

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

FILED
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ARDC Clerk

In the Matter of:

PATRICIA MANILA MARTIN,

Attorney-Respondent,

No. 6192345.

Commission No. 2023PR00034

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, Scott Renfroe, pursuant to Supreme Court Rule 753(b), complains of Respondent, Patricia Manila Martin, who was licensed to practice law in the State of Illinois on May 8, 1986, and alleges that Respondent has engaged in the following conduct which subjects her to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Dishonest Taking Of At Least \$246,000 Belonging to OLW)

1. In November 2020, Maceo R. Ellison, M.D., held a power of attorney for property authorizing him to act on behalf of his then-95-year-old friend, whose initials were "OLW." Dr. Ellison recommended that OLW be moved to a residential elder care facility, and he asked Respondent, who was then a judge in the Circuit Court of Cook County and was also the niece of OLW's former spouse, to assist him in managing OLW's financial affairs. Respondent agreed to assist Dr. Ellison and OLW, and to use OLW's property (including funds he held in checking and money market savings accounts, an investment account and a private pension and social security benefits) solely for OLW's benefit. In December 2020, around the time Respondent resigned her position as a judge, OLW moved into Brookdale Senior Living in Orland Park ("Brookdale").

2. During the events described in this complaint, Respondent maintained checking accounts at Fifth Third Bank ending in the four digits 8783, 1988 and 7128. Both OLW and Respondent were signatories on Fifth Third checking accounts ending in 8783, 1988 and 7128, but after moving into Brookdale, OLW never made any transactions (including drawing checks) using any of these Fifth Third accounts.

3. As of December 2020, OLW held two accounts at US Bank: a checking account ending in the four digits 7074, and a money market savings account ending in the four digits 5140. OLW also owned an Ameriprise 401(k) investment account and received monthly pension checks from his former employer, General Electric, as well as a monthly payment of social security benefits.

4. On December 26, 2020, Respondent, holding herself out as having a power of attorney authorizing her to act for OLW's benefit, closed out OLW's US Bank checking account ending in 7074 by obtaining a US Bank cashier's check (number 4348509159) using the proceeds of that account, which were \$16,567.69. At that same time, Respondent also closed out OLW's US Bank money market account ending in 7074 by obtaining a US Bank cashier's check (number 4348509160) from the proceeds of that account, which were \$98,785.76.

5. On December 28, 2020, Respondent deposited US Bank cashier's checks 4348509159 and 4348509160, referred to in paragraph four, above, totaling \$115,353.45, into the Fifth Third Bank account ending in 8783. The balance in Fifth Third account 8783 prior to the deposit was \$2,739.12.

6. On December 29, 2020, Respondent wire-transferred \$110,000 out of the Fifth Third account ending in 8783 to a separate entity to purchase \$110,000 in cryptocurrency that she

held in her own name and over which she maintained exclusive control. The source of funds for that purchase was the proceeds of OLW's closed US Bank accounts.

7. At no time did Respondent seek or obtain authority from either OLW or Dr. Ellison to use OLW's funds to purchase \$110,000 of cryptocurrency that she held in her name and that she alone controlled.

8. Between February 2, 2021, and February 1, 2023, Respondent received and deposited into Fifth Third accounts ending in 8783, 7128 and 1988, an additional \$214,213.44 of funds belonging to OLW, including \$119,714.94 from OLW's Ameriprise account, a \$60,000 wire transfer, and at least 21 monthly GE pension payments of \$928.50.

9. Between February 24, 2021 and October 24, 2022, Respondent used OLW's funds from the Fifth Third accounts ending in 8783, 7128 and 1988, without authority, to make additional cryptocurrency purchases for her own benefit, as well as towards her own personal purposes.

10. Between December 10, 2020, and May 20, 2022, from funds belonging to OLW, Respondent made eight authorized payments to Brookdale totaling \$68,363.09 on behalf of OLW for the purpose of paying for his residence and care.

11. As of April 6, 2021, Respondent had made her last deposit of OLW's funds into Fifth Third account ending in 8783, and on May 25, 2021, account 8783 was overdrawn. On July 20, 2021, following multiple overdrafts on account ending in 8783, Fifth Third Bank closed and charged off the account.

12. As of May 25, 2021, Respondent had made her last deposit of OLW's funds into Fifth Third Bank account ending in 7128, and on June 15, 2021, account 7128 was overdrawn.

13. On or about July 20, 2022, Dr. Ellison was contacted by Brookdale and was informed that the assisted living facility had not been paid for OLW's care for approximately two

months and that his account was more than \$41,000 in arrears. Approximately a week later, Brookdale involuntarily terminated OLW's residency at the facility.

14. In August 2022, Dr. Ellison made inquiries at Ameriprise and at US Bank and learned that OLW's accounts had zero balances and had been closed. Shortly thereafter, Dr. Ellison and OLW hired attorney Eric Puryear to investigate Respondent's handling of OLW's finances. Mr. Puryear corresponded with Respondent over several weeks without obtaining answers to his questions, and on September 21, 2022, he filed a complaint on behalf of OLW and against Respondent in the Circuit Court of Cook County (case number 2022L008472), alleging Respondent's conversion of an unknown amount of funds belonging to OLW and Respondent's financial exploitation of OLW. Beginning in at least August 2022, Mr. Puryear asked Respondent for an accounting of her handling of OLW's property and that she repay any funds she had taken from OLW.

15. On December 5, 2022, Respondent filed an answer to the complaint in case number 2022L008472 in which she admitted that she had wrongfully assumed control over OLW's property, that she had no authority to use OLW's funds for any purpose other than for his benefit, and that she had intentionally deprived OLW of funds to which he was entitled.

16. On December 9, 2022, Puryear filed discovery requests in case number 2022L008472, returnable on January 6, 2023. On February 8, 2023, OLW died.

17. As of February 1, 2023, Respondent had made her last deposit of OLW's funds into Fifth Third Bank account ending in 1988, and on February 7, 2023, account 1988 was overdrawn.

18. As of February 1, 2023, as described in paragraphs four through 12 above, Respondent had received at least \$314,566.89 of OLW's funds and had expended \$68,363.09 towards his care. As of February 7, 2023, Respondent had used at least \$246,203.80 of OLW's

funds without his authority for her own personal purposes. Respondent's use of those funds constitutes conversion.

19. As of May 23, 2023, the date the members of Panel C of the Inquiry Board voted to file a complaint against Respondent in this matter, Respondent had not provided any information or documents in compliance with those discovery requests, nor had she provided Mr. Puryear with an accounting of her handling of OLW's property or returned any of the misappropriated funds to OLW or his representatives.

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

- a. conduct involving dishonesty, fraud, deceit or misrepresentation, by knowingly converting funds belonging OLW, without authority, to her own use, including for the purchase of cryptocurrency that she held in her name and the use of OLW's funds for her own personal purposes, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(False statements to Dr. Ellison and OLW)

19. Between December 2020 and April 2022, Respondent provided periodic updates to Dr. Ellison and OLW regarding the purported status of OLW's assets, including OLW's 401(k) investment account at Ameriprise and his banking accounts. In April 2022, Respondent met with Dr. Ellison and informed him that OLW's Ameriprise account contained approximately \$120,000, and that he had approximately \$50,000 remaining in his checking account.

20. Respondent's statements to Dr. Ellison concerning the extent of OLW's assets were false. At the time she made the statements, Respondent had closed the Ameriprise investment account and both of OLW's accounts at US Bank, and the balances in those accounts were zero.

21. Respondent knew that her statements to Dr. Ellison concerning the extent of OLW's assets were false, because she knew that she had closed the accounts, that their balances were zero, and that she had used the accounts' balances to purchase cryptocurrency that she held in her own name.

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

- a. conduct involving dishonesty, fraud, deceit or misrepresentation, by falsely telling Dr. Ellison that she was then holding approximately \$150,000 of OLW's funds in his retirement and money market accounts, when she knew she had closed those accounts and used the proceeds to purchase cryptocurrency that she held in her own name, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT III
(Failure to Cooperate with an ARDC Investigation)

23. On February 1, 2023, the Administrator received a charge regarding Respondent's conduct from OLW's attorney Eric Puryear describing some of the conduct set forth in Count I above. After reviewing the communication, the Administrator docketed investigation number 2023IN00373 into Respondent's alleged conduct.

24. On February 3, 2023, counsel for the Administrator sent a letter to Respondent's registered email address requesting a response to Mr. Puryear's allegations. That letter requested that the response include: a description of the nature of Respondent's relationship with OLW; an accounting of any actions undertaken by Respondent on OLW's behalf; copies of all documents relating to Respondent's handling of funds in which OLW had an interest, including all bank or investment account statements showing the receipt, transfer or distribution of such funds; and any

relevant written correspondence, including text messages and electronic communications and notes of any relevant telephone conversations.

25. On February 16, 2023, Respondent telephoned counsel for the Administrator to request an extension of time to submit her response to March 1, 2023. By email on that date, counsel for the Administrator confirmed that he had agreed to the extension.

26. On March 1, 2023, counsel for the Administrator received a telephone call from attorney Trisha M. Rich informing him that she would be representing Respondent in connection with investigation number 2023IN00373, and requesting an extension to March 22, 2023, to submit a response on Respondent's behalf. Counsel for the Administrator granted Ms. Rich the extension she requested.

27. On March 23, 2023, having received no response on behalf of Respondent, counsel for the Administrator sent an email to Ms. Rich requesting the status of Respondent's response. Ms. Rich responded that "my client is continuing to collect the material requested in your request, which is taking her some time." In response to Ms. Rich's request, counsel for the Administrator granted an extension to March 31, 2023, to respond, but stated that given the nature of the allegations and the fact that that the same document requests had reportedly been made to Respondent from Dr. Ellison and Mr. Puryear since July 2022, with no response from Respondent, no further extensions would be allowed.

28. On March 31, 2023, having received no response on behalf of Respondent, counsel for the Administrator sent an email to Ms. Rich requesting the status of Respondent's response. Ms. Rich responded that she had a response drafted but was awaiting documents from Respondent, who was "had some technological problems transferring the bank documents..." Later that same day, Ms. Rich submitted a response on behalf of Respondent reiterating Respondent's

acknowledgment of converting Mr. Wilkerson's funds, as set forth in her answer to the civil complaint filed against her in case number 2022L008472. The response did not provide any information or documents specifically requested in counsel for the Administrator's February 1, 2023 letter to Respondent.

29. On April 3, 2023, having received no additional response or any of the documents he had specifically requested from Respondent (or Ms. Rich on Respondent's behalf), counsel for the Administrator served Ms. Rich by email with a subpoena *duces tecum* that required Respondent to produce specific information and records relating to her actions on OLW's behalf on April 11, 2023.

30. As of April 29, 2023, Respondent had not produced any materials responsive to the Administrator's subpoena *duces tecum*, and on that date Ms. Rich notified counsel for the Administrator that she was withdrawing as counsel for Respondent.

31. As of May 23, 2023, the date that the members of Panel C of the Inquiry Board voted to file a complaint against Respondent in this matter, Respondent had not provided any information or records in compliance with the ARDC's subpoena *duces tecum*. Respondent's production of documents in response to the subpoena has never been waived or excused.

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

- a. failing to respond to a lawful demand for information from a disciplinary authority, by conduct including his failure to provide information responsive to the Administrator's letter dated February 3, 2023 and her failure to produce documents on or after April 11, 2023, in compliance with the Administrator's subpoena *duces tecum* requiring the production of information and documents, in violation of Rule 8.1(b) of the Illinois Rules of Professional Conduct (2010).

