

Friend of NASGA Member Heather Riley (Florida)

William Berchau was born in Lithuania in 1914.

He fled to Germany during Joseph Stalin's rise to power, then immigrated from Germany to the United States to escape Adolph Hitler's regime.

Berchau had a long career as an employee of the Illinois Central Railroad.

He and his wife retired in Clearwater, Fla.

Shortly after her death in 2010, he attempted to sell his house and was soon taken into the Florida Guardian Program.

Patricia Johnson was appointed his professional guardian late that year. He has tried to have her removed on several occasions, to no avail.*

Note: ABC Action News I-Team has done several reports on Mr. Berchau's guardianship beginning with:

[Elderly Pinellas Man Freed From Alzheimer's Unit After I-Team Looks at His Case](#)
by Francis Gilpin and Adam Walser

On a Sunday morning last month, a spry 99-year-old Pinellas County retiree got his first taste of freedom in weeks.

William Berchau says he doesn't get out of an assisted living facility much anymore. "No, I'm not allowed," Berchau told the ABC Action News I-Team. "My court-appointed guardian doesn't allow me to leave the premises."

In Florida, judges appoint guardians for people deemed no longer able to handle their own affairs. About 3,500 wards in Pinellas have such guardians.

A month before his Sunday visit to church in August, Berchau was placed in a locked Alzheimer's unit at the Grand Villa of Pinellas Park. Berchau and his pastor contend Florida's guardianship system has let him down and their complaints about his guardian have been ignored by the Pinellas judiciary.

"He seems to be very mentally sharp and alert," Berchau's pastor, David Priebe, said of his church member. "I just can't believe that somebody would think he's incompetent mentally."

The I-Team pointed out to the clergyman that the Pinellas probate court has ruled Berchau to be incapacitated three times since 2010. Priebe just shook his head. "Wow," the pastor said.

Berchau, who speaks with an accent, escaped Stalinist Russia, then Hitler's Germany. But he is spending his last years in his adopted country with little control over his life.

His friends have been allowed to take Berchau out of the locked unit so he could worship at Priebe's church. Otherwise, Berchau said: "You see nobody. You have no contact with anybody."

Three years ago, professional guardian Patricia F. Johnson was appointed to oversee Berchau's affairs after a state social worker learned that he tried to sell his house for a below-market price of \$55,000.

Johnson, 67, took control of more than \$500,000 of Berchau's assets. Those assets included his home, which Johnson sold for \$65,000. That sale was for \$26,400 less than the Pinellas property appraiser's valuation of \$91,400.

As guardian, Johnson, who is also a Pinellas Park city councilwoman, was permitted to change Berchau's doctor and sell his possessions. Johnson, who looks after more than 50 Pinellas wards, also confiscated Berchau's voting and identification cards, closed his bank account, and had his mail sent to her home.

"If I get packages," Berchau told the I-Team, "it's opened up to take a look what's in it."

State law allows a guardian to bill wards \$70 an hour for the time it takes to perform tasks such as visiting them, opening their mail and taking them to appointments. Berchau says he has asked to see an accounting of how his guardian spends his money, but has been denied.

In Pinellas, the probate court has a standing order that seals every guardian's annual accounting files.

"There's nobody that's more vulnerable than a ward who has assets and can't keep track of where they're going or what's happening with them," said Robert W. Melton, who retired in 2009 as inspector general for the Pinellas circuit court clerk. "The ward basically has no rights."

During his nine years as the Pinellas clerk's internal watchdog, Melton was a critic of the county guardianship system's lack of transparency. "It's a very closed process and, in many cases, the public is not aware of the things that have gone on or are going on in guardianships," Melton said.

Pinellas Circuit Judge Jack St. Arnold, who presides over the Berchau guardianship and hundreds of others, says he doesn't believe the secrecy surrounding guardianships is a problem. "I think our professional guardians do a wonderful job," St. Arnold told the I-Team. "I'm really pleased with them."

The judge was a featured speaker at a recent conference of the county's professional guardians. Johnson, too, was in attendance. But she declined to answer questions from the I-Team.

"I took an oath 27 years ago that I would not discuss my patients, my clients," Johnson said.

Until July, Berchau lived at the Inn at the Fountains, an ALF in St. Petersburg. Without

advance warning to Berchau, Johnson moved him to the locked Alzheimer's unit at the Grand Villa, which state regulators have fined twice since 2005. The Inn at the Fountains hasn't been fined in recent years, according to state records.

"In our opinion, Mr. Berchau was not a candidate for a secured unit when he left the Fountains," that ALF's executive director wrote in an email to the I-Team last month.

After the I-Team began examining Berchau's situation, Johnson — again with no explanation to her ward — moved him out of the Grand Villa's locked unit to a less restrictive wing of the ALF.

Last year, Berchau's relatives in Germany hired a Brandon attorney to try to have Johnson removed as guardian. But the judge ruled against Berchau, who ended up having to pay the legal bills of Johnson's lawyer to fight him in court.

"There's a lot of things wrong," Berchau told the I-Team. "It's got to be looked into."

Visit [NASGA's blog](#) for ongoing coverage by the ABC Action News I-Team! Thank you reporters Adam Walser and Francis Gilpin!

Willi Berchau left this earth on May 20, 2015. Following is a short tribute to Willi from his buddy, Adam Walser:

"A sad day for us, as one of our heroes has passed...Willi Berchau... who fought for the rights of wards in predatory guardianships... died peacefully this morning. He was wrongly placed in an Alzheimer's unit, told his story to the world and eventually was freed by the court system. His final year and a half, he spent surrounded by friends and supporters and more importantly... free! The I-Team went to his 101st birthday party just last month. Willi was a sweet, kind soul who had courage to stand up against what was wrong. Isolated from the world, he found a way to speak out and people listened.... eventually passing laws cracking down on predatory guardianships.

I remember Willi with his fist pumped in the air, showing his belief that he achieved victory over oppression. Some of us have heroes who are movie stars or professional athletes or corporate moguls. Mine was a small German man, who always had a smile on his face and who spoke softly with a thick accent. What he had to say will long be remembered."