

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

In the Matter of:

BEAU BRIAN BRINDLEY,

Attorney-Respondent,

No. 6282574.

Commission No. 2026PR00044

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission (ARDC), by her attorney, M. Katherine Boychuk, pursuant to Supreme Court Rule 753(b), complains of Respondent, Beau Brian Brindley, who was licensed to practice law in Illinois on November 4, 2004, and alleges Respondent has engaged in the following conduct which subjects him to discipline pursuant to Supreme Court Rule 770:

COUNT I

*(Conflict of Interest, Lack of Candor Toward the Tribunal,
Dishonesty – Eastern District of Missouri)*

1. At all times alleged in this complaint, Respondent was the sole owner of the law firm styled as “the Law Offices of Beau B. Brindley,” which was located in Chicago. Respondent’s practice focused primarily on criminal defense.

2. On or about March 3, 2017, Respondent began representing Roy William Burris in a criminal narcotics prosecution in the United States District Court for the Eastern District of Missouri that had been docketed as *United States v. Oscar Dillon, Roy William Burris, and Michael Grady*, case number 17-CR-00095-RWS (“Mr. Burris’s Missouri case”). In that case, Mr. Burris was charged with participating in a conspiracy to deliver approximately ten kilograms of cocaine

FILED
5/27/2026 11:31 AM
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to an address in St. Louis on September 7, 2016. Mr. Burriss's Missouri case was assigned to the Honorable Rodney W. Sippel.

3. In August 2017, while he was representing Mr. Burriss, Respondent began representing Eric Avendano in two pending criminal narcotics prosecutions. The first case against Mr. Avendano was pending in the United States District Court for the Northern District of Illinois, and was entitled *United States v. Eric Avendano-Guzman*, case number 17CR00234 ("Mr. Avendano's Illinois case"). Mr. Avendano's Illinois case was initially assigned to the Honorable Samuel Der-Yeghiayan, and was subsequently reassigned to the Honorable Matthew F. Kennelly. The second case against Mr. Avendano was pending in the United States District Court for the Western District of Tennessee, and was entitled *United States of America v. Calvin Avendano, Eric Avendano, et al.*, case number 17-CR-020103 ("Mr. Avendano's Tennessee case"). Mr. Avendano's Tennessee case was assigned to the Honorable John T. Fowlkes, Jr., and subsequently reassigned to the Honorable Thomas L. Parker. Respondent began representing Mr. Avendano in his Illinois case in or about early August 2017, and in his Tennessee case shortly after that, also in August 2017.

4. On August 10, 2017, the prosecutors in Mr. Burriss's Missouri case filed a notice with the court asserting that Mr. Avendano was the source of supply for the ten kilograms of cocaine delivered through Mr. Burriss on September 7, 2016, which was the conduct which formed the basis for the charges against Mr. Burriss in the Missouri case.

5. As of August 10, 2017, Respondent knew that he represented both the alleged supplier of the cocaine—Mr. Avendano—and the alleged distributor of the cocaine—Mr. Burriss—in the narcotics transaction that was the subject of Mr. Burriss's Missouri case.

6. In Mr. Avendano's then-pending Tennessee case, Respondent negotiated a plea agreement on Mr. Avendano's behalf with the United States Attorney's Office for the Western District of Tennessee. The plea agreement provided that Mr. Avendano would plead guilty to conspiring to distribute and distributing a controlled substance and to money laundering. In exchange, the United States Attorney's Office agreed to recommend that Mr. Avendano be sentenced to a term of imprisonment of 144 months, and that the sentence run concurrent with any term of imprisonment he received in the case that was then pending against him in the Northern District of Illinois. On March 20, 2019, pursuant to the written plea agreement, Mr. Avendano entered a plea of guilty in the Tennessee case. On October 18, 2019, Judge Parker accepted the sentencing recommendation, and sentenced Mr. Avendano to a period of imprisonment of 144 months, to run concurrent with any sentence of incarceration he received in his Illinois case, and entered judgment against him.

7. On December 20, 2018, in his Illinois case, Mr. Avendano pled guilty to one count of conspiracy to possess with intent to distribute and to distribute a controlled substance. Mr. Avendano had no plea agreement with the government. In a written plea declaration, which he and Respondent signed, Mr. Avendano acknowledged that at his sentencing hearing, the United States Attorney's Office was free to recommend whatever sentence they deemed lawful and appropriate.

8. Based on negotiations preceding Mr. Avendano's plea of guilty in his Illinois case, Mr. Avendano and Respondent believed that the United States Attorney's Office would recommend a sentence to run concurrently with the sentence in the Tennessee case as long as Mr. Avendano did not do anything to jeopardize the recommendation, such as being implicated in any additional criminal conduct, obstructing justice, or committing perjury. After Mr. Avendano pled guilty on December 20, 2018, Judge Kennelly initially set Mr. Avendano's sentencing hearing for

March 21, 2019, but later continued the date for the hearing several times throughout 2019 and 2020.

9. On July 1, 2019, Judge Sippel set Mr. Burris's Missouri case for trial to begin on November 12, 2019. On October 28, 2019, the United States Attorney's Office disclosed to Respondent that it intended to call a witness named Edgar Roque at trial. In the disclosure, the prosecutors stated that they anticipated that Mr. Roque would inculcate Mr. Burris as a member of a narcotics conspiracy by testifying that Mr. Burris was present at a meeting in Mexico where he, Mr. Avendano, and other co-conspirators discussed the movement of cocaine from Mexico to St. Louis.

10. On October 30, 2019, Respondent filed a motion to continue the trial date of November 12, 2019 in order to have time to investigate and rebut the anticipated testimony of Mr. Roque. Judge Sippel granted the motion on November 4, 2019, and reset the trial date to January 13, 2020.

11. On a date prior to December 16, 2019, Mr. Avendano told Respondent that Mr. Burris had not been present at the meeting described in paragraph nine, above, and that Mr. Avendano could provide testimony at Mr. Burris's trial that would rebut Mr. Roque's anticipated testimony and tend to exculpate Mr. Burris as a member of the conspiracy.

12. After the United States Attorney's Office in Mr. Burris's case disclosed to Respondent that they intended to call Mr. Roque as a witness at trial, Respondent's simultaneous representation of Mr. Burris and Mr. Avendano resulted in a concurrent conflict of interest, because Respondent's duty to zealously defend Mr. Burris at trial would require him to call Mr. Avendano to rebut Mr. Roque's anticipated testimony that Mr. Burris was present at the meeting in Mexico, described in paragraph nine, above. Respondent's simultaneous duty to defend Mr.

Avendano would require Respondent to try to prevent Mr. Avendano from testifying about the meeting in Mexico, because any such testimony would either inculcate Mr. Avendano as a member of the conspiracy or subject him to consequences for testifying falsely, including the United States Attorney's Office in the Illinois case recommending that Mr. Avendano be sentenced to consecutive, rather than concurrent, prison terms.

13. After the United States Attorney's Office in Mr. Burris's case disclosed to Respondent that they intended to call Mr. Roque as a witness at trial, Respondent did not disclose to either Mr. Burris or Mr. Avendano that his representation of Mr. Burris was directly adverse to his representation of Mr. Avendano, as described in paragraph 12, above.

14. On December 16, 2019, December 27, 2019, and January 3, 2020 Respondent filed motions to continue Mr. Burris's trial until after Mr. Avendano was sentenced. At a pretrial hearing in Mr. Burris's case on January 3, 2020 regarding the requested continuance, Respondent told Judge Sippel that Mr. Avendano "possesses material, exculpatory information related to the Government's witness [Mr. Roque]," but that Mr. Avendano was "concerned about his own situation," namely, "that there would be an impact potentially on his sentencing, depending on his decision about testifying and what he chooses to testify to" in Mr. Burris's case. Respondent said this "obviously creates a conflict-of-interest issue." Respondent further stated that "Mr. Burris is aware of all of this and is – you know, he's willing to waive whatever conflict there may be and already has." Judge Sippel continued the trial date to February 3, 2020.

15. Respondent's statements to Judge Sippel on January 3, 2020 that Mr. Burris was aware of all the issues surrounding Mr. Avendano's potential testimony, that Mr. Burris was willing to waive whatever conflict might exist, and that Mr. Burris already had waived the conflict were false, because as of January 3, 2020, Respondent had not discussed the issues surrounding

Mr. Avendano's potential testimony with Mr. Burris, and Mr. Burris had not made any decision about waiving any conflict.

16. Respondent knew the statements were false when he made them because he knew he had not discussed these issues with Mr. Burris, and that Mr. Burris had not made any decision about waiving any conflict.

17. Mr. Burris's trial began on February 4, 2020. At the time of Mr. Burris's trial, Respondent knew that Mr. Avendano was in the custody of the Federal Bureau of Prisons and that he could be brought to court through a writ of *habeas corpus* and be compelled to testify. Respondent did not ask the court to issue a writ of *habeas corpus* to have Mr. Avendano brought to Mr. Burris's trial. Respondent did not seek the writ because he believed that it was not in Mr. Avendano's interest to provide exculpatory testimony for Mr. Burris at his trial, because it could have hurt Mr. Avendano's chances of receiving a favorable sentence in his Illinois case.

18. During Mr. Burris's trial, the United States Attorney's Office called Mr. Roque, who testified that Mr. Burris had been present at the meeting in Mexico of narcotics conspirators, described in paragraph nine, above. Although Respondent knew that Mr. Avendano could rebut this testimony, Respondent did not call Mr. Avendano as a witness to offer that testimony, nor did Respondent cross-examine Mr. Roque as to whether Mr. Burris had been at the meeting, even though such cross-examination could have helped Mr. Burris, because Respondent could not call Mr. Avendano to rebut Mr. Roque's testimony that Mr. Burris was at the meeting.

19. On February 12, 2020, following six days of trial, the jury returned a verdict of guilty against Mr. Burris. On September 17, 2020, Judge Sippel sentenced Mr. Burris to a term of imprisonment of 300 months and entered judgment against him. Mr. Burris appealed the judgment

to the U.S. Court of Appeals for the Eighth Circuit, which affirmed the judgment on January 6, 2022.

20. On February 28, 2023, represented by another attorney, Mr. Burris filed a post-conviction petition to vacate his conviction due to Respondent's conflict of interest in representing both Mr. Burris and Mr. Avendano. In support of the petition, Mr. Burris submitted a declaration that Respondent signed under penalty of perjury in which Respondent admitted that his representation of both Mr. Burris and Mr. Avendano constituted a conflict of interest which compromised his ability to zealously represent Mr. Burris at trial, and in which he admitted that he misled the Court regarding Mr. Burris's and Mr. Avendano's purported waivers of the conflict. The United States Attorney's Office responded to the post-conviction petition, and Mr. Burris replied.

21. On April 11, 2023, Chief Judge Stephen R. Clark entered an order directing Respondent to show cause why he should not be temporarily suspended from the bar of the United States District Court for the Eastern District of Missouri based on the conduct to which he admitted in the declaration. In response, Respondent denied that his conduct was improper. Judge Clark did not enter an order on the rule to show cause, and instead referred the matter to the ARDC for further investigation.

22. On August 12, 2025, Judge Sippel denied Mr. Burris's post-conviction petition.

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

- a. failing to provide competent representation to a client, by conduct including failing to call Eric Avendano as a witness to rebut the inculpatory testimony of Edgar Roque, in violation of Rule 1.1 of the Illinois Rules of Professional Conduct (2010);

- b. failing to act with reasonable diligence in representing a client, by conduct including failing to request that the Court issue a writ of *habeas corpus* to secure Eric Avendano's appearance at Roy William Burris's Missouri trial, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- c. failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, by conduct including failing to communicate the existence and ramifications of the conflict of interest in representing Roy William Burris and Eric Avendano concurrently, in violation of Rule 1.4(b) of the Illinois Rules of Professional Conduct (2010);
- d. representing a client when the representation involved a concurrent conflict of interest, by conduct including concurrently representing Roy William Burris and Eric Avendano, when their interests were directly adverse, in violation of Rule 1.7(a)(1) of the Illinois Rules of Professional Conduct (2010);
- e. making a false statement of fact to a tribunal, by conduct including stating to the Court at the pretrial hearing on January 3, 2020, that he had discussed with Roy William Burris that Eric Avendano possessed material, exculpatory information relating to the testimony of Edgar Roque, knowing that he had not done so, in violation of Rule 3.3(a)(1) of the Illinois Rules of Professional Conduct (2010);
- f. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including stating to the Court at the pretrial hearing on January 3, 2020, that he had discussed with Roy William Burris that Eric Avendano possessed material, exculpatory information relating to the testimony of Edgar Roque, knowing that he had not done so, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010); and
- g. engaging in conduct prejudicial to the administration of justice, by conduct including engaging in a conflicted representation of Mr. Burris and Mr. Avendano, which served as the basis for post-conviction proceedings in Mr. Burris's case, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Incompetence, Lack of Diligence, Failure to Communicate, Failure to Refund Unearned Fee– Circuit Court of Cook County and Appellate Court)

24. On July 9, 2014, following a three-day trial, a Cook County jury found Carlos Rosado guilty of possession of a controlled substance with intent to deliver in the matter of *People of the State of Illinois v. Carlos Rosado*, case number 13CR0626101.

25. On July 24, 2014, Mr. Rosado and Respondent agreed that Respondent would represent Mr. Rosado at Mr. Rosado's sentencing in the criminal case, and would also represent Mr. Rosado on appeal or in post-conviction proceedings, for a fee of \$10,000. On the same date, Mr. Rosado's daughter made a partial payment of \$5,000 to the Law Offices of Beau Brindley on behalf of Mr. Rosado by cashier's check.

26. On December 30, 2014, the court in Mr. Rosado's criminal case sentenced him to a term of 18 years in prison and entered judgment.

27. At all times alleged in this complaint, Supreme Court Rule 606 provided that a notice of appeal must be filed with the Clerk of the Circuit Court within 30 days of entry of the final judgment in a case, and that the party filing the notice of appeal file with the clerk of the appellate court a docketing statement within 14 days of filing the notice of appeal. In addition, Supreme Court Rule 608(c) provided that the appellant was required to file the record on appeal in the appellate court within 63 days of the date of filing the notice of appeal in the trial court.

28. On January 13, 2015, Respondent filed a notice of appeal on behalf of Mr. Rosado, and the First District Appellate Court docketed the matter as *People v. Carlos Rosado*, appeal number 1-15-0215. On January 27, 2015, Respondent filed a docketing statement in Mr. Rosado's appeal. At no time after January 27, 2015, did Respondent file the record on appeal, an appellate brief, or any other document in the appellate court.

29. On August 14, 2015, the appellate court entered an order dismissing Mr. Rosado's appeal for want of prosecution, and Respondent received a copy of that order shortly after it was entered. Following his receipt of the appellate court's order dismissing Mr. Rosado's appeal, Respondent took no steps to reinstate the appeal or to seek leave to file the record on appeal *instanter*. Therefore, on October 21, 2015, the appellate court issued its mandate, dismissing Mr. Rosado's appeal and remanding the matter to the Circuit Court. The appellate court served Respondent with a copy of the mandate on October 21, 2015. On remand, the Circuit Court sustained the dismissal of the case on November 12, 2015.

30. At no time did Respondent inform Mr. Rosado that the appellate court had dismissed his appeal.

31. Through her own investigation, Mr. Rosado's daughter learned that Mr. Rosado's appeal had been dismissed. On April 7, 2016, she texted Respondent, "Beau, I need for you to give me a call ASAP!!! I just found out some information about the appeal that I am concerned about." Respondent replied the same day, stating that "[t]he court of appeals dismissed due to a failure to create a full record. We are correcting issue w the clerks office."

32. Respondent's April 7, 2016 statement to Mr. Rosado's daughter, that he and his office were correcting the issue with the clerk's office, was false, because Respondent was not working to correct an issue with the appellate court or the Circuit Court, both of which had closed the case by that time.

33. Respondent knew his statement that he and his office were correcting the issue with the clerk's office was false at the time he made it because he had received the mandate from the appellate court on October 21, 2015 which had dismissed the appeal for want of prosecution, and knew that the Circuit Court had sustained the dismissal on November 12, 2015.

34. On April 24, 2016, Mr. Rosado's daughter emailed Respondent, attempting to terminate the representation on behalf of Mr. Rosado and requesting a refund of the fee that Respondent had been paid. In an email he sent to Mr. Rosado's daughter dated April 25, 2016, Respondent refused to refund the fee.

35. As of May 19, 2026, when this matter was presented to the Commission's Inquiry Panel, Respondent had not filed a post-conviction petition on Mr. Rosado's behalf, nor had Respondent refunded any portion of the \$10,000 fee to Mr. Rosado or his family. The services Respondent provided did not warrant his retention of that fee based on the services provided, the time he expended on the matter, or the results he obtained.

36. The value of the services Mr. Rosado received from Respondent and his firm during his representation did not warrant Respondent's retention of the \$10,000 he received from Mr. Rosado's daughter on Mr. Rosado's behalf.

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

- a. failing to provide competent representation to a client, by conduct including failing to prepare the record on appeal and failing to file a motion to reinstate the appeal in Mr. Rosado's appellate case, in violation of Rule 1.1 of the Illinois Rules of Professional Conduct (2010);
- b. failing to act with reasonable diligence and promptness in representing a client, by conduct including failing to file the record on appeal in Mr. Rosado's appellate case, failing to file a motion to reinstate the appeal, and failing to file a post-conviction petition on behalf of Mr. Rosado, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- c. failing to keep a client reasonably informed about the status of a matter, by conduct including failing to inform Mr. Rosado, prior to April 7, 2016, that Mr. Rosado's appeal had been dismissed for want of prosecution; and failing to inform Mr. Rosado that Respondent had not filed a post-conviction petition on Mr. Rosado's behalf, in

violation of Rule 1.4(a)(3) of the Illinois Rules of Professional Conduct (2010);

- d. failing to refund an unearned fee, by conduct including failing to refund the unearned portion of the \$10,000 in legal fees he received on Mr. Rosado's behalf, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010); and
- e. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including stating to Mr. Rosado's daughter that he was working to correct the issue regarding the record on appeal with the appellate court, knowing that he was not doing so, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT III

(Incompetence, Lack of Diligence, Failure to Communicate, Conduct Prejudicial to the Administration of Justice – Circuit Court of Cook County)

A. *Armon Braden Pleads Guilty and Hires Respondent*

38. On November 21, 2014, Armon Braden pled guilty to first degree murder in the Circuit Court of Cook County in the matter of *People of the State of Illinois v. Armon Braden*, case number 11CR0790403. On January 30, 2015, Judge Martin S. Agran sentenced Mr. Braden to 22 years in prison and entered judgment against him. Mr. Braden appealed the judgment, arguing that the trial court failed to properly admonish him about his right to appeal, including the requirement that he file a motion to withdraw his guilty plea and vacate the judgment in the trial court prior to taking an appeal. On February 26, 2018, the Illinois Appellate Court, First District, ruled that the trial court had failed to properly admonish Mr. Braden of his appellate rights, and remanded the case to the Circuit Court for Mr. Braden to be properly admonished and to allow him to file post-plea motions.

39. On or about November 12, 2018, Respondent and Mr. Braden agreed that Respondent would represent Mr. Braden in the post-plea proceedings in exchange for a flat fee of \$15,000. On November 12, 2018, on Mr. Braden's behalf, Mr. Braden's family member made a

partial payment of the fee to Respondent in the amount of \$5,000. At all times during Respondent's representation of Mr. Braden, Mr. Braden was incarcerated.

40. On November 19, 2018, an associate attorney in Respondent's law firm appeared on Mr. Braden's behalf in a hearing before Judge Agran. During that hearing, Judge Agran admonished Mr. Braden of his appeal rights, including his right to file any post-plea motions within 30 days.

B. *Respondent Takes No Action to Advance Mr. Braden's Motion for Three Years*

41. At all times alleged in this complaint, Illinois Supreme Court Rule 604(d) required that, before any judgment entered on a plea of guilty could be appealed, a defendant was required to file a motion with the trial court to withdraw the plea and vacate the judgment. Rule 604(d) further required that the motion be filed within 30 days of the date the sentence was imposed, and also required that the motion be supported by an affidavit from the defendant if the motion was based on facts that were not in the record. Rule 604(d) further required the defendant's attorney provide a certificate stating that the attorney had consulted with the defendant by phone, mail, electronic means, or in person to ascertain the defendant's contentions of error in the entry of the plea of guilty, had examined the trial court file and both the report of proceedings of the plea of guilty and the report of the proceedings in the sentencing hearing, and made any amendments necessary for adequate presentation of any defects in those proceedings. Rule 604(d) also required that motions to vacate a plea of guilty and judgment be heard promptly.

42. On December 19, 2018, at Respondent's direction, an attorney who was not affiliated with Respondent's law firm filed a motion in the Circuit Court, signed by Respondent, to withdraw Mr. Braden's guilty plea and vacate the judgment of conviction. The motion attached a one-page, handwritten affidavit executed by Mr. Braden, but did not attach the attorney's

certificate required by Rule 604(d), described in paragraph 41, above. The attorney who was not affiliated with Respondent's law firm filed the motion, but did not notice the motion for a hearing at the time he filed it, or at any time thereafter. Respondent also did not notice the motion for a hearing at the time it was filed or at any time thereafter. As a result, for over three years, Mr. Braden's motion did not appear on the trial court's calendar, and was not heard by the trial court.

43. Between December 19, 2018, and February 8, 2022, Respondent took no action to advance Braden's motion to withdraw his guilty plea and vacate the judgment of conviction in the trial court.

C. *Mr. Braden Notices His Motion Before the Court*

44. On February 8, 2022, Mr. Braden filed a *pro se* motion in the Circuit Court. In the motion, Mr. Braden requested a status update on the motion to withdraw his guilty plea and vacate the judgment of conviction which had been filed on his behalf on December 19, 2018, described in paragraph 42, above. In or around April 2022, after receiving Mr. Braden's motion, the presiding judge of the Third Municipal District assigned the case to the post-conviction call. The case was set for a hearing on April 22, 2022 before the Honorable Marc W. Martin.

45. On April 22, 2022, Mr. Braden was present in court, but Respondent was not. Judge Martin continued the hearing to May 27, 2022, and told Mr. Braden that he would contact Respondent to ask Respondent whether he was still representing Mr. Braden. On or about April 22, 2022, Judge Martin called Respondent, informed him that Mr. Braden's case was before him, and informed him that the matter was set for a hearing on May 27, 2022.

46. On May 27, 2022, Respondent sent the attorney who was not affiliated with his law firm to appear on Mr. Braden's behalf. The attorney told Judge Martin that he was not prepared to proceed on the hearing to withdraw Mr. Braden's plea. Judge Martin continued the matter to June

24, 2022 for Respondent to appear. On June 24, 2022, Mr. Braden was in court, but Respondent again did not appear, and did not send any attorney to appear on Mr. Braden's behalf. Judge Martin continued the matter again, to August 12, 2022, for Respondent to appear. On August 12, 2022, Mr. Braden was in court, but Respondent again failed to appear. Judge Martin appointed the Cook County Public Defender to represent Mr. Braden, and continued the case to September 9, 2022. Judge Martin again ordered Respondent to appear in court on September 9, 2022.

47. Between September 9, 2022 and June 23, 2023, Judge Martin continued Mr. Braden's case five additional times. Each time, Judge Martin ordered Respondent to appear in court. On four of those court dates, Respondent failed to appear. On one date—January 20, 2023—Respondent sent an associate attorney to appear on Mr. Braden's behalf. Judge Martin informed the associate attorney that he had appointed a public defender to represent Mr. Braden due to Respondent's abandonment of the case. On April 14, 2023, Respondent appeared in court, but Mr. Braden was not present, so Judge Martin continued the hearing to June 23, 2023.

48. On June 23, 2023, Respondent appeared on Mr. Braden's behalf. Prior to this date, Respondent had never met or spoken to Mr. Braden. Judge Martin continued the case several more times for a hearing on the motion.

49. On October 13, 2023, Respondent, his associate, and Mr. Braden appeared in court for the hearing on Mr. Braden's motion to withdraw his guilty plea. Mr. Braden testified at the hearing. The court continued the hearing to January 5, 2024 for the Cook County State's Attorney's Office to present its opposition to the motion.

50. On or about November 6, 2023—nearly two months before the January 5, 2024 hearing—Mr. Braden mailed documents to Respondent for Respondent's use at the January 5,

2024 hearing. Respondent received those documents from Mr. Braden in early November, but did not review them prior to the January 5, 2024 hearing date.

51. On January 5, 2024, Judge Martin presided over the continued hearing on Mr. Braden's motion to withdraw his plea of guilty. At the hearing, the Cook County State's Attorney's Office called as a witness the Assistant Public Defender who had represented Mr. Braden at his plea hearing. Respondent requested that the hearing be continued because he had not reviewed the documents that Mr. Braden sent to him on or about November 6, 2023. Judge Martin denied his request, but granted Respondent leave to reopen the cross-examination of the Assistant Public Defender after Respondent reviewed Mr. Braden's documents. Judge Martin continued the hearing to April 5, 2024.

52. On April 5, 2024, Respondent did not appear in court, and Judge Martin found that as a result, Respondent had forfeited his ability to reopen the cross-examination of the Assistant Public Defender. Judge Martin continued the matter to May 3, 2024. Judge Martin emailed Respondent and the Assistant State's Attorney assigned to the case to notify Respondent that he was expected to appear at the May 3, 2024 hearing. In the email, Judge Martin further directed Respondent to file a 604(d) certificate, described in paragraph 41 above, by May 3, 2024.

53. On May 3, 2024, Respondent again did not appear in court. Judge Martin found that by his absence, Respondent had forfeited the right to present oral argument on Mr. Braden's motion to withdraw his guilty plea and vacate the judgment of conviction. Judge Martin continued the matter to May 10, 2024.

54. On May 10, 2024, Respondent again did not appear in court, and as of that date, had not filed a Rule 604(d) certificate as Judge Martin had ordered. Judge Martin entered an order denying Mr. Braden's motion to withdraw his guilty plea.

D. *Conclusions of Misconduct*

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

- a. failing to provide competent representation to a client, by conduct including (1) failing to file a Rule 604(d) certificate in support of Mr. Braden's motion to withdraw his guilty plea and vacate judgment; (2) failing to notice for hearing Mr. Braden's motion to withdraw his guilty plea and vacate judgment; and (3) failing to appear in court on behalf of Mr. Braden on June 24, 2022, August 12, 2022, April 5, 2024, May 3, 2024, and May 10, 2024, in violation of Rule 1.1 of the Illinois Rules of Professional Conduct (2010);
- b. failing to act with reasonable diligence and promptness in representing a client, by conduct including (1) failing to file a Rule 604(d) certificate in support of Mr. Braden's motion to withdraw his guilty plea and vacate judgment; (2) failing to notice for hearing Mr. Braden's motion to withdraw his guilty plea and vacate judgment; and (3) failing to appear in court on behalf of Mr. Braden on June 24, 2022, August 12, 2022, April 5, 2024, May 3, 2024, and May 10, 2024, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- c. failing to promptly comply with reasonable requests for information, by conduct including failing to respond to Braden's requests for a legal call and Braden's family members' requests on his behalf for information about his case, in violation of Rule 1.4(a)(4) of the Illinois Rules of Professional Conduct (2010); and
- d. engaging in conduct prejudicial to the administration of justice, by conduct including failing to file a certificate under Supreme Court Rule 604(d), failing to notice Mr. Braden's motion to withdraw guilty plea and vacate judgment for hearing, and failing to appear in court, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

COUNT IV

(Lack of Diligence, Failure to Refund Unearned Fee – Western District of Washington)

56. On October 8, 2021, following a three-day trial, a federal jury in the Western District of Washington found Taylor Matson guilty of the attempted enticement of a minor in the matter entitled *United States v. Taylor J. Matson*, docket number 21-CR-00023. The court entered

judgment on the conviction on March 28, 2022. On June 8, 2023, following an appeal, the Court of Appeals for the Ninth Circuit affirmed the judgment of conviction against Mr. Matson.

57. Between June 13, 2023 and June 14, 2023, Mr. Matson's parents and Respondent exchanged text messages about Respondent's willingness to represent Mr. Matson in filing a petition for a writ of *certiorari* challenging the Ninth Circuit's decision with the Supreme Court of the United States. On June 16, 2023, Respondent texted Mr. Matson's parents, stating that he had reviewed the case material, that there were grounds for an "excellent petition" to the Supreme Court, and that he could help their son find a way to reverse the conviction.

58. On June 20, 2023, Respondent and Mr. Matson's parents agreed that Respondent would represent Mr. Matson in filing a petition for writ of *certiorari* to the United States Supreme Court for a flat fee of \$15,000. On or about June 20, 2023, Respondent sent wire transfer instructions by text message to Mr. Matson's parents.

59. As of June 28, 2023, Respondent had not made any arrangements to meet with Mr. Matson, who was then incarcerated at FCI Terminal Island in San Pedro, California.

60. On June 28, 2023, Mr. Matson's parents sent a text message to Respondent stating that they would transfer money the next day. They also asked, "Do you have appt with prison to visit with [Mr. Matson] yet?" The same day, Respondent replied by text message, "Yes. It is scheduled [n]ext week. 7/6." Respondent also stated, "I will be looking for that transfer tomorrow."

61. Respondent's statement to Mr. Matson's parents on June 28, 2023, that he had a scheduled visit with Mr. Matson for July 6, 2023, was false, because he had not scheduled a visit on that date, or on any other date, and had not directed anyone to schedule such a visit.

62. Respondent knew the statement was false at the time he made it because he had not scheduled a visit with Mr. Matson for July 6, 2023, or on any other date, and had not directed anyone to schedule such a visit.

63. On June 29, 2023, Mr. Matson's family paid Respondent \$10,000 by wire transfer in partial satisfaction of his legal fee.

64. Between June 29, 2023 and July 17, 2023, Matson's parents contacted Respondent three times by text message and approximately twenty times by phone calls to Respondent's cell phone. Respondent replied only once, on July 17, 2023. On that day, Respondent sent a text message to Mr. Matson's parents in which he stated, "I got tied up in court longer than expected with an attempt murder. We will get him [Mr. Matson] on the phone. My team is already working on his petition."

65. Neither Respondent nor any attorney under his supervision drafted a petition for *certiorari* on Mr. Matson's behalf at any time.

66. On July 23, 2023, not having heard from Respondent since July 17, 2023, Mr. Matson's parents hired another appellate attorney to file a petition for *certiorari* on Mr. Matson's behalf. On August 7, 2023, an attorney for Mr. Matson's parents contacted Respondent to terminate Respondent's representation and request a refund of the \$10,000 fee Mr. Matson's parents had paid Respondent. In an emailed response to the personal attorney that same day, Respondent refused to refund the fee, and claimed that "[t]he petition we are assembling is due imminently and nearing completion."

67. Respondent's August 7, 2023 statement to the attorney that the petition was nearing completion, was false, because neither Respondent nor any attorney under his supervision had started a draft of a petition for *certiorari* on Mr. Matson's behalf.

68. Respondent knew his statement was false at the time he made it because he had not started a draft of the petition and had not instructed anyone under his supervision to draft the petition.

69. On August 10, 2023, Mr. Matson's new appellate attorney emailed Respondent to request the purported draft petition for *certiorari* and any memoranda prepared by Respondent's law office. On the same date, Respondent replied by email, "I will talk to my guys and see what we can get put together for you." Respondent never provided Mr. Matson's appellate attorney with any materials regarding the petition for *certiorari*.

70. The value of the services Mr. Matson and his parents received from Respondent and his firm during the approximate two months of Respondent's representation did not warrant Respondent's retention of the \$10,000 he received from Mr. Matson's parents on Mr. Matson's behalf.

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

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including failing to draft a petition for writ of certiorari on behalf of Mr. Matson, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to refund an unearned fee, by conduct including failing to refund the unearned portion of the \$10,000 in legal fees he received on Mr. Matson's behalf, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010); and
- c. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including stating to Mr. Matson's parents that he had scheduled a legal phone call with Mr. Matson, knowing that he had not scheduled such a call, and stating to the personal attorney for Mr. Matson's parents that the petition for writ of certiorari was nearing completion, knowing that the petition was not nearing completion, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT V
(*Failure to Refund Unearned Fee – Eastern District of Michigan*)

72. On May 23, 2017, Deonte Bell pled guilty to conspiracy to possess with intent to distribute and distribute a controlled substance in the United States District Court for the Eastern District of Michigan, in the matter entitled *United States v. Deonte Bell*, case number 12 CR 20565. On March 13, 2018, the Honorable Paul D. Borman sentenced Mr. Bell to a period of 96 months in prison. Attorneys Robert Novelle and Timothy Roellig represented Mr. Bell throughout Mr. Bell's plea and sentencing.

73. In or around June 2017, after he pled guilty and before he was sentenced, Mr. Bell and Respondent agreed that Respondent would represent Mr. Bell in potential post-conviction litigation for a fee of \$15,000. On or about June 15, 2017, Mr. Bell paid Respondent \$15,000 in cash.

74. At no time after June 15, 2017 did Respondent file an appearance as counsel for Mr. Bell, consult with Mr. Novelle or Mr. Roellig, or file anything in Mr. Bell's case. Mr. Bell was released from incarceration on February 10, 2023 and had an in-person meeting with Respondent shortly thereafter, during which he requested a refund of the fee that he had paid. Respondent refused to refund the fee.

75. The value of services Mr. Bell received from Respondent and his firm during the period of representation, if any, did not warrant Respondent's retention of the \$15,000 he received from Mr. Bell. As of May 19, 2026, the date this matter was presented to the Commission's Inquiry Panel, Respondent had yet to refund any portion of the fee he had received to Mr. Bell.

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

- a. failing to refund an unearned fee, by conduct including failing to refund the unearned portion of the \$15,000 in legal fees he received from Mr. Bell, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010).

COUNT VI

*(Failure to Communicate, Failure to Refund Unearned Fee –
U.S. Department of Homeland Security Seized Funds)*

77. Prior to June 24, 2022, the United States Department of Homeland Security seized \$605,000 from Michael Fort. On June 24, 2022, Mr. Fort and Respondent agreed that Respondent would represent Mr. Fort in attempting to secure the return of the seized funds for a fee of \$10,000. Mr. Fort paid Respondent his fee in full on that same day.

78. Between June 24, 2022 and November 22, 2023, Respondent filed no court or administrative agency action to recover the funds that had been seized from Mr. Fort.

79. In more than ten text messages between June 27, 2022 and November 14, 2023, Mr. Fort asked Respondent for an update on the status of the seized funds. On November 14, 2023, Mr. Fort texted Respondent, “What is the status of my claim to my money? Did you actually file a claim? If so send my [sic] a copy of the claim and the response from the government. Now.” Respondent did not respond to Mr. Fort’s text.

80. On November 22, 2023, Mr. Fort informed Respondent by letter that he was terminating the representation and requested a refund of the \$10,000 fee that he had paid Respondent. Respondent and Mr. Fort met in person on or about December 18, 2023, and Respondent agreed to refund the fee.

81. On or about December 18, 2023, Respondent wrote check number 1340, which had been made payable to Mr. Fort, in the amount of \$10,000, and drawn on his account at Bank of America ending in the last four digits 1086. Mr. Fort received the check and on December 19,

2023, he deposited the check into his account. On December 19, 2023 Bank of America returned the check unpaid for insufficient funds.

82. On December 21, 2023, Mr. Fort informed Respondent that the check did not clear due to lack of funds. Between December 21, 2023 and January 2, 2024, Mr. Fort repeatedly asked Respondent to reissue a check, but Respondent did not.

83. As of May 19, 2026, when this matter was presented to the Commission's Inquiry Panel, Respondent had not refunded any portion of his fee to Mr. Fort. The value of services Mr. Fort received from Respondent and his firm during the period of representation did not warrant Respondent's retention of the \$10,000 he received from Mr. Fort.

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

- a. failing to promptly comply with reasonable requests for information, by conduct including failing to respond to text messages and from Michael Fort, in violation of Rule 1.4(a)(4);
- b. failing to refund an unearned fee, by conduct including failing to refund \$10,000 to Fort, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010).

COUNT VII

*(Failure to Refund Unearned Fee, Conduct Involving Dishonesty,
Fraud, Deceit, or Misrepresentation – Alaska)*

85. On or about March 6, 2020, Kris Kile was charged in Alaska state court with manslaughter, negligent homicide, and violations of controlled substance laws. On or about December 22, 2022, Ms. Kile and Respondent agreed that that Respondent would represent her in the criminal case for a fee of \$25,000. Respondent and Ms. Kile agreed that Respondent's representation would be limited to the litigation of dispositive motions to dismiss the pending

charges, related arguments, and court appearances, and would not include representing Ms. Kile at trial.

86. On or about January 25, 2023, Ms. Kile made a payment to Respondent of \$15,000, in partial payment of his fee.

87. As of February 6, 2023, Respondent was not admitted to practice law in Alaska and had not submitted a *pro hac vice* application which would allow him to appear on Ms. Kile's behalf as an out-of-state attorney.

88. On February 6, 2023, in a text message, Respondent told Ms. Kile that he had submitted a *pro hac vice* application in Alaska state court.

89. Respondent's February 6, 2023 statement to Ms. Kile that he had submitted a *pro hac vice* application was false, because he had not sought from the trial court in Alaska permission to appear *pro hac vice*.

90. Respondent knew that his statement was false when he made it because he knew that he had not submitted a *pro hac vice* application, and knew that he had not instructed anyone to file a *pro hac vice* application with the trial court on his behalf.

91. As of February 16, 2023, Respondent still had not been admitted to practice in Alaska and still had not submitted a *pro hac vice* application which would allow him to appear on Ms. Kile's behalf as an out-of-state attorney.

92. On February 16, 2023, in a text message, Respondent told Ms. Kile that his application for an out-of-state appearance was in process.

93. Respondent's February 16, 2023 statement to Ms. Kile that his application for an out-of-state appearance was in process was false, because he had not filed an application for an out-of-state appearance in Ms. Kile's case.

94. Respondent knew that this statement was false at the time he made it because he had not submitted an application for an out-of-state appearance, and he had not instructed anyone to file one on his behalf.

95. On March 6, 2023, in a text message, Respondent told Ms. Kile that a motion to dismiss was “outlined” and was “ready to file within two to three days.”

96. Respondent’s March 6, 2023 statement to Ms. Kile that a motion to dismiss was “outlined” and was “ready to file within two to three days” was false, because as of March 6, 2023, Respondent had neither outlined nor drafted a motion to dismiss.

97. Respondent knew his statement was false when he made it because he knew that he had neither drafted nor outlined a motion to dismiss, and had not instructed anyone to outline or draft a motion to dismiss on his behalf.

98. On April 18, 2023, in a text message, Ms. Kile informed Respondent that she would not be able to pay the \$10,000 balance that she had promised to pay for the representation and requested a refund of the \$15,000 she had already paid. In a text messaged response that same day, Respondent refused to refund the fee, and stated that he had earned the fee by reviewing the case, looking at motions, conducting research, and outlining the motion to dismiss.

99. Respondent did not file any dispositive motions to dismiss the pending charges in Ms. Kile’s case, did not draft any motions or outlines or memorandums to his file, and did not appear in court on Ms. Kile’s behalf.

100. As of May 19, 2026, the date this matter was submitted to the Commission’s Inquiry Panel, Respondent had yet to refund to Ms. Kile any portion of his fee. The value of services Ms. Kile received from Respondent and his firm during the period of his representation did not warrant his retention of the \$10,000 he received from Ms. Kile.

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

- a. failing to refund an unearned fee, by conduct including refusing to refund \$15,000 to Kile, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010); and
- b. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, by conduct including stating to Kile that he had submitted a *pro had vice* application to the court in Kile's case, knowing that he had not submitted such an application, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010).

COUNT VIII

(Lack of Diligence, Lack of Competence – District of Nevada)

102. On July 17, 2017, Robert Rand pled guilty to involuntary manslaughter and distribution of a controlled substance in the United States District Court for the District of Nevada in the matter entitled *United States v. Robert Gene Rand*, docket number 16-CR-00029. On November 20, 2017, the trial court sentenced Mr. Rand to term of imprisonment of 120 months, and entered judgment against him on November 21, 2017.

103. On or about December 27, 2022, Respondent and Mr. Rand agreed that Respondent would represent Mr. Rand in a post-conviction motion to vacate, set aside, or correct the sentence for a fee of \$15,000. On or about December 27, 2022, Mr. Rand's sister paid the fee on Mr. Rand's behalf.

104. On June 27, 2023, Mr. Rand was incarcerated at FCI Terminal Island in San Pedro, California. On that date, Respondent, or someone at his direction, prepared a court-template post-conviction motion on Mr. Rand's behalf, moving to vacate, set aside, or correct his sentence. The template motion was on a form provided by the Clerk of the Court to *pro se* litigants. Respondent, or someone on his behalf, filled in the blanks on the motion. Respondent, or someone on his behalf, placed the signature "Robert Rand" on the signature line, and stated that it was executed "at

Chicago” on June 27, 2023. The purported signature of Robert Rand appeared below a “Declaration under Penalty of Perjury,” which stated that “the undersigned declares under penalty of perjury that he is the movant in the above action, that he has read the above pleading and that the information contained therein is true and correct.” The space on the form designated for an attorney’s signature, name, and phone number was left blank.

105. On June 27, 2023, Respondent, or someone on his behalf, mailed the motion described in the paragraph 104, above, to the Clerk of the U.S. District Court for the District of Nevada for filing. The Clerk filed the motion on June 28, 2023. Upon receiving the motion, the trial court judge, the Honorable Miranda Du, ordered the United States Attorney’s Office to respond to the motion within sixty days, and Mr. Rand to reply within thirty days of the response. On August 28, 2023, the United States Attorney’s Office filed its response to the purported *pro se* motion of Mr. Rand.

106. On September 28, 2023, Respondent emailed Rand’s sister a proposed reply brief to the response. Respondent’s name, address, and Illinois attorney number appeared at the top of the proposed reply brief. Two typed signatures appeared at the end of brief. One typed signature purported to be Mr. Rand’s, and the other stated, “Beau B. Brindley, Attorney for Defendant Robert Rand.” Respondent did not file the reply brief.

107. As of December 7, 2023, Respondent had not filed a reply brief on Mr. Rand’s behalf, and on that day Judge Du denied Mr. Rand’s post-conviction motion.

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

- a. failing to provide competent representation to a client, by conduct including failing to file the reply brief on behalf of Robert Rand, in violation of Rule 1.1 of the Illinois Rules of Professional Conduct (2010);

- b. failing to act with reasonable diligence and promptness in representing a client, by conduct including failing to file the reply brief on behalf of Robert Rand, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- c. failing to refund an unearned fee, by conduct including refusing to refund \$15,000 to Robert Rand, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010).

COUNT IX

(Lack of Diligence, Failure to Refund Unearned Fee, Entering into an Agreement with a Client Purporting to Limit a Client's Right to Pursue a Complaint Before the Illinois Attorney Registration and Disciplinary Commission)

109. On or about September 16, 2022, Greg Walker and Respondent agreed that Respondent would represent Mr. Walker in a matter which concerned both the transfer of real property and criminal issues for a fee of \$100,000. On that day, Mr. Walker made a partial payment of \$50,000 to Respondent, and on October 16, 2022 paid Respondent the remaining \$50,000 of his fee. On or about October 16, 2022, Respondent told Mr. Walker that he would deliver deeds to the subject properties to Mr. Walker by the end of December 2022.

110. On January 5, 2023, in a text message, Respondent told Mr. Walker, "Im assured that your docs will be ready on Fri. I apologize for the delay due to the other case." On Friday, January 6, 2023, in a text message, Mr. Walker asked to meet in Respondent's office at 4:00 or 5:00. Respondent replied by text message that he was not in his office but could meet the following Monday, January 9, 2023, at 4:00. Mr. Walker responded by text message the same day, confirming the meeting on Monday at 4:00, and stating, "I'm trying to refrain from being so upset to the point of escalation. I need a quick call 1 min of your time." Respondent replied, "You have nothing to worry about. Everything taken care of." On January 9, 2023, Respondent texted Mr. Walker that he was not going to come downtown to meet with him.

111. On January 20, 2023, in a text message, Respondent agreed to meet with Mr. Walker on January 21, 2023. On the day of the meeting, January 21, 2023, Respondent texted Mr. Walker that he would not meet with him because “I dont want to come all tje [sic] way downtown just to hand you a folder and talk for 10 min.”

112. In text messages sent on February 1, 2023, and May 18, 2023, Mr. Walker asked Respondent to return the \$100,000 fee due to what he considered Respondent’s failure to complete the tasks Mr. Walker had asked him to perform. In response to the May 18, 2023 text message, in a text message, Respondent told Mr. Walker, “calm down. Its going to work out.”

113. On November 2, 2023, in a text message, Mr. Walker demanded the return of the \$100,000 fee within 24 hours. In response, Respondent texted, “Greg, we cannot do anything in 24 hours. Im not just any lawyer. Im one of best criminal lawyers in the country. It’s a long slog. But its close.”

114. As of December 26, 2023, Respondent had not delivered to Mr. Walker any of the deeds to the real property or refunded the fee. On that date, Mr. Walker submitted a request for investigation to the ARDC in which he alleged that Respondent failed to act with diligence and failed to refund an unearned fee.

115. On January 2, 2024, in a text message, Respondent stated, “Greg, I just got your ARDC complaint today. . . . I don’t want to respond to ARDC and have a conflict with you. We can get this worked out. I just have not been in state to meet.”

116. On January 7, 2025, Respondent and Mr. Walker met in person.

117. On January 16, 2025, Respondent provided a draft written agreement to Mr. Walker in which, in exchange for Mr. Walker’s agreement to request withdrawal of the request for investigation with the ARDC, Respondent would complete the work he was hired to do by March

15, 2025. The agreement was signed by Respondent, and purported to resolve “all issues that Mr. Walker raised in his request for investigation.” Mr. Walker executed the agreement on the same date.

118. Under the agreement, Mr. Walker agreed to advise the ARDC that he withdrew all complaints against Respondent, and Respondent agreed to provide Mr. Walker with clear titles to five properties on or before March 15, 2025. The agreement also provided that Respondent would give Mr. Walker a check for \$80,000, dated March 15, 2025, which Mr. Walker could cash “in the event titles are not delivered on or before March 15, 2025,” and a check for \$5,000, dated January 18, 2025, “as a demonstration of good faith.” On January 18, 2025, Respondent provided Mr. Walker with a check drawn on his firm’s operating account, made payable to Greg Walker, dated March 15, 2025, in the amount of \$80,000, and a second check drawn on the same account, also made payable to Greg Walker, dated January 18, 2025, in the amount of \$5,000.

119. On March 10, 2025, Respondent wrote in email to Mr. Walker, “[p]lease call ARDC to report we have a deal to resolve the complaint and that you do not wish to proceed.”

120. On March 19, 2025, Respondent wrote in an email to Walker that neither party had fully complied with their agreement of January 16, 2025. Respondent stated, “there is, up to this point, a failure to advise the ARDC that you no longer wish to pursue your complaint. That must be done prior to the cashing of any check per the prior written agreement.”

121. On April 1, 2025, Mr. Walker presented the \$80,000 check, described in paragraph 118, above, for payment. Mr. Walker’s bank returned the check unpaid because Respondent had stopped payment on it.

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

- a. failing to act with reasonable diligence and promptness in representing a client, by conduct including failing to deliver deeds to Greg Walker, in violation of Rule 1.3 of the Illinois Rules of Professional Conduct (2010);
- b. failing to refund an unearned fee, by conduct including failing to refund \$100,000 to Greg Walker, in violation of Rule 1.16(d) of the Illinois Rules of Professional Conduct (2010); and
- c. entering into an agreement with a client which limits or purports to limit the right of the former client to pursue a complaint before the Illinois Attorney Registration and Disciplinary Commission, by conduct including entering into an agreement with Greg Walker in which Greg Walker agreed to withdraw the charge he filed with the ARDC complaining about Respondent's conduct, in violation of Rule 8.4(h) 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
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