

Andover Woman Found Guilty Of Theft

By Maddie Hanna
Concord Monitor staff

From the August 18 Concord Monitor
After a nearly eight-day trial, an Andover woman accused of stealing \$500,000 from a Pleasant View Retirement Center resident was found guilty yesterday of each of the 11 charges against her.

Karen Gagne didn't visibly react as the foreman of the Merrimack County jury delivered the verdicts, later shaking her head as her attorneys leaned over her and quietly spoke to her at the defense table. They did not ask to individually poll the jurors, and a bailiff handcuffed Gagne, leading her out of the courtroom.

Gagne, 56, was convicted of stealing \$500,000 from Jane Fair between 2007 and 2009, primarily by withdrawing money from a joint bank account the two shared.

But while the account belonged to both women, the money in it came from the sale of Fair's assets. Although Gagne's lawyers argued she'd done nothing criminal and said Gagne co-owned the money in the joint account, prosecutors said that didn't give her the right to take it without Fair's permission.

"Ladies and gentlemen, the joint account is not the excuse in this case. It's the weapon," prosecutor Jeffrey Cahill said yesterday morning, delivering his closing argument to the jury.

Fair, who is 90 years old, testified last week but wasn't in court yesterday to hear the verdict, which jurors returned late in the afternoon after several hours of deliberations.

Cahill said after the trial ended that he was "very pleased with the result, and happy the victim was able to stay healthy and tell her story."

Addressing the court last week, Fair told jurors she had placed complete trust in Gagne, a woman who had been a close friend of hers in the 1980s and 1990s. The two lived together after Fair's husband died, but that situation ended following what Fair said was a financial dispute in the 1990s.

Gagne, however, re-entered Fair's life in 2006, after the elderly woman was in a car accident. No longer able to live independently, Fair moved into the Concord retirement home, and Gagne once again became her constant companion, driving her to and from appointments, taking Fair to her cottage in Maine, and helping her pay her bills after Fair fired her accountant.

Fair said Gagne pressured her to fire the accountant at the end of 2006. The following year, Fair and Gagne opened a joint bank account together, and money quickly flowed out of it into accounts belonging to Gagne, according to bank records presented by prosecutors during the trial.

Gagne's attorneys said Fair, who had an attorney and repeatedly made changes to her estate plans during the time Gagne was stealing from her, was competent and capable of understanding her finances.

But Fair said she didn't know Gagne had been withdrawing her money, believing her friend was accessing the joint account to deposit or write checks on her behalf.

She also believed Gagne was working in real estate and was financially successful – not \$700,000 to \$800,000 in debt, as she reported at about the same time she started stealing from Fair.

The theft convictions carry maximum sentences of 7½ to 15 years in prison. But Gagne won't face that sentence for all 11 counts: Two of the charges were alternate theories, accusing Gagne of taking Fair's money and failing to make payments on her behalf.

The other nine charges accused Gagne of taking Fair's money without her authorization. While the jury convicted Gagne on all counts, only one theory can apply.

Gagne is facing additional criminal charges for allegedly convincing two people to wire her large sums of money – \$200,000 and \$125,000 – in late 2007 and early 2008 to help her buy back her Sanbornton home, but failing to repay the people as promised. Gagne was convicted of using a little more than \$70,000 of Fair's money as part of the deal to buy back her home.

As part of Gagne's bail conditions, Judge Larry Smukler ordered yesterday that she not participate in any fundraising or solicit investments. If Gagne does post bail – which Smukler set at \$20,000 cash or corporate surety – prosecutors asked that a hearing be held to determine the source of the money.

Cahill said restitution to Fair "definitely will be ordered" as part of Gagne's sentence. "But in terms of it being recovered, we're not optimistic assets will be available," he said.

Maddie Hanna can be reached at 369-3321 or MHanna@CMonitor.com.

Copyright © 2011 Concord Monitor



Andover Lions Club 6th Annual Golf Classic

Monday September 26, 2011

Country Club of NH

Kearsarge Valley Road, Sutton, NH

Our club serves the towns of Andover, Wilmot, West Franklin, and Danbury. We have supported many community projects since the club was chartered in 1954. Here is a list of just a few of our community projects:

- Health, vision, and hearing screening for all ages.
- Eye exams and free eye glasses for those in need.
- Eyeglass recycling.
- Youth programs and summer camps.
- Thousands of dollars in college scholarships.
- Support of the Sunapee region VNA.
- Food and gift baskets for those in need at the holidays.
- Drug education training programs for teachers.
- Defibrillator for the local fire department.
- Jaws of life for the fire department.
- Radio communication system for the fire department.
- All purpose building at the Danbury town athletic field.
- Support for local scout troops and Andover One Wheelers.
- Beach houses for the Andover swimming area.
- Large 16 foot sign for the Danbury Community Center.

Proceeds from this golf tournament will be used for projects like these and many more. Thanks for your support.

The Tournament

The tournament is a 4 person scramble format. Any number of players up to foursomes will be accepted. Registration begins at 9 am with a shotgun start at 10 am. The cost is \$60 a player or \$240 for a foursome. An awards party will be held after the tournament.

There will be prizes for 1st and 2nd place as well as longest drive (men/women), closest to the pin (men/women), and longest putt. There will also be a hole-in-one contest, putting contest, and raffle.

For more information call Ben Cushing at (603) 763-2324, or Tom Schwendler at (603) 526-2105.

Sponsorships

Hole Sponsorships: A sign with your organization's name will be displayed at the tee for \$50.

Cart Sponsors: A sign with your organization's name will be displayed on a cart for \$25.

Donation: Any donations of raffle prizes would be most appreciated.

Entry Form - Please return by September 10, 2011

The entry fee is \$240 per foursome. Entry fee includes green fees, cart, awards party, and gift pack. A minimum deposit of \$150 is required to reserve your space.

Players' Name, Address, Phone: _____ Players x \$60.00 = _____
 1. _____ - or -
 _____ Foursomes x \$240 = _____

 _____ Hole Sponsors x \$25 = _____
 2. _____ Cart Sponsors x \$25 = _____
 _____ Organization Name: _____

 3. _____ Total Enclosed: _____
 _____ Please make checks payable to
 _____ Andover Lions Club
 _____ and mail to
 4. _____ Andover Lions Golf Tournament
 _____ PO Box 640
 _____ New London NH 03257
 _____ Phone: 603-252-0730

LAURIDSEN AUTO BODY
Collision Specialists
Computerized 4-Wheel Alignment
Windshield & Auto Glass Installation



7 AM to 4:30 PM Weekdays or by appointment
728 King Hill Road, New London – at Exit 11 off I-89 526-6267