

STATE OF LOUISIANA
v.
Thomas W. Shoemaker
W/M, DOB: 10/28/1964
S.S. N. XXX-XX-4307
142 Lakeview Park Drive
Monroe, LA 71203

FILED

[Signature]
JUL 20 2016
DEPUTY CLERK
4TH JUDICIAL DISTRICT COURT
OUACHITA PARISH, LA

Heath Humble
Criminal Investigator
Office of State Inspector General
(225) 342-4264

OIG File No. 15-0044-I

SECT. 2

AFFIDAVIT

Before me, the undersigned authority, personally came and appeared Criminal Investigator Heath Humble of the Louisiana Office of State Inspector General (OIG), who after being duly sworn, deposed and said:

That probable cause exists for the issuance of an arrest warrant for THOMAS W. SHOEMAKER, a white male, born on October 28, 1964, who resides at 142 Lakeview Park Drive, Monroe, Louisiana, for committing the following offenses on or about August 6, 2012:

- Exploitation of Persons with Infirmities, a violation of La. R.S. 14:93.4, and
- Theft of the Assets of a Person who is Aged or Person with a Disability, a violation of La. R.S. 14:67.21.

Probable cause is based upon the following:

The Louisiana Department of Veterans Affairs (LDVA) is responsible for the operation of healthcare facilities for war veterans (La. R.S. 36:781) and operates several Veterans Homes across the state of Louisiana, including the Northeast Louisiana War Veterans Home, a 156 bed facility located at 6700 Highway 165 North in Monroe, Louisiana (Ouachita Parish), which provides medical and nursing care for its residents as well as physical therapy, occupational therapy, speech therapy, Alzheimer's and dementia care.

At all times material herein, Thomas W. Shoemaker was employed at the Northeast Louisiana War Veterans Home (NLWVH) as the Assistant Administrator, a position he held from February, 2004 until he resigned in February, 2013.

At all times material herein, Roland Matheny was a resident of the NLWVH, residing at the facility from January, 1997 until his death on October 2, 2012.

The OIG conducted an investigation after receiving information that alleged that NLWVH Assistant Administrator Thomas W. Shoemaker misappropriated the amount of \$1,812.28 of personal funds belonging to resident Roland Matheny after gaining physical control over Mr. Matheny's checkbook and ATM card.

16-F1924

In an effort to determine Mr. Matheny's mental capacity, affiant reviewed Roland Matheny's medical records on file with the NLWVH and found medical history by Dr. Jason Nelson which indicated that Roland Matheny was admitted to the Lifecare Main Hospital in Shreveport, Louisiana on July 31, 2012 after being transferred from E.A. Conway Medical Center in Monroe. Dr. Nelson's notes described Mr. Matheny's chief complaint as decubitus ulcers and sepsis and that he had multiple illnesses such as diabetes, dementia, and encephalopathy (disorder or disease of the brain.) These notes further indicated that Roland Matheny was "confused" and an "unreliable historian."

Dr. Bruce Wheeler, primary care physician for Mr. Matheny at NLWVH, provided affiant with written documentation reporting that Mr. Matheny was assessed in May, 2012 and September, 2012, and both assessments indicated "severe cognitive impairment."

Investigators learned that prior to his death Mr. Matheny maintained a checking account (number 1577387) at Progressive Bank in Monroe and in addition had an "in-house" fiduciary account maintained by the facility for Mr. Matheny's benefit.

On or about July 26, 2012 Shoemaker directed NLWVH employee Misti Westbrook to write a \$9,000 check against Mr. Matheny's resident facility fiduciary account and to deposit the money into Mr. Matheny's personal checking account at Progressive Bank. Shoemaker claimed that the transaction was necessary to pay for Mr. Matheny's anticipated funeral expenses. Westbrook wrote the check and she and Shoemaker signed it. Shoemaker provided Westbrook a deposit slip on Mr. Matheny's Progressive Bank account and she deposited the \$9,000 check into that account as directed by Shoemaker. Affiant has found no indication that Shoemaker ever had consent or a Power of Attorney (POA) from Mr. Matheny authorizing this transaction.

Affiant learned from NLWVH Chief Financial Officer Karen Evans that following the death of Mr. Matheny in October, 2012, she received a bill for funeral services in the amount of approximately \$8,600 from Kilpatrick's Funeral Home in Monroe. This prompted Ms. Evans to conduct an inquiry into the matter during which she learned that the July transaction of \$9,000 referred to above was not used to pay for Mr. Matheny's funeral as Shoemaker had initially indicated to Westbrook.

Records obtained from Progressive Bank confirm the July 26, 2012 deposit in the amount of \$9,000. The records further indicate that on August 6, 2012 a telephone transaction in the amount of \$1,812.28 was made to an Orchard Bank credit card account (number 4663-0400-4587-

8945). In researching that transaction affiant has learned that HSBC/Orchard Bank records indicate that that account was in the name of Thomas W. Shoemaker.

Records obtained from Kilpatrick's Funeral Home revealed that on or about August 3, 2012, Shoemaker initiated an application for a pre-burial plan for Mr. Matheny with National Guardian Life Insurance Company. Shoemaker provided the insurance representative a \$9,000 check drawn on Mr. Matheny's Progressive Bank checking account and asked that they hold the check and not negotiate it until a later date.

On July 18, 2016 affiant conducted a post-Miranda interview of Shoemaker by telephone. During the interview Shoemaker confirmed that he had possession of Mr. Matheny's Progressive Bank account's ATM card and checkbook from July, 2012 until he was placed on administrative leave in August, 2012. He also admitted that he had directed the issuance of the \$9000 check against Mr. Matheny's facility fiduciary account and further directed that the \$9000 be deposited into Mr. Matheny's Progressive Bank checking account. He admitted that this was done without any specific written authorization from Mr. Matheny however he claimed that Mr. Matheny had authorized the transaction verbally. When questioned specifically about the \$1,812.28 transaction (credit card payment) referenced above, Shoemaker claimed no recollection of that transaction or of that Orchard Bank credit card account.

Progressive Bank records indicated that a number of cash ATM withdrawals totaling approximately \$ 3,200 as well as retail purchases totaling approximately \$ 1,200 were made using Mr. Matheny's ATM card during the time that Shoemaker had possession of the card. When questioned as to these withdrawals Shoemaker indicated that the cash withdrawals and purchases were made by him at Mr. Matheny's direction and that the cash proceeds and/or items purchased were ultimately passed on to a number of individuals as Mr. Matheny had directed. Shoemaker was unable to identify any of the recipients, saying that he could not recall any of the names. He also reported that no written documentation of these transactions was created.

The affiant states that Thomas W. Shoemaker committed Exploitation of Persons with Infirmities (La. R.S. 14:93.4) by intentionally expending, diminishing and using the assets of a person with an infirmity or who is aged without the express voluntary consent of said person.

The affiant further states that Thomas W. Shoemaker committed Theft of the Assets of a Person who is Aged or Person with a Disability (La. R.S. 14:67.21) by intentionally using,

converting and appropriating funds of a person who is aged without the authorization or consent of said aged person for the benefit of a person other than the person who is aged.

Heath Humble
Heath Humble, Criminal Investigator
Office of State Inspector General

Sworn to and subscribed before me on the 20 day of July,
2016.

[Signature]
Notary Public or Judge

A TRUE COPY
[Signature]
DEPUTY CLERK
4th JUDICIAL DISTRICT COURT
OUACHITA PARISH, LA

WARRANT

STATE OF LOUISIANA

4th JUDICIAL DISTRICT COURT

v.

PARISH OF OUACHITA

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STATE OF LOUISIANA

CASE ASSIGNED TO:
CR. SECT. 2

TO THE SHERIFF OR ANY PEACE OFFICER:

Complaint having been made before me, upon oath of Criminal Investigator Heath Humble of the Louisiana Office of State Inspector General, charging THOMAS W. SHOEMAKER (W/M, DOB: 10/28/1964) with committing:

- Exploitation of Persons with Infirmities, a violation of La. R. S. 14:93.4, and
Bond set at 25,000.
- Theft of the Assets of a Person who is Aged or Person with a Disability, a violation of La. R. S. 14:67.21,
Bond set at 25,000.

You are hereby commanded, in the name of the State of Louisiana, to apprehend and arrest the said accused and bring him before the court to answer the complaint. You are further commanded to keep the said accused in safe custody until released according to law, and this shall be your warrant.

Given under my official signature this 20 day of July, 2016.

[Signature]

JUDGE, 4th JUDICIAL DISTRICT COURT

A TRUE COPY
[Signature]
DEPUTY CLERK
4th JUDICIAL DISTRICT COURT
OUACHITA PARISH, LA