residents with large sums of money have their funds moved into individual accounts. In both instances McKinney/GLRC were listed as the Representative Payee for the accounts. Your affiant also discovered each resident had an individual spending ledger which tracks how much the resident is allotted to spend per month. Each resident signs the ledger every time they receive monies from GLRC and is tracked by this ledger. Your affiant found that a second ledger was kept by GLRC for each resident, which tracked the resident's room and board expenses, prescription costs, monies transferred to the resident's spending ledger and any funds which are available after each month's expenses are paid. In addition to this, the majority of residents' files contained documentation which substantiated some of the individual instances of expenses being paid on behalf of the resident. The Social Security Administration requires that a complete accounting of all use of representative payee monies and their uses is documented and itemized including how the payment was spent.

After extensive review of the above described documents and information, your affiant identified \$62,267.71 in funds exploited from residents of GLRC by McKinney, listed as follows:

A.P. (DOB 07/██/1955): This resident was first admitted on May 25, 2018 at a rate of \$745.00 per month, this rate was increased January 1, 2019 without the drawing of a new contract. There is a

total of \$55.00 in identified, exploited funds from this victim between January 1, 2019 and March 11, 2019, when records were provided to your affiant.

B.M. (DOB 03/██/1956): This resident was first admitted on September 22, 2017 at a rate of \$815.00 per month, this rate was increased on January 1, 2018 and January 1, 2019, without the drawing of a new contract. There is a total of \$470.00 in identified, exploited funds from this victim between January 1, 2018 and March 11, 2019, when records were provided to your affiant.

B.W. (DOB 08/██/1950): This resident had a separate bank account which McKinney was the authorized check signer. The resident has a financial ledger which shows each month's board and care costs and other expenses due as well as any owed or credited monies to be carried over to the next month. This resident also had a spending ledger itemizing monies spent by or dispensed to the resident and noted by the resident's signature. The following amounts were identified by your affiant totaling \$25,068.62 in identified exploited funds from this victim between March 1, 2016 and March 11, 2019, when records were provided to your affiant.

Amount	Check Number	Description
\$ 1,100.00	1185	Additional board and care check not credited to resident's account
\$ 840.00	1209	Additional board and care check not credited to resident's account
\$ 21.00	1238	Check written to Country Lane Concessions (owned by McKinney) with no documentation.
\$ 21.00	1243	Check written to Country Lane Concessions (owned by McKinney) with no documentation.
\$ 130.00	1246	Check written to Country Lane Concessions (owned by McKinney) with no documentation.
\$ 56.50	1246	Check written to Country Lane Concessions (owned by McKinney) with no documentation.
\$ 19.00	1283	Check written to Country Lane Concessions (owned by McKinney) with no documentation.
\$ 2,000.00	1287	Additional board and care check not credited to resident's account.
\$ 2,000.00	1289	Additional board and care check not credited to resident's account.
\$ 2,000.00	1293	Additional board and care check not credited to resident's account.
\$ 14.00	1292	Check written to Country Lane Concessions (owned by McKinney) with no documentation.
\$ 200.00	1295	Board and care check written over contracted board and care amount, not credited to resident's account.
\$ 2,000.00	1300	Additional board and care check not credited to resident's account.
\$ 6,000.00	1315	Additional board and care check written to Country Lane Concessions (owned by McKinney) alleging to be for 3

		month's board and care, not credited to resident's account.
\$15,800.00	1325	Additional board and care check alleging 6 month's board and care, only partially credited to resident's account (\$7,800.00 over).
\$ 412.12	1324	Mileage check written with no documentation.
\$ 380.00	1329	Check written, no credit given to resident's account.
\$ 120.00	Ledger Transfer	May 2018, no credit given to resident's account

B.J. (DOB: 11/19/1958): Resident entered facility on September 30, 2014 at a rate of \$850.00 per month, a new contract at \$950.00 a month was not drawn until February 3, 2019. Ledger accounts were provided, beginning on January 1, 2015 with board and care costs charged at \$1,100.00, until January 1, 2016, when it was lowered back to the contracted amount. On January 1, 2017 it was raised to \$900.00. Resident was discharged on March 3, 2017, and readmitted on February 3, 2019. Additionally, there was a \$1,442.00 check deposited into Golden Life's account for B.J. which was not listed in any ledger as credited to him. There is a total of \$5,442.00 in identified, exploited funds from this victim between his admission and March 11, 2019 when records were provided to your affiant.

C.S. (DOB 09/19/1966-Has a Power of Attorney): This resident was first admitted on July 26, 2018 and a contract simultaneously drawn with a rate of \$745.00 per month. The board and care rate was increased on January 1, 2019 without drawing of a new contract. There is a total of \$45.00 in identified, exploited funds from this victim between December 1, 2019 and March 11, 2019, when records were provided to your affiant.

D.M. #1 (DOB 06/19/1950): This resident was first admitted on February 2, 2016 at a rate of \$730.00 per month. This rate was increased on January 3, 2017, January 3, 2018, and January 3, 2019 without drawing a new contract. Additionally, in May 2018, the resident's billing ledger shows \$789.00 was transferred to the resident's spending ledger. The resident's spending ledger shows that the resident was billed for a new mattress with no documentation, an additional \$495.00 was unaccounted for in this ledger. The resident also did not sign for \$44.00 spending allotment. There is a total of \$883.00 in identified, exploited funds from this victim between January 1, 2017 and March 11, 2019, when records were provided to your affiant.

D.M. #2 (DOB: 07/19/1957): This resident was first admitted on March 22, 2016 with a contract drawn the same date at a rate of \$740.00 per month. On January 1, 2017, January 1, 2018, and January 1, 2019 the amount was increased without a contract amendment. There is a total of \$850.00 in identified, exploited funds from this victim between January 1, 2017 and March 11, 2019, when records were provided to your affiant. (Note: there are 2 different residents with initials D.M., so they are distinguished by differing numbers after their initials.)

G.K. (DOB 03-1975): This resident was first admitted on February 21, 2015 with contract drawn on the same date for a rate of \$800.00 per month. The contracted rate was increased on May 1, 2017, January 1, 2018, and January 1, 2019 without the drawing of a new contract. There is a

total of \$660.00 in identified, exploited funds from this victim between January 1, 2017 and March 11, 2019, when records were provided to your affiant.

O.Y. (DOB 12/09/1947): This resident was first admitted on September 4, 2013, on January 1, 2014 a contract was drawn with no board and care amount specified. The executed initial rate for board and care was \$730.00 per month. The rate was increased on January 1, 2017, January 1, 2018, and January 1, 2019 without the drawing of a contract. Additionally, there was an unexplained, unsigned \$220 dollar deduction on the resident's ledger. There is a total of \$522.00 in identified, exploited funds from this victim between January 1, 2017 and March 11, 2019, when records were provided to your affiant.

R.B. (DOB 07/04/1953): This resident has an entry on his ledger purporting \$2,449.22 was paid in alleged medical expenses. A review found that only \$2,252.72 was paid out. Additionally there were multiple expenses purported to be paid with no supporting documentation. There is a total of \$1,174.47 in identified, exploited funds from this victim between October 1, 2016 and March 11, 2019, when records were provided to your affiant.

R.R. (DOB 09/08/1949): This resident was first admitted on March 31, 2017, on the same date a contract was drawn with a rate of \$1,100.00 per month. The monthly board and care cost was increased on January 1, 2018 without the drawing of a new contact. There is a total of \$12,600.00 in identified, exploited funds from this victim between January 1, 2018 to March 11, 2019, when records were provided to your affiant.

R.M.R. (DOB 03/08/1956): This resident was first admitted on July 10, 2013, on January 13, 2014 a contract was drawn with a rate of \$720.00 per month. This resident did not reach the age of 62 until March 2018. The resident's rent was increased on January 1, 2015, January 1, 2016, January 1, 2017, January 1, 2018, and January 1, 2019 without the drawing of new contracts. There is a total of \$351.00 in identified, exploited funds from this victim between March 1, 2018 to March 11, 2019, when records were provided to your affiant.

S.H. (DOB 06/01/1954): This resident was first admitted on November 19, 2011, on January 1, 2016 a contract was drawn with a rate of \$750.00 per month. Financial records from September 2016 to December 2016 were not provided. On January 1, 2017 and January 1, 2018 the board and care rate was increased. On September 1, 2018 the rate was decreased, and then on January 1, 2019 the rate was increased again without the drawing of new contracts. There is a total of \$724.00 in identified, exploited funds from this victim between January 1, 2017 to March 11, 2019, when records were provided to your affiant.

S.B. (DOB 12/01/1954): The resident was first admitted on July 14, 2014, and has a contract signed on January 2, 2016 which sets the board and care cost at \$850.00 per month. There was a Golden Life Rep. Payee account for the resident, which was closed on November 29, 2018 with an amount of \$2,653.50 paid out, but your Affiant did not find a credit for the resident on any of the resident's ledgers. The resident's board and care costs were raised on January 1, 2017, January 1, 2018, and January 1, 2019 without a new contracts being drawn. There is a total of \$3,703.50 in identified, exploited funds from this victim between November 29, 2016 and March 11, 2019, when records were provided to your affiant.

T.R. (DOB 11/16/1958- DOD 07/07/2017- Diagnosed with Schizophrenia): This resident was first admitted on March 1, 2016 with a contract drawn on the same date which sets the board and care costs at \$1,800.00 per month. The resident had an individual bank account which Randy McKinney was the sole signatory. There were numerous charges and checks written on the account which were signed by McKinney and had no documentation to support the funds were used to the benefit of T.R.. There is a total of \$9,719.12 in identified, misappropriated funds from this victim between August 1, 2016 and July 1, 2017.

Date	Amount	Source
August 5, 2016	58.04	Clantons
August 8, 2016	640.00	GLRC
August 25, 2016	18.00	GLRC
August 31, 2016	32.00	GLRC
September 1, 2016	89.80	Lucilles
September 2, 2016	34.40	Carters
September 7, 2016	740.00	GLRC
September 20, 2016	100.00	GLRC
October 10, 2016	740.00	GLRC
October 24, 2016	403.75	Walmart
November 7, 2016	740.00	GLRC
December 5, 2016	740.00	GLRC
December 23, 2016	208.04	Atwoods
December 23, 2016	251.81	Walmart
January 7, 2017	800.00	GLRC
February 7, 2017	800.00	GLRC
February 10, 2017	114.73	WalMart
February 14, 2017	56.09	Clanton's Café
February 16, 2017	244.96	WalMart
March 7, 2017	800.00	GLRC
April 18, 2017	57.09	Clanton's Café
April 18, 2017	550.00	cash
April 20, 2017	210.46	Walmart
May 8, 2017	55.99	Clanton's Café
May 10, 2017	216.98	Walmart
June 7, 2017	720.00	GLRC
June 15, 2017	62.02	Clantons Café
June 19, 2017	234.96	Walmart

T.T. (DOB 03/25/1945): This resident was first admitted on September 4, 2013, on January 1, 2014 a contract was drawn with a rate of \$730.00 per month. The board and care rate was increased on January 1, 2017, January 1, 2018, and January 1, 2019 without the drawing of a new contact. There is a total of \$320.00 in identified, exploited funds from this victim between January 1, 2017 and March 11, 2019, when records were provided to your affiant.

T.K. (DOB 12/11/1948): This resident was first admitted on September 4, 2013, on January 13, 2014 a contract was drawn with a rate of \$730.00 per month. The board and care rate was increased on January 1, 2015, decreased on January 1, 2016, and increased again on January 1, 2017, January 1, 2018, and January 1, 2019 all without the drawing of a new contact. There is a total of \$420.00 in identified, exploited funds from this victim between January 1, 2017 and March 11, 2019, when records were provided to your affiant.

In total, there are 17 individuals who are/were either elderly or are/were persons who were not reasonably expected to handle their finances due to disability or diagnosed mental health disorders. GLRC/McKinney were the designated representative payee for these individuals and was responsible for ensuring their monies were used appropriately and to the benefit of the individuals to whom the money was intended. In total McKinney exploited \$63,007.71 from these 17 individuals.

I request upon probable cause, the court issue a warrant for the arrest of Randy Joe McKinney on 17 charge(s) of Exploitation of Elderly Persons or Disabled Adults 21 O.S. § 843.4 (A)(1).

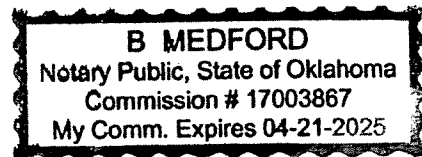
Further, your affiant sayeth not.

Justin Hokett

Justin Hokett

Subscribed and affirmed before me this 9th day of June, 2021.

B Medford
Notary



My commission expires: 04/21/2025

FINDING OF PROBABLE CAUSE

On the date entered below, the above-styled and numbered cause came on for hearing before me, the undersigned Judge of the District Court, and upon the Affidavit of Justin M. Hokett, requesting that a warrant of arrest be issued for the within named Defendant, that s/he might be arrested and held to answer for the 17 offense(s) of EXPLOITATION OF ELDERLY PERSONS OR DISABLED ADULTS 21 O.S. § 843.4 (A)(1).

The Court finds that the 17 offense(s) of EXPLOITATION OF ELDERLY PERSONS OR DISABLED ADULTS 21 O.S. § 843.4 (A)(1) has been committed and there is probable cause to believe that the within Defendant has committed said offense and that a warrant of arrest should be issued.

Dated this 9th day of June, 2021 at 1:10 pm.



JUDGE OF THE DISTRICT COURT