

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

FILED  
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ARDC Clerk

In the Matter of:

TERRENCE RICHARD MILES,  
  
Attorney-Respondent,  
  
No. 6197891.

Commission No. 2023PR00016

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Tammy L. Evans, pursuant to Supreme Court Rule 753(b), complains of Respondent, Terrence Richard Miles, who was licensed to practice law in Illinois on May 13, 1988, and alleges that Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

*(Unauthorized Use of Trust Funds - Kenneth Robert Marlo Trust)*

1. Kenneth Robert Marlo (“Kenneth”) was born on April 20, 1992.
2. On December 1, 2001, Robert E. Marlo (“Robert”) died testate in Vermilion County. Robert’s will was filed with the Circuit Court of Vermilion County, a decedent’s estate was opened, and the matter was docketed as case number 01-P-248-D, *In the Matter of the Estate of Robert E. Marlo, Deceased*.
3. In his will, Robert bequeathed the sum of \$40,000 to be held in trust for the benefit of his grandson, Kenneth, to be used for his care, maintenance, and education until he reaches the age of 30. The terms of the Kenneth Robert Marlo Trust (“Marlo Trust”) provided that the trustee shall distribute so much of the income of the trust for the use and benefit of Kenneth, and shall pay

from the annual income such amounts as the trustee deems necessary for Kenneth's care, maintenance, and education. Additionally, when Kenneth reaches the age of 30, the trustee shall transfer to him the principal and any undistributed income of the trust estate, and the trust then shall terminate.

4. Robert appointed his wife, Mary C. Marlo ("Mary"), as trustee of the Marlo Trust, and, in the event of her death or inability to act, he nominated Thomas Hathaway as successor trustee.

5. On or about July 26, 2002, Mary purchased a certificate of deposit in the amount of \$40,000 from Old National Bank. The certificate of deposit was held in account number xxxx0797 and titled "Kenneth Robert Marlo Trust."

6. Mary died on July 17, 2004. After Thomas Hathaway declined to serve as successor trustee, the court appointed Respondent as successor trustee of the Marlo Trust on August 31, 2004. Shortly after Respondent was appointed successor trustee of the Marlo Trust, he caused account number xxxx0797 to be retitled to "Kenneth Robert Marlo Trust, Terrence R. Miles, trustee," and opened a checking account titled "Kenneth Robert Marlo Trust, Terrence R. Miles, trustee" ("trust checking account").

7. Between August 31, 2004 and April 20, 2022, Respondent did not distribute any income from the Marlo Trust to Kenneth or his legal guardian for the use and benefit of Kenneth.

8. Between August 31, 2004 and April 20, 2022, Respondent did not make any payments from the annual income of the Marlo Trust for Kenneth's care, maintenance, or education.

9. Between August 31, 2004 and April 20, 2022, Respondent did not provide accountings of the assets of the Marlo Trust to Kenneth or his legal guardian.

10. Between August 31, 2004 and April 20, 2022, the certificate of deposit held in account number xxxx0797 generated quarterly interest totaling \$11,323.10.

11. Between August 31, 2004 and April 20, 2022, Respondent directed Old National Bank to transfer \$11,323.10 to the trust checking account. Between August 31, 2004 and April 20, 2022, Respondent drew checks on the trust checking account totaling \$11,323.10 that were made payable to himself, and used those funds for his own purposes.

12. At no time did Respondent have authority to use the interest income of the Marlo Trust for his own purposes.

13. Prior to April 20, 2022, John Kassos (“John”), an attorney and the uncle of Kenneth’s wife, called Respondent’s office to inquire about the Marlo Trust on Kenneth’s behalf. John left messages on Respondent’s voicemail and left two messages with Respondent’s secretary. Respondent did not return John’s calls.

14. Kenneth turned 30 years old on April 20, 2022. Pursuant to the terms of the Marlo Trust, on April 20, 2022, Respondent should have distributed the principal and any undistributed income of the Marlo Trust to Kenneth.

15. On April 21, 2022, John sent a certified letter to Respondent directing him to distribute the proceeds of the Marlo Trust to Kenneth by forwarding a bank check that was payable to Kenneth to John. In his letter, John provided his contact information to Respondent.

16. Respondent did not distribute the proceeds of the Marlo Trust to Kenneth and did not contact John.

17. On July 24, 2022, John submitted a request for investigation of Respondent’s conduct to the Administrator.

18. By reason of the conduct outlined above, Respondent has engaged in the following misconduct:

- a. conduct involving dishonesty, fraud, deceit or misrepresentation, by conduct including knowingly using the income of the Kenneth Robert Marlo Trust for his own personal purposes rather than distributing the income for the use and benefit of Kenneth as set forth in the trust, 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 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/ Tammy L. Evans  
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