

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

In the Matter of:

KUROSH K. HOSSEINI,

Attorney-Respondent,

No. 6307913.

Commission No. 2023PR00074

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Melissa A. Smart, pursuant to Supreme Court Rule 761(c), complains of Respondent, Kurosh K. Hosseini, who was licensed to practice law in Illinois on May 10, 2012, and alleges that Respondent has engaged in the following conduct, which subjects him to discipline pursuant to Supreme Court Rule 770:

*(Criminal conviction for Attempt Non-Consensual
Dissemination of Private Sexual Images)*

1. At all times alleged in this complaint, there was in effect a criminal statute in Illinois, Chapter 720, Section 5/8.4 of the Illinois Compiled Statutes, which made it a Class A misdemeanor to, with the intent to commit the crime of attempt non-consensual dissemination of private sexual images, undertake any act that constitutes a substantial step toward the commission of non-consensual dissemination of private sexual images.

2. Beginning in April 2017, Respondent and K.J. were involved in an intimate personal relationship, which ended by January 2018. During their relationship, K.J. shared with Respondent intimate images she had taken of herself while she was nude or partially clothed. K.J. shared these images with Respondent and no one else and shared them with the expectation that

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Respondent would keep them private and would not disseminate them.

3. After the conclusion of their relationship, in or around January 2018, K.J. began to receive phone calls, text messages and emails from Respondent which she believed were harassing in nature. On February 16, 2018, K.J. sought and obtained an order of protection against Respondent which prohibited Respondent from abusing, harassing, interfering with the personal liberty of, or stalking K.J. The order of protection also prohibited Respondent from taking or damaging K.J.'s car and from having any contact with K.J., including refraining from telephone calls, mail, email, faxes, written notes, and communication through third parties.

4. On or about February 22, 2018, K.J. learned from R.K., a former boyfriend, that on that same date, R.K. had received nude images of K.J. via an Instagram account which purported to be from K.J. K.J. was not the owner of that Instagram account, nor did she cause any images of herself to be sent to R.K. K.J. determined that the images received by R.K. were the same private sexual images which K.J. had sent to Respondent during the course of their relationship. On February 23, 2018, K.J. made a report to the Chicago Police Department ("CPD") alleging that Respondent was responsible for the Instagram message to R.K., but while the CPD prepared a report of K.J.'s complaint, it also subsequently informed K.J. that even if Respondent was responsible for the Instagram account or message to R.K., because K.J. had voluntarily given the images to Respondent, the CPD would take no further action at that time.

5. On or about February 28, 2018, K.J., who was and is an attorney, received a message on LinkedIn from a colleague who stated that he had intended to refer a client to her and that a Google search of her name revealed a post on a website with the domain name "The Dirty.com" ("The Dirty"). The post was entitled, "Trashy Addicted Chicago Attorney-[K.J.'s full name]" and contained images with K.J.'s face and nude images of K.J. K.J. reviewed the post on

The Dirty and determined that it contained the same images which she had provided to Respondent, and which had previously been sent to R.K. via Instagram.

6. On February 28, 2018, K.J. contacted The Dirty's legal department to object to the post referred to in paragraph five above and to report that she had an order of protection against Respondent, the person whom she believed to be the source of the post. K.J. included a copy of her the order of protection against Respondent referred to in paragraph three, above, and the police report referred to in paragraph four, above. On March 1, 2018, K.J. received a response from The Dirty informing her that the legal standard required for an order of protection differed from the standard of free speech and therefore the content would not be removed. Later that same day, The Dirty sent K.J. another correspondence stating that upon a second review, because the source of the post had originally submitted fully nude photos, which had been cropped by The Dirty in order not to violate its standards, they determined that removal of the images was justified and The Dirty then removed the photos.

7. On March 14, 2018, K.J. made a supplemental report to the CPD and provided them with her communications with the legal department at The Dirty. The CPD reopened and reclassified their prior investigation which had followed from the Instagram message referenced in paragraph four above and initiated further investigation as to the source of the post on The Dirty. The CPD sent a subpoena to The Dirty, which provided evidence that the post, "Trashy Addicted Chicago Attorney-[K.J.'s name]," referenced in paragraph five above, had been created on February 18, 2018, and submitted using the email address onelasttry[K.J.'s full first name]@gmail.com. The Dirty also provided CPD with an IP address which was the source of the post. CPD then sent subpoenas to Cloud Flare Trust and Safety, Total Server Solutions, Comcast Communications and Google to determine who owned the IP addresses and email addresses

associated with the post. At the conclusion of their investigation, CPD determined that the email address: onelasttry[K.J.'s full first name]@gmail.com, which was used as the source and/or to access the post which contained the images of K.J. referenced in paragraph five above, was accessed via IP addresses assigned to both Respondent's business address in Wilmette and Respondent's home address in Chicago, both of which were active accounts and were billed to Respondent.

8. On December 17, 2018, CPD referred the facts and evidence obtained in the course of their investigation to the Cook County State's Attorney's Office, which concluded that there was sufficient evidence to support a criminal charge of non-consensual dissemination of private sexual images against Respondent and requested that an arrest warrant be issued for Respondent.

9. On December 20, 2018, Judge James M. Obbish ("Judge Obbish") of the Circuit Court of Cook County, issued a warrant for Respondent's arrest for felony non-consensual dissemination of private sexual images, in violation of Chapter 720, Section 5/11-23.5 of the Illinois Compiled Statutes. On December 22, 2018, after being informed by officers from the Chicago Police Department that he was the subject of an active arrest warrant, Respondent turned himself in and was placed into custody and arrested. On that same date, Judge Obbish set Respondent's bail at \$10,000. On December 23, 2018, Respondent was released on bond.

10. On January 14, 2019, a Cook County grand jury entered a true bill of indictment against Respondent for felony non-consensual dissemination of private sexual images, in violation of Chapter 720, Section 5/11-23.5 of the Illinois Compiled Statutes, based on Respondent's alleged intentional dissemination of an image of K.J. wherein K.J.'s intimate parts were exposed after obtaining the images under circumstances in which a reasonable person would know or understand that the images were to remain private and knowing that K.J. did not consent to the dissemination

of those images. The clerk of the court assigned the matter case number 19 CR 761, entitled *People of the State of Illinois v. Koresh Hosseini*.

11. On May 24, 2022, as a result of a plea agreement between Respondent and the Cook County State's Attorney's Office wherein the State requested and was granted leave to amend the charge against Respondent from a felony to a Class A misdemeanor, Respondent pled guilty to a reduced charge of misdemeanor attempt non-consensual dissemination of sexual images, in violation of ILSC 720-5.8-4, which elements include that he intended to commit non-consensual dissemination of sexual images by posting, publishing, or distributing private sexual images of K.J. without her consent and engaged in conduct that constitutes a substantial step toward the commission of non-consensual dissemination of private sexual images of K.J.

12. On May 24, 2022, Judge Obbish sentenced Respondent to probation for a period of one year and ordered Respondent to pay K.J. \$10,000 as reimbursement of her costs in removing the posts made by Respondent. On that same date, Judge Obbish entered an order of protection against Respondent, to expire two years after the termination of Respondent's probation, prohibiting Respondent from abusing, harassing, interfering with the personal liberty of, or stalking K.J. or from having any contact with K.J., including refraining from telephone calls, mail, email, faxes, written notes, and communication through third parties. Respondent paid the \$10,000 costs on the day he was sentenced, and his probation was satisfactorily terminated on May 8, 2023.

13. As a result of the judgment of conviction and the conduct described above, Respondent has engaged in the following misconduct:

- a. committing criminal acts that reflect adversely on his honesty, trustworthiness or fitness as a lawyer in other respects, by engaging in the crime of attempt non-consensual dissemination of sexual images in violation of ILSC 720-5.8-4, in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

