

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

In the Matter of:

RONI S. VANAUSDALL,

Attorney-Respondent,

No. 6279961.

2021PR00039
Commission No. ~~2021PR~~

COMPLAINT

Jerome Larkin, Administrator of the Attorney Registration and Disciplinary Commission, by his attorney, David B. Collins, pursuant to Supreme Court Rule 753(b), complains of Respondent Roni S. VanAusdall, who was licensed to practice law in Illinois on November 6, 2003, and alleges that Respondent has engaged in the following conduct which subjects her to discipline pursuant to Supreme Court Rule 770:

COUNT I

(Conduct involving dishonesty, fraud, deceit or misrepresentation, making a false statement to a tribunal and conduct prejudicial to the administration of justice)

1. On and prior to October 31, 2019, Respondent represented Gregory Storck (“Gregory”) in Adams County case number 19-D-138, captioned *Gregory Storck, Petitioner vs. Aftan Peters-Storck, Respondent* (“Dissolution of Marriage Case”).

2. On and prior to October 31, 2019, Attorney Nicholas Rober, Jr. (“Rober”) represented Aftan Peters-Storck (“Aftan”) in the Dissolution of Marriage Case.

3. On and prior to October 31, 2019, Eighth Judicial Associate Circuit Judge Holly J. Henze (“Judge Henze”) was the judge overseeing the Dissolution of Marriage Case.

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4. On October 31, 2019, both Respondent and Rober appeared in Judge Henze's courtroom for a scheduled case management conference ("CMC") in the Dissolution of Marriage Case.

5. Prior to the CMC, Respondent and Rober discussed the status of the case and came to an agreement on three matters: temporary parenting time, a date for a future CMC in the Dissolution of Marriage Case and dismissal of an emergency order of protection in Adams County case number 19-OP-392 ("Order of Protection Case").

6. Respondent prepared a one-page proposed order in the Dissolution of Marriage Case, indicating that, until the next court date, Aftan was to have parenting time from Sunday at 5:00 p.m. until Friday at 5:00 p.m. each week. Gregory was to have parenting time from Friday at 5:00 p.m. until Sunday at 5:00 p.m. each week and such other times and places as parties agree. The order set a subsequent CMC for November 21, 2019.

7. Respondent also prepared a proposed order in the Order of Protection Case indicating that the order of protection was dismissed *ab initio*.

8. While Respondent was preparing the proposed orders, Rober met with another attorney concerning an unrelated matter.

9. When Respondent finished preparing the proposed orders, she showed them to Rober, who approved of the proposed orders. Since Rober needed to leave to go to court in another county, he authorized Respondent to have the orders entered in his absence. Rober then left the courtroom.

10. After Rober left the courtroom, Respondent made additions to the one-page order in the Dissolution of Marriage Case. Specifically, she added language in the margin indicating

that neither party shall abuse, harass or intimidate the other party, and that either party could require the other to perform and present results of a drug test.

11. Respondent then prepared a two-page proposed order in the Dissolution of Marriage Case. The two-page order misstated the agreed terms of the temporary parenting time agreement in at least two ways. First, it indicates that Gregory, not Aftan, would have the majority of the parenting time. Second, the duration of the temporary parenting time agreement was extended from until the next CMC (approximately 21 days) to until case resolution or further order of court.

12. The two-page order also contained provisions that Respondent and Rober had not discussed, let alone agreed upon, including but not limited to:

- A. Gregory receiving exclusive possession of the marital home;
- B. That neither party shall abuse, harass or intimidate the other party—directly or through third parties;
- C. That upon reasonable suspicion, either party could require the other party to perform and present results of a drug test;
- D. That no child support would be ordered during the pendency of the cause;
- E. Joint temporary parental responsibilities as to the minor child;
- F. That both parties equally split the cost of any medical, school or extracurricular activities of the minor child during the pendency of the cause;
- G. That neither party would take the minor child's phone away from him as punishment; and
- H. Both parties' attendance/completion of a "Children's First Class".

13. The misstatements concerning the temporary parenting time agreement and several of the added provisions were favorable to Respondent's client, Gregory.

14. After preparing the two-page order that Rober had neither reviewed nor approved for entry, Respondent threw the one-page order into a wastebasket in the courtroom.

15. Respondent approached the bench and presented the orders. Since Rober had left the courtroom, Judge Henze asked Respondent if the orders reflected Rober's agreement and if he had seen them. Respondent stated yes, to both questions.

16. Respondent's answers to Judge Henze's questions that the orders reflected Rober's agreement and that Rober had seen them were false.

17. Respondent knew that the statements in paragraph 15 were false when she made them.

18. That upon being apprised of the information in paragraph 16, Judge Henze ordered Respondent and Rober to appear in her courtroom the next day, November 1, 2019, regarding what had occurred.

19. That on November 1, 2019, prior to appearing in Judge Henze's courtroom, Respondent asked Rober to falsely state that the two-page order was what they had agreed to.

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

- a. conduct involving dishonesty, fraud, deceit or misrepresentation by conduct including obtaining approval from Rober to submit a proposed order for entry, making modifications to the proposed order without Rober's permission, preparing a replacement proposed order that misstated the agreement Respondent and Rober had made and contained provisions that had neither been discussed or agreed-upon, throwing the proposed order into the trash and submitting in its place the replacement proposed order that Rober had neither reviewed nor approved for submission, falsely representing to Judge Henze that the replacement order represented Rober's agreement and that Rober had seen them, and requesting Rober to falsely state that the replacement order (that was entered) was what had been agreed to, in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010);

- b. knowingly making a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer by conduct including making false statements to Judge Henze that the proposed orders reflected Rober's agreement and that Rober had seen them, in violation of Rule 3.3(a) (1) of the Illinois Rules of Professional Conduct (2010); and
- c. conduct that is prejudicial to the administration of justice by submitting a proposed order for entry that Respondent prepared and did not have Rober review, that misstated the agreement Respondent and Rober had made and contained provisions that had neither been discussed or agreed-upon, by falsely representing to Judge Henze that the as-presented proposed orders reflected Rober's agreement, and requesting Rober to falsely state that the replacement order (that was entered) was what had been agreed to, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

COUNT II

(Commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects)

21. The Administrator realleges and incorporates paragraphs 1 through 19 of Count I, above.

22. At all times alleged in this count, Section 17-3(a) of the Illinois Criminal Code made it a Class 3 felony offense to, with intent to defraud, knowingly:

- (1) makes a false document or alters any document to make it false and that document is apparently capable of defrauding another; or
- (2) issues or delivers such document knowing it to have been thus made or altered; or
- (3) possesses, with intent to issue or deliver, any such document knowing it to have been thus made or altered.

23. On November 14, 2019, a three-count indictment was returned charging Respondent with three counts of violating Section 17-3(a)(1) of the Illinois Criminal Code in

connection with her actions on October 31, 2019. The case was docketed as Adams County case number 19-CF-914, captioned *People of the State of Illinois vs. Roni VanAusdall*.

24. On January 28, 2021, an Information was filed charging Respondent with one count of Attempt Forgery, a misdemeanor. The case was docketed as Adams County case number 21-CM-34, captioned *People of the State of Illinois vs. Roni VanAusdall*. The Information alleges:

That on or about the 31st day of October, 2019, at and within Adams County, Illinois, RONI S. VANAUSDALL committed the offense of ATTEMPT (FORGERY), in that she, with the intent to commit the offense of Forgery, in violation of Illinois Compiled Statutes, Chapter 720, Act 5, Section 17-3(a)(1), performed a substantial step toward the commission of that offense, in that she knowingly possessed a proposed court order, dated October 31, 2019, in cause number 2019-D-138, purporting to be an agreed court order, knowing the document to have been so made and that a complete agreement did not exist, in violation of Chapter 720, Act 5, Section 8-4(a) of the Illinois Compiled Statutes. (M-A) (Category B Offense)

25. On January 29, 2021, Respondent entered an Alford plea (a plea where the defendant does not admit guilt but concedes that the State has sufficient evidence to obtain a conviction) to the Attempt Forgery charge in the Information. The court entered judgment on the plea and set a sentencing hearing for April 1, 2021. On the State's motion, an order dismissing case number 19-CF-914 was entered.

26. A sentencing hearing was held on April 1, 2021. The court sentenced Respondent to 18 months of court supervision, 100 hours of community service work to be performed within 12 months, a \$75 fine, and court costs.

27. As a result of the conduct described above, Respondent has engaged in the following misconduct:

- a. committing a criminal act that reflects adversely on her honesty, trustworthiness or fitness as a lawyer in other respects, by conduct including the commission of the criminal offense of Attempt Forgery (720 ILCS 5/8-4(a)) in violation of Rule 8.4(b) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator respectfully requests that this matter be assigned to the 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,

Jerome Larkin, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ David B. Collins
David B. Collins

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