

Caregiver accused of filching \$.5-M from Chicago elderly

Written by EDMUND M. SILVESTRE
Sunday, 08 April 2012 20:20



Marshall Davies and Carmelita Pasamba.

While it's no longer surprising to hear about Filipino caregivers being left with handsome rewards or inheritance by their employers for their dedication and loyalty, there are those who just couldn't wait for their windfall.

With the story of New York Pinay nurse Hadassah Peri still making headlines for the whopping \$33 million she's getting from the late copper heiress Huguette Clark who passed away in May last year at the age of 104, a Filipina caregiver in Chicago is facing a lawsuit for allegedly draining the savings of her former employer, Marshall Davies, who is in his 90s and said to be suffering from severe dementia.

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Carmelita Pasamba, a certified nursing assistant who had cared for Davies in the hospital, is accused of stealing more than half a million dollars over about two-and-a-half years.

From her loot, she bought herself, among other things, a brand new Mercedes-Benz and paid her daughter's tuition, authorities said.

The Cook County Public Guardian's Office told Chicago's CBS News that it's one of the worst cases of financial exploitation ever handled by the agency.

Pasamba was hired by Davies' family in 2008 to care for him before he could be discharged from St. Joseph's Hospital.

"Mr. Davies was extremely vulnerable," James Burton, an assistant public guardian, told CBS.

"He was nearly 90 years old in 2008. He was already exhibiting signs of dementia. And so he was the perfect prey."

The Public Guardian's Office said it is trying to get back the money Pasamba and her family improperly took from Davies.

"We tend to be jaded sometimes because we see this type of stuff all the time, but this one takes the cake," Burton said.

"Essentially Mr. Davies was their own personal ATM machine."

According to Burton, the scheme began when Pasamba brought Davies to the Filipino American Council of Chicago (FACC) to get legal help from lawyer Alfonso Bascos, a board member of the council and who maintains law offices there.

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The Public Guardian's Office said Bascos prepared a new last will and trust agreement for Davies granting \$20,000 to various social service agencies affiliated with the Filipino American Council and giving Pasamba and her family a total of \$175,000 upon Davies' death.

Bascos also prepared a power of attorney giving Pasamba authority to handle Davies' financial affairs, including making withdrawals and writing checks from Davies' bank account, Burton claimed.

Elderly was 'lucid'

In an interview with the **Filipino Reporter**, Bascos pointed out that he prepared the last will and trust with instructions from Davies, whom he described as "lucid" when he first met him in 2008.

Bascos said Davies, who was an engineer before retirement, has no immediate family, not even close relatives who can assist him in his daily affairs.

"I am fully aware of my ethics as a lawyer and as an individual," Bascos told the **Reporter**.

"I prepared the draft and Mr. Davies read it. He was alert *at wala naman siyang diperensya sa ulo* (he has no mental problem)."

Bascos said he practically copied Davies' old trust — with "all the language and provisions" — and did some changes, particularly the inclusion in the trust of the names of Pasamba and her family members, the Philippine-based Bantay Bata charity organization, and the PACC.

He continued: "After Mr. Davies read it, I asked him, "did you understand it?" He said 'yes.' 'Do you approve this?' He replied 'yes.' 'Are you willing to sign this?' He said 'yes,' and he signed it. So what's wrong with that?"

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Regarding the \$20,000 Davies reportedly agreed to include in his trust to benefit social agencies affiliated with the Fil-Am organization, Bascos said nothing has been disbursed yet.

“It won’t take effect until Mr. Davies dies,” Bascos said.

“He’s the sole trustee so he’s the one to make the disposition and he has the power to change it.”

Bascos said he was already deposed by the counsels of the Public Guardian’s Office and he’s confident he won’t be charged of any wrongdoing.

He also said he never suspected Pasamba would steal from Davies “because she was very kind to him and she’s paid well as a caregiver.”

\$50K Mercedes-Benz

Meanwhile, records obtained by the Public Guardian’s Office show Pasamba used Davies’ money to make a \$10,000 down payment on a new \$50,000 Mercedes.

She also wrote checks for thousands of dollars to pay for her daughter’s tuition and to finance her son’s dance studio.

Pasamba’s sister Jocelyn Baker also worked as caretaker for Davies.

Over and above her caretaker salary, she received more than \$20,000 she used to remodel her apartment and buy furnishings, Burton said.

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And after Pasamba helped Davies sell his condo for \$189,000, she gave herself a \$50,000 “bonus” from the proceeds, Burton said.

She also withdrew \$50,000 from his bank account on three other occasions.

“I call it theft — that’s what it is,” Burton said.

Pasamba explained they were loans and that she always asked for Davies to approve what she did.

“He was competent and he was alert and oriented the time that I was working for him,” she told CBS investigative journalist Pam Zekman.

Pasamba said she spent some of the money fixing her flood-damaged basement and adding a bathroom.

She also purchased new stainless steel appliances for her kitchen and a flat-screen TV, among other things.

Caregiver remorseful?

Pasamba said she now regrets spending the money.

“I just realize that what I did is not right,” she admitted.

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As for Davies, the elderly said he can't afford to lose the money, according to the CBS report.

The Public Guardian's Office said it is planning to sue everyone involved in the case to try and get back some of Davies' retirement money.

The elderly is now under the care of a court-appointed guardian.

According to CBS, to prevent this from happening, one must hire an attorney who specializes in estate planning and make one's wishes for his or her care and finances known in writing.

And always hire caretakers from licensed agencies.