In re Brandon John Zanotti
Respondent-Appellee

Commission No. 2024PR00076

Synopsis of Review Board Report and Recommendation
(August 2026)

The Administrator filed a one-count disciplinary Complaint against Respondent, alleging that Respondent knowingly participated in a fraudulent loan transaction along with three other people, in violation of Rule 8.4(a) (assisting another attorney to engage in misconduct); Rule 8.4(b) (committing a criminal act); and Rule 8.4(c) (dishonesty, fraud, deceit, or misrepresentation) of the Illinois Rules of Professional Conduct (2010). The Complaint alleged that Respondent prepared and submitted to a bank two documents that contained false information, so that the bank would issue a $436,122 loan to a company that was purchasing seven houses from Respondent's company. Respondent pled guilty in federal court to having knowingly aided and abetted the making of false entries in a bank's records, with the intent to defraud or deceive. Respondent was the Williamson County State's Attorney at the time he engaged in the charged misconduct.

The Hearing Board found that Respondent committed the charged misconduct and recommended that Respondent be suspended for four months.

The Administrator appealed, challenging the Hearing Board's sanction recommendation, and arguing that Respondent should be suspended for two years.

The Review Board recommended that Respondent be suspended for one year.

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

FILED

August 07, 2026

ARDC CLERK

In the Matter of: **BRANDON JOHN ZANOTTI,** Respondent-Appellee, No. 6298030.	Commission No. 2024PR00076

REPORT AND RECOMMENDATION OF THE REVIEW BOARD

SUMMARY OF THE REPORT

The Administrator filed a one-count disciplinary Complaint against Respondent, alleging that Respondent knowingly participated in a fraudulent loan transaction along with a lawyer, a court official, and a bank executive, in violation of Rule 8.4(a) (assisting another attorney to engage in misconduct), Rule 8.4(b) (committing a criminal act), and Rule 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) of the Illinois Rules of Professional Conduct (2010). The Complaint alleged that Respondent prepared and submitted to a bank two documents that contained false information intended to induce the bank to issue a $436,122 loan to the purchaser of real estate owned by Respondent. Respondent pled guilty in federal court to knowingly aiding and abetting the making of false entries in a bank's records, with the intent to defraud or deceive. Respondent was the Williamson County State's Attorney at the time he engaged in the charged misconduct.

The disciplinary hearing was held on September 23 and October 8, 2025. Respondent was represented by counsel at the hearing, and continues to be represented by the same attorney on appeal. At the hearing, the Administrator called two witnesses, including Respondent as an adverse witness. The Administrator offered two exhibits that were admitted. Respondent testified on his own behalf, and presented four witnesses. He offered six exhibits that were admitted.

The Hearing Board found that Respondent committed the charged misconduct and recommended that Respondent be suspended for four months.

The Administrator appealed, challenging the Hearing Board's sanction recommendation, and arguing that Respondent should be suspended for two years. Respondent argues that the recommended four-month suspension is appropriate.

For the reasons set forth below, we recommend that Respondent be suspended for one year.

BACKGROUND

Respondent

Respondent was admitted to practice law in Illinois in 2008. After being admitted, he worked for a law firm until 2012, when he became an administrative law judge for the Illinois Workers' Compensation Commission. Respondent served as the Williamson County State's Attorney from 2014 to 2022. He left that position in July 2022 and became the managing partner of a law firm. In 2024 he opened his own law firm as a solo practitioner, focusing on real estate transactions and probate matters.

RESPONDENT'S MISCONDUCT

Overview

In 2022, Respondent submitted false information to a bank in order to induce the bank to issue a mortgage loan to the purchaser of real estate owned by Respondent's company. Three other individuals participated in the scheme with Respondent. The bank issued a loan of $436,122, and the loan proceeds were paid to Respondent's company. Knowing that the bank would not approve the loan if it was intended to fund 100% of the purchase price of the property, Respondent and the others made it falsely appear that the buyer already owned the properties and that the bank was providing a refinancing mortgage for 80% of the sales price. In fact, the buyer did not own the properties and the loan was intended to fund 100% of the sales price.

With the intent to deceive the bank, Respondent prepared and submitted to the bank two documents containing false information. The documents falsely represented that the sales price was $545,152, rather than $436,122 (which was the real price), thereby making it falsely appear that the bank was being requested to finance only 80% of the purchase price. Respondent also mischaracterized the nature of the transaction, making it falsely appear that the buyer had owned the properties for several months and was refinancing, rather than purchasing, the properties. Respondent's co-schemers also prepared additional documents, which Respondent did not see, that contained false information.

The bank issued the requested mortgage loan. The entire loan proceeds of $436,122 were paid to Respondent's company to fund the buyer's purchase of the properties. The bank would not have issued that loan without the false information that Respondent and his co-schemers provided.

Summary of the Facts

Respondent's Involvement in a Fraudulent Real Estate Financing Transaction

In 2022, while Respondent was the Williamson County State's Attorney, he owned Results Home Buyers 2, LLC, which was a real estate holding and rental company that managed approximately 24 properties. Respondent wanted to sell seven houses owned by his company. He offered to sell them to a company that belonged to two of his friends: David Lawler, an attorney; and Justin Maze, the Williamson County Circuit Clerk. Lawler and Maze were looking to purchase investment properties for the company they owned, which was known as Lawler and Maze Properties, LLC ("Lawler & Maze").

Respondent entered into an agreement with Lawler & Maze which provided for Respondent's company to sell seven houses to Lawler & Maze for $436,122. It was agreed that Lawler & Maze would obtain a loan from the SouthernTrust Bank ("the Bank") in order to finance the purchase of the properties.

In April 2022, Respondent and Justin Maze met with Steven Cook, who was the Bank President. Cook was also a member of the Loan Committee and the Bank's Board of Trustees.

Cook explained that the Bank would require a 20% down payment. Justin Maze then contacted his partner, David Lawler. After speaking with Lawler, Maze told Cook that they did not have enough money to make a 20% down payment.

Cook suggested that they find some way around that issue. As the Hearing Board explained, "At some point during or after this meeting, Cook advised Respondent that the Bank would not approve the loan unless it appeared to be a refinance, as opposed to a new purchase, and unless the documents were backdated to appear as if Lawler & Maze had owned the properties since February 1, 2022." (Hearing Board ("HB") Report at 4.)

Respondent did what Cook suggested. He backdated two documents to make it falsely appear that Lawler & Maze already owned the properties and he included representations that the loan was for a refinancing. Respondent testified, "I knew it was wrong." and "[T]here's no question in my opinion I did do wrong. I know that I did do wrong." (Transcript ("Tr.") 165, 175.)

Specifically, in May 2022, Respondent prepared and backdated a sham document entitled "Assignment of Beneficial Interests," which falsely stated that the legal ownership of the properties had been transferred to Lawler & Maze on February 1, 2022. (HB Report at 5; Adm. Ex. 1 at 19.) Respondent submitted that document to the Bank to make it falsely appear that Lawler

& Maze had owned the properties since February 1, 2022, and therefore the transaction involved a refinancing of the properties, rather than a new purchase of the properties.

In June 2022, Respondent prepared and submitted a second document, entitled "Purchase and Sales Agreement." (*Id*.) Respondent backdated that document to February 1, 2022, thereby making it falsely appear that Lawler & Maze had purchased the properties in February 2022. Additionally, as the Hearing Board explained, "[The] backdated Purchase and Sales Agreement…falsely stated that the purchase price was $545,152, with 80% to be financed by the bank, when [Respondent], 'Cook, and the other individuals well knew' the actual purchase price was the loan amount of $436,122, with no down payment….Respondent testified that he knew of the false backdating and refinance aspects at that time….[and] he knew both documents contained misrepresentations, which he intended for the bank to rely on in approving the loan." (HB Report at 5.) (Citations omitted.) Respondent had the Trustee of his company sign both documents.

This portrayal of Respondent's involvement in the fraudulent loan transaction is undisputed. As part of Respondent's guilty plea in the criminal case, he entered into a Stipulation of Facts which included the following description of what took place:

> It was understood by Defendant [i.e., Respondent], Maze, and Cook that the proposed transaction was a new real estate purchase, not a refinance; that Lawler and Maze Properties, LLC would not provide any cash relative to the purchase of the seven properties; and that the entire purchase price would be funded through the SouthernTrust loan proceeds. Cook advised Defendant that in order for SouthernTrust Bank to finance the transaction, it would need to appear as if it was a refinance transaction, as opposed to a new real estate purchase, and that the paperwork would need to reflect that Lawler and Maze Properties, LLC had owned the seven properties as of February 1, 2022. It was agreed that the paperwork reflecting ownership of the seven properties by Lawler and Maze Properties, LLC would be falsely backdated to February 1, 2022, and that SouthernTrust Bank would fund an 80% sham 'refinance' transaction. The actual sales price of the seven properties that Results Home Buyers 2, LLC was to sell to Lawler and Maze Properties, LLC was $436,122.00.

(Adm. Ex. 1 at 18.)

Thus, the co-schemers falsely represented to the Bank that the transaction involved a refinancing based on 80% of the purchase price so that the Bank would provide a loan without requiring Lawler & Maze to make a down payment. Respondent testified that he understood all of the parameters of the deal. (Tr. 160-61.)

In August 2022, the Bank issued a loan of $436,122 to Lawler & Maze. The entire loan proceeds were paid to Respondent's company.

<u>Respondent Was Convicted of a Felony for His Participation in the Fraud</u>

All four individuals involved in this fraudulent loan scheme (Respondent, Cook, Lawler, and Maze) were prosecuted federally. In March 2024, Respondent pled guilty to a one-count Information that charged him with a felony. Specifically, Respondent admitted in his Plea Agreement that he "aided and abetted one or more individuals in making or causing to be made false entries in the books, reports, or records of SouthernTrust Bank;….[he] knew the entries were false; and….[he] did so with the intent to defraud the bank and deceive its officers," in violation of 18 U.S.C. §§ 1005 and 2. (Adm. Ex. 1 at 5.) Respondent was sentenced to two years' probation, and payment of a $5,000 fine. His probation was terminated satisfactorily after one year.

Steven Cook, the Bank President, also pled guilty to this fraudulent loan transaction, as well as two other fraudulent loan transactions involving David Lawler and Justin Maze that took place between August and November 2022. (Resp. Ex. 3 at 6-18.) Cook was sentenced to two years supervised release; 50 hours of community service; and ordered to pay a $6,000 fine; he was also banned from the banking industry. (*Id*. at 11-18.)

Lawler and Maze signed pretrial diversion agreements in which they admitted they had engaged in three fraudulent loan transactions, including the transaction in which Respondent participated. Lawler, who is an attorney, was also charged in a disciplinary Complaint filed by the Administrator and, after a disciplinary hearing on the matter, the Hearing Board recommended a five-month suspension. *See In re Lawler*, 2024PR00077 (Hearing Bd.) (March 17, 2026). In June 2026, the Administrator filed an appeal challenging the recommended sanction in the *Lawler* case.

THE HEARING BOARD'S FINDINGS AND RECOMMENDATIONS

Misconduct Findings

The Hearing Board found that Respondent knowingly assisted another lawyer (Lawler) in violating the Rules of Professional Conduct, committed a criminal act that reflects adversely on his fitness as a lawyer, and engaged in dishonest conduct by participating in a fraudulent loan transaction, in violation of Rule 8.4(a), Rule 8.4(b), and Rule 8.4(c).

Rule 8.4(a) states, "It is professional misconduct for a lawyer to…violate or attempt to violate the Rules of Professional Conduct, knowingly assist…another to do so, or do so through the acts of another."

Rule 8.4(b) states, "It is professional misconduct for a lawyer to…commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects."

Rule 8.4(c) states, "It is professional misconduct for a lawyer to…engage in conduct involving dishonesty, fraud, deceit, or misrepresentation."

Mitigation and Aggravation

The Hearing Board found substantial mitigation, including that Respondent had a remarkable career involving service to the public and the profession; he accepted responsibility and expressed genuine remorse; he is unlikely to engage in misconduct in the future; and he does not pose a risk to the public. The Hearing Board described the mitigating factors at length. (*See* HB Report at 8-16.)

In terms of aggravation, the Hearing Board found that Respondent's committing criminal conduct while he was the State's Attorney constituted a serious aggravating factor. The Hearing Board also found that Respondent's conduct was selfishly motivated; the Bank would not have approved the loan without the falsified documents that Respondent submitted; Respondent created a financial risk for the Bank; and there was a risk that the Bank's reputation would be damaged. (*See* HB Report at 8, 16-17.)

<u>Hearing Board Recommendation</u>

The Hearing Board recommended that Respondent be suspended for four months.

ANALYSIS

The only issue on appeal is the appropriate sanction for Respondent's misconduct. The parties do not challenge the Hearing Board's factual findings or its findings of misconduct.

We review the Hearing Board's sanction recommendation *de novo*. *See In re Storment*, 2018PR00032 (Review Bd. at 15), M.R. 030336 (June 8, 2020). In making our recommendation, we consider the nature of the misconduct, and the aggravating and mitigating circumstances shown by the evidence, while keeping in mind that the purpose of discipline is not to punish but rather to protect the public, maintain the integrity of the legal profession, deter other misconduct, help preserve public confidence in the legal profession, and protect the administration of justice from reproach. *See In re Gorecki*, 208 Ill. 2d 350, 360-61 (2003).

The Administrator argues that a two-year suspension is warranted given the serious nature of the misconduct and the aggravating factors, including Respondent's position as the State's Attorney. Respondent argues that the recommended four-month suspension is appropriate in light of the extensive mitigation in this case.

We recommend that Respondent be suspended for one year. In making our recommendation, we have carefully considered all of the arguments of both parties, as well as the Hearing Board's report, the serious nature of the misconduct, the aggravating and mitigating factors, relevant precedent, and the goals of attorney discipline.

Respondent's Misconduct

We give substantial weight to the serious nature of Respondent's misconduct. Respondent engaged in the fraud for his own benefit, in that he wanted to sell the seven properties. Respondent provided false information to the Bank in order to fraudulently convince the Bank to issue a loan of $436,000, even though Lawler & Maze could not afford to make a down payment. Based on the false information presented, the Bank funded the transaction, resulting in a payout to Respondent's company of $436,122. The Bank would not have approved the loan if Respondent had not provided the two documents containing false information.

Respondent decided to sell the properties to his friends, Lawler and Maze, thereby avoiding the need to sell the properties on the open market or to take any steps to find other buyers. Respondent elected to continue with the sale, even after he learned that his friends could not legitimately qualify for financing from the Bank because they did not have sufficient funds to make the required down payment.

Respondent prepared, backdated, and submitted to the Bank two key documents, an "Assignment of Beneficial Interests," and a "Purchase and Sales Agreement," which made it falsely appear that the buyers already owned the seven properties. He also set forth a false purchase price of $545,152 in the Purchase and Sales Agreement. Respondent had the Trustee of his company sign the documents.

Although the Bank President came up with the idea of backdating documents, the four people involved in the scheme worked together jointly; each one played an important role; and each one was necessary to the success of the scheme. Respondent did not play a minimal role in the fraud; he was not led astray; he did not make an inadvertent mistake; and his actions were not controlled or directed by someone else.

In sum, Respondent intentionally deceived the Bank by providing false information in order to induce the bank to provide financing of $436,000 that was paid to Respondent's company, and the fraud scheme would not have succeeded without Respondent's actions.

Aggravating Factors

State's Attorney: Respondent was the Williamson County State's Attorney from 2014 to 2022, and he was in that position when he engaged in the charged misconduct in 2022. As State's Attorney, Respondent was the chief law enforcement official in the county. The State's Attorney's Office was responsible for the prosecution of all criminal activity in Williamson County, and the Office handled more than 500 felony cases a year. Respondent made charging decisions in numerous criminal cases during his tenure as the State's Attorney. He managed a staff that included approximately nine Assistant State's Attorneys and fourteen support staff, as well as a number of student interns. Respondent also provided legal advice to the County Board. Respondent was initially appointed to the position, and he subsequently won two elections.

By committing the misconduct at issue here, Respondent violated the public's trust, including the trust of the people who voted for him. He also violated the personal trust of the people he supervised, and the people to whom he gave advice. Additionally, to the extent that he was a role model for others, he failed in that role. Respondent placed his own interests ahead of his duty to the public and his Office. He exercised terrible judgment and made extremely bad decisions.

Respondent's guilty plea received substantial publicity in the community and was widely reported to the public. His misconduct had the potential to undermine the public's confidence in the legal profession, the courts, and the integrity of the State's Attorney's Office.

Respondent's experience as a prosecutor should have given him a heightened awareness of the need to comply with the law. *See In re Bush*, 2009PR00113 (Hearing Bd. at 39) (Nov. 1, 2010) ("As a public official prosecuting crimes, Respondent should have been particularly sensitive to the impropriety of his conduct,…and the potential for damage to the reputation of his public office."); *In re Hall,* 2009PR00023 (Review Bd. at 21), M.R. 25193 (June 8, 2012) ("Respondent's years of sitting in judgment of other attorneys [as a member of the ARDC Hearing Board] should have given him a heightened awareness of the need to comply with the Rules of Professional Conduct…and to avoid dishonest behavior.").

Prosecutors are entrusted with enforcing the law, and therefore must act with the highest level of integrity. Respondent failed to do so. We conclude that Respondent's position as the State's Attorney is a significant aggravating factor. *See In re Win*, 2015PR00112 (Petition at 5), *discipline on consent*, M.R. 28238 (October 13, 2016) ("An attorney's position as an employee of a law enforcement agency…[is] an aggravating factor in disciplinary cases."); *In re Terronez*, 2011PR00085 (Review Bd. at 8), M.R. 26213 (Nov. 20, 2013) ("[I]t is particularly significant that at the time he committed misconduct Respondent was [the Rock Island County State's Attorney,] the head law enforcement officer of Rock Island County, elected by the citizens of that county to uphold and enforce the law. Respondent should have been a role model to the community but instead he intentionally violated the same laws that he enforced against others.").

Respondent's co-schemers were also professionals – Cook was a Bank President, Lawler was a criminal defense attorney, and Maze was the Williamson County Circuit Clerk. They worked hand-in-hand with Respondent to commit the crime at issue here. Rather than taking steps to prevent their criminal conduct or to report their actions to appropriate law enforcement or lawyer disciplinary authorities, Respondent participated in the fraudulent scheme. He risked bringing the legal profession into disrepute by facilitating the fraudulent conduct of a lawyer (Lawler), and he risked bringing the court system into disrepute by facilitating the fraudulent conduct by a court official (Maze). These are significant aggravating factors. His co-schemers also went on to engage in two other fraudulent loan transactions relating to the Bank.

Most importantly, we conclude that Respondent's engaging in criminal conduct while he was the chief law enforcement officer in Williamson County is egregious and constitutes an especially significant aggravating factor.

The Risk to the Bank: It is also an aggravating factor that Respondent created a financial risk for the Bank, and a risk of damage to the Bank's reputation. Lawler & Maze did not make a down payment on the properties; therefore, the loan was under-secured. Additionally, Lawler & Maze did not have sufficient funds to make a down payment, and the company was new, which added to the Bank's risk. Respondent was aware of those facts.

There was also a serious risk that the Bank's reputation would be damaged, and that the Bank would lose business. We agree with the Hearing Board that this constitutes an aggravating factor even though those risks did not materialize. (HB Report at 17.)

Respondent's Self-Interest: The Hearing Board stated, "[W]e find in aggravation that his conduct was selfishly motivated." (HB Report at 17.) We agree. Respondent was acting in his own self-interest when he provided false information to the Bank. Respondent's company received

$436,000; the company was able to pay off certain debts; and Respondent reduced the number of properties he had to manage. The fact that the fraud scheme involved $436,000 (a significant amount of money) is also an aggravating factor.

<u>Respondent's Testimony</u>: We also take into consideration Respondent's attempt to minimize his culpability by claiming he was not aware that his actions were illegal and that the bank was not defrauded because its President participated in the scheme. Respondent's testimony included the following:

> Respondent: "Mr. Cook…said I'm going to need you guys to backdate the document,…and I said is that okay….[Cook said,] I [Cook] could get in some hot water with the bank examiners, but you guys are fine. I'm the one at risk here, but it's not that big of a deal." (Tr. 48.)
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> Respondent: "That's why we're here; I agreed to do it." (*Id.*)
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> Respondent: "I…agreed with Mr. Cook that at most it was not a crime, it was wrong, but it was probably a regulatory issue, or a bank examiner finding, and it would be a negative mark on the bank. I never contemplated a criminal aspect of it nor did we ever talk about that." (Tr. 149.)
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> The following colloquy also took place:
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>> "Q. [Defense Counsel]:…[T]he allegation could be made that all of this was intentional by you, that you knew that you were pulling over a fraudulent sham deal on the bank and that you readily participated in that, and…that you knowingly did something wrong. How do you respond to that?
>>
>> A. [Respondent]: First and foremost, I mean, it was the banker's idea, not shirking my responsibility, but as my attorney said, it's hard to commit a fraud on someone when it was their idea to begin with, but I knew it was wrong." (Tr. 164-65.)

In our view, Respondent attempted to minimize the seriousness of his actions by suggesting that he did not realize he was committing a crime, and by shifting the blame to the banker (Steven Cook). We are not persuaded for the following reasons:

(1) It is inconceivable that Respondent, who had spent seven years as State's Attorney analyzing and prosecuting criminal cases, would not realize that it was a crime to obtain money from a bank by intentionally providing false information and backdating documents.

(2) Respondent admitted in his Plea Agreement that he "aided and abetted one or more individuals in making or causing to be made false entries in the books, reports, or records of SouthernTrust Bank;….[he] knew the entries were false; and**….[he] did so with the intent to defraud the bank and deceive its officers**." (Adm. Ex. 1 at 5.) (Emphasis added.)

(3) According to Respondent's description of his conversation with Cook, Respondent did not ask whether this was a crime; he asked if it was "okay;" and Cook did not assert that this was legal; Cook said that he (Cook) could get into trouble with the regulators, but Respondent and the other two would be fine. In other words, it was unlikely that Respondent would be caught.

(4) Respondent testified that he knew "it was wrong." Despite knowing that backdating documents was wrong, he proceeded. He also testified that, based on his brief conversation with Cook, he thought "it was probably a regulatory issue…and it would be a negative mark on the bank." Despite believing that the scheme would violate bank regulations and cause the Bank to suffer a negative mark, he proceeded.

(5) There is no evidence that the Bank's Loan Committee was aware of the scheme. To the contrary, it is undisputed that the Bank would not have approved the loan if it knew (a) it was intended to finance the purchase, rather than the refinancing, of the property, and (b) the loan amount represented 100%, rather than 80%, of the value of the property.

(6) Although Respondent talked to his co-schemer, Steven Cook, about the misconduct, there is no evidence that Respondent reached out to an attorney (or the ARDC) for advice concerning whether the conduct was legal. It is reasonable to conclude that Respondent did not want to disclose the facts to anyone who was not participating in the scheme because he knew the scheme was illegal, and he wanted to proceed.

Respondent's claim that he did not really mean to commit a crime appears to be a disingenuous attempt to make Respondent's criminal conduct appear to be unintentional and relatively harmless.

Along the same lines, when Respondent was asked the question, "Have you learned anything from what's happened here," Respondent answered:

> "Very, very much so. First and foremost, read everything that you sign…[and] do your homework, do your due diligence, don't just willingly go along with things suggested to you just because they're convenient." (Tr. 169-70.)

That testimony mischaracterizes and minimizes what happened. This was not a case in which Respondent signed documents without reading them, or a case in which he was unaware of the fraud because he failed to investigate the facts, or a case in which Respondent simply went along with someone else's suggestions because it was convenient. There was nothing convenient about the fraud. Respondent intentionally worked with his three co-schemers to deceive the Bank, and purposely created documents containing false information, so that he could sell seven properties in exchange for the $436,000 provided by the Bank.

Respondent's DUI: In May 2022, Respondent was arrested and charged with a DUI. (This took place in the middle of the time frame involved here.) In terms of the DUI, Respondent testified, "It was a Saturday night. I drafted a press release on Sunday and sent it to all the press agencies, county office holders admitting fault, owning up to it and saying I will plead guilty to it, and I'm not above the law. I made a very, very foolish, stupid mistake, and I'm going to own up to it." (Tr. 91.)

The fact that Respondent issued a press release, and did so immediately, makes it clear he was aware of the significance of his position as the State's Attorney and the scrutiny to which the State's Attorney's Office is subjected; as well as the negative impact that criminal conduct by the State's Attorney can have on the public's perception.

Being arrested and charged should have been a warning and a wake-up call to Respondent. At that point in time, the Bank had not approved or issued the mortgage. After Respondent was arrested, he could have (and should have) reconsidered the fraud scheme and stopped the Bank from issuing the mortgage. Respondent had an opportunity to avoid committing this crime, but he made the decision to proceed. Additionally, by cancelling the sale of the seven properties to Lawler & Maze, Respondent would have prevented his co-schemers from committing this crime.

In sum, we conclude that there is significant aggravating evidence in this case. We recognize that the Administrator believes that a two-year suspension is warranted, given the serious nature of the misconduct and the aggravating factors. Although the Administrator's argument is reasonable, we believe that a one-year suspension is appropriate in light of the extensive mitigation discussed below.

Mitigating Evidence

In making our recommendation, we have given careful consideration to the extensive mitigation in this case. Respondent had a successful and unblemished career; he expressed remorse; and he cooperated in the disciplinary proceedings and the criminal proceedings. He was also involved with more than a dozen professional and community organizations, and he provided *pro bono* services. This was an isolated incident and there was no financial loss to the Bank.

Respondent also presented the testimony of five character witnesses, which included testimony from a judge, a retired judge, and three attorneys, all of whom had known Respondent for years. Collectively they testified that Respondent had an excellent reputation for integrity and honesty; he was well respected and well liked; he was a great person; he was a hard worker; he zealously represented his clients; and he was dependable, honest, and trustworthy.

The Hearing Board's description of the mitigating evidence, included the following:

> [Respondent had] a remarkable career of service to the public and the profession, and…Respondent [has] learned his lesson, as evidenced by his genuine remorse, acceptance of responsibility, and constructive life changes since then. (HB Report at 1.)
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> [Respondent had a] distinguished career of public and community service….He has no prior misconduct in his 17 years in practice. He spent nearly 10 of those years serving as an arbitrator for a state agency and as the Williamson County State's Attorney. He has continued giving back to the legal profession and to his community by teaching law courses, authoring legal articles, presenting at conferences on issues such as child abuse and the opioid crisis, and serving on the boards of numerous professional associations and non-profit organizations. We also acknowledge that Respondent's misconduct occurred during a time when he was facing a plethora of stressful circumstances and mental health issues, which he has since addressed by making positive life changes, including voluntarily obtaining mental health treatment. (*Id*. at 15.) (Citation omitted.)
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> ***

> Respondent accepted responsibility, recognized the seriousness of his wrongdoing, and expressed remorse, which we find to be genuine based on our observations of his testimony and demeanor during the hearing. These findings were affirmed by the compelling testimony of Respondent's character witnesses and treating doctor about how he has responded positively to this situation. Overall, the facts persuade us that Respondent is unlikely to repeat his misconduct and that he does not pose a threat to the public. (*Id*. at 16.) (Citation omitted.)

We agree with the Hearing Board that there is substantial mitigating evidence, and that Respondent is unlikely to engage in misconduct in the future. However, as explained below, we believe that a one-year suspension gives appropriate weight to the mitigation in this case.

<u>Respondent's Medical Condition</u>: The Hearing Board declined to find that Respondent's medical condition was a mitigating factor. We agree. The Hearing Board stated:

> First, we address whether Respondent's prior medical condition is a mitigating factor. We considered the testimony and reports of the parties' experts, and we found both witnesses to be credible….The doctors disagreed as to whether their diagnoses were causally connected to the misconduct and whether Respondent requires ongoing treatment and monitoring.
>
> In order for a medical condition to be a mitigating factor, it must have been causally connected to the misconduct, and there must be supporting medical evidence. <u>In re Deer</u>, 2015PR00037, M.R. 029565 (Jan. 29, 2019) (Hearing Bd. at 30); <u>In re Rocawich</u>, 95 CH 924, M.R. 13660 (May 30, 1997) (Review Bd. at 8). In this case, the doctors provided credible evidence that supported and opposed a causal connection between Respondent's medical condition and his misconduct. Because we do not find one doctor to be more credible than the other, we decline to find that Respondent's medical condition is a mitigating factor.

(HB Report at 14-15.)

The Hearing Board also stated, "We decline to recommend probation with mental health treatment or alcohol monitoring conditions because we do not find that Respondent's misconduct was causally connected to any of the doctors' diagnoses." (*Id*. at 18.) Especially in light of the ARDC's failure to seek probation, we agree that probation is not warranted in this case.

<u>Respondent's Role in the Scheme</u>: The Hearing Board stated, "[W]e find mitigating that Respondent was not the principal architect of the fraudulent scheme and that he did not unilaterally deceive the other parties in the transaction." (HB Report at 15.) We disagree that Respondent's role, and his failure to deceive his co-schemers, were mitigating factors.

Based on the evidence in this case, there is nothing mitigating about the fact that Respondent did not deceive the others. Respondent, Cook, Maze, and Lawler were co-schemers, and they acted jointly to develop and carry out the scheme. Respondent did not deceive his co-schemers because they were all part of the same fraud scheme, working with the same purpose, towards the same goal, namely, to obtain money from the Bank. Respondent did not deceive them and they did not deceive him; they worked together. That is the very nature of being co-schemers. The point was to deceive the Bank, which they did.

Additionally, out of this group of four co-schemers, no one person devised, created, or directed the scheme, and no one person was the principal architect of the scheme. Each person came up with certain ideas; each one took certain actions; and each one took steps to further the fraudulent scheme. The scheme would have failed without the ideas, actions, and participation of each one of them. The fact that Cook suggested the backdating did not make him the leader or architect of the scheme. Respondent was equally if not more culpable, in that he prepared and submitted two key documents containing false information and personally benefitted financially from the loan. Although he incorporated Cook's backdating suggestion, Respondent executed that part of the scheme on his own.

Thus, we conclude that Respondent's role in the scheme does not constitute a mitigating factor; and his working together with his co-schemers, rather than deceiving them, also does not constitute a mitigating factor.

RELEVANT PRECEDENT

We have carefully considered all of the cases cited by the parties and the Hearing Board, as well as other relevant precedent.

In making its recommendation, the Hearing Board relied primarily on *Gabriele and Villadonga* ("*Gabriele*"). Respondent also relies on that case. Although *Gabriele* is a good starting point, it is distinguishable from the instant case.

In *Gabriele*, 1989PR00469 (Review Bd.), M.R. 8236 (March 20, 1992), two attorneys were suspended for five months. The attorneys each pled guilty in federal court to aiding, abetting, and procuring false statements in three related loan applications in order to obtain financing to facilitate the sale of three condominiums owned, in part, by the two attorneys. The false statements included inflated purchase prices, and false information about down payments and sellers' credits.

The Review Board in *Gabriele* found it mitigating that the two attorneys were not involved in devising the plan to defraud the bank, and they did not deceive the purchasers, whom they persuaded to include false information in their loan applications. In that case, the scheme was conceived by other individuals in Florida, while the attorneys were not there, and the plan was conveyed to the attorneys by telephone. In aggravation, the buyers failed to make payments on the mortgage notes and the three condominiums went into foreclosure.

Gabriele is distinguishable from this case because the attorneys in *Gabriele* were not public officials, much less the county's chief law enforcement officer, which is a key factor here. *Gabriele* also does not include the other aggravating factors discussed above. *See supra* at 10-16. Even without the additional aggravating factors, *Gabriele* received a lengthier suspension (five months) than the four months recommended by the Hearing Board.

Moreover, in the instant case, Respondent took part in the conversation with Cook, during which they agreed to backdate documents as part of the fraud scheme; whereas, the attorneys in *Gabriele* did not take part in the conversation with the other individuals, during which the other individuals devised the fraud scheme. As discussed above, in the instant matter the fraud scheme was developed jointly by all four of the co-schemers as the transaction proceeded. Additionally, in a case that was decided after *Gabriele,* the Court stated, "[In *Gabriele*,] this court denied the administrator's petition to file exceptions to the report and recommendation of the review board and, in an unpublished order, instead entered an order summarily approving and confirming that report and recommendation. In view of those circumstances, the case possesses little precedential value." *In re Chandler*, 161 Ill. 2d 459, 477 (1994).

In making our recommendation, we have placed primary reliance on *Steinbrecher*, *Chandler*, *Khan*, *Gartland*, *Armentrout*, *Sims*, *Scott*, *Thompson*, and *Robinson*, discussed below, which fall into two categories – cases involving fraudulently obtaining loans, and cases involving public officials.

Cases Involving Loans

• In ***In re Steinbrecher***, 53 Ill. 2d 413 (1973), the attorney was suspended for two years for participating in a scheme to fraudulently obtain two bank loans. Steinbrecher was convicted of aiding and abetting making false entries in bank records. The Hearing Board found that his actions brought the legal profession into disrepute. Steinbrecher represented the president of a bank, who fraudulently caused the bank to issue two real estate loans totaling $480,000. In both transactions, the loans exceeded the purchase price. Steinbrecher aided the bank president by disbursing that money through his law firm's bank account, and paying out money from the excess loan proceeds for the benefit of the president of the bank. Steinbrecher also negotiated with the seller in the second transaction. A bonding company had to pay out $200,000. There was substantial mitigating evidence, including that there were affidavits and letters stating that Steinbrecher was a person of integrity; he cooperated with the bonding company; and he did not personally profit from the scheme, except for a total of $1,700 received as fees for his services.

• In ***In re Chandler***, 161 Ill. 2d 459 (1994), the attorney was suspended for three years, until further order of the Court. Chandler intentionally submitted false information on a loan application to obtain an $85,000 mortgage for which she was not financially qualified. She misrepresented her income and employment history, and she submitted false W-2s, false tax returns, and a false employment verification form. She repaid the loan and there was no loss. She also misstated her Social Security number on her bar application, and failed to disclose the fraud and the lender's foreclosure action. The Court stated, "The fraudulent act of an attorney acting in his own behalf in which he seeks personal gain, directly or indirectly, to the detriment of honesty, is no less reprehensible than when he acts on behalf of his client." *Id*. at 473. In mitigation, Chandler was remorseful; she was active in the community; she had no prior discipline; and four character witnesses provided favorable testimony.

• In ***In re Khan***, 2012PR00131, *discipline on consent*, M.R. 25990 (June 12, 2013), the attorney was suspended for three years. Khan was convicted for participating in a mortgage fraud scheme that resulted in a bank issuing a mortgage of $148,132. A loan officer recruited Khan, and she agreed to participate, even though she knew the transaction was fraudulent. Her participation lasted only two days. The property was being sold for more than the appraised value, and the transaction involved a false power of attorney. Khan made suggestions on how to resolve issues with the lender, including backdating the power of attorney and making false statements to the lender. She told a loan officer that she was going to convince the title company and the lender that the transaction was legitimate. She received $4,750 as compensation for her participation in the transaction. There was substantial mitigation, including that she accepted responsibility and expressed remorse; she agreed to proceed by way of a consent petition; she cooperated; she was extremely active in the community; she did volunteer work; she helped immigrants in numerous ways; she provided *pro bono* legal services; she conducted free educational seminars; and she had no prior discipline.

• In ***In re Gartland,*** 47 Ill. 2d 177 (1970), the attorney was suspended for one year. Gartland was convicted of aiding the president of a bank in fraudulent conduct. Gartland and a co-defendant operated a mortgage brokerage business, which fraudulently obtained an unsecured loan of $350,000, and Gartland helped obtain that loan. Gartland personally received only $3,500. The loan was fully repaid, but the repayment involved questionably obtained funds. The Court found that Gartland's actions tended to bring the legal profession into disrepute. In mitigation, Gartland had a lengthy career that was otherwise unblemished.

<u>Cases Involving Public Officials</u>

In ***In re Armentrout***, 99 Ill. 2d 242 (1983), the attorney, who was the Kane County State's Attorney at the time of the crime, was suspended for two years. He was convicted of misdemeanor election law violations which involved forging signatures on petitions for a statewide referendum. Five other attorneys were involved in the misconduct, and the Court imposed a variety of sanctions on them. Armentrout admitted that he instigated the project, forged notary signatures, and otherwise tampered with the petitions. The Court concluded that the misconduct brought the legal profession into disrepute. The Court noted that Armentrout was the chief law enforcement officer of Kane County; he was an experienced lawyer; and the other individuals participated in the misconduct based on his instigation. The Court stated, "[Armentrout disregarded] his own oath of office and fundamental concepts of honesty and integrity." (*Id*. at 256.)

There was substantial mitigation, including that Armentrout had an unblemished record, and many judges, lawyers, public officials, and others submitted testimony and affidavits regarding Armentrout's good character, and praising his professional work and community service, as well as affirming their belief that his misconduct was an isolated mistake in judgment, which would not be repeated.

One judge dissented, stating: "In fact, it seems to me that a higher standard of responsibility and respect for the law should be expected of lawyers who are public officials than of their less visible brethren at the bar." (*Id*. at 259.) "[The two-year suspension will not reassure] the public that erring public officials will be held fully accountable for their misconduct." (*Id*.) *** "[B]ased on his visibility and the trust society placed in him as the highest legal officer of Kane County, we were entitled to expect more from Mr. Armentrout than he gave us." (*Id*. at 260.) *** "As a State's Attorney he was supposed to enforce the law, but instead, he…callously violated it and our professional canons." (*Id*.)

In ***In re Sims***, 144 Ill. 2d 323 (1991), the attorney, who was the State's Attorney of Perry County at the time of the misconduct, was suspended for two years. Sims had purchased and used cocaine and marijuana over a period of several years, while he was the State's Attorney. He also failed to take any action to bring criminal charges against those who sold and used controlled substances in his presence. The Court stated, "This case involved a flaunting of the law by a prosecuting attorney….[A]ny sanction less than [a] two-year suspension…would denigrate the seriousness of his conduct and would erode public trust in the accountability of its elected officials." *Id*. at 325. There was substantial mitigation, including that Sims resigned his position as State's Attorney; he had stopped using illegal drugs; he presented evidence of rehabilitation; and he presented favorable character evidence.

In ***In re Scott***, 98 Ill. 2d 9 (1983), the attorney, who was the Illinois Attorney General attorney at the time of the crime, was suspended for two years. (The suspension was retroactive to the date of Scott's interim suspension). Scott was convicted of one count of tax fraud, for filing a false tax return, in which he failed to report $22,153 of campaign contributions that he used as personal income. The Court found that Scott engaged in serious misconduct that merited discipline. The Court declined to impose a harsher sanction, noting that eleven character witnesses testified that Respondent had an excellent reputation for truth and integrity and that in their opinion he possessed the moral character that made him fit to practice law. The Court also rejected Scott's attempt to go behind the conviction.

In ***In re Thompson***, 2022PR00059 (Review Bd.), M.R. 032293 (March 18, 2022), the attorney, who was an alderman at the time of the misconduct, was suspended for three years. (The suspension was retroactive to the date of his interim suspension, approximately 2½ years earlier.) Thompson was convicted of filing false tax returns for five years, and making false statements to the FDIC. (His convictions for making false statements were later reversed.) The Review Board stated, "Respondent's dishonest conduct took place while he was a public official, which tarnished the reputation of the legal profession and his public office." (*Id*. at 15.) *** "The record shows that Respondent's misconduct and his criminal trial resulted in news coverage. That placed the legal profession and his public office in a bad light. It is reasonable to conclude that, at least for some members of the public, Respondent's dishonesty while he was in public office violated the trust that they placed in him to act honestly as a public official." (*Id*. at 16.) There was substantial mitigation. Thompson had a distinguished career with no prior discipline; he devoted considerable time to community and charitable organizations; he cooperated in the disciplinary proceeding; and eight character witnesses testified to Respondent's excellent character.

In ***In re Robinson***, 2008PR00109 (Hearing Bd. and Review Bd.), M.R. 24470 (May 18, 2011), the attorney, who was the Undersheriff of Cook County at the time of the crime, was suspended for three years and until further order of the Court. He paid cash kickbacks to the former director of the Illinois Department of Corrections, and was convicted of mail fraud in federal court. His misconduct related solely to his private consulting business and did not involve any official business. The Hearing Board and the Review Board found that Robinson's position as a public official was an aggravating factor. The Hearing Board stated, "Respondent's misconduct is also aggravated by the fact that he was a high ranking government official with an extensive background in law enforcement and corrections at the time that he initially became involved in the scheme….Therefore, he not only violated the law and disregarded his ethical obligations to the legal profession he also breached the trust placed in him as a public official." (Hearing Bd. at 24-25.) (Citation omitted.) In terms of mitigation, Robinson cooperated with the federal authorities and testified at a trial; he expressed genuine remorse; and he presented positive character testimony.

These cases involving public officials heed Justice Brandeis' famous warning about the consequences of government officials breaking the law:

> Our government is the potent, the omnipresent teacher. For good or for ill it teaches the whole people by example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.

Olmstead v. United States, 277 U.S. 438, 485 (1928) (Brandeis, J., dissenting).

What Justice Brandeis recognized about the pernicious effect of the government breaking the law applies with special force to criminal behavior by government officials who are responsible for enforcing the law. And that goes double for Respondent, who as State's Attorney was the top law enforcement official in Williamson County.

We believe that the cases cited above, *Steinbrecher*, *Chandler*, *Khan*, *Gartland*, *Armentrout*, *Sims*, *Scott*, *Thompson*, and *Robinson*, collectively show that a significant suspension is appropriate in cases involving loans obtained through fraud, public officials, and especially, State's Attorneys. A one-year suspension falls within the range of sanctions imposed in prior cases involving bank loans or government officials.

We are convinced, however, that a one-year suspension, rather than a longer suspension, is appropriate because of the strong mitigating evidence in this case. We agree with the Hearing

Board that Respondent had a remarkable career involving service to the public and the profession; he expressed genuine remorse; he is unlikely to engage in misconduct in the future; and he does not pose a risk to the public.

In our view, the four-month suspension recommended by the Hearing Board cannot be reconciled with the seriousness of Respondent's misconduct, the risk that Respondent's criminal behavior would tend to breed contempt for the law, or relevant precedent. Even with the mitigating evidence, we conclude that a one-year suspension is needed to maintain the integrity of and public confidence in the legal profession, protect the administration of justice from reproach, deter other misconduct, and protect the public.

CONCLUSION

We conclude that a one-year suspension is commensurate with Respondent's misconduct, the relevant aggravating and mitigating factors, and the discipline that has been imposed for comparable misconduct. In light of those considerations and the goals of attorney discipline, we recommend that Respondent be suspended for one year.

Respectfully submitted,

Bradley N. Pollock
Ashley N. Greer Shambley
Steven F. Pflaum

CERTIFICATION

I, Michelle M. Thome, Clerk of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois and keeper of the records, hereby certifies that the foregoing is a true copy of the Report and Recommendation of the Review Board, approved by each Panel member, entered in the above entitled cause of record filed in my office on August 7, 2026.

/s/ Michelle M. Thome

Michelle M. Thome, Clerk of the
Attorney Registration and Disciplinary
Commission of the Supreme Court of Illinois

4899-3316-7045, v. 1

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

In the Matter of: **BRANDON JOHN ZANOTTI,** Respondent-Appellee, No. 6298030.	Commission No. 2024PR00076

PROOF OF SERVICE
OF THE REPORT AND RECOMMENDATION
OF THE REVIEW BOARD

I, Andrea L. Watson, hereby certify that I served a copy of the Report and Recommendation of the Review Board on the parties listed at the addresses shown below by email and regular mail, by depositing it with proper postage prepaid, by causing the same to be deposited in the U.S. Mailbox at One Prudential Plaza, 130 East Randolph Drive, Chicago, Illinois 60601 on August 7, 2026, at or before 5:00 p.m. At the same time, a copy was sent to Counsel for the Administrator-Appellant by e-mail service.

William F. Moran III Counsel for Respondent-Appellee bmoran@stratton-law.com	Brandon John Zanotti Respondent-Appellee BJZ Law LLC 14677 Corinth Road Marion, IL 62959

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

Michelle M. Thome,
Clerk

/s/ Andrea L. Watson
By: Andrea L. Watson
Deputy Clerk

4899-3316-7045, v. 1

FILED

August 07, 2026

ARDC CLERK