

By JOSEPH G. LARIOS

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CHICAGO (*jGLi*) – The younger sister of Carmelita Pasamba is due in court on Thursday (Dec. 6) to move for the dismissal of the citation to recover assets accusing her of conspiring to empty portion of the more-than \$500,000 retirement money of a retired Chicago City Hall engineer who has a severe form of dementia.

Jocelyn Baker will be assisted by Atty. Alan B. Bers when she appears before Circuit Court of Cook County Judge Lynne Kawamoto of the Probate Division at the Richard J. Daley Cent

er in
Chicago
,
Illinois
for the hearing of a motion to dismiss affirmative defenses.

Ms. Baker, 45, had earlier signified her intention to settle the case but later changed her mind.

In her formal motion to dismiss, Ms. Baker said “the only material admissible fact” was her presence with Mr. Marshall F. Davies in the office of Atty. Al Bascos, who prepared the special power of attorney so Mrs. Pasamba will be able to buy groceries and other personal needs of Mr. Davies. Mr. Bascos also prepared the pour-over will and a trust for Mr. Davies’ signature.

Ms. Baker said the case against her “does not allege facts which demonstrate how she allegedly acted in furtherance of the alleged conspiracy nor does it allege that she agreed to do any act in furtherance of the alleged conspiracy.

“In short, the mechanism of her alleged participation has not been alleged. The mere allegation that she was present in Mr. Bascos’ office is insufficient to state a cause of action for conspiracy.”

Because “Ms. Baker provided most of her in-home care for Mr. Davies,” she “would be expected to accompany him wherever he went,” according to Bers.

Atty. James Burton, who is representing Mr. Davies on behalf of Cook County Public Guardian Robert F. Harris, said “Ms. Baker gained access to Mr. Davies’ bank account and spent thousands of dollars of Mr. Davies money refurbishing her apartment” although she was supposed to be paid \$13 per hour for extending in-home care to the 94-year-old and disabled Mr. Davies.

ROUND-THE-CLOCK CARE

Davies was admitted to Chicago's St. Joseph Hospital on Jan. 20, 2008

, due to extreme hip pain that kept him from walking. He also has colon cancer, hypothyroidism, hernia repair, hypertension and history of falls.

Upon his discharge, St. Joseph referred Mr. Davies to an agency for on-going in-home care that required a hired caregiver. Instead, Pasamba became Mr. Davies' in-home caregiver and later paid her sister, Jocelyn Baker, and her daughter, Donabel Copon, for his round-the-clock care.

In the will and trust crafted by Mr. Bascos, Ms. Baker was to

receive \$25,000 upon Mr. Davies death. In a three-month period from April to July 2008, Ms. Baker received three checks from Mr. Davies totaling \$33,000.

Like her sister Carmelita, Ms. Baker remodeled her home, which included a new kitchen with appliances, a new bathroom, and new furniture. She also received \$5,000 as a gift on Dec. 8, 2008

She converted at least \$40,300 of Mr. Davies' assets for her personal benefit.

Mr. Burton said Ms. Baker is liable to a civil conspiracy because she joined two or more people to accomplish a concerted action, which can either be for "unlawful purpose or a lawful purpose by unlawful means."

In this case, Carmelita Pasamba and her sister, Jocelyn Baker, “physically brought Mr. Davies to Attorney Bascos’ office in April 2008 for the purpose of changing Mr. Davies’ estate plan, including a power of attorney for property and pour-over will and trust.”

It was also alleged that “Ms. Pasamba “doubled paid Ms. Baker’s salary for hours that Ms. Baker never worked.

“Here, there was an agreement between more than two parties, where Ms. Pasamba, Attorney Bascos, Edgardo Pasamba and Jocelyn Baker would receive a financial benefit upon the death of Mr. Davies via the trust.”

If the civil case against Ms. Baker stands, she could be liable for criminal charges of financial exploitation of a disabled, a

Class X felony, that could land her in jail for five years plus payment of restitution.

BASCOS DENIES NAMING DAVIES BENEFICIARIES

Her co-respondents in the case, namely, Carmelita Pasamba, Donabel Copon, Dennis Pasamba, Edgardo Pasamba, Alfonso Bascos, Cindy Rubio and St. Joseph Hospital have all issued a general denial to the conspiracy allegations.

In his answer thru his lawyer, Arcadio “Jun” Joaquin, Jr., Bascos denies that he suggested that the Filipino charities be included as beneficiaries of the trust.

In the trust that Attorney Bascos now denies to have crafted on

April 27, 2008

, that was referenced in the new will the following are the beneficiaries:

- Salvation Army, \$50,000;
- Carmelita V. Pasamba, of 4330 W. Leland, Chicago, as personal and assistant and caregiver, \$100,000;

- Samaritan Home, \$35,000;
- Donabel Pasamba (Copon), \$25,000, (Carmelita's daughter and) one of my care givers;
- Edgardo Pasamba, 61, \$25,000, (Carmelita's husband), a personal assistant and driver, who drives Davies to a lot to places he want to go and visit;
- Jocelyn Baker, \$25,000, (Carmelita's younger sister);
- Jose Rizal Heritage Center, a community center of Filipino Americans in Chicagoland, for the maintenance and upkeep of the building, \$5,000. This is a not-for-profit organization that provides social services to the community.

- The Seniors Program of the Filipino-American Council of Chicago (FACC), \$5,000, for seniors and infirmed of the community;
- The Health Care Program of the FACC, \$5,000; for flu shots, vaccine, health screening and referral programs for elderly and low-income individuals.
- The Free Legal Services Program of the FACC, \$5,000,

free legal advice for elderly, low-income individuals and new immigrants in Chicagoland;

- St. Joseph Cares Team, \$5,000; Bantay Bata Philippines, and

- \$5,000; provides house and health care for homeless street children.

The residue of trust is left to Salvation Army, The Filipino-American Council of Greater Chicago, Inc. and Carmelita V. Pasamba in equal shares to be used for the benefit of the respective programs. # # #

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