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1 ROSHKA HEYMAN & DEWULF, PLC
2 ONE ARIZONA CENTER
3 400 EAST VAN BUREN STREET
4 SUITE 800
5 PHOENIX, ARIZONA 85004
6 TELEPHONE NO 602-256-6100
7 FACSIMILE 602-256-6800

8 Name and State Bar No.: Alan S. Baskin/#013155
9 James M. McGuire/#21223

10 Attorney for Defendant Stephen Barry Beizer

11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF MARICOPA**

13 STATE OF ARIZONA,

14 Plaintiff,

15 vs.

16 STEPHEN BARRY BEIZER,

17 Defendant.

No. CR2001-003702 DT

**MOTION TO MODIFY CONDITION
OF RELEASE**

(Assigned to Honorable Barry C.
Schneider)

(Expedited Oral Argument and
Hearing Requested)

18 Defendant Stephen Beizer respectfully requests the Court to modify his existing
19 conditions of release, and release him upon his own recognizance. This Motion to Modify
20 Conditions of Release (the "Motion") is based upon: (i) the entire record before the Court
21 in this matter; and (ii) the attached Memorandum of Points and Authorities.

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1 DATED this ~~5~~ day of July, 2003.

2 ROSHKA HEYMAN & DeWULF, PLC

3
4 By 

5 Alan S. Baskin

6 James M. McGuire

7 One Arizona Center

8 400 East Van Buren Street, Suite 800

9 Phoenix, Arizona 85004

10 Attorneys for Defendant Stephen Beizer

11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 **I. INTRODUCTION.**

13 Stephen Beizer is 56 years old. He has been married to Helene Beizer for 36 years.
14 The Beizers have one son, Jaret, who is a developmentally disabled 29 year-old. Before
15 his arrest, Mr. Beizer was working part time as a business consultant, and devoted a
16 substantial amount of his time to the care of his son Jaret.

17 The State Grand Jury indicted Mr. Beizer in March 2001. The indictment involves
18 non-violent, white-collar allegations in connection with some unsuccessful investments or
19 loans made by the alleged victims. The conduct at issue allegedly occurred as early as
20 1995, but no later than 1999; yet Mr. Beizer was not indicted until March 2001. He was
21 not arrested until June 2003, when he was taken into custody in Las Vegas, Nevada. Mr.
22 Beizer had left Arizona before he was indicted and was completely unaware of the
23 indictment until he was arrested. As a result, he never had the opportunity to surrender in
24 Phoenix. Bond has been set at \$177,000, which includes all applicable surcharges.
25
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1 Contrary to the prosecutor's anticipated position, Mr. Beizer was not "hiding" from
2 the indictment. Rather, over the past couple of years Mr. Beizer lived in Las Vegas and
3 frequently traveled to Arizona as described more fully herein. In addition, he maintained a
4 bank account in his name. If Mr. Beizer was "hiding," he did so in plain sight. In fact, it is
5 counsel's understanding that no one was actively looking for Mr. Beizer until John Walsh,
6 the lead investigator on the case, returned to the Securities Division of the Arizona
7 Corporation Commission (the investigating agency; hereinafter "the Securities Division")
8 after a one and one-half year absence. Upon Mr. Walsh's return to the Securities Division
9 he was quickly able to locate Mr. Beizer. Mr. Beizer was not hiding; no one was looking
10 for him.
11

12 Mr. Beizer, who immediately waived extradition, spent almost a month in custody
13 while in transit from Las Vegas to Phoenix. An objective review of his conduct over the
14 past three years reveals that Mr. Beizer was unaware of the charges; that he regularly
15 traveled to Arizona; and that he will appear for all of his court appearances and his trial.
16 As discussed more fully below, Mr. Beizer's current bond of \$177,000 far exceeds what is
17 reasonably necessary to ensure his appearance. He should be released on his own
18 recognizance. ("OR".)
19
20
21

22 **II. THE FACTS FAVOR AN OR RELEASE.**

23 Mr. Beizer was indicted in 2001. This case was investigated by the Securities
24 Division and referred to the Attorney General's Office for prosecution. The investigation
25 related to conduct that allegedly occurred as early as 1995, but no later than 1999. In
26 August or September 1999, well before any charges were filed against Mr. Beizer, the
27

1 Securities Division subpoenaed him to give testimony. Mr. Beizer appeared with counsel
2 at the scheduled date and time.

3 Mr. Beizer subsequently believed the Securities Division matter was concluded.
4 The Securities Division, which routinely prosecutes its cases administratively or civilly
5 instead of referring the matter for criminal prosecution, did not bring a formal proceeding
6 against him; the allegedly improper conduct began long-before Mr. Beizer learned of the
7 Securities Division investigation; and Mr. Beizer did not believe he had done anything
8 wrong. He had no idea that the Securities Division's administrative investigation
9 ultimately turned into a criminal referral to the Attorney General's Office.
10

11
12 Moreover, the Securities Division regularly investigates matters, yet for a variety of
13 reasons decides not to pursue them. Further, as the Court is aware, grand jury proceedings
14 are confidential, and Mr. Beizer could not be expected to know the existence or outcome of
15 those proceedings. Likewise, it is not the Securities Division's practice to advise
16 individuals it investigates that it subsequently referred a matter to the Attorney General's
17 Office for criminal prosecution. Counsel is unaware of any evidence that Mr. Beizer knew
18 his case had been referred for criminal prosecution, let alone that he had been indicted.
19

20
21 Mr. Beizer and his wife Helene lived in Arizona from 1988 through early 2000.
22 The Beizers ultimately settled in Las Vegas in 2001. The Beizers' Las Vegas address from
23 2001 until last month was 9999 West Katie Avenue, Apt. 1062, Las Vegas, Nevada 89147.

24 At the time Mr. Beizer left Arizona, he had not been indicted. In fact, Mr. Beizer
25 had been gone from Arizona for nearly a year before he was indicted. There is no reason
26 to expect that Mr. Beizer would be aware of an indictment issued eleven months after he
27

1 left Arizona and 1½ years after his appearance before the Securities Division. His actions
2 during this period also demonstrate he was unaware.

3 For example, Mr. Beizer regularly visited his elderly father-in-law, Phillip Kaplan,
4 in Arizona, from 2000 until late 2002, when Mr. Beizer helped Mr. Kaplan relocate to an
5 elderly care facility in Las Vegas. From August 2000 until approximately April 2002, Mr.
6 Kaplan lived at a group home in Glendale called Spring Gardens Care Center.
7

8 Attached as Exhibit "A" hereto is a letter from Julia Althoff, the administrator for
9 Spring Gardens during the time Mr. Kaplan was a resident. According to Ms. Althoff, Mr.
10 Beizer, his wife and son were frequent visitors to Spring Gardens; they were readily
11 accessible; and whenever Mr. Kaplan required hospitalization the Beizers returned to
12 Phoenix.
13

14 More remarkable is that Mr. Beizer's father-in-law was, while at Spring Gardens, a
15 ward of the State of Arizona. Why would a fugitive regularly interact with state agents
16 caring for his father-in-law if he knew he had been indicted by the State?
17

18 In approximately April 2002, the State transferred Mr. Kaplan to a nursing home in
19 Scottsdale, where the Beizers again maintained steady contact with him. During this
20 timeframe Mr. Beizer became Mr. Kaplan's guardian and/or power of attorney, and in late
21 2002 the Beizers relocated Mr. Kaplan to Las Vegas.
22

23 In order to become legally responsible for his father-in-law, Mr. Beizer was required
24 to complete and provide numerous documents to the Adult Protective Services Division of
25 Arizona's Department of Economic Services. As part of this process, Mr. Beizer provided
26 DES with his Las Vegas address and also provided numerous powers of attorney. DES
27

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ultimately relinquished control over Mr. Kaplan and made Mr. Beizer legally responsible for him.

In late 2002, when the Beizers were in the process of relocating Mr. Kaplan to Las Vegas, Mr. Beizer was in contact with Arizona's Health Care Cost Containment System (AHCCCS) in order to discontinue Mr. Kaplan's claim for health care benefits. During that process Mr. Beizer provided the State his Las Vegas address and communicated from Las Vegas with the assigned caseworker. (See Exhibit "B"; various AHCCCS documents dated November 22, 2002.) Once again, Mr. Beizer would never have sought responsibility over Mr. Kaplan and provided personal address information to two separate state agencies if he believed he was a fugitive.

Further, Mr. Beizer and his family stayed at a Fairfield Inn in Phoenix on at least 3 occasions between November 2002 and January 2003. (See Exhibit "C"; copies of invoices from the Fairfield Inn.) The records from the Fairfield Inn also demonstrate that Mr. Beizer used his real name in connection with his registration at the hotel. These are not the actions of a person attempting to evade arrest.

The Beizers were also in Phoenix to see Helene's dentist on 3 occasions in late 2002 and early 2003. (See Exhibit "D"; letter from Paul F. Rowe, D.D.S.) As stated by Dr. Rowe, Mr. Beizer accompanied his wife to these appointments.

While in Phoenix, the Beizers also regularly saw other family members, such as Mr. Beizer's brother-in-law and sister-in-law, Gene and Barbara Steinberg. In fact, Mr. Beizer celebrated the 2003 New Year in Phoenix at a family function. Finally, Mr. Beizer was in Arizona just days before he was arrested. He was not running.

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In addition to these regular contacts with Arizona, Mr. Beizer maintained a bank account in his own name at Bank of America. (See Exhibit "E"; copies of bank statements for joint account of Mr. Beizer, Jaret and Helene Beizer and Phillip Kaplan.)

There are many other compelling reasons to modify the conditions of his release. Mr. Beizer has family in Phoenix. His brother-in-law, Gene Steinberg, has agreed to supervise a third-party release of Mr. Beizer. Mr. Steinberg has lived in the Phoenix area for over ten years.

In addition, Mrs. Beizer and Jaret have relocated to an apartment in Phoenix. Their current address is 886 Cofco Cir. Drive, Apt. 144, Phoenix, Arizona 85008. Mr. Beizer's family ties and support in Phoenix make it unlikely that he will fail to appear for his court dates.

Perhaps the most compelling reason to modify Mr. Beizer's conditions of release is his son Jaret. Jaret is a developmentally disabled 29 year old who functions at roughly the level of a five-year-old child. He requires a tremendous amount of care and supervision. Mr. Beizer has been Jaret's primary caretaker and it has been very difficult for both Mrs. Beizer and Jaret during Mr. Beizer's incarceration. Mr. Beizer should be allowed to return home during the pendency of this matter to help care for his son.

A. **The prosecutor's arguments do not support the excessive bond currently required.**

It is counsel's understanding that the Attorney General's Office will likely argue that Mr. Beizer was somehow aware he had been indicted and was "on the run." To date the only support for this view has been the prosecutor's suggestion that Mr. Beizer: (i)

1 rented an apartment in Las Vegas in the name of a friend and business associate; and (ii)
2 kept his telephone in the name of his son Jaret.

3 Due to a prior bankruptcy the Beizers have very poor credit. While in Las Vegas
4 they needed someone to be responsible for their apartment lease. Dr. James Ketzner
5 agreed to be responsible and he was named on the lease. Dr. Ketzner gave Mr. Beizer
6 power of attorney to sign all lease-related documents on his behalf, and Mr. Beizer
7 routinely executed these documents. The apartment complex was fully aware that the
8 Beizers were living in the apartment. Moreover, Mr. Beizer received mail, in his name, at
9 the Katie address, and routinely used this address for other purposes.
10

11
12 The Beizers' telephone was in their son's name. The Attorney General was well
13 aware that Mr. Beizer had a son and any reasonable inquiry would have found the name
14 "Beizer". To then locate Mr. Beizer would not have been difficult. Moreover, if Mr.
15 Beizer were truly seeking to avoid arrest it again defies logic that he would do so by using
16 his last name, but his son's first name as a smokescreen.
17

18 **III. LAW AND ARGUMENT**

19 A judge considering release conditions must conduct a *de novo* review of the current
20 release conditions. See Mendez v. Robertson, 202 Ariz. 128, 129 (App. 2002) (holding
21 that when a court is asked to reexamine release conditions in light of newly presented
22 information, the review must be *de novo*.) Mr. Beizer is presenting new information
23 concerning his release conditions, and therefore is entitled to *de novo* review of his release
24 status.
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1 A. The Court must apply the least onerous release conditions that will
2 reasonably assure Mr. Beizer's attendance at future court proceedings.

3 The sole purpose of setting bail is to secure the defendant's attendance at future
4 court proceedings. See State v. Norcross, 26 Ariz. App. 115, 117, 456 P.2d 840, 842
5 (1976). In determining a defendant's right to pre-trial release, Arizona employs a statutory
6 scheme involving numerous considerations. The guiding principal concerning bail in
7 Arizona is the Arizona Constitutional provision that, "excessive bail shall not be required."
8 Ariz. Const. Art. II, § 15. Excessive bail may not be required for the purpose of preventing
9 a defendant's release. Gusick v. Boies, 72 Ariz. 233, 236, 233 P.2d 446, 448 (1951). Any
10 bail fixed at more than is necessary to secure a defendant's appearance is "excessive"
11 within the meaning of the Arizona Constitution. See id.

12 In determining the conditions of release, a release OR is presumed unless the court
13 determines that such a release will not reasonably assure future appearances. Ariz. R.
14 Crim. P. 7.2(a). If the court determines that a release OR will not reasonably assure the
15 person's appearance, the court may "impose the least onerous condition or conditions
16 contained in Rule 7.3(b) which will reasonably assure the person's appearance." Id. This
17 approach is logical because the innocence of the accused is presumed when assessing
18 release conditions. See Gusick, 72 Ariz. at 236. Accordingly, the Court should impose the
19 least onerous release conditions that will ensure Mr. Beizer's attendance at future court
20 appearances.
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22 As set forth above in detail Mr. Beizer should be released OR or to the custody of a
23 third party. He was unaware of a criminal referral to the Attorney General's Office let
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alone an indictment; he traveled frequently to Arizona; he regularly visited his father-in-law at a state-sponsored facility; he regularly visited with other family members; he accompanied his wife to see the dentist on numerous occasions; he provided his Las Vegas address to two State agencies; and he regularly used his name to identify himself. Mr. Beizer's actions belie those of a fugitive. He vigorously contests the allegations and he should be released OR in order to best defend them. He will make all of his court appearances.

If he is released, Mr. Beizer can live with his family at their new apartment in Phoenix, or Mr. Steinberg is prepared to serve as third-party custodian. Mr. Beizer has no objection to also being monitored and regularly reporting to Pretrial Services. For the reasons set forth above, Mr. Beizer respectfully requests this Court modify the existing release conditions.

III. CONCLUSION.

Mr. Beizer respectfully requests that the Court release him on his own recognizance, or allow him to be released to pretrial services and/or the third-party custody of his brother-in-law Mr. Steinberg.

DATED this 20th day of July, 2003.

ROSKA HEYMAN & DeWULF, PLC

By 

Alan S. Baskin
James M. McGuire
One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004
Attorneys for Defendant Stephen Beizer

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COPY of the foregoing hand-delivered
this 20th day of July, 2003 to:

Honorable Barry C. Schneider
Maricopa County Superior Court
201 West Jefferson
Phoenix, AZ 85003-2243

COPY of the foregoing hand-delivered
this 20th day of July, 2003 to:

Jeffrey A. Rueter
Assistant Attorney General
Office of the Attorney General
1275 W. Washington
Phoenix, AZ 85007
Attorneys for Plaintiff


beizer.ag/pld/mt modify release.doc

ROSKA HEYMAN & DeWULF, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

EXHIBIT A

EXHIBIT

To Whom This May Concern;

I Julia Althoff was administrator for Spring Gardens Care Center at 6016 W. Glenn DR. ,Glendale ,Az. During the time that Mr. Phil Kaplan was a resident.

Steven,Helena and Jaret Beizer was a frequent visitor at the center. During the time Phil was at the center the family was here once a week and more often when he was ill.

They were at the hospital when I would send him in. In fact, they returned him after he was released from Thunderbird hospital the last time he was there.

I never had a problem getting in touch with the family they were very supportive of Phil.

I am very concerned for Phil at this time for he is very attached to Steven . He treats Steven as a son and is very close to him. If Steven is not allowed to visit with Phil he just make die.

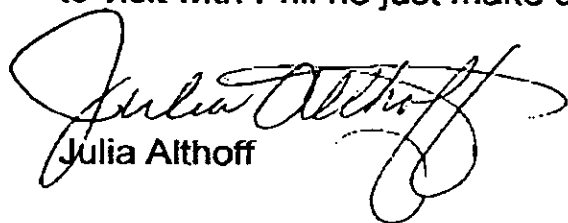

Julia Althoff

EXHIBIT B

EXHIBIT

VOLUNTARY WITHDRAWAL OR DISCONTINUANCE REQUEST

Stephen Beizer
 9999 W. Katie Ave
 Unit 106Z
 LAS Vegas, N 89147

DATE SENT 11-22-02

CASE NAME (LAST, FIRST, MI) <u>RADLAN, Phillip</u>	
ACN <u>11072867</u>	AHCCCS ID NUMBER <u>A46240001</u>
EI <u>Sherrie L James</u>	EI ID NUMBER <u>SJ8644</u>
PHONE NUMBER <u>(602) 417-6410</u>	

Dear MR. Beizer:

You contacted us on 11-22-02 to request either withdrawal of your application, discontinuance of your case, or withdrawal of your request for a fair hearing. Please complete and sign this form and return it to the address listed below. Please check all boxes that apply to your case. **NOTE: YOU MUST COMPLETE SECTION IV BELOW AND SIGN AND DATE THIS FORM.**

I. WITHDRAWAL OF APPLICATION

- Withdraw my application for: Arizona Long Term Care (ALTCS) Medicare Cost Sharing Program

I understand that the voluntary withdrawal of my application will result in a denial of my application for benefits.

II. DISCONTINUANCE OF BENEFITS

- Discontinue my case for: Arizona Long Term Care (ALTCS) QMB SLMB
- QI-1 QI-2 QDWI Other (Specify): _____

I understand that the voluntary discontinuance of my case may stop the services and benefits which are currently being received. By making this request in writing, I hereby waive the advance notice period prior to the discontinuance.

Please discontinue my benefits immediately. (Check this box if you want your benefits to stop right away. If you do not check this box, your benefits will stop on the first of next month).

III. WITHDRAWAL OF HEARING REQUEST

- Withdraw my request for a fair hearing Disputed issue is resolved
- I understand that the voluntary withdrawal of my fair hearing request will stop the services and benefits which are currently being received.
- I understand AHCCCS will reverse the decision on my case and my benefits will continue.

IV. APPLICANT MUST COMPLETE AND SIGN SECTION BELOW

The reason for my request for withdrawal of my application or request for hearing or discontinuance is listed below (check box that applies):

I moved out of State to: (enter name of state) _____ on (month/day/year) _____

Other (explain): I will apply for benefits in Clark Co. Nevada as soon as my benefits in Arizona are discontinued.

I understand that this withdrawal does not affect my right to apply for services or benefits in the future.

Stephen Beizer
 Signature of Applicant/Recipient or Representative

11/22/02
 Date

RETURN TO:

ARIZONA LONG TERM CARE SYSTEM
 460 N. MESA DR., STE. 101
 MESA, AZ 85201

A #n
Sherrie James



ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
Committed to Excellence in Health Care

Phyllis Biedess
Director

November 22, 2002

TIME: 9:40am

TOTAL NUMBER OF PAGES PLUS COVER 2

PLEASE DELIVER THE FOLLOWING PAGES TO FAX NO: (702) 307-9995

NAME: STEPHEN BEIZER

OFFICE:

TELEPHONE NO:

FROM: Sherrie L. James

OFFICE: Arizona Long Term Care (State Medicaid program)

TELEPHONE NO: 602-417-6410

COMMENTS: PER OUR CONVERSATION I AM FAXING YOU A VOLUNTARY WITHDRAWAL/DISCONTUANCE REQUEST. PLEASE COMPLETE FORM AND FAX BACK TO ME ASAP. I WILL THEN FAX YOU BACK PAPERWORK SHOWING THAT HE HAS BEEN DISCONTINUED IMMEDIATELY.

IF YOU HAVE ANY QUESTIONS PLEASE CALL ME AT THE ABOVE NUMBER. THANK YOU IN ADVANCE FOR ALL OF YOU HELP.
SHERRIE JAMES

*Here is your copy of Discontinua
letter*

NOV-22-2002 10:38

P.02

QMB DISCONTINUANCE NOTICE

NOVEMBER 22, 2002

MESA BOE LOCAL OFFICE UNIT C
460 NORTH MESA DRIVE
SUITE #101
MESA, AZ 85201

CASE NAME: KAPLAN, PHILLIPS
AHCCCS ID: A46240001

QE-415-00011072867
PHILLIPS KAPLAN
CASA DEL MAR
3333 N. CIVIC CENTER
SCOTTSDALE AZ 85251

DEAR MR. KAPLAN:

SI USTED NO PUEDE LEER INGLES, Y NECESITA AYUDA PARA COMPRENDER ESTA CARTA, POR FAVOR DE LLAMAR EL NUMERO DE TELEFONO INDICADO ABAJO.

THIS NOTICE APPLIES TO THE INDIVIDUAL LISTED ABOVE WHO RECEIVES MEDICARE COST SHARING BENEFITS.

IF YOU ARE RECEIVING OTHER AHCCCS BENEFITS, THOSE BENEFITS WILL CONTINUE UNLESS YOU RECEIVE A SEPARATE NOTICE.

- 1. YOUR BENEFITS UNDER THE QUALIFIED MEDICARE BENEFICIARY (QMB) PROGRAM ~~WILL BE DISCONTINUED EFFECTIVE 01/01/2003 FOR THE FOLLOWING REASONS:~~

VOLUNTARY DISCONTINUANCE - IMMEDIATE

- 2. THE REGULATIONS/POLICY AND PROCEDURE MANUAL SECTION(S) WHICH REQUIRE THESE ACTIONS ARE:

42 CFR 431.213, 435.913; AAC R9-29-203, ALTCS MS

- 3. YOU HAVE THE RIGHT TO REQUEST A HEARING REGARDING THIS DECISION. AHCCCS MUST RECEIVE YOUR REQUEST FOR A HEARING BY 12/30/2002. YOUR HEARING RIGHTS ARE EXPLAINED ON THE REVERSE SIDE OF THIS FORM.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL (602)417-6400.

SHERRIE JAMES

QE-415



ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
Committed to Excellence in Health Care

F. G. L
Governor
Phyllis Stedman
Director

November 22, 2002

TIME: 9:40am

TOTAL NUMBER OF PAGES PLUS COVER 2

PLEASE DELIVER THE FOLLOWING PAGES TO FAX NO: (702) 307-9995

From: NAME: STEPHEN BEIZER

OFFICE:

TELEPHONE NO: 702 320 2729

To: FROM: Sherrie L. James

OFFICE: Arizona Long Term Care (State Medicaid program)

TELEPHONE NO: 602-417-6410

COMMENTS: PER OUR CONVERSATION I AM FAXING YOU A VOLUNTARY WITHDRAWAL/DISCONTINUANCE REQUEST. PLEASE COMPLETE FORM AND FAX BACK TO ME ASAP. I WILL THEN FAX YOU BACK PAPERWORK SHOWING THAT HE HAS BEEN DISCONTINUED IMMEDIATELY.

IF YOU HAVE ANY QUESTIONS PLEASE CALL ME AT THE ABOVE NUMBER. THANK YOU IN ADVANCE FOR ALL OF YOU HELP.
SHERRIE JAMES

480 North Mesa Drive, Suite 101 - Mesa, Arizona 85201 - (480) 417-6400

Internet: www.ahcccs.state.az.us

E.4) No facsimile connection
E.2) Busy

Reason for error
E.1) Hang up or line fall
E.3) No answer

No. Mode	Destination	Pg (s)	Result	Page Not Sent
550 Memory TX	16024176483	P. 2	OK	

RESORT AT THE LAKES

* * * Transmission Result Report (MemoryTX) (Nov. 22. 2002 10:10AM) * * *

EXHIBIT C

EXHIBIT



Page: 1
Date: 6/27/03

PHOENIX FAIRFIELD INN
4702 EAST UNIVERSITY DR
PHOENIX, AZ 85034
480-829-0700

Arrival: 11/24/02
Departure: 11/25/02

Guest Name: BEIZER, MR STEPHEN
Address:

Mbr. ID:
Level:

Room: 101
Folio Id: 60111 - 226
Plan: EXTI

Date	Description	Reference	Charges	Credits	Balance
11/24/02	Regular Room Charge	Room 101	\$39.00	\$0.00	\$39.00
11/24/02	Room Tax	Room 101	\$4.71	\$0.00	\$43.71
11/25/02	Visa	XXXXXXXXXXXX2260 BAT	\$0.00	-\$43.71	\$0.00

Total Folio Page 1 \$0.00

X

Cardholder acknowledges receipt of goods and/or services in the amount of the total shown above and agrees to perform the obligations and terms in the cardholder agreement with the seller.



PHOENIX FAIRFIELD INN
 4702 EAST UNIVERSITY DR
 PHOENIX, AZ 85034
 480-829-0700

Arrival: 12/16/02
 Departure: 12/20/02

Guest Name: BEIZER, MR STEPHEN
 Address:

Mr. ID:
 Level:

Room: 102
 Folio Id: 60957 - 226
 Plan: EXTJ

Date	Description	Reference	Charges	Credits	Balance
			\$59.00	\$0.00	\$59.00
12/16/02	Regular Room Charge	Room 102	\$7.12	\$0.00	\$66.12
12/16/02	Room Tax	Room 102	\$59.00	\$0.00	\$125.12
12/17/02	Regular Room Charge	Room 102	\$7.12	\$0.00	\$132.24
12/17/02	Room Tax	Room 102	\$59.00	\$0.00	\$191.24
12/18/02	Regular Room Charge	Room 102	\$7.12	\$0.00	\$198.36
12/18/02	Room Tax	Room 102	\$0.00	-\$198.36	\$0.00
12/19/02	Visa	XXXXXXXXXXXXXXXX2260 Automatic	\$59.00	\$0.00	\$59.00
12/19/02	Regular Room Charge	Room 102	\$7.12	\$0.00	\$66.12
12/19/02	Room Tax	Room 102	\$0.00	-\$59.00	\$7.12
12/20/02	Regular Room Charge	SLEEPER	\$0.00	-\$7.12	\$0.00
12/20/02	Room Tax	SLEEPER			

Total Folio Page 1 1

X Cardholder acknowledges receipt of goods and/or services in the amount of the total shown above and agrees to perform the obligations and terms in the cardholder agreement with the issuer.



PHOENIX FAIRFIELD INN
4702 EAST UNIVERSITY DR
PHOENIX, AZ 85034
480-829-0700

Page: 1
Date: 6/27/03

Arrival: 1/1/03
Departure: 1/2/03

Guest Name: BEIZER, MR STEPHEN
Address:

Mbr. ID:
Level:

Room: 116
Folio Id: 61517 - 226
Plan: EXTJ

Date	Description	Reference	Charges	Credits	Balance
			\$59.00	\$0.00	\$59.00
1/1/03	Regular Room Charge	Room 116	\$7.12	\$0.00	\$66.12
1/1/03	Room Tax	Room 116	\$0.00	-\$66.12	\$0.00
1/2/03	Visa	XXXXXXXXXXXXXXXX5469 TLB			

Total Folio Page 1 \$0.00

X _____
Cardholder acknowledges receipt of goods and/or services in the amount of the total shown above and agrees to perform the obligations and terms in the cardholder agreement with the seller.

EXHIBIT D

EXHIBIT

PAUL F. ROWE, D.D.S., P.C.
Oral and Maxillofacial Surgery

3008 NORTH 64TH STREET
PHOENIX, ARIZONA 85018
TELEPHONE 847-4337

July 1, 2003

To Whom It May Concern;

Helene Beizer was seen in my office for Dental treatment on the following dates 12-17-2002, 12-19-2002, and 01-02-2003. Helene was accompanied by her husband Stephen to all of these appointments. If I can be of any further assistance please call my office at 480-947-6337.

Respectfully,



Paul F. Rowe, D.D.S.
PF/dh

EXHIBIT E

EXHIBIT



Bank of America, N.A.
P.O. Box 25118
Tampa, FL 33622-5118

Page 1 of 5
Statement Period
04-23-03 through 05-21-03
Number of checks enclosed: 0
B 14 0 A 14 00174

Account Number: 0050 4477 9570

00005389 2 MB 0.534 06 22778 001 SCH999 I123
JARET I BEIZER, HELENE BEIZER
STEPHEN B BEIZER
POD PHILIP KAPLAN
9999 W KATIE AVE UNIT 1062
LAS VEGAS NV 89147-8349

Handwritten initials: SA, SS, K

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1-800-888-6088 Es. Español
1-800-288-1408 TDD/TTY Users Only

Or you may write to:
Bank of America, N.A.
P.O. Box 25118
Tampa, FL 33622-5118

Your Bank of America Advantage Summary

Account Name	Account Number	Qualifying Balance*	Type of Balance	Date	Total
Deposit Accounts					
Regular Checking	0050 4477 9570	-26.94-	Average	05-20	
Regular Savings	0050 4784 9203	0.53	Average**	05-20	
Total Deposit Account Balance					\$28.41-

Balances in your linked accounts that are used to avoid a monthly maintenance fee are listed here. These balances reflect the average or principal balance in your account - for your actual ending account balances, please see the "Your Account at a Glance" section on your statement for each of your accounts. Detailed information about this account is not included in this statement.

Regular Checking
JARET I BEIZER, HELENE BEIZER STEPHEN B BEIZER
POD PHILIP KAPLAN

Your Account at a Glance

Your account has overdraft protection provided by
Deposit Account number 0050 4784 9203.



H

JARET I BEIZER, HELENE BEIZER
 STEPHEN B BEIZER
 POD PHILIP KAPLAN

Page 2 of 5
 Statement Period
 03-22-03 through 04-22-03
 Number of checks enclosed: 0
 B 14 0 A 14 00159

Account Number: 0050 4477 9570

Account Number	0050 4477 9570
Beginning Balance on 03-22-03.....	\$ 266.40
Deposits and Other Additions.....	+ 3,811.00
Checks Posted.....	- 1,990.45
ATM and Debit Card Subtractions....	- 1,777.13
Service Charges and Other Fees.....	- 20.00
Other Subtractions.....	- 245.25
Ending Balance on 04-22-03.....	\$ 44.57

The monthly maintenance fee for your Regular Checking Account # 0050 4477 9570 will be waived when your average daily balance in combined checking and linked savings, Money Market Savings, CD or IRA accounts meets the balance level stated in the *Personal Schedule of Fees*. Your combined deposit balance for the statement cycle was \$466.70. As an Advantage customer, you also have other options such as using loan, line of credit and mortgage balances with us, to avoid the monthly maintenance fee. Please contact us if you would like to talk with us about your account.

You could win up to \$15,000! First, register for the Online Banking Sweepstakes and read the official rules at www.bankofamerica.com/paymybills. Then, see for yourself why so many customers love free Online Banking with free Bill Pay. Track balances, transfer funds, pay bills - and every bill you pay is a chance to win. No transaction necessary to enter.

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Regular Checking Additions and Subtractions

Date Posted	Amount(\$)	Resulting Balance(\$)	Transaction
03-24	100.00 +	366.40	Overdraft Protection From 00005047849203
03-24	132.50-	233.90	Check 275
03-24	100.00-	133.90	BkofAmerica ATM 03/24 #000000265 Withdrwl Spring Valley #1 Las Vegas NV
03-24	75.44-	58.46	Wal Wal-Mart S 03/22 #000572152 Purchase Wal Wal-Mart Supe Las Vegas NV
03-24	55.13-	3.33	CheckCard 0321 Southwest Gas Corp 800-654-2765 NV 1000000190791974
03-25	70.00 +	73.33	Counter Credit
03-25	175.00 +	248.33	Phone transfer from Sav 9203 Confirmation# 1048574039
03-25	100.00-	148.33	Debit Account Fdes Nsc 7010600 Nbk47Da
03-25	75.03-	73.30	CheckCard 0323 Ross Stores #542 Las Vegas NV 1000000190048324
03-26	125.00 +	198.30	Phone transfer from Sav 9203 Confirmation# 1048703513
03-26	40.00-	158.30	BkofAmerica ATM 03/26 #000000939 Withdrwl Ft. Apache Branc Las Vegas NV
03-27	68.91-	89.39	CheckCard 0327 Cox*las Vegas Comm 702-383-4000 NV 1000000190678149
03-27	20.00-	69.39	BkofAmerica ATM 03/27 #0000009075 Withdrwl Spring Valley #4 Las Vegas NV
03-28	150.00 +	219.39	Counter Credit
03-28	20.00-	199.39	BkofAmerica ATM 03/28 #000002770 Withdrwl Ft.Apache Denovo Las Vegas NV

Bank of America



Bank of America, N.A.
P.O. Box 25118
Tampa, FL 33622-5118

Page 1 of 5
Statement Period
03-22-03 through 04-22-03
Number of checks enclosed: 0
B 14 0 A 14 001590

Account Number: 0050 4477 9570

00005291 2 MB 0.534 87 23778 801 SCM999 I12 4
JARET I BEIZER, HELENE BEIZER
STEPHEN B BEIZER
POD PHILIP KAPLAN
9999 W KATIE AVE UNIT 1062
LAS VEGAS NV 89147-8349

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1-800-288-4008 TDD/TTY Users Only

Or you may write to:
Bank of America, N.A.
P.O. Box 25118
Tampa, FL 33622-5118

Your Bank of America Advantage Summary

Account Name	Account Number	Qualifying Balance*	Type of Balance	Date	Total
Deposit Accounts					
Regular Checking	0050 4477 9570	393.30	Average	04-21	
Regular Savings	0050 4784 9203	73.40	Average**	04-21	
Total Deposit Account Balance					\$466.70

Balances in your linked accounts that are used to avoid a monthly maintenance fee are listed here. These balances reflect the average or principal balance in your account - for your actual ending account balances, please see the "Your Account at a Glance" section on your statement for each of your accounts. Detailed information about this account is not included in this statement.

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Regular Checking

JARET I BEIZER, HELENE BEIZER

POD PHILIP KAPLAN

STEPHEN B BEIZER

Your Account at a Glance

Your account has overdraft protection provided by
Deposit Account number 0050 4784 9203.



JARET I BEIZER, HELENE BEIZER
 STEPHEN B BEIZER
 POD PHILIP KAPLAN

Page 2 of 5
 Statement Period
 04-23-03 through 05-21-03
 Number of checks enclosed: 0
 B 14 0 A 14 0017

Account Number: 0050 4477 9570

Account Number.....	0050 4477 9570
Beginning Balance on 04-23-03.....	\$ 44.57
Deposits and Other Additions.....	+ 6,958.76
Checks Posted.....	- 3,200.60
ATM and Debit Card Subtractions.....	- 1,316.42
Service Charges and Other Fees.....	- 48.00
Other Subtractions.....	- 3,092.37
Ending Balance on 05-21-03.....	\$ 654.06-

The monthly maintenance fee for your Regular Checking Account # 0050 4477 9570 will be waived when your average daily balance in combined checking and linked savings, Money Market Savings, CD or IRA accounts meets the balance level stated in the *Personal Schedule of Fees*. Your combined deposit balance for the statement cycle was \$26.41. As an Advantage customer, you also have other options such as using loan, line of credit and mortgage balances with us, to avoid the monthly maintenance fee. Please contact us if you would like to talk with us about your account.

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Regular Checking Additions and Subtractions

Date Posted	Amount(\$)	Resulting Balance(\$)	Transaction
04-23	40.00 +	84.57	Counter Credit
04-23	40.00-	44.57	Phone transfer to Sav 9203
			Confirmation# 1051117509
04-23	8.98-	35.59	CheckCard 0421 Union 76 5643
			Las Vegas NV 1000000190754962
04-25	20.00-	15.59	BkofAmerica ATM 04/25 #000006699 Withdrwl
			Spring Valley #2 Las Vegas NV
04-25	13.68-	1.91	Wal-Mart #2593 04/24 #000423626 Purchase
			Wal-Mart #2593 Las Vegas NV