

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the Matter of:

KATHERINE A. PATERNO,

Respondent,

No. 6256503.

Commission No. 2024PR00010

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Richard Gleason, pursuant to Supreme Court Rule 753(b), complains of Respondent, Katherine A. Paterno (“Respondent”), who was licensed to practice law in Illinois on November 5, 1998, and alleges that Respondent has engaged in the following conduct, which subjects her to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Filing a Falsely Notarized Deed with the DuPage County Recorder)

1. At all times alleged in this complaint, Respondent was a sole practitioner and the sole owner of a law firm styled as Paterno Law Office, LLC, which was located in Burr Ridge, and which concentrated its practice in real estate and employment matters. Respondent was also a licensed notary.

2. On or about October 1, 2006, Respondent’s father Phillip Kardacz (“Phillip”) executed a final will and documents establishing a living trust. The final will was entitled “Last Will of Phillip G. Kardasz” (Phillip’s Will”). Phillips’s Will provided that upon his death, all of his property would be distributed to his living trust. The living trust was titled the “Phillip G. Kardasz Living Trust, dated October 1, 2006.” Phillip subsequently amended the Trust on August

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5, 2008 and on August 27, 2011 (collectively, “Phillip’s Trust”). Phillip’s Trust named Phillip’s wife Betty Kay Kardasz (“Kay”) or an individual named Robert Siemers as sole trustee of the Phillip’s Trust upon his death.

3. On September 12, 2017, Phillip and Kay caused to be recorded a quitclaim deed in trust in which they conveyed and quitclaimed a fifty-percent interest in their home located at 723 W. 67th place in Willowbrook (“the house”) to Phillip’s Trust. Phillip and Kay conveyed the remaining fifty-percent interest in the house in equal one-third shares to Kay’s children Steven Day, Michael Day, and R. Patrick Day. The deed provided Kay with a life estate in the property, which permitted her the use of the property and any rents, revenues, or profits generated by the property for the term of her natural life.

4. On or about July 5, 2020, Phillip died. Following Phillip’s death, Respondent’s relationship with Kay became acrimonious, and included Respondent alleging in court papers she filed in the Circuit Court of DuPage County that Kay had killed Phillip.

5. On August 3, 2020, Respondent caused to be recorded a quit claim deed in trust pertaining to Phillip’s and Kay’s house, described in paragraph two, above, with the DuPage County Recorder. Respondent paid the filing fee for the recordation of the deed with check number 0600, drawn on her law firm bank account maintained at US Bank, and with an account number ending in 6855. The DuPage County Recorder accepted the deed for recordation, and assigned document number R2020-083277 to the deed. The deed listed as grantors Kay’s sons Steven Day, Michael Day, and R. Patrick Day, who were grantees in the September 12, 2017 deed, described in paragraph three, above, and Kay’s Trust as grantee.

6. Though Respondent recorded the quitclaim deed in trust with the DuPage County Recorder on August 3, 2020, the deed purported to be executed nearly three years earlier, on

December 15, 2017. The deed stated that Respondent's law office prepared the deed, and Respondent, as notary, notarized the signatures of the grantors on the deed, who were Kay's sons R. Patrick Day, Steven Day, and Michael Day, and the signature of Kay, whose trust was the grantee on the deed. Respondent's signature, the date of December 15, 2017, and Respondent's notary stamp appeared immediately below a paragraph on the last page of the deed that stated as follows:

I, the undersigned, a Notary Public in and for said County, in the state aforesaid state, do hereby certify that Steven A. Day, R. Patrick Day, and Michael Day, sons of Betty K. Kardasz are personally known to me to be the same person whose name is subscribed in the forgoing instrument, appeared before me this day in person and acknowledged that each individual signed said instrument as his free and voluntary act for the uses and purposes therein set further.

7. Respondent's statement in the deed she recorded on August 3, 2020, described in paragraph six, above, that R. Patrick Day, Steven Day, and Michael Day appeared before her to sign the deed as witnesses, was false. Michael Day could not have been present to execute the deed on December 15, 2017 because he died on November 13, 2015, over 21 months prior to the date Respondent falsely certified that Michael Day appeared before her to execute the deed.

8. Respondent knew her statement described in paragraph six, above, was false because she personally notarized the purported signatures of the Days when Michael Day was not present before her. Respondent further knew when she recorded the deed on August 3, 2020 that the deed contained a false statement of fact, namely, that Michael Day had appeared before her to execute the deed, when in fact he did not.

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

- a. making a false statement of material fact or law to a third person, by conduct including recording the December

15, 2017 deed with the DuPage County Recorder which falsely stated that Michael Day had executed the December 15, 2017 deed, in violation of Rule 4.1(a) of the Illinois Rules of Professional Conduct (2010); and

- b. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including falsely certifying that Michael Day executed the deed on December 15, 2017, and by recording that deed with the DuPage County Recorder on August 3, 2020 knowing the deed to contain the false statement that Michael Day appeared before Respondent to execute the deed.

WHEREFORE, the Administrator requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held, and that the panel make findings of fact, conclusions of fact and law, and a recommendation for such discipline as is warranted.

Respectfully Submitted

Lea S. Gutierrez, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Richard Gleason
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