

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

In the Matter of:

RICHARD MICHAEL RUGGIERO,

Attorney-Respondent,

No. 6211359.

Commission No. 2021PR00078

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Richard Gleason, pursuant to Supreme Court Rule 753(b), complains of Respondent, Richard Michael Ruggiero (“Respondent”), who was licensed to practice law in Illinois on November 5, 1992, and alleges that Respondent has engaged in the following conduct, which subjects her to discipline pursuant to Supreme Court Rule 770:

COUNT I  
*(Theft of \$260,644.28)*

1. At all times alleged in this complaint, Respondent was the sole owner of The Ruggiero Law Group, LLC in Oak Park, and was the sole attorney operating and providing services as part of that entity. Respondent’s practice focused on residential real estate matters.

2. On September 19, 2003, Respondent’s aunt, Lena De Benedetto (“Ms. De Benedetto”), executed a trust that she named the Lena De Benedetto Revocable Living Trust, which was later amended through a First Amendment on November 1, 2005, and a Second Amendment on September 30, 2011 (“the Trust”). Respondent was not involved in the preparation of the Trust.

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3. The Trust named Ms. De Benedetto's sister and brother as trustees of the Trust. The Trust named Respondent as a successor trustee, meaning that if no other individuals referenced in the Trust were able or willing to act as trustee, Respondent would become trustee.

4. According to its terms, the purpose of the Trust was first to direct the sale of Ms. De Benedetto's condominium located at 4655 North Cumberland Avenue ("the Property"), and then to distribute the proceeds from the Property sale to her adult son, Robert A. De Benedetto, in monthly installments of up to \$1,500 each month.

5. The Trust further provided for distributions to Ms. De Benedetto's son to terminate either when the funds were exhausted, or upon the death of Ms. De Benedetto's son, whichever occurred first.

6. The Trust further provided that if Ms. De Benedetto's son died before the funds of the trust were exhausted, that the trustee was to distribute the remaining principal and all accrued or undistributed net income of the trust in equal share to the following four charities: The American Heart Association, the Lupus Foundation, the Pacific Garden Mission, and the Shriners' Hospital for Children ("the Charities").

7. The trustees of the Trust, described in paragraph three, above, predeceased Ms. De Benedetto. Ms. De Benedetto died on December 30, 2017. Respondent subsequently became successor trustee of the Trust.

8. Ms. De Benedetto's son died on August 24, 2018.

9. By the terms of the Trust, the Charities were beneficiaries of the Trust, and as successor 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 his own purposes. Respondent did not notify the Charities that they had been named beneficiaries of the will.

10. On or about February 22, 2019, Respondent opened an account at Parkway Bank with an account number ending in 7244 (“Account 7244”). The title of the account was “Lena De Benedetto Rev LIV Tr Dtd 9-19-03 Richard M Ruggiero Successor Trustee.” Respondent was the sole signatory on the account.

11. On March 1, 2019, Respondent transferred \$49,740.69 into Account 7244.

12. The Trust sold the Property on May 14, 2019 for \$250,000. The closing occurred at Stewart Title, and Respondent acted as an attorney in representing the Trust at the closing. On May 17, 2019, at Respondent’s direction, Stewart Title wired the net proceeds of the sale, \$213,440.76, to account 7244. Respondent did not notify the Charities that the condominium had sold, or that sale proceeds had been deposited into the Trust’s account.

13. Between April 8, 2019 and December 22, 2020, Respondent wrote 64 checks to himself on Account 7244, totaling \$260,644.28, which he later negotiated, using the proceeds for his own business or personal purposes. On each of the checks, Respondent wrote “trustee’s fees” or “trustee’s fees/misc.”

14. Respondent had not performed sufficient services for the Trust that would entitle him to take all of its assets as a fee, and did not notify any of the charities that he was taking the Trust’s assets for his own purposes or obtain their authority to do so.

15. After Respondent wrote the last check referenced in paragraph 13, above, the balance in Account 7244 was \$370.72.

16. As of the date this complaint was filed, Respondent had not made any distribution to the American Heart Association, the Lupus Foundation, the Pacific Garden Mission, or the Shriners’ Hospital for Children, as required under the terms of the Trust, and as discussed in paragraph six, above. Since April of 2019, when the American Heart Association and the Shriners

Children's Hospital first learned they were beneficiaries of the trust, the American Heart Association and the Shriners Children's Hospital repeatedly asked Respondent to provide an accounting of the assets of the trust. As of the date of the filing of this complaint, Respondent has not provided an accounting of the assets of the trust.

17. As of December 22, 2020, Respondent had used \$260,644.28 of the Trust's funds for his own personal or business purposes, without notice to, or authority from, and of the beneficiaries of the Trust.

18. At the time Respondent used those funds, Respondent knew that he was using the funds for his own personal or business purposes, and, in doing so, he acted dishonestly.

19. 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 \$260,644.28 of the Trust's funds for his own personal or business purposes, without authority, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

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

Jerome Larkin, Administrator  
Attorney Registration and  
Disciplinary Commission

By:           /s/ *Richard Gleason*            
Richard Gleason

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