

**BEFORE THE HEARING BOARD
OF THE ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINE COMMISSION**

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|-----------------------|---|----------------------------|
| In the Matter of: |) | |
| |) | |
| KAREN LINDEN BOSCAMPT |) | Commission No. 2022PO00070 |
| Attorney-Respondent |) | |
| No. 6209105 |) | |

AMENDED ANSWER TO ADMINISTRATOR'S COMPLAINT

Karen Linden Boscamp, Attorney-Respondent answers the Complaint filed by the Administrator in this matter as follows:

A. DISCLOSURE PURSUANT TO COMMISSION RULE 231

- a. Ms. Boscamp is not licensed in any other jurisdiction
- b. Ms. Boscamp does not hold any other type of professional license.

COUNT 1

(Dishonesty by using \$52,000 of trust funds without authority for
her own purposes – Louis J. DeSalvo Trust)

1. At all times related to this complaint, Respondent operated as a sole practitioner in Des Plaines.

ANSWER Admitted partially, Respondent operated as a sole practitioner but her office was in Glenview, IL prior to 2020.

2. Respondent represented Louis J. DeSalvo ("Louis") in various legal matters for over 20 years.

ANSWER: Admitted

3. On or before March 21, 1997, Respondent drafted the Louis J. DeSalvo Revocable Trust ("DeSalvo Trust") which named Louis as trustee.

ANSWER: Admitted

4. On or before December 1, 2010, Respondent drafted a third amendment to the DeSalvo trust that named Geneva Middleton ("Jenny"), Louis' longtime romantic partner, and Respondent, his attorney, as successor co-trustees of the DeSalvo trust in the event Louis was unable to act as trustee.

ANSWER: Admitted

5. Louis passed away on May 20, 2014. According to the term of the DeSalvo Trust, upon Louis' death, Respondent and Jenny, the successor co-trustees, were to pay \$5,000 to various charities, distribute \$300,000 to Jenny, transfer title to Louis' condominium in Chicago to Jenny, and invest the balance of the DeSalvo trust assets so that Jenny could receive \$30,000 per year for the remainder of her life. Pursuant to the DeSalvo trust, upon Jenny's death, the remainder of the trust assets were to be distributed to various charities.

ANSWER: Denied. The trust called for initial charitable distributions ranging from \$50,000 to \$5,000 to various charities and an initial disbursement of \$300,000 to Jenny. The trust states that Jenny may sell the condominium, which she chose to do. Jenny, as controlling co-trustee, had discretion with the remaining trust assets until she was no longer a co-trustee. At Jenny's disability, she would receive \$30,000 per year to help with her care and expenses.

6. By the terms of the DeSalvo trust, Jenny and various charities were the beneficiaries of the trust, and as successor co-trustee, Respondent owed the beneficiaries the duty to ensure that the trust's assets were distributed to them, and not to use those assets for her own purposes.

ANSWER: Admitted. At all times, Respondent followed the terms of the trust and used no trust assets for her own purposes.

7, Pursuant to the Charitable Trust Act, 760 ILCS 55/6(a), a trustee must file and register a copy of the trust agreement with the Illinois Attorney General within six months after any part of the income or principal is received for application to the charitable purpose and prior to any disbursements.

ANSWER: Admitted, however that requirement occurs when administering a purely charitable trust with no discretionary beneficiary.

8. At no time did Respondent file or register the DeSalvo Trust with the Attorney General as required by the Charitable Trust Act.

ANSWER: Admitted, however, the Charitable Trust Act did not require registration while Jenny was a controlling co-trustee and therefore a discretionary beneficiary.

9. Pursuant to the Charitable Trust Act, 760 ILCS 55/7, the trustee shall file with the Illinois Attorney General periodic annual written reports under oath that set forth information as to the nature of the assets held for charitable purposes and administration thereof by the trustee in accordance with the rules and regulations of the Attorney General.

ANSWER: Admitted.

10. At no time did Respondent file any annual written reports for the DeSalvo trust with the Attorney General as required by the Charitable Trust Act.

ANSWER: Admit that Respondent did not file however, filing with the Attorney General was not required during Respondent's co-trusteeship. Respondent had personal knowledge and Jenny's treating physician concurred that Jenny had the mental capacity to remain as a co-trustee. Jenny was not incapacitated or deceased and could remain the controlling co-trustee with discretion.

11. Stricken.

12. Stricken.

13. On or about February 12, 2016, Respondent used \$24,500 of funds belonging to the DeSalvo trust to purchase a minivan, and caused the vehicle to be titled in her name. The terms of the trust did not permit Respondent to use trust funds to purchase a vehicle for herself.

ANSWER: Denied. At all times hereunder, Respondent owned her own vehicle. Jenny wanted a minivan because it was easy for her to be a passenger in a taller vehicle. Jenny had no driver's license so she executed title documents in Respondent's name.

14. At the time Respondent used the funds described above, in paragraph 13, she knew she was using \$24,500 in funds belonging to the DeSalvo trust without authority and for her own purposes, and in doing so, she acted dishonestly

Answer: Denied. Jenny had the authority to purchase the minivan for her own purposes and comfort as she was the controlling co-trustee.

15. In 2016, Respondent paid herself payments totaling \$27,500 from the DeSalvo Trust for legal work that she performed for Jenny personally, and not on behalf of the trust. The terms of the DeSalvo trust did not permit the payment of legal fees to Respondent for legal work that she performed for Jenny personally, and not on behalf of the trust.

Answer: Denied. The legal statement was addressed to Geneva Jenny Middleton personally. The payment came to Respondent by Jenny as the controlling co-trustee and she used LJD Trust funds as she deemed fit.

16. At the time Respondent paid herself payments totaling \$27,500 described above, in paragraph 15, she knew she was using \$27,500 in funds belonging to the DeSalvo Trust without authority and for her own purposes, and in doing so, she acted dishonestly.

ANSWER: Denied. Respondent did not pay herself. Jenny, as controlling co- trustee, paid Respondent from trust funds as she deemed fit.

17. By reason of the conduct described above, Respondent has engaged in the following misconduct:

a. conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including knowingly using a total of \$52,000 of funds belonging to the DeSalvo trust for her own purposes, without authority, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

ANSWER: DENIED. In further answering, the funds paid to Respondent by Jenny, as the controlling co-trustee, from the trust were appropriate payments under the terms of the trust. Jenny authorized and signed for all payments to Respondent and other payments she made from the trust as she saw fit. There was no mens rea or conduct involving dishonesty, fraud, deceit or misrepresentation by either co-trustee as all trust payments were appropriate under the terms of the trust.

COUNT II

(Filing a false pleading and dishonesty)

18. On November 14, 2016, the Cook County Public Guardian filed a petition for temporary guardian of an alleged disabled person, which alleged that the appointment of a temporary guardian for Jenny was necessary due to alleged financial exploitation and the need for someone to manage Jenny's personal care. The matter was docketed as Estate of Geneva Middleton, An Alleged Disabled Person, 2016P7055.

ANSWER: No answer is required on the pleadings and allegations in the pleadings as it speaks for itself.

19. On November 17, 2016, the court appointed the Public Guardian the temporary guardian of Jenny. The court also entered an order suspending all trustee powers for the DeSalvo trust, authorized the Public Guardian to direct Respondent to file an accounting of her acts as co-trustee of the DeSalvo trust, and to pursue an action to have Respondent and Jenny removed as co-trustees of the DeSalvo trust.

ANSWER: No answer is required on the Order or its contents as it speaks for itself.

20. On December 16, 2016, Shirley Carfo ("Carfo"), Jenny's sister, filed a cross-petition for appointment of guardian for disabled person, requesting that she be appointed plenary guardian of Jenny's person. On February 23, 2017, the court granted Carfo's cross-petition and appointed her the plenary guardian of Jenny's person. On March 9, 2017, the court appointed Devon Bank as plenary guardian of Jenny's estate

ANSWER: No answer is required as the petition and its contents speaks for itself.

21. On April 3, 2017, Respondent filed verified pleadings in case number 201607055, including accountings for the DeSalvo trust for the period of May 20, 2014 through December 31, 2016.

ANSWER: Admitted

22. Attached to the pleadings, Respondent provided an affidavit in which she stated that she did not receive any payments from the DeSalvo trust for trustee fees between 2014

and 2016. The statement in the affidavit was false because Respondent received \$15,100 from the DeSalvo trust for trustee fees between 2014 and 2016.

ANSWER: ADMITTED. In further answering, Respondent did not have access to the trust records and her personal records did not show trustee payments. It wasn't until Respondent received discovery, after the filing of that affidavit, that she realized she did receive trustee fees, and promptly reported that in the court-filed inventory.

23. At the time Respondent filed the affidavit, she knew the statement was false.

DENIED. In further answering, see Answer to 22 above.

24. By reason of the conduct described above, Respondent has engaged in the following misconduct:

a. Knowingly offering evidence that the lawyer knows to be false by conduct including filing an affidavit with the Circuit Court of Cook County in case number 2016P7055, that falsely stated that Respondent did not receive funds from the DeSalvo trust for trustee fees, in violation of Rule 3.3(a)(3) of the Illinois Rules of Professional Conduct (2010); and

b. conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including knowingly making a false statement in an affidavit that Respondent filed with the Circuit Court of Cook County in case number 2016P7055, described in paragraph 22 above, in violation of Rule 8.4© of the Illinois Rules of Professional Conduct (2010).

ANSWER: Subparagraph (a) and (b) are denied.

COUNT III

(false testimony to ARDC Investigation)

25. On February 2, 2021, Respondent appeared for a sworn statement via Zoom and provided testimony under oath to the Administrator regarding her actions as co-trustee and attorney for the DeSalvo trust.

ANSWER: Admitted

26. During the sworn statement, Respondent testified that she did not receive any payments from the DeSalvo trust for trustee fees

ANSWER: Denied. Respondent believed the question was if I billed the LJD Trust for trustee fees, which I did not prepare any official statement for trustee fees.

27. Respondent's statement that she did not receive any payments from the DeSalvo trust for trustee fees was false because Respondent received \$15,100 from the DeSalvo trust for trustee fees between 2014 and 2016,

ANSWER: Denied. Upon reading the deposition, Respondent sees where the reference is. Respondent was answering if she ever "billed" for trustee fees, which she did not. Respondent misunderstood the question.

28. At the time Respondent made the statement described in paragraph 26 above, she knew the statement was false.

ANSWER: DENIED

29. By reason of the conduct described above, Respondent has engaged in the following misconduct:

a. conduct involving dishonesty, fraud, deceit, or misrepresentation by conduct including knowingly making the false statement under oath described in paragraph 26, above, in violation of Rule 8.4© of the Illinois Rules of Professional Conduct (2010).

ANSWER: DENIED. Respondent misunderstood the question.

Respectfully submitted,

A handwritten signature in black ink that reads "Karen Linden Boscamp". The signature is written in a cursive, flowing style.

Karen Linden Boscamp

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Respondent

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