

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

In the Matter of:)	
)	
JOHN FLYNN DECKERT,)	
)	Commission No. 2024PR00078
Attorney-Respondent,)	
)	
No. 6315300.)	

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Ann R. Pieper, pursuant to Supreme Court Rule 753(b), alleges that Respondent, John Flynn Deckert, who was licensed to practice law in Illinois on May 1, 2014, has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Failure to act with reasonable diligence, failure to properly terminate representation, failure to refund an unearned fee, and engaging in dishonesty, fraud and deceit)

1. On or about February 10, 2021, Respondent and Robert Reetz (“Reetz”) agreed that Respondent would represent Reetz in attempting to recover the proceeds of a \$500,000 loan Reetz made to Gayle Breymeyer (“Breymeyer”), pursuant to a promissory note executed in 2013. Respondent and Reetz agreed that Respondent’s fee for the collection work and for pursuing post-judgment proceedings would be \$25,000.

2. In February of 2015, Breymeyer stopped paying on the loan and made no payments subsequently to either Reetz or Respondent.

3. Respondent did not file any proceedings in any court for the benefit of Reetz prior to January of 2023.

FILED
12/17/2024 8:55 AM
ARDC Clerk

4. On more than one occasion between March 2021 and September 2022, Respondent represented to Reetz that the “case was being domesticated” in Indiana.

5. Respondent’s statements that the “case was being domesticated” in Indiana were false because Respondent had not filed anything in Indiana, or Illinois, related to the loan or promissory note described in paragraph one, above.

6. At the time Respondent made the statement described in paragraph four, above, he knew the statement was false.

7. On or about October 2, 2022, Respondent sent a letter to Reetz where he repeated to Reetz that he had filed a complaint against Breymeyer for breach of contract and fraud in Iroquois County. Additionally, Respondent also represented to Reetz in the letter that he had issued alias summonses and that he had hired a process server who had served the summonses.

8. Respondent’s representations to Reetz described in paragraph seven, above, were false because Respondent had not filed any documents in Iroquois County on behalf of Reetz nor had summons been issued.

9. Respondent knew at the time he sent the letter to Reetz that the letter contained false information.

10. In the letter to Reetz, Respondent also stated that he had filed a motion for rule to show cause against Breymeyer, obtained an order from the court, and that he had issued subpoenas for Breymeyer’s bank records.

11. Respondent’s statements described in paragraph 10, above, were false because he had not filed any motions or petitions on behalf of Reetz nor had he issued any subpoenas.

12. Respondent knew at the time he sent the letter to Reetz that it contained false information.

13. On January 23, 2023, Respondent filed a complaint for breach of contract and fraud on behalf of Reetz in the Circuit Court of Iroquois County.

14. Shortly after filing the complaint, Respondent told Reetz that he was moving to Texas and Reetz would need to obtain new counsel.

15. At no point did Respondent withdraw from the Iroquois County case or refund any portion of the \$25,000 fee he had received from Reetz. When Reetz inquired about a refund, Respondent told him that the \$25,000 was “long gone.”

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

- a. failure to act with reasonable diligence and promptness in representing a client by failing to file any complaint in any court from March of 2021 through January of 2023, as described in paragraph three, above, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failure to comply with applicable law requiring permission of a tribunal when terminating representation, by failing to file a motion to withdraw after entering his appearance as described in paragraph 15, above in violation of Rule 1.16(c) of the Illinois Rules of Professional Conduct (2010);
- c. failing to refund an unearned fee, by conduct including failing to return any unearned portion of the \$25,000 fee that Respondent received from Reetz in connection to the collection work or the Iroquois County matter, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010); and
- d. conduct involving dishonesty, fraud, deceit, or misrepresentation by making the false statements to Reetz described in paragraphs four, seven, and 10, above, 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,

Lea S. Gutierrez, Administrator

Attorney Registration and
Disciplinary Commission

By: /s/Ann R. Pieper
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One of her attorneys

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