

**EPISODE 369**

[SPONSOR MESSAGE]

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[INTRODUCTION]

[0:01:22]

**FT:** Welcome to So Money everyone, thanks for joining me. I'm your host, Farnoosh Torabi. Happy Thursday, just two more days until the weekend, isn't that nice? I have a very special guest on the show, someone that I didn't even bothered to go through the standard So Money questions with because her journey is so incredible, fascinating, scary, sad, joyful, all of those things wrapped in one that I was obsessed with hearing more about her personal story, and I'll will tell you a little bit about it.

Jennifer Wilkov is our guest today. She is a woman who survived being victimized by the Manhattan District Attorney's Office, incarcerated in one of New York's and the Nation's most violent prisons, Rikers Island. Why? Because this was a result of inappropriately being told to plead guilty to a crime she did not commit, she says.

Shortly thereafter, the financial industry regulatory authority exonerated her, claiming she was innocent and Jennifer went on to continue to succeed as an author, a media personality, an entrepreneur and a speaker. Today, she is the founder and producer of Speak Up Women because she wants women to speak up because that's one thing that she felt she couldn't do at the time of her imprisonment.

Today, she is a number one radio show host, a number one international best-selling award winning author, can you believe it? Somebody who goes through such a tragedy is able to now come out on the other side of that not only helping herself but helping so many other women. I love this woman. I'm not going to even say anything more about her. You just have to listen to this episode. It's going to change your life.

Here is Jennifer Wilkov.

[INTERVIEW]

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**FT:** Jennifer Wilkov, welcome to So Money. I cannot wait to hear more about your past. It was a storied past, but a very influential one. Welcome to the show.

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**JW:** Thank you. I'm so happy to be here with you today.

[0:03:21]

**FT:** I'm so happy you're here with me today. I understand that you've had quite the past with the law. I learned about you through Jennifer Witter who was a guest on my show recently, a very popular episode with one the country's leading public relations CEO's and she is helping you as you're trying to expand your platform help many, many women through Speak Up Women and your journey today goes back to an experience you had being victimized by the Manhattan District Attorney's Office.

You had to go to one of the Country's most violent prisons, Rikers Island and you say this was because you were told to plead guilty to a crime you didn't commit. Can you take me back to that moment in your life? What kind of a crime were you coerced into admitting you were guilty of when you really weren't and why did you plead guilty when you weren't?

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**JW:** So what happened for me was, I was an award-winning decorated certified financial planner at one of the Nation's largest investment firms, American Express Financial Advisers and I had never had any complaints from any clients. I really was that person that was following protocol and doing all the things that you do in a regulated business that the financial industry has in place really for everybody's, I'll call it safety.

The investors, the advisers, the firms, that's the way the industry is regulated. So when I was referred an investment, I took that investment into my compliance supervisor's office, which is what you're supposed to do and I discussed it with him and at that moment, I didn't know at the time but learned later on that he decided not to follow the NASD rules or the firm's compliance supervision guidelines.

And asked me instead to fill out an industry form about the investment and told me I was on my own and in the weeks that ensued after that, he and I continued to discuss the same investment, its' status, and the money that was actually flowing out of my book of business from my clients into this investment. So he was supervising the investment and that investment became a scam.

I didn't know it was a scam. I was the person who found out it was a scam and I'm the person that reported it to the authorities. And what ensued after that was really the most unbelievable experience Farnoosh. I actually ended up being accused of being a co-conspirator of the scam and railroaded by the Manhattan District Attorney's Office, the judge in my case, and my own criminal defence attorney.

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**FT:** Your own attorney turned against you?

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**JW:** Yes, he actually also was part of the railroading process to the point where the night before my plea allocution, I was told by the judge five weeks before the date that I was going to plead guilty. My attorney hadn't even told me and I was furious and the night before they were going to have me plead guilty, they were still writing what they wanted me to say, they were concocting it.

And I kept telling them, "I'm not going to agree at this point. I'm not going to agree at that point." They kept accusing me of using my position as an investment, as a financial planner at American Express to solicit clients for this investment and I said, "That's not true," and they knew that it wasn't true because I had asked my attorney to actually give them a form which is a standard form in the industry called the U5 Form.

It's a complaint form and it was from the investors and on that form, it actually said that they knew that it wasn't an American Express investment. I had told them it wasn't an American Express investment and other information on there and they still insisted on using this platform that they had created and concocted and I said, "I can't say that."

Then they came back and said, "Well, she's divorced. Let's have her say that she did it for the money." I was like, "You've got to be kidding." It was really turning into a Kangaroo court. When I was in actual plea hearing the next day, I started going off the written statement they wanted me to read and I started telling the truth in the court and the judge and the assistant district attorney were furious.

The plea allocution hearing just, for education for you and your listeners, you're not allowed to go off the record. The court is not allowed to take anybody off the record. When you actually look at the transcript from my hearing, I've been taken off the record twice. There are two boxes in the transcript that say "off the record". That's me talking and telling the truth.

[0:08:38]

**FT:** Tell me this, why was the district attorney's office, the judge, even the defence attorney so insistent on "railroading" you? Why did they — they just needed someone to throw under the bus? Why did you become the target?

[0:08:55]

**JW:** Well, it was very interesting because since then, four months later what happened in the sentencing hearing my criminal defence attorney stood up and the very first thing that happened was he dumped me publicly in that sentencing hearing made me with no representation and I read a statement into the record, which was also taken off the record.

There's a box in that transcript too and the judge then turned to my attorney and asked him as if they had rehearsed it if he would stand in so she could sentence me. He said yes, she sentenced me to Rikers Island for — it was a six month sentence which I was told to serve four and then I was going to be on probation for five years.

And he said, "Yes, she did it," and then she turned to me and said, "Well you can appeal when you get out." And I was in disbelief and at the time, and people have asked me, "Why did I plead guilty?" I was told by my attorney to do this and what I've learned since then is that a lot of people get told to do this and the attorneys really have no idea of the ramifications of what happens to the person that they're telling that to.

They start using a tactic which is, "This number of months, or this amount of time that they're giving you is better than what somebody might ultimately give you which is this number of years." The other problem with this is that as part of my work currently as I'm on the board of an organization called It Could Happen To You, which we'll talk about in a moment.

What happens to people is, if the ADA comes with a deal to an attorney, that deal has a timeline and if you don't take that deal at that time, the deals get worse and they do that because they don't actually provide the defence attorney with the information that they have as to what they're using to actually build their case against this person.

So the person actually gets put into these positions where the attorney starts putting pressure on them to take that deal because it's better than any deal they're going to get down the line, if there is one. And the whole thing is really concocted to pressure somebody like I was who knew nothing about the justice system, I had never been involved with the law, didn't know anybody who was ever involved with the law.

And for me, what I ended up finding out later was that the investigating detective on my case had actually told the district attorney's office when they talked to him before any grand jury hearings, he told them I was innocent. That there was no way I could have known what the actual perpetrators are doing and when they interviewed him in the grand jury, they never asked him about me and they never allowed him to exculpate me.

What I also came to find out was that the investment firm, which I told you about actually three years later, I was in a Financial Industry Regulatory Authority hearing which is called an arbitration, at that time my compliance supervisor told us, and the arbitrators by the way, that he didn't follow the NAS rules, he didn't follow the firm's guidelines.

And all the end, we also discovered that the firm was actually internally disciplining him for his lack of compliant supervision of me with these investments at the same time someone from American Express Financial Advisers, which is now Ameriprise Financial, was actually testifying at the grand jury hearings telling them I never informed the firm which was false, which as many people may understand that's perjury.

So a lot of information was hidden in this case and for me, I basically was at the nexus of what was going on. I was the target. I was the number one best-selling author with a book called *Dating Your Money* and this was a real estate scam. The police didn't read me my Miranda rights, there were other things that they did which would absolutely horrify you but what I've done since then is what's more pivotal and more important to me.

Because I came out of Rikers and really wanted to know how could this happen, why did this just happen and what can I do about it? Because they took everything I had. They took every financial instrument I had. I had no bank account, I had no ATM, they literally decimated me and tried their very best to do it including in the press and my reputation.

I sat there and I was like, “This is not right. There’s something that’s not right here and it needs to be corrected.” When we actually went to FINRA, we started to get wind of what was going on and now, we actually know so much about not only the firm but also the district attorney’s office and what they did. I am actually in a law suit against the Manhattan district attorney now in Federal Court and I’m also suing Ameriprise Financial as well for what they did.

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**FT:** And what did you discover as far as the motive now that you are — basically, what’s your main argument now as you are prosecuting?

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**JW:** Well, the interesting thing that happened and this is something that I’ve actually been called to the Governor’s Council to talk to them about, I’ve spoken with New York State Legislators and continue to because too often we hear about wrongful convictions that are about DNA cases, rape, murder and other things.

[0:14:48]

**FT:** Oh I’m watching “Making a Murderer” have you watch that on Netflix?

[0:14:53]

**JW:** Yes, see things like that and there was a dateline episode that was on a few Sundays ago, actually at the end of January about a group of people who were falsely convicted of a cab shooting actually in the Bronx and were left in prison for more than 20 years even after two people have come 10 years later and actually confessed to the crime that they were falsely accused of, but you don’t hear a lot about white color crime because there isn’t a body fluid or a DNA test that can be done.

So what you really need are documents and you really need to be able to prove what actions somebody took that were not in alignment with what needed to be done and the best part about the FINRA arbitration for me was that all claims against me in their entirety were denied completely including fraud, withholding material facts, failure to disclose and breach of my franchise agreement.

So the financial industry said I was innocent. I did everything correctly. So when you start looking at the criminal case and you start looking at the FINRA arbitration where they looked at all the evidence, it started to raise a lot of questions, which we already had about how could this happen? And one of the things that happens I think for a lot of people where they don't understand is that prosecutors in the district attorney's offices, they are not regulated. They are not overseen. There's not oversight body.

When you actually look at the judicial system Farnoosh, it's amazing and these are all things that I've learned because this happened to me. It's not the judge who is the most powerful person on the courtroom, it's the district attorney. The judges actually are overseen by a commission for their conduct. It's called The Commission on Judicial Conduct and New York was the leading states that put this in place more than 40 years ago. And the criminal defence attorneys are overseen by the Unified Court Systems.

But the district attorney's offices don't have that so they don't have that oversight. So they can actually run rampant in cases like mine where things which are referred to as Brady material or things that they would hide so that the story that they want, the grand jury, the judge and anyone else looking at the case to hear works for them. What they're supposed to do is they're actually supposed to be looking for the truth not a win on their score card and this has really become something that has muddied the waters for a lot of people.

I can tell you that I have people who have come to me with my story and have said, "I have no idea how you were able to survive. I don't understand." "This is happening to me at my job." "This is happening to me at my firm." "You are living my greatest nightmare." A compliance supervisor is supposed to be somebody who knows more than you and they're regulated in the system and represented by the company to actually keep you on track.



And make sure that the things being done are compliant to the system so when you have somebody that's a compliant supervisor that the company is not supervising properly and you look at the district attorney who is doing something similar, I'll call it, they're not being supervised and have no supervisory body. Nobody is going to hold them accountable to rogue activities like what happened in my case.

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**FT:** Oh my gosh, we talked on the show a lot about...

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**JW:** Okay, scary I know people.

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**FT:** I'm listening to this and I think about a lot of the hypotheticals that we talk on the show like. "Imagine if you hit rock bottom and have to start from zero, what would you do?" You actually experienced that and I'm reading this article on Marie Claire that you penned, talking about the run up to heading over to Rikers Island which by the way, I don't know if you've watched the news, I think they're going to shut it down.

It's just rife with scandal and you were talking about the day that you were going to Rikers Island, you got handcuffed, escorted to a dingy basement called The Bridge where you waited with a bunch of prostitutes and drug addicts for the bus to Rikers, you talk about surviving but how did you survive Rikers?

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**JW:** People's ideas and romantic ideas, I'll call it if you can, about what Rikers Island is like if they watch Law and Order is nothing like what you can imagine. For me, Rikers Island is a place where violence really is prevalent but one of the things that most people don't understand is

they have this romanticized idea that when you're actually in prison, you are in a cell by yourself and that cell locks and somebody opens it and closes it for you.

I was not in that environment. I was only in a cell for seven days and then I was distributed to an open room, which was a dormitory is what they called it, of 50 beds that were rusty metal with some very old and beat up pad on it that was about eight foot long and there were 50 of them in this room. So there was no locked door, there was no way to escape people that wanted to harm you, steal things from you, do whatever.

The showers, for example, were like your high school showers where they were a large shower stall that had nine different shower heads in there so that people could go in and shower and get out. So for many people, they have this idea of being in a cell. It wasn't like that at all. So I didn't sleep for four months. I was basically on high alert and high adrenalin alert for four months straight because you just didn't know when somebody is going to act out or start a fight.

Or all of these different things that can occur in such close quarters. So for me, there are two things that were driving my survival. The first one was that I really felt like what was happening to me was bigger than me and I kept telling my mother, "There's got to be somebody that I'm supposed to help in this journey and as soon as I find that person, this will all change," and so I kept looking for that person.

It was ironic because when I got into the dormitory, the person who was my bunkmate in the bed next to me, she asked me why I was there and a brief conversation and I said, "And I think there's really somebody that I'm supposed to help," and she said, "Well that person would be me," and I was floored. I'm white, I'm Jewish. She was African-American and Muslim. We should have been completely different people but we were both very peaceful people.

She turned to me and she said, "That person is me." She said, "I have been searching and praying to Allah for someone to help me," and she started telling me about her life and about the things that she had been experiencing and over four months, I did just that. I really helped here to transform a life that she actually felt was working against her that she didn't like. She didn't like the people in her life and I helped her to see her way clear so that she could create a different life.

It was so remarkable and such an amazing experience for both of us. The night before I left, she gave me her prized possession, which was her Koran with a note in it and I still have that with me. So it was something very moving. The other thing that got me through was that, I was told by my Aikido sensei not to be my nice helpful self. Well, that sort of worked but people will come over and they would ask me for advice or information or I had books and things and I helped them.

One of the things that I did was I actually was an anomaly there. I was asked for help by officers, I gave them information about books they could read, things they could look at for their own self-improvement. I helped inmates, people ask me about meditation, yoga. They talk to me about their fears of getting out and being in the environments they used to be in and how they were afraid they were going to go right back to what they were doing, whether it was drugs or prostitution or whatever.

So for me, I ended up being this unlikely, I'll call it, and unsuspecting beacon of hope and positivity and being able to shine the light for people on the way that their lives could be. I even got to the point where the deputy warden where she asked me to talk to the programs director at this weekly meeting that I started going to and she said, "Why can we get a personal development program in here like she's talking about?" It was nuts, it was really crazy.

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**FT:** Have you been keeping in touch with your cell mate, the one who gifted you with her Koran?

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**JW:** No, one of the things that I was instructed by my Aikido sensei when he was preparing me for this experience, thank God, was he said, "This is not the place where you go and you make friends. That's not what prison is about. You go in, you do what you need to do and you get out and you go on and you go on with your life." He said, "Whatever happens to you in there, you do the best you can and then you move on," and that's what I did.

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**FT:** Your Aikido sensei, can you explain that?

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**JW:** Yes, of course. My beloved Aikido sensei was Don Cardoza of the Wellness Resource Center in Rhode Island and unfortunately and sadly, he passed away a few years ago but one of the most important things he did for me and a legacy that he has left because of it with me is when I was actually aware that I was going to be sentenced and taken to Rikers Island during that period between my plea hearing and the sentencing hearing.

He said, "I want you to come up and see me," and what he did was something that nobody else in my life could have done. Aikido is a martial arts practice that I practice as well as another one which is called Shintaido and what he asked me to do is he said, "I need you to unlearn all the things that I have taught you and that your Shintaido sensei has taught you about respecting your partner and I need you to learn the things that I'm going to teach you now so you can survive."

He was a former street fighter and he had both, the corrections officer and his dojo as well as a police officer and so he knew how — he was familiar with how the system worked and what skill sets I actually needed to survive if anybody ever attacked me or if I found myself in a position where I felt like I was being compromised and the number one thing that he told me was, "Don't tell anybody that you're a martial artist."

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**FT:** Right, they will put you to the test.

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**JW:** Exactly, so all the things that he did for me were really monumental because I never would have known how to survive and I'll give you a perfect example. I have long hair, when people

see a picture of me, I had very long hair and he said to me, "What are you going to do with your hair?" and I said, "Well, I think I'm going to tie it up." And he said, "Really?" and he grabbed the top of my head and dragged me all over the dojo by my hair.

And then he picked me up and dropped me on the floor and he looked at me and I looked up at him with horror and he said, "Now, what do you think are you going to do with that hair?" He said, "That hair is a weapon for somebody else against you," and I said, "I think I'm going to cut it," and he said, "That's a great idea."

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**FT:** Oh my gosh.

[0:27:19]

**JW:** It was things like that I never thought of and many of us would never think of those things because we in society don't see that part of society. We don't interact with that part of society so we don't know. So putting me, a professional in a corporate job in this environment was like going into the twilight zone. It was like going to a foreign country.

You don't know what to do, you don't know who to talk to, people assume that you know things because they assume the recidivism rates in our country is so high and in the New York City area are so high that they think you already have been there before so you should know all the things that happen there. I knew nothing.

[0:28:03]

**FT:** Tell me a little bit about "Speak Up Women" Jennifer. I know that this is something that was born out of your experience helping women so they didn't have to go through the experiences that you did.

[0:28:12]

**JW:** Speak Up Women is a conference that involves a skill set that I have seen too often in women and men where people are afraid to speak up. They either feel like they need permission from someone or else they are afraid that they will be judged, made fun of or penalized and one of the things I really feel strongly about is, in your personal professional and philanthropic lives, you have moments in time where you need to speak up.

I see people where they are living lives they don't like, I hear them complaining or talking to people about how scared they are but they don't say anything to the right people and when you speak up, that is how change occurs. Change is a path, it is a road to making a difference for yourself and others in your life. It is how you live the life that you want. It is the first step.

Whether you want to create a business, whether you want to make your relationship better, whether that is a relationship with an intimate partner, a parent, a child, a friend, whether you're in business and you see something that could be better, it's something that in our society, when we're little kids, when we're infants our parents ask us to use your words and speak so that we could tell them what we want and what we need.

Somewhere along the line Farnoosh, somebody actually says to that person, "shush, be quiet, you're too loud," and that person really does shut up and that's the problem Farnoosh. Is that we in society and too many people have taken that and internalized it and are so much in a position where they won't speak up for the things that they want, that they need, that they feel, that they see and this is something to me where I literally, after my experience I have spoken up.

I came out of Rikers where people helped me build a website. They said, "We're putting up a website with the truth. We are floored by what's happened to you and we want to help you," and then I became part of this organization, That Could Happen To You when we're right on the cusp of passing this bill in the New York State Legislature that would be the first in the nation and answer to the question, "Who's prosecuting the prosecutors?" And putting a commission, an oversight commission for prosecutorial conduct in place in New York State.

So when you start speaking up, things really change. Things really have the opportunity to change but more so, on a very individual level Farnoosh for yourself, for your listeners, for me,

for people around me, something happens where we start to shy away from that opportunity. We're afraid, there's something there that we're scared of and it takes a lot of courage for somebody to speak up and I want to fan the flames of that courage.

I want people to be able to have the lives that they have imagined but they are going to need to open their mouths and talk about it with the people in their lives so that those people can say the magic words, "How can I help you? I understand what you want now. I understand what you need. I understand what you don't like. How can we make things so that they support the life that you want to live?" That's magic.

[0:31:43]

**FT:** Because this is a show about money, I wanted to ask you along the same lines of speaking up, how does one speak up for themselves when it comes to the important things in their life around money; making more, finding the right investments. I mean I find that communication, when it comes to money, is one of the hardest things to master.

Communication with yourself, with your partner, with your adviser, where do you begin if you feel that you have insecurities or confusion or shyness around talking about money because that is the first step, right? It's like being able to articulate what you need and what you want, but sometimes, we don't even know what we want.

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**JW:** It's a great question and it's so true. For many people, they want to speak up but they're not sure what words to use and a lot of that comes from clarity. I always like to say, "Clarity is key." If you're clear about what you want, you're going to be able to get it and get to it much faster. The road is much clearer for not only you but anyone you're going to speak to about it.

So one of the things that I like to recommend as a writer as well, is take a piece of paper and right some notes down to yourself. What is it that you really want and why is it that you want that? Because if you start the dialogue to yourself, you'll start to be able to see some clarity around what it is that you're really asking for and money is funny, I always like to say.

I said that often times as a certified financial planner because people, the way that they interact with money conversations, are different than other conversations because money makes people nervous often times. So asking for more money, we're talking about doing something that involved finances, can often times put someone at odds with them self.

When they're in that position of being nervous, they're not quite sure what to say. So write it down and actually look at what it is that you're asking for and then, start to think about what is it like in each position of this conversation. What's it like in your position, what's it like in the position of the other person that you're having the conversation with and don't try to have the conversation for them.

You can imagine all the things that they might say, but the thing that you want to do is be really clear about what you want to say and what it is that you want. I always say, "Make sure that you know what it is that you want. Decide what you want." That really becomes your north star of being able to say, "This is what I want to get to. Now, what I want to do is I want to ask you for help to help me get there and this is what I need," and if part of what you need is money, then you need to be willing to ask for it.

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**FT:** Right, no one is going to just volunteer and offer you money. That doesn't happen in this world. I wish.

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**JW:** Unfortunately, most of the time it does not and one of the things that happened to me in this horrible journey so to speak, which really turned out to be magical and indeed much larger than just me, was that people did not offer me money but people did offer me help and one of the things that is so important is that if you understand where you want to go, it's like Stephen Covey has said for many years and many people still use this, "Begin with the end in mind."



You have to really understand what it is that you want because when you do, people will help you. Whether that is starting a new business, moving to a new place, changing your relationship status. All of these things take some really smart clarity on your part because people can't do everything that you need them to and they're certainly not just going to open their checkbook and say, "Here". You have to be able to talk to them and talk to them authentically. "This is who I am, this is what I want."

I don't care how old you are. I don't care if you're 25 or 65 or 45. What you need to do is understand who are you, what do you want, and be willing to talk to people about it because I promise you when you start opening your mouth, things will change and Farnoosh, I have a great anecdote for you. I have several people in my life that are in my life and part of this speak up journey with me.

They have turned to me and said, "You know there is this person in my life I needed to speak up to about such and such and you have motivated me. You have actually made it possible for me to feel like I can have that conversation." And they have and things have been changing for them and they keep coming back to me saying, "Thank you, thank you, thank you."

This has been stuff that's been lingering in some cases for years and I think several of us in society have the same issue. Don't let it wait another day. We're not here for very long on this earth, and in this life. You should be living your best life but it has to start with you.

[0:37:24]

**FT:** Well on that note, Jennifer Wilkov, thank you so much for joining us. I could talk to you for another hour but I would love to actually invite you back. I didn't even get a chance to ask you my standard So Money questions, but what we talked about was so much more important and interesting and good luck with your law suit. Do you know when that's going to hopefully come to fruition at the end, a verdict of some sort?

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**JW:** I don't because unfortunately, the wheels of justice, as the cliché goes, turn very slowly but it is something that it's worth it. It's something that for too many people I have heard what has happened to them, I understand what's going on and it's not okay. It's just not okay and for me, that's part of the reason where yes, the case is about me and what happened to me but I don't want them to do it to somebody else. If I don't speak up, nobody will and it will happen to someone else.

[0:38:26]

**FT:** Yeah, well I kind of see this turning into a movie. I don't know about you. Has Hollywood been knocking on your door?

[0:38:34]

**JW:** I would love to answer that question but I know at the moment, I probably should abstain.

[0:38:41]

**FT:** Yes, okay. How appropriately said. Thank you, thank you so much Jennifer. Thank you is not enough. It's pretty remarkable. I don't know many people who could come through and experience like that and have such a positive take on life and not only that, insists for a life where they're helping people. That's incredible and something we can all definitely learn from. Thank you very much.

[0:39:06]

**JW:** You're very welcome and I appreciate being with you and I'd be happy to join you again at any time and I really wish you the very best of good fortune and your listeners too.

[END]